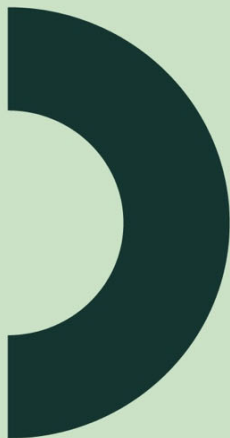




**Western
Bay of Plenty**
District Council



Mā tō tātou takiwā
For our District

**Removal of Minimum Car
Parking Numbers**

District Plan Tracked
Changes

18 February 2022

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Section Contents

Definitions

Definitions

“Access Lot” means a *lot* owned in common in undivided shares by the owners of two or more *lots* in a subdivision for the principal purpose of providing access from all or any of the other *allotments* in the subdivision and to an existing road or street where the interests in the access lot are recorded in the certificate of title for the *lots* having the benefit of the access lot.

“Accessory Building”/“Buildings Accessory to” means a *building* that is incidental or ancillary to any Permitted Activity but does not include facilities which when combined with an *Accommodation Facility* as defined hereunder would then comprise a *self contained dwelling* or stand alone household unit.

“Accommodation Facility” means any form of residential accommodation that is accessory to a primary *dwelling*, forms part of a primary *dwelling*, or is a stand alone facility, that does not comply with the definition of *dwelling*, *minor dwelling*, or *accessory building*. Included within this definition is; home-stays, farm-stays, bed and breakfast, boarding houses, hotels, motels, hostels and camping grounds. Excluded from this definition are *Retirement Villages* and *Rest Homes*. Occupancy is based on one person per single bed and two per double bed.

Note: Where the Accommodation Facility will solely be for the purpose of accommodating able bodied workers, an application may be made to *Council* to be exempt from providing disabled facilities when applying for a Building Consent, this is on a case by case basis and is dependent on approval by *Council’s* Building Department.

“Aerial” means the part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting *mast* or similar *structure*. Without limitation this definition excludes *antennas*, dishes and earthmats, but includes lighting rods.

“All Terrain Park Activities” means recreational activities and includes the following incidental or ancillary activities directly associated with recreational activities or with the operation and management of the Park:

- *Places of assembly*, including club *buildings/structures*;
- *Accommodation facilities*, including for Park workers;
- *Education facilities*;
- *Infrastructure*, including carparks, toilets, access tracks and *signs*;
- Park works depot;
- Park information/visitors *buildings/structures*;
- Observation towers;
- *Buildings* accessory to the foregoing.

“Animal Saleyard” means land or *buildings/structures* used for the sale of farm animals.

“Annual Plan” means as defined by the Local Government Act 2002 and amendments.

“Antenna” means any device, including any dish or panel that receives or transmits radio communication or telecommunication signals. Without limitation this includes any mounting (including any head arrangement but

not the *mast*) and any shroud, but does not include either an earthmat or a *mast*.

“Approved Building Site – Natural Hazards” means a site that has been approved in conjunction with a resource consent application under the *RMA* and has been approved in accordance with any natural hazard requirements contained in Section 8 (Natural Hazards) and any specific technical report to the satisfaction of *Council*.

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.

“Aquaculture” means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in *buildings/structures*, constructed ponds or other artificial water bodies), and includes ancillary activities.

“Artificial Crop Protection” means *structures* of cloth used to protect crops and/or enhance growth.

“Base Land” means the parcel of land that is to be subdivided into a unit title development by *unit plan*.

“Building/Structure” notwithstanding specific exemptions identified under the Building Act 2004, means any building/structure, or part of a building/structure, and in addition to its ordinary and usual meaning shall include the following:

- a. Any retaining wall or breastwork exceeding 1.5m in *wall height* (whether above or below *ground level*);
- b. Any fence or *wall* exceeding 2m in *height*;
- c. Any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
- d. Any *mast*, pole or radio or television *aerial* which exceeds 7m in *height* above the point of attachment or its base support;
- e. Any permanent tent or marquee, shade-sail or air supported canopy;
- f. Any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural *ground level*; but does not include any fence or *wall*;
- g. Any pool or tank exceeding 1m in *height* above natural *ground level* as measured directly below the building/structure, (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- h. Any guttering;
- i. Pergolas;
- j. Carports;
- k. Any other building/structure requiring building consent that will infringe daylighting and/or *yard* rules in the District Plan.

Excluded from this definition are;

- Crop support *structures*
- *Artificial Crop Protection Structures* (excluding plastic-clad shadehouses/ glasshouses)

“Building and Construction Wholesalers and Retailers” means the wholesaling and/or *retailing* of goods and materials used in the *construction*, repair, alteration, improvement and renovation of *buildings* and other *structures* and may include home and building display centres and garden centres.

“Building Coverage” means that proportion of the net site area which may be covered by *buildings*. For this purpose ‘buildings’ includes *accessory buildings*, overhangs and those parts of eaves that are more than 1m from an outside *wall*, but excludes eaves less than 1m wide, pergolas or similar *structure* of a substantially open nature, uncovered decks, uncovered terraces, uncovered steps, and swimming pools.

“Cabinet” means a casing around equipment that is necessary to operate *infrastructure and network utilities*.

“**Candela**” is the basic unit for measuring luminous intensity from a light source in a given direction.

“**Capacity Consumption**” means the consumption of the available capacity of the road at the agreed Level of Service. Where the width of the road is inadequate, then the additional theoretical width shall be included in the consumption calculation.

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

“**Commercial Services**” means activities that service the community including banks, post offices, insurance offices, government agencies, dry cleaners, laundries, shoe repair, locksmiths, domestic garden appliance repair and the like but does not include motor vehicle servicing and repair.

“**Commercial Sexual Service**” means sexual services that –

- involve physical participation by a person in sexual acts with, and for the gratification of, another person, whether those acts are a minor or major part of their business; and
- are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

“**Common Property**” means all the land and fixtures, in the unit title development except the *principal unit* and accessory units.

“**Community Facilities on Māori Land**” means *buildings* and outside areas and *structures* used directly in association with *buildings on Māori land* used for temporary *accommodation facilities*, *educational facilities*, *places of assembly*, health related activities, any Permitted Activities in the Rural Zone, and administration facilities, and activities directly associated with each of these foregoing uses.

“**Conservation Forestry**” means the planting and management of trees for water and soil conservation, shelter belts, and for recreational, aesthetic or scientific purposes but excludes *production forestry*.

“**Construction**” means any work in connection with the construction, erection, installation, carrying out, repair, *maintenance*, cleaning, painting, renewal, alteration, dismantling, removal or demolition of:

- any *building*, erection, edifice, *structure*, *wall*, fence or chimney, whether constructed wholly or partly above or below ground;
- any road, motorway, harbour works, railway, cableway, tramway, canal, or airfield;
- any drainage, irrigation, or river control work;
- any bridge, viaduct, dam, reservoir, *earthworks*, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
- any scaffolding or falsework.

“**Council**” means the Western Bay of Plenty District Council.

“**Dairy**” means a shop selling food and beverages and deriving the majority of its trade from the retail sale of milk, bread, and other day to day food requirements.

“**Depot**” means transport, tradespersons or contractors depots and includes land and *buildings/structures* which are used for the receipt, delivery, transit, and storage of goods and machinery (including mail sorting distribution centres and hire centres) and as a terminal for passenger transport services and may include the care, housing or parking of commercial vehicles in association with the operation.

“Development/Land Use Development” means any work that involves the disturbance and/or an excavation of the land surface and/or the provision of services for the purposes of compliance with Resource Consent approvals or as required to fulfill the obligations of a Permitted Activity, but excludes day to day *farming* activities such as fencing, cultivation, maintenance of farm tracks, and orchard activities such as shelterbelt and tree removal and root ripping.

It also may include the land use development process which can incorporate a multitude of activities which can be social, residential, commercial or industrial in nature and can also include building and civil *construction* activities.

“District” means the Western Bay of Plenty District.

“Drain” means an artificial watercourse used for land drainage purposes.

“Drip Line” means the line formed when a vertical line from the outmost extent of a tree’s branches or canopy meets the ground.

“Dwelling” means one *self contained* residential unit designed for or occupied exclusively by one household and includes apartments, semi-detached and detached houses, home units, town houses and similar forms of residential development. A dwelling may only contain one *Kitchen Facility* and one *Kitchenette*.

“Dwelling envelope” means the area of land (m²) occupied by the *dwelling* and the outdoor living area of the *dwelling*. The dwelling envelope shall not be smaller than the applicable minimum *lot* size and shall include at least:

- *Buildings/structures* associated with the *dwelling* (e.g. garage, driveway and garden shed).
- The minimum *yard* requirements associated with the *dwelling* and *buildings/structures* associated with the *dwelling*.
- Any area of occupation for exclusive use by the occupants of the *dwelling*.

“Earthworks” means the alteration of land contours on any site including, without limitation: deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or backfilling and recompacting of existing ground, but does not include domestic and reserve gardening, *quarrying* and normal agricultural and horticultural practices.

“Educational Facilities” means land and/or *buildings/structures* used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments and facilities for the care of children under the age of five, such as daycare facilities.

“Effluent Aerosols” means particles of effluent that are small enough to become airborne and carry significant distances.

“Electrical Line” means the wire, cable or conduction that transmits electricity and includes the poles, towers and pylons for supporting the lines and insulators and casings necessary for their functioning.

“Equipment Shelter” means a casing or *building/structure* located around equipment that is necessary to operate a telecommunication or radio communication network.

“Existing Urupā” means Māori burial places existing at 2 July 1994 and includes expansion of such places at their existing sites.

“Extensive Pig Farming” means the keeping of pigs outdoors at a stock density which ensures groundcover is maintained in accordance with best farming practices, including any relevant industry codes of practice, and where no fixed *buildings/structures* are used for the continuous housing of animals.

“Farming” means and includes agriculture, pastoral farming (including *extensive pig farming*), horticulture, and floriculture (including the growing of plants or vegetative matter in greenhouses or other *buildings/structures*), beekeeping, the keeping of not more than 25 poultry birds, and the keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings/structures* or outdoors in enclosed *yards* where groundcover is not continuously maintained. Excluded from this definition are *intensive farming activities* and *aquaculture*.

“Formed Road” means legal road developed with a formed carriageway and identified on *Council’s* RAMM database. Such a road may include activities or equipment associated with the safe and efficient movement of vehicles and pedestrians and includes footpaths, pedestrian and traffic *signs*, speed cameras, landscaping, traffic signals, lights, letter boxes, roadway markings and information boards. Such a road may include ancillary activities such as travellers’ rest areas and heavy vehicle weigh stations.

“Fresh Surface Water” means freshwater in a river, lake (including pond), stream, and open *drain* but excludes *wetland*.

“Greenlane” means (in relation to the Minden Lifestyle Structure Plan Area) any one or more of the following features:

- Walkway;
- Walkway/Cycleway.

“Gross Floor Area” means the sum of the area of all floors of a *building* measured either from the exterior faces of the exterior *walls*, or from the centre line of *walls* separating two tenancies, as the circumstances may require.

“Ground Level” means the finished level of the ground at the time of the completion of the most recent subdivision in which additional *lots* were created, except that where no such subdivision has occurred, ground level shall be deemed to be the existing level of the ground. *Council* may require a survey to determine existing ground levels.

“Habitable Space” means a space used for activities normally associated with domestic living but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

“Hazardous Facility” means any activity involving *hazardous substances* and their sites where *hazardous substances* are used, stored, handled or disposed of, and any installation or vehicles parked on site that contain *hazardous substances* but excludes vehicles or applicators being used to apply diluted agrichemical substances in a manner consistent with their intended use.

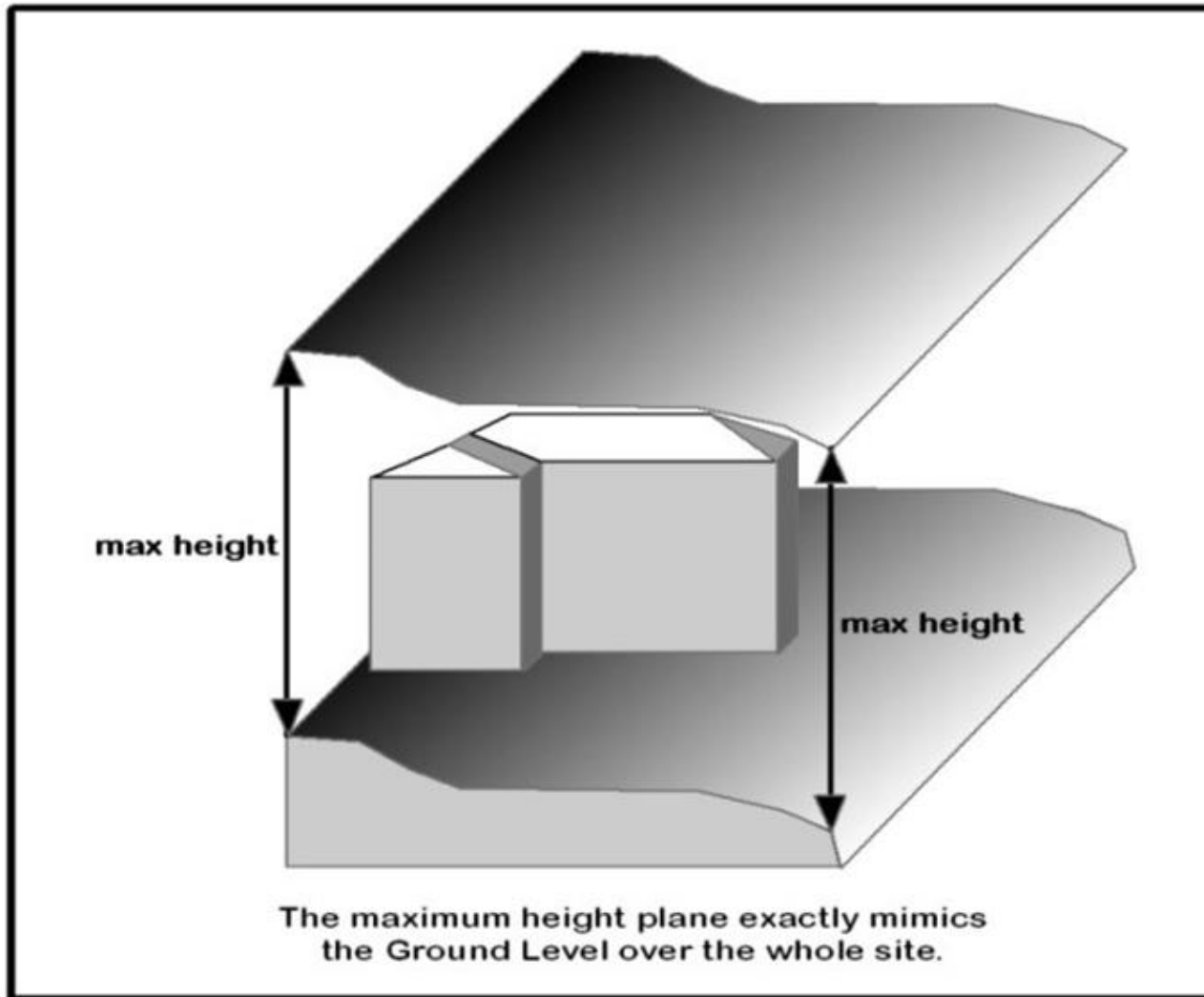
“Hazardous Substance” means substances with one or more of the following intrinsic properties:

- An explosive nature;
- An oxidising nature;
- A corrosive nature;
- Flammability;
- Acute and chronic toxicity;
- Ecotoxicity with or without bioaccumulation.
- Has one or more of the above properties on contact with air or water.

“**Hedge**” means a fence or boundary made up of contiguous plantings of dense bushes or shrubs.

“**Height**” in relation to *buildings/structures* means the vertical distance between the *ground level* at any point and the highest part of the *building/structure* directly above that point (or whichever part of the *building/structure* directly above that point is being measured) to be measured from the external envelope of the *building/structure*. Areas of cut or fill which have resulted or will result from work undertaken as part of the *construction of a building/structure* shall be excluded from the calculation of height.

In all cases for the purpose of calculating height account shall be taken of parapets, satellite and microwave dishes. Also any chimney, flue or other projection greater than 1m² in area and projecting more than 2m above maximum permitted height shall be included in the calculation of height.



“**Home Enterprise**” means the use of a site for an activity which is secondary and incidental to the use of the site for residential purposes for an occupation, excluding occupations already provided as Permitted, Controlled or Discretionary Activities in the zone, which is carried out by at least one person who resides permanently on the subject site.

Provided that:

“Home Enterprise” does not include *kennels/catteries*, beekeeping or *medical or scientific facilities* in the Residential Zone.

“**Hotspot**” means areas of high concentrations of persistent chemicals such as spills, sheep and cattle dips, spray pads or sheds, spray equipment wash down areas, bulk fuel storage, uncontrolled dumping of chemical containers, glasshouses, bio-solid sites, farm dumps, sumps, implement and fertilizer sheds and ofal pits.

“**Household Equivalent (HHE)**” means the impact on existing *infrastructure* generated by a typical household:

From the 2006 census the average household in the *District* is 2.7 persons per occupied *dwelling*.

Household Equivalent

Infrastructure	Household Equivalent
Water	0.6m ³ per day
Waste Water	0.5m ³ per day
Transportation	10 vehicle movements per day

Notes:

Water is based on usage of 220 litres/person/day and 2.7 persons per household, 1 household equivalent equates to 0.6m³/day.

Waste water is calculated as 0.85 of the water usage equating to 0.5m³.

As well as average use of services, equivalence may be assessed on peak demands at the *Council’s* discretion.

“**Identified Significant Feature**” means the whole of any area identified as being of ecological, historic heritage or landscape significance in Appendices 1, 2 or 3 of the District Plan and as shown on the Planning Maps.

“**Illuminance**” means the level (or amount) of light measured on a plane e.g. vertical or horizontal, and is expressed in *lux*.

“**Industry**” means and includes manufacturing, processing, packaging or dismantling activities and engineering workshops (including panelbeaters and spray painters).

“**Infrastructure and Network Utilities**” include activities relating to:

- a. Distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy.
- b. Telecommunication and radio communications as defined in Section 5 of the Telecommunications Act 2001 or Section 2(1) of the Radiocommunications Act 1989.
- c. Transformation, transmission, or distribution (including reticulation) of electricity, including lines and associated support *structures*.
- d. The distribution of water for supply/reticulation including irrigation.
- e. Drainage or sewerage system or reticulation.
- f. The generation of electricity.
- g. *Construction*, operation and *maintenance* of roads and railway lines.
- h. *Construction*, operation and *maintenance* of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990.
- i. Undertaking a project or work described as a ‘network utility operation’ by regulations made under the *RMA*.

- j. Lighthouses, navigation aids and beacons, metrological services and ancillary *structures*.
- k. Structures for transport on land by cycleways, rail, roads, walkways, or any other means.
- l. Any incidental activity in relation to the infra utility including without limitation, the operation, *maintenance* and *upgrading* of the network utility.

“Integrated Transportation Assessment (ITA)” means a comprehensive review of all the potential transport impacts of a development proposal. Its purpose is to identify appropriate transport information necessary to better align land use and multi-modal transport and to provide information on how the proposed development will function in terms of accessibility. A key feature of an ITA is the bringing together of all affected parties at the beginning of a development project to discuss and resolve issues.

“Intensive Farming Activities” means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either:

- a. carried out within the confines of *buildings/structures* or pens or yards enclosed by fences or *walls*; or
- b. undertaken in a manner which precludes the continuous *maintenance* of pasture or other groundcover.

Included in this definition are:

- Mushroom farming;
- Intensive livestock farming;
- Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors);
- Piggeries;
- *Aquaculture*
- Rabbit farming;
- Mustelid farming;
- Excluded from this definition are:
 - The growing of plants or other vegetative matter in greenhouses or other covered *buildings/structures*;
 - Temporary uses or practices which are ancillary to a principal *farming* activity, such as the wintering of stock in *buildings/structures* and calf-rearing;
 - The keeping of not more than 25 poultry birds;
 - *Extensive pig farming*;
 - The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings/structures* or outdoors without groundcover being continuously maintained.

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

“Kitchenette” means a space which may contain a sink and is generally used for the purpose of tea and coffee making, a drinks bar and/or the rinsing of utensils or tools etc but does not otherwise meet the definition of *kitchen facility*.

“Kitchen Facilities”/“Kitchen” means a room or area equipped for the preparation and/or cooking of food; this may include but not be limited to a sink, bench top or oven/ extractor unit”.

“Kitchen Facility” means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dish-washer and other *kitchen* appliance. This definition includes kitchenettes and tea and coffee making facilities.

“kV” means one thousand volts.

“Line” means a wire or a conductor of any other kind (including fibre optic cable) used or intended to be used for the transmission or reception of *signs*, signals, impulses, writing, images, sounds, instruction, information or intelligence by means of electromagnetic system; and includes:

- a. Any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wire conductors; and

b. Any part of a line.

“**LAeq**” means the average continuous noise level.

“**LAm_{ax}**” means the highest noise level that is allowed to occur from a single noise event.

“**Lot**”/“**Allotment**” means a parcel of land held in a separate Certificate of Title (or two or more titles required to be held in one ownership) or multiple owned *Māori land* not necessarily held in a separate Certificate of Title and which complies with the minimum standards for a proposed new lot as set out in Section 12 but does not include a parcel of land which has been or may be disposed of separately as a *public reserve* or for other public purposes or which is to be amalgamated with existing land.

“**LTP**” means Long Term Plan as defined in the Local Government Act 2002 and amendments.

“**Luminaire**” means a complete lighting unit consisting of a lamp or lamps together with the housing designed to distribute the light, position and protect the lamps and connect the lamps to the power supply.

“**Luminance**” means the physical measure of the sensation of brightness expressed in candelas per metre squared (cd/m²).

“**Lux**” (luminous flux) means the International System of Units (SI) unit of measure for *illuminance* and is equivalent to one lumen per square meter.

“**Māori Land**” means Maori Land as defined by Te Ture Whenua Māori/Māori Land Act 1993.

“**Mast**” means any pole, tower or similar *structure*, which is fixed to the ground and is designed to carry *aerials*, antennae or other utility network apparatus and includes a mast which forms part of a radio transmission *aerial* system but not an earthmat.

“**Maintenance**” means any work or activity necessary to continue the operation and/or functioning of an existing *network utility* and/or *infrastructure*, and shall include the *replacement* of an existing line, *building*, *structure* or other facility with another of the same or similar *height*, size and scale, within the same or similar position and for the same or similar purpose. It shall also include erosion and flood control, weed and sediment control, the maintenance of access and the monitoring of operations.

“**Maximum Average**” in relation to subdivision means the average size of all the *lots* within a subdivision plan or stage which cannot be exceeded.

In relation to more than one *dwelling* per *lot*, means the average *net land area* per *dwelling* within a single *lot* which cannot be exceeded.

“**Mean High Water Spring (MHWS)**” means the average line of spring high tide.

“**Medical or Scientific Facilities**” means professional facilities for medical or scientific activities and includes medical centres, consulting rooms, and diagnostic and other laboratories.

“**Minerals Exploration**” means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably

necessary to determine the nature and size of a mineral deposit or occurrence.

“Minerals Prospecting” means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes aerial, geological, geochemical, and geophysical surveys; except that the taking of samples is restricted to by hand or hand held methods.

“Ministry for the Environment Contaminated Land Management Guidelines” means guidelines produced by the Ministry for the Environment and includes the following publications:

- Contaminated Land Management Guideline No. 1 - Reporting on contaminated sites in New Zealand (October 2003);
- Contaminated Land Management Guidelines No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values (November 2003);
- Contaminated Land Management Guidelines No. 3 – Risk screening system (February 2004);
- Contaminated Land Management Guidelines No. 4 – Classification and information management protocols (August 2006);
- Contaminated Land Management Guidelines No. 5 - Site Investigation and Analysis of Soils

“Minor Dwelling” means a *dwelling* of not more than 60m² *gross floor area* plus any proposed attached or detached garage or carport (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.

“Minor Upgrading” in relation to existing electricity lines means an increase in carrying capacity, efficiency or security of electricity and associated telecommunication lines, utilising the existing support *structures* or *structures* of a similar character, size and scale, and includes:

- a. The addition of circuits and conductors.
- b. The reconductoring of the *line* with higher capacity conductors.
- c. The resagging of conductors.
- d. The bonding of conductors.
- e. The addition of longer or more efficient insulators.
- f. The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods.
- g. The addition of electrical fittings.
- h. Tower *replacement* in the same location or within the existing alignment of the transmission line.
- i. The *replacement* of existing cross arms with cross arms of an alternative design but of a similar dimensions and scale.
- j. An increase in tower *height* required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).
- k. *Replacement* of overhead electrical lines with another *electrical line* of similar character and scale.
- l. Other *maintenance* and *replacement* activities.

“National Grid Electricity Transmission Buffer” means an area of 12m from the outer edge of the support *structures*, and 12m of the centreline of the Te Matai Transmission Line (i.e. the HAI-TMI A and OKE-TMI A) or 12m of the centreline of the Kaitemako Transmission Line (i.e. the HAI-TRK A) shown on the Planning Maps while the Transmission Lines are owned or operated by Transpower New Zealand Ltd.

“Net Lot Area” or **“Net Land Area”** means that part of an existing or proposed new *lot* which is available for *development* of the principal intended use and excludes any area available solely for access or any area providing access to other *lots* or to more than one *dwelling*.

“Network Utilities” refer to *“Infrastructure and Network Utilities”*.

“Notional Boundary” is as defined in New Zealand Standard NZS 6801:2008 Measurement of Sound and is a line 20m from any side of a *dwelling*, or the legal boundary of the property on which the *dwelling* is located, whichever point is closer to the *dwelling*.

“**Offices**” means professional administrative and commercial offices and includes real estate offices, travel agents and banks.

“**Official Signs**” include all regulatory, traffic and official signs approved by either a road controlling authority or under any legislation and which are erected on a legal road or motorway.

“**Optimised Depreciated Replacement Cost**” means the current gross replacement cost less allowances for physical deterioration, and optimised for obsolescence and relevant surplus capacity.

“**Park and Ride Facility**” means an area including *buildings/structures* that is used for transfer of people from one mode of transit to another and may include parking for private vehicles, car pooling meeting places, public and private bus transfers and rail transfers. Also known as ‘Urban Transit Stations’.

“**Passenger Car Equivalent (PCE)**” means the combined number of *vehicle movements* equated to the equivalent effect of a number of passenger cars. *Vehicle movements* are converted to PCE using the following factors as the default, unless alternative evidence is provided:

Light vehicles = 1 PCE

Rigid truck and semi trailer (HCV) = 5 PCE

Truck and trailer (B train) = 10 PCE

Note:

The foregoing conversion factors are derived from the “Australia Mainroads Overtaking Lanes Guide”, May 2010, which is based on section 13 of Austroads “Rural Road Design – Guide to the Geometric Design of Rural Roads 2003”.

“**Persistent Chemical Residues**” means trace metals and pesticides. Of particular concern is Arsenic, Copper, Lead and DDT and its derivatives. However other trace metals such as Cadmium, Nickel, Zinc and Chromium are of interest as are Endosulphans (Total), Gamma-BHC (Lindane), Dieldrin, Hexachlorobenzene, and Metolachlor.

“**Pest Species**” means organisms such as plants and animals that are not native to New Zealand but which have become established here and are a threat to people’s health, indigenous plants and animals, heritage and the economy. See the *Regional Council* for further details on the identification of these species.

“**Places of Assembly**” means land, *buildings, structures*, or uses on the surface of water, that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation or similar purposes and includes places of worship, marae, halls, funeral chapels, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, facilities for recreation activities and tourist facilities.

“**Post Harvest Facilities**” is specific to only those facilities zoned Post Harvest and includes packhouses, coolstores, accessory office space, *seasonal worker accommodation* and servicing (such as storage and catering facilities) directly associated with the post harvest operations of horticultural crops.

“**Principal Unit/s**” means a unit or units shown as a principal unit on a *unit plan* that is designed for use as a place of residence or business.

“**Privateway**” has the same meaning as in Section 315 of the Local Government Act 1974 and amendments.

“**Production Forestry**” means the management of land for commercial wood production including the extraction of timber therefrom and the replanting of trees but does not include the milling or processing of

timber.

“Productive Crop” means a specific permanent horticultural crop that has for the previous three years produced the industry average or above for that particular crop.

“Public Reserves” means all reserves held under the Reserves Act 1977, Wildlife Act 1953, Conservation Act 1981 and National Parks Act 1980 and includes all reserves, wildlife refuges, wildlife management reserves and wildlife sanctuaries, marginal strips, stewardship areas, conservation areas, ecological areas, sanctuary areas and national parks.

“Public Trail” means a path either on or off road for the purpose of public recreational or commuter cycle or pedestrian transport or can be a bridle trail or similar. Public trail includes activities associated with creating the path, which includes pathways, bridging, boardwalks, walkways and steps, and includes related *signage* and *maintenance* activities, but excludes public trail support *infrastructure* such as public toilets and carparks.

“Quarry Effects Management Area (QEMA)” means an area of land surrounding the Cameron Quarry site at Otamarakau to manage *reverse sensitivity* effects relating to noise and other effects from the quarry operation.

“Quarrying” may include the excavation of overburden, rock, sand and clay; blasting processing (crushing, screening, washing, and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary *earthworks*; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; and ancillary *buildings* and *structures*.

“Reflectivity” means the reflectance value of a material or colour and is determined by the amount of light they will reflect and is indicative of their likely visibility in the landscape. For example, white has a reflectance value of 100% whereas black has a reflectance value of 0%.

“Regenerating Forest” means secondary forest that has developed following earlier clearance of primary forest (see definition of *Tall Forest*), and is dominated by species such as kānuka, kamahi (*Weinmannia racemosa*), rewarewa, treeferns (*Cyathea* and *Dicksonia* species) or mixtures of these and other species.

“Regional Council” means the Bay of Plenty Regional Council.

“Replacement” means improvement, repair and/or replacement of worn or technically deficient aspects provided the replacement is to a similar character, size and scale.

“Restaurants and other eating places” means any land and/or *buildings/structures* on or in which food and/or beverages are sold to the public generally for consumption on the premises, and may include premises licensed under the Sale of Liquor Act 1999. Part of the trade of the premises may be derived from the sale of food for consumption off the premises.

“Rest Home” means a facility that provides residential based health care with on-site (usually 24 hour) support to residents requiring nursing care or significant support with the activities of daily living. This may include a rest home or *retirement village* based hospital specialising in geriatric care.

“Retailing” means any activity on land and/or within a *building/structure* or part of a *building/structure* whereby goods and services are sold, exposed or offered for sale to the public, but does not include the sale of fuel for motor vehicles, vehicle, machinery and automotive parts sales, restaurants, warehouses, *building and construction wholesalers and retailers*, the sale of goods provided for within Rule 18.4.1 p. ii. in respect to

Rural Contractors Depots or the storage, distribution or assembly of goods.

“Reticulated Infrastructure” means a communal or community inter-connected piped, collection, distribution, and treatment system for water supply, stormwater and wastewater systems, including any associated pumping station, treatment works and other ancillary equipment or facilities.

“Reticulated Infrastructure of Adequate Capacity” means an inter-connected piped, collection, distribution, and treatment system for water supply, wastewater and stormwater, and in addition for wastewater and stormwater, a disposal system where the pipes and other components of the system are of sufficient size and capacity to meet the peak demands of a proposed subdivision, *development* or land use activity, and in general accordance with the *Council’s* Development Code.

“Retirement Village” means a complex containing *retirement village dwellings* and/or *retirement village independent apartments* for the purpose of housing people predominantly in their retirement, and may provide services for the care and benefit of the residents (including *rest homes* and hospitals), including an activities pavilion and/or other recreational facilities or meeting places for the use of the residents of that complex and visitors of residents.

“Retirement Village Dwelling” means a self-contained residential unit and includes detached, semi-detached and attached houses within a *retirement village*.

“Retirement Village Independent Apartment” means a self-contained residential unit that is part of a block containing multiple apartments (usually multi-level) within a *retirement village*.

“Reverse Sensitivity” means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.

“Riparian Area or Riparian Margin” means a strip of land of varying width adjacent to the bed of a stream, river, lake or *wetland*, which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the stream, river, lake or *wetland*; and the natural character of the margins of streams, rivers, lakes and *wetlands*. For the purposes of the District Plan, the definition does not include land adjacent to artificial watercourses, artificial waterbodies, and ephemeral flowpaths.

“RMA” means the Resource Management Act 1991 and Amendments.

“Road Capacity” means the volume of traffic using the width of roadway defined in tables contained in Rule 12.4.4.2. This does not mean the absolute maximum volume, but is the Level of Service for that width of roadway and as agreed with the community.

“Road Hierarchy” means the hierarchy of roads making up the *transport network* which comprise the following:

Type of Road		Primary Function/Generalised Description	Definition
1	Motorway	To provide for the movement of regional or inter-regional traffic. Access limited to intersecting roads.	All roads declared to be motorways.
2	Expressway		All roads managed as expressways.
3	Primary Arterial	Main roads other than motorways and expressways joining significant centres of population and/or providing for national and inter-regional traffic flow.	Means those roads that form part of a network of nationally or regionally important arterial roads. Nationally important routes are managed as State Highways, whereas other primary arterial roads may be managed by territorial authorities. These

			routes predominantly carry through traffic, and carry the major traffic movements in and out of the <i>District</i> . The primary function of the road is traffic movement with access limited.
4	Secondary Arterial	Roads joining smaller centres of population, joining larger centres of population to nearby primary arterials or linking between primary arterials.	Means those roads that cater for traffic movement between the major areas of the <i>District</i> . The primary function of the road is traffic movement. Access may be limited to ensure the safe and efficient operation of the roading network.
5	Collector	Roads providing direct access for residential and other areas of development in urban areas, with more than one intersection to other local or collector roads.	Means those roads that are principally collecting and distributing traffic to and from the arterial road network, but may act as links between two arterial roads (being Primary Arterial Roads and/or Secondary Arterial Roads). These roads also act as local main roads supplementing Secondary Arterial Roads.
6	Local	Local through-traffic generally makes up a high proportion of traffic flow but these roads are not intended to cater for large numbers of national, regional or <i>District</i> through-traffic movements because of likely effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads relative to Primary Arterial Roads and Secondary Arterial Roads. Cul-de-sacs are local roads with intersections to other local roads at one end only. Access may be controlled to ensure the safe and efficient function of the roading network.	Means those roads that are intended to principally provide direct access to adjoining properties. Many local roads, except cul-de-sacs, also collect and distribute traffic to and from other roads within the <i>District</i> . Traffic flows are usually low, and these roads are intended to cater for only minimal through or extraneous traffic because of effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads.
7	Service Lanes	Land vested as Road for the purpose of providing access, generally, but not limited to, to commercial and industrial activities. The service lane provides an access function only and does not provide for frontage in the case of subdivision.	Means any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land. This can also apply to residential areas, for example with rear laneways.

“Road Reserve” means:

- a. A formed legal road and the land, if there is any, right next to it up to the legal boundary of the adjacent land.
- b. Land which is a State Highway or motorway as defined in Section 2(1) of the Government Roding Powers Act 1989, and the land, if any, right next to it up to the legal boundary of the adjacent land.

“Rural Contractors Depot” means land and/or *buildings/structures* used for the purpose of storing equipment and goods associated with a rural contracting business which wholly serves the *farming* industry.

“Rural Selling Place” means a retail activity in a rural location for plants and garden accessories, arts and crafts and unprocessed agricultural produce that are produced locally within the *District*.

“Seasonal Worker Accommodation” is specific to *post harvest facilities* and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached *buildings* (lodges, *dwelling*s, relocatable modular *structures*, caravans, mobile homes and house buses) and space within or attached to a post harvest *building* or combination thereof.

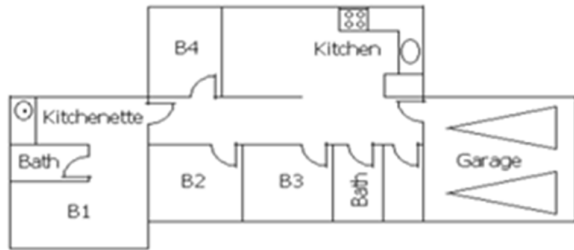
“Secondary Shrub Land” means woody vegetation in which the cover of shrubs and low-growing trees in the canopy is >80% and in which shrub cover exceeds that of trees (cf forest). Shrubs are woody plants <10cm dbh. Trees are woody plants >10 cm dbh. Secondary shrubland is dominated by indigenous species such as kānuka, mānuka (*Leptospermum scoparium*), karamu (*Coprosma robusta*), and treeferns.

“SEL” means the Sound Exposure Level, the A-weighted sound pressure level which, if maintained constant for a period of one second, would convey the same sound energy to the receiver as is actually received from a

given noise event (refer to NZS 6802:2008 Acoustics – Environmental Noise).

“**Self Contained**” is where a *building/dwelling* contains a *kitchen* and/or *kitchenette*, a bathroom and a living area and/or bedroom and is separated from any other self contained area by being in another *building*, or where within the same *building*, by a door, a *wall* or a garage.

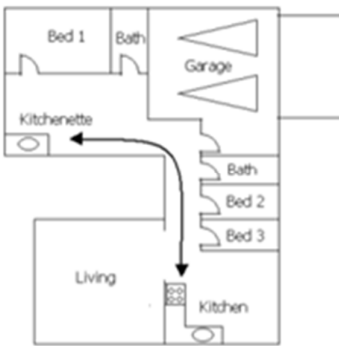
For example:



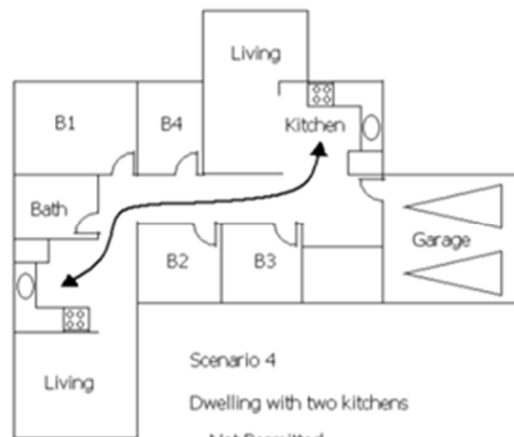
Scenario 3
Dwelling with a KITCHEN and KITCHENETTE but a door between the main dwelling and kitchenette area
= NOT permitted



Scenario 1
Dwelling with a KITCHEN and a KITCHENETTE but access through the garage
= NOT Permitted



Scenario 2
Dwelling with a KITCHEN and KITCHENETTE with clear access through the dwelling
= Permitted



Scenario 4
Dwelling with two kitchens
= Not Permitted

“**Sensitive Site**” means a site that is either a school, licensed early childhood centre, a place of worship, marae or public playground.

“**Service Station**” means any site used for the retail sale of fuel and lubricating oils for motor vehicles and includes the sale of kerosene, diesel fuel, petrol, CNG, LPG, tyres, batteries and other accessories normally associated with motor vehicles and the sale of convenience goods and shall include premises solely or principally for the repair and servicing of vehicles provided that the repairs undertaken on the premises shall be confined to the repair of motors, motor vehicles and domestic garden equipment and shall exclude panelbeating, spray painting and heavy engineering such as engine reboring and crankshaft grinding.

“**Sewered Lot**” means a *lot* served by a reticulated wastewater system owned and operated by or specifically approved by *Council*.

“**Shelter Belt**” means a line of vegetation in one or more rows established to provide shelter from wind.

“**Sign/Signage**” means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other things of similar nature to attract attention for advertising or information purposes, and shall include all parts, portions, units and materials composing the same, together with the frame, background, *structure* and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle but shall exclude all traffic signs as detailed in the Fourth Schedule of the Traffic Regulations 1976.

For the purpose of the provisions within Section 4D, the definition of Sign is further divided into the three following types.

Low Intensity Signs	Signs which are painted or similar and have no illumination and low reflectivity.
Medium Intensity Signs	Signs which incorporate a static illuminated sign, device or symbol.
High Intensity Signs	Active signs which incorporate illumination which has a flashing or moving component.

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

Note: *Council* holds a current list of persons who meet this definition.

“**Spill Light**” means artificial light that falls outside of the area intended to be lighted.

“**Stall**” means a retail outlet for the sale of produce or goods grown or manufactured on site and which:

- a. does not have frontage to or access within 30m of a State Highway;
- b. occurs on a *gross floor area* not exceeding 20m²;
- c. provides for ~~the any~~ parking of ~~at least one~~ motor ~~vehicle~~ vehicles off the *formed road* and adjacent to the stall; and
- d. complies with the provisions of Section 4D relating to *signs*.

“**Strategic Road Network**” means that part of the *transport network* comprising secondary arterial roads, primary arterial roads, expressways and motorways.

“**Structure**” – refer to “Building/Structure”.

“**Structure Plan**” means a plan for an area that identifies new areas for growth and which may also include an existing developed or zoned area. Such a plan shows proposals for *infrastructure* (roading, water supply, wastewater disposal, stormwater and recreation) that may be used as the basis for assessing the costs of *development* and any associated financial contributions.

“**Substation**” means those parts of works or electrical installations, being a *building, structure*, or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.

“**Sustainable Transport Network**” or “**Sustainable Land Transportation Network**” means one which recognises that the capacity of the *transport network* is a limited resource and that methods and techniques are required to be implemented in an integrated manner to ensure that the resource is able to meet the reasonably foreseeable needs of future generations.

“**Takeaway Food Outlets**” means premises where food is prepared and retailed for consumption off the premises.

“Tall Forest” means relatively large trees dominated by species such as tawa (*Beilschmiedia tawa*) and may have other tall canopy trees such as hīnau (*Elaeocarpus dentatus*) and emergent rewarewa (*Knightia excelsa*) and podocarps such as rimu (*Dacrydium cupressinum*). Forest is woody vegetation in which the cover of trees and shrubs in the canopy is >80% and in which tree cover exceeds that of shrubs. Trees are woody plants >10 cm dbh. Shrubs are woody plants < 10cm dbh.

“Temporary Military Training” means an activity undertaken for defence purposes in accordance with the Defence Act 1990.

“Transport Network” or “Transportation Network” means the land, air and sea networks that enable the public to travel to and from their residence, or for the movement of goods and people as they need to fulfill their daily private and business needs.

“Travel Management Plan” means a plan for the provision of the movement of people and goods to and from a proposed *development* or land use activity.

“Unit Plan” means a plan that is intended to be deposited under the Land Transfer Act 1952 in accordance with the Unit Titles Act 1972 (or replacement legislation).

“Upgrading/Development” means structural improvement, repair and *replacement* of work or technically deficient parts of the power house, hydro dams, separation plants, switchyards, intake, control and diversion *structures*, wells, pipes, tunnels, cables, other equipment and *accessory buildings and structures* of similar character and scale, and includes associated drilling, *earthworks* and vegetation removal. Also includes the extension to existing *buildings and structures*, and the erection of new *buildings and structures* up to 100m² in *gross floor area* and not exceeding the maximum *height* permitted activity standards for the zone in which they are located.

“Vehicle and Machinery Sales” means any land and/or *buildings/structures* in which motor vehicles, caravans, boats, trailers, and farm machinery are offered for sale, lease or hire or in which the abovementioned are stored awaiting sale.

“Vehicle Movement (VM)” means one trip either to or from a property. For example, one passenger car visiting and then leaving the property is deemed to have generated two vehicle movements. Vehicle movements can also be expressed as ‘vehicle movements per day’ (VMPD).

“Versatile Land” is land categorized under the New Zealand Land Use Capability Classification System as being Classes I, II and III.

“Viewshaft” means a view from a Strategic Road or identified public lookout to a landscape of outstanding visual quality and of significance to the *District*.

“Visually Permeable” means a *structure* which will not obscure vision or light penetration beyond the percentage identified. For example visual permeability of 70% means that the *structure* has gaps that are transparent and the gaps cover at least 70% of the vertical surface of the *structure*.

“Wall” means vertical *structures* made of wood, steel, brick or stone or like material which are used to enclose or screen an area.

“Warehousing and Storage” means land and/or *buildings/structures* used for the receipt, storage, handling

and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer. Includes the direct collection of materials, articles or goods by traders but does not include a retail premise, transport depot or bulk store.

“Western Bay of Plenty Sub-Region” or “Sub-Region” means the area comprising Western Bay of Plenty District and Tauranga City.

“Wetlands” includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

For the avoidance of doubt, the term ‘wetland’ applies to both water bodies and intermittently wet areas. The term does not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and that occurs within an area commonly referred to in its entirety as a wetland.

For the purposes of this District Plan, ‘wetland’ excludes:

- a. Wetted pasture and pasture with patches of rushes.
- b. Oxidation ponds.
- c. Artificial waterbodies used for wastewater or stormwater treatment. This includes wetlands that have been developed primarily for effluent or stormwater treatment or disposal, but are managed to appear ‘natural’.
- d. Artificial farm dams and detention dams.
- e. Land drainage canals and drains.
- f. Artificial reservoirs for firefighting, domestic or municipal water supply.
- g. Temporary ponded rainfall over areas that would not otherwise be considered a wetland.
- h. Artificial waterbodies that are not in the bed of a stream, river or lake; and are not degraded natural wetlands that have been modified. This includes artificial waterbodies that are managed to appear ‘natural’.
- i. Artificial watercourses associated with hydroelectric power schemes.

The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.

“Yard”

All Yards

- a. Yards are to relate to the one site only and shall be measured from the title boundaries or the inner surveyed edge of the easement over a shared driveway.
- b. Where land for a service lane or road widening is provided, the yard requirements shall diminish accordingly.
- c. Notwithstanding the provisions in the above rules, the following activities are permitted in yards:
 - i. Open fire escapes in side or rear yards;
 - ii. Parking of vehicles;
 - iii. Barbecues and fencing not being *buildings/structures*;
 - iv. Playground equipment unless it meets the definition of a *building/structure*;
 - v. *Signs*.

For the purpose of this definition the yard shall be measured horizontally from the closest point of the *building/structure* to the boundary.

Front Yard means an area of land between the road boundary (including the boundary of any *Structure Plan* road or designated road or paper road) and a line parallel thereto, extending across the full width of the *lot*.

Except that:

where any building line is shown on the Planning Maps this line shall be substituted for the existing road boundary.

Rear Yard means an area of land in any *lot* other than a corner *lot*, such area of land being bounded by the rear boundary of the *lot* and a line extending across the full width of the *lot*.

Except that:

a rear yard in respect of any rear *lot* means a yard which, except for any portion of the *lot* comprised in a front

yard, lies between the full length of all boundaries of the *lot* and a line parallel thereto.

Side Yard means an area of land which, except for any portion of the *lot* comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto.

Except that:

in respect of a corner *lot* every boundary not being a road frontage shall be deemed a side boundary.

Section Contents

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General

4A. General

4A.1 Activities Not Specifically Provided For

Explanatory Statement

Activity lists are used in the District Plan to provide certainty for users and are intended to cover all likely expected activities. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed (other than those that fall within the jurisdiction of the *Regional Council*) shall, therefore, be treated as Non-Complying in order to provide a full opportunity to assess the adverse effects on the environment that the activity may give rise to.

4A.1.1 Significant Issue

The actual or potential adverse effects on the environment arising from activities not specifically provided for in the District Plan may not be able to be adequately controlled through defaulting to Discretionary Activity status in the absence of specific provisions to deal with these effects. In addition, issues of planning precedent and District Plan integrity may arise in respect of applications for activities not specifically provided for.

4A.1.2 Objective

The avoidance and/or minimisation of the likely adverse effects on the environment and on District Plan integrity arising from activities not specifically provided for in the District Plan.

4A.1.3 Policy

The adverse effects of activities not specifically provided for in the District Plan should not be of an unanticipated nature and scale nor should such activities either individually or cumulatively create the potential for the integrity of the District Plan to be undermined.

4A.1.4 Rule

With the exception of those activities that are provided for in the general provision of the District Plan, any activity that is not listed in the activity lists in the District Plan shall require a resource consent for a Non-Complying Activity.

4A.2 Temporary Activities

Explanatory Statement

Temporary offices, storage sheds, storage yards, builder's workshops and other similar *buildings/structures* and activities incidental to a building or *construction* project are frequently in use within the *District* and should be provided for with appropriate controls.

Other temporary activities such as bazaars, military training exercises, carnivals, trade fairs, public meetings, parades, concerts and conventions occur intermittently within the *District* and should also be provided for with appropriate controls. Provision for these activities subject to performance standards recognises that in some circumstances exemptions from specific requirements are the only practical solution.

4A.2.1 Significant Issues

Temporary activities can produce adverse effects such as noise, dust and traffic generation affecting the amenity of the *District* on a short term basis.

4A.2.2 Objectives and Policies

4A.2.2.1 Objective

The amenity of the *District* is not compromised unduly by the adverse effects of temporary activities.

4A.2.2.2 Policy

Mitigate the adverse effects of temporary activities taking into consideration the scale and duration of activities.

4A.2.3 Activity Lists

4A.2.3.1 Permitted Activities

- a. In any zone temporary offices, storage sheds, storage yards, builder's workshops and other similar *buildings/structures* and activities incidental to a building or *construction* project, including the relocation, removal and demolition of *buildings/structures*, but only for the duration of that project or a period not exceeding 12 months whichever is the lesser.
- b. In any zone temporary activities which are held on a site which falls within the definition of *places of assembly* and which:
 - i. Do not exceed three consecutive days in duration plus two additional days, one day for setting up prior to the event and one day to tidy up afterwards;
 - ii. Do not occur more than six times in any calendar year, nor more than twice in any calendar month on the same site (provided that there shall be at least five full days between the tidy up of one event and the set up of the next event held on the same site);
 - iii. Do not involve the open air use of motorised vehicles (other than those vehicles used for transport to and from the site) unless the prior written consent of all adjoining neighbours is obtained including any neighbours on the immediate opposite side of an adjoining road, except that motorsport events held on public roads and *public reserves* are exempt from this rule

(they are addressed through separate legislation);

- iv. Do not exceed the following noise limits within the stated timeframes (as measured at any point within the *notional boundary* of any *dwelling* in a relevant zone);

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAmx
Monday to Saturday and Public Holidays	9am to 10pm	70dB	75dB
Sunday	10am to 6pm	70dB	75dB
At all other times		40dB	65dB

- v. Comply with the requirements of Section 4B (Transportation, Access, On-site Parking and Loading - but excluding Rule 4B.4.10) and Section 4C (Amenity - but excluding Rule 4C.1.3.2) of this District Plan.
- c. Portable sawmilling of trees grown on the subject property in the Rural and Lifestyle Zones.
- d. Sale of goods by licence issued by *Council* relating to temporary, mobile activities on *District* roads.
- e. In any zone *temporary military training* activities involving air, sea and road transport where: the written consent of the owner of the property has been obtained; the activity is limited to a period not exceeding 31 days; the activity does not require the *construction* of permanent *buildings/structures*; the activity does not require *earthworks* or excavation (mechanical or permanent) unless provided for elsewhere in the District Plan, and flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority.

4A.2.3.2 Restricted Discretionary Activities

- a. Carnivals, trade fairs, bazaars, conventions, concerts, parades and public meetings not otherwise permitted and to be operated on a temporary and/or intermittent basis.
- b. Within the Rural, Lifestyle, Rural-Residential, Future Urban and Residential Zones temporary *buildings/structures* for hobby pursuits such as the *construction* of a boat, caravan or other *structure* not intended for commercial gain.

4A.2.4 Activity Performance Standards

- a. The relevant zone Activity Performance Standards and general provisions shall be met by all Permitted Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.

- b. Restricted Discretionary Activity criteria -

Council's discretion is restricted to actual or potential adverse environmental effects relating to the following:

- i. Duration of the activity;
- ii. Scale of the activity;

- iii. Access;
- iv. Parking (note there is no minimum number of car parks to be required);
- v. Traffic generation;
- vi. Noise;
- vii. Dust.

4A.2.5 Matters of Discretion

4A.2.5.1 Restricted Discretionary Assessment for Carnivals, Trade Fairs, Concerts, Parades and Other Public Meetings

Council's discretion is restricted to the following:

- a. Traffic effects, including the use of traffic management, to provide for the safe and efficient operation of the *transportation network*
- b. ~~Carparking~~ Car parking (note there is no minimum number of car parks to be required)
- c. Noise
- d. *Signs*
- e. Temporary nature of the activity
- f. Number of attendees and staff
- g. Overall management of the event

4A.2.5.2 Restricted Discretionary Assessment for Temporary *Buildings/Structures* for Hobby Activities

Council's discretion is restricted to the following:

- a. Visual amenity
- b. Temporary nature of the *building/structure*

4A.3 Activities on the Surface of Water

4A.3.1 Activities on the surface of water are variously controlled by the *District Council*, the *Regional Council*, and Maritime Safety Authority. The *Regional Council* is primarily concerned with environmental issues (water quality), allocation of water (taking), structures that affect the bed of the waterway, and in some instances navigation and safety. The Marine Safety Authority is concerned with navigation and safety of activities.

4A.3.2 In this District Plan, rivers and waterways are zoned as with the surrounding land. Any controls administered by the *District Council* shall be those of the zone in the District Plan that covers the respective water body.

Explanatory Note: In accordance with Section 33 of the *RMA*, the functions and powers held by the Western Bay of Plenty District Council in relation to the control of activities on the surface of all water bodies within the Western Bay of Plenty District, were transferred to the *Regional Council* on 22 July 1993.

Any application for a resource consent involving activities on the surface of water is to be lodged with and determined by the *Regional Council*, unless a proposed activity on the surface of water also involves land based activities requiring resource consent from the Western Bay of Plenty District Council.

4A.4 Status of Roads

4A.4.1 As well as being able to be designated, roads are provided for as activities within zones. Existing *District* roads are Permitted Activities and new *District* roads are Restricted Discretionary Activities in all zones but exclusive of Identified Significant Ecological, Landscape and Historic Heritage Features and *public reserves* (see 10.3.aj.).

4A.4.2 The rules for roads are within Section 10 and provision has been made for a limited number of *network utilities* and works within the legal *formed road*. The District Plan does not permit other activities within *formed roads*. Notwithstanding this *Council* may issue licences to temporary, mobile activities on the public road but not State Highways.

4A.4.3 The State Highways and proposed deviations/bypasses have been designated by Waka Kotahi NZ Transport Agency.

The Plan also provides for new Strategic Roads as Restricted Discretionary Activities in all zones exclusive of the Identified Significant Ecological, Landscape and Historic Heritage Features and *public reserves*. Waka Kotahi NZ Transport Agency will in the future have the choice of the designation or Discretionary Activity procedures.

4A.5 Earthworks

With the exception of the following, all *Earthworks* shall be permitted:

- a. *Earthworks* which are listed as requiring resource consent elsewhere in the District Plan.
- b. *Earthworks* which are undertaken in association with an activity for which a resource consent for a Discretionary or Non-Complying Activity is required.
- c. Where *Earthworks* are listed as a matter of control or discretion.

4A.6 Information Required with Applications

4A.6.1 All Applications

Explanatory Note: See also Section 12.3.7 and 12.3.8 for information to be submitted with applications for subdivision consent.

The following information (as applicable) shall be submitted with any application for a resource consent:

- a. A completed standard *Council* application form and check list.
- b. A statement specifying all other resource consents required from any other consent authority and whether or not such consents have been obtained or applied for.
- c. The known historical use of the site, including any history of horticulture, agriculture or any other use that could have resulted in *persistent chemical residues* in the soil and in particular any known *hotspots*.

If so, soil testing may be required to confirm that the land is fit for increased exposure to humans. Use of *Ministry for the Environment Contaminated Land Management Guidelines* (assisted by the explanatory note for soil acceptance criteria in Rule 12.3.8.o.) shall be used to establish this. In addition, if deemed necessary by the report, remediation of the *hotspot* or area concerned may be necessary depending on proposed future use of the area. *Ministry for the Environment Contaminated Land Management Guidelines* shall be used to guide the remediation requirements.

The Hazardous Activities and Industries List (referred to in the *Ministry for the Environment Contaminated Land Management Guidelines*) lists uses which could have contaminated the land. If *Council* is satisfied the land has no history of activities involving uses from that list, soil testing shall not be necessary.

- d. A description of the subject site including:
 - i. Location and adjoining road (with a location plan where appropriate);
 - ii. Legal description (with title references);
 - iii. Existing uses and *buildings/structures*;
 - iv. Topography and vegetation;
 - v. Extent and nature of any filled areas or any areas subject to erosion, landslip, inundation or other natural hazards;
 - vi. Description of any *Identified Significant Features*, registered archaeological sites, or any other features considered to be of value to the community.
- e. A description of the activity for which consent is sought, including:
 - i. Nature of the activity and any processes involved;
 - ii. Location of and means of access to the site;
 - iii. Nature and extent of likely traffic generation;
 - iv. Provision for on site parking (in cases where onsite car parking is to be provided), loading, and vehicle manoeuvring;

- v. Number of people employed and to be catered for;
 - vi. Number of animals or poultry involved;
 - vii. Any proposed *earthworks*;
 - viii. Existing or proposed landscaping;
 - ix. Proposed hours of operation;
 - x. Location, size, and function of any proposed *signs* both on or off the site;
 - xi. Any proposed staging of the *development*;
 - xii. Any *hazardous substances* or installations involved, including the discharge of any contaminants.
- f. The subjects of water supply, wastewater and stormwater reticulation and disposal are to be addressed and where these are to be provided a detailed description on how this is to be achieved is required. Aspects such as source of supply, discharge points, quantities likely, other resource consents required and the location of any waterways, *wetlands* and ponding areas shall be addressed in the report.
- g. An analysis of the suitability of the site for the proposed activity, having regard to the foregoing clauses c., d., and e..
- h. Identification of any *tāngata whenua* or Treaty of Waitangi issues.
- i. Identification of persons affected and whether such persons have been consulted, including those from whom written approvals to the proposed activity have been obtained (such approvals to be submitted with the application on the standard *Council* form).
- j. An assessment (in accordance with the Fourth Schedule of the *RMA*) of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied, or mitigated. The assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.
- k. The identification of the location of any electricity transmission, sub-transmission and distribution feeder is required. Such lines are identified on the *Council's* Geographical Information System (GIS). An assessment of the potential effects of the activity on those lines must be included in the Assessment of Environmental Effects (AEE).
- l. Two full size original scale copies and one A4 reduced copy of each of the following plans illustrating the proposal shall be submitted, such plans to comprise:
- i. A location plan of the site showing road name, street number, north point and scale;
 - ii. A site plan of the property (at a scale of not less than 1:200) showing:
 - North point and scale;
 - Site boundary lengths and other dimensions in metres;

- Location with distances to site boundaries, of all existing *buildings/structures* which are to remain on the site and all proposed *buildings/structures* (including where applicable, eaves, balconies, courts and verandas);
 - Proposed use of each *building/structure*;
 - Position of any easement over the site;
 - Position, location and dimensions of every parking and loading space and the proposed access and manoeuvring areas;
 - Proposed retaining walls, excavations and landfill;
 - Levels on the site boundaries and around any *buildings/structures*, contours of the site unless the site has a uniform grade of less than 1 in 10 (this requirement shall not be applicable within the Rural Zone);
 - Existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
 - Water courses and drainage and sewerage pipes and other utility services within the site; and
 - The means proposed to deal with all stormwater and sanitary drainage.
- iii. A floor plan of each *building* (at a scale of not less than 1:100) showing use of all parts of the *building*, including basements, parking, storage or service areas.
- iv. Elevations of each *building/structure* (at a scale of not less than 1:100) showing:
- External appearance of the *building/structure* including doors and windows;
 - Number of floors and their proposed use;
 - *Building/structure heights* and *height* in relation to any boundary;
 - Relative *height* of new *buildings/structures* fixed in terms of the definition of *height* as set out in this District Plan.

4A.6.2 Information requirements for Accommodation Facilities

In addition to the information requirements above the following shall be provided with any application for an *Accommodation Facility*:

- a. An assessment of financial contributions that includes details of:
- i. The number of persons to use the facility;
 - ii. How many *household equivalents* this equates to;
 - iii. The expected occupancy rates for existing facilities;
 - iv. Available *Council* facilities to be used i.e. roading, water, wastewater, or stormwater;

- v. An outline of activities and facilities provided for onsite.
- b. A management plan to include:
 - i. Hours of operation;
 - ii. Terms and conditions of use;
 - iii. An assessment of management of effects on a regular basis e.g. noise to be controlled by staff onsite at all times.

4A.6.3 Information requirements for the creation of on-site Protection Lots or Transferable Protection Lot credits based on land for community benefit

In addition to the information requirements above the following shall also be provided;

- a. Evidence that the applicant has met with *Council's* reserves staff to discuss the proposal and a record of the extent to which the proposal is supported by *Council's* reserves staff with respect to the following:
 - i. Plans showing the area of land which is being provided and for what particular feature type/s and purpose/s;
 - ii. The reasons why the provision of the land will have a significant community benefit;
 - iii. How legal protection is to be achieved;
 - iv. The number of on-site Protection Lots or Transferable Protection Lot credits proposed.

4A.7 Consent of Affected Parties – Controlled Activities

4A.7.1 Rule

In the case of a resource consent application for a Controlled Activity, the written approval of affected persons is not required and no person is required to have notice served on them unless the District Plan specifically states otherwise.

Section Contents

Transportation, Access, Parking & Loading

- 4B. Transportation, Access, Parking & Loading Explanatory Statement
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Transportation, Access, Parking & Loading

4B. Transportation, Access, Parking & Loading

Explanatory Statement

The roading network of the *District* is used by a range of transportation modes such as walking, cycling and vehicles, and it is important that the network is safe and is able to accommodate and encourage the integrated and comprehensive planning of a full range of transportation modes.

State Highways are a national asset and an essential part of New Zealand's *transportation network*, linking our communities, facilitating economic development, moving freight and contributing to the well-being of all New Zealanders. The efficiency of the State Highway network can affect the efficiency of transporting goods and services (and thus the national economy) to and from distribution centres such as the Port of Tauranga.

Because of the higher volumes of traffic and high number of heavy vehicles, the State Highway network requires safety measures that reflect that highway role. In addition, the higher traffic volumes and heavy vehicles may affect adjoining residents and activities. The State Highway network also provides critical local and *District* level transportation links. This role needs to be recognised alongside its national function.

Waka Kotahi NZ Transport Agency protects the safety and efficiency of the State Highway network by authorising the location and design standards of side road intersections and works in the *Road Reserve* including crossing places.

There is a need to integrate transport *infrastructure* and land use patterns to achieve an affordable, integrated, safe, responsive and sustainable land transport system. Subdivision, use and *development* of land can have adverse impacts, including cumulative impacts, on the *transportation network*. *Development* that increases traffic can impact levels of service, safety and congestion, and reduce the contribution that the *transportation network* makes to the economic prosperity of both the *District* and the wider region by making the network less effective.

A *roading hierarchy* (see 4B.4.1) indicates those roads that may require special treatment and management. The hierarchy starts with *motorways* and moves through to local roads and service lanes.

Conversely, it is important to recognise the need for future transport planning and transport *infrastructure* to consider existing and future land use activities and patterns and economic growth opportunities and to ensure economic and social wellbeing is not constrained.

The use and development of the *transport network* in the future will be affected by the availability of multi-modal transport forms that may be developed or implemented to improve energy efficiency, reduce carbon emissions and enable more sustainable management of the *transport network*.

The prime mechanism for managing on-site parking and manoeuvring areas is the Building Code. The District Plan complements the Building Code for activities that do not involve *buildings* and where loading is required. Parking and loading is necessary to preserve the adjacent road's level of service, thereby reducing congestion and maintaining the character and in some cases the pleasantness of the street environment.

Council will continue its traditional role of establishing service lanes and public carparks to relieve on-street congestion.

4B.1 Significant Issues

1. Vehicle access points from property to roads (including State Highways) have the potential to conflict with the safe and efficient operation of the *transportation network*.
2. Similarly, the changing needs and requirements of activities on land adjacent to roads also have the potential to conflict with the safety and efficiency of the *transportation network*.
3. An integrated approach to land use and *infrastructure* planning is needed in order to achieve an affordable, integrated, safe, responsible and *sustainable land transportation network*.
4. Poorly located growth and *development* can affect the function and efficient operation of the *transportation network* and may result in the potential for *reverse sensitivity* effects.
5. On-street traffic congestion in the main commercial centres of Te Puke, Katikati and Waihi Beach could result if *Council* does not continue its policy of ensuring adequate provision of effective service lanes and public carparking in such areas.
6. Walking, cycling and other non-vehicular forms of transport that help to relieve vehicle congestion on the *transportation network* are important elements of an integrated, comprehensive *transportation network*.

4B.2 Objectives and Policies

4B.2.1 Objectives

1. To provide an integrated, efficient, safe and *sustainable transportation network* that supports the social and economic wellbeing, and land use pattern of the *sub-region* as defined in this District Plan and that maintains or enhances the regional strategic linkages.
2. To provide for more efficient land use, *development* and subdivision of existing areas in a way that recognises and integrates with the functions of different road types, transport modes and the defined *transportation network*.

3. To encourage the use and development of alternative modes of transport including, but not limited to, public transport, cycling, walking and other non-vehicular forms of transport that provide for an integrated, efficient, safe and *sustainable transport network*.

4. To provide safe and efficient public carparks in town centres.

4B.2.2 Policies

1. To recognise and provide for the existing and future *transport network* including the linkages to other districts and regions.

2. To avoid, remedy or mitigate the adverse effects of land use, *development* and subdivision on the safety, efficiency, sustainability and capacity of the *transportation network*.

3. To manage the land use, *development* and subdivision of areas to achieve compatibility with the roads they front and the wider *transportation network*, with particular regard to the potential effects on that network, including, but not limited to, the safe and efficient provision of site access at the local level and intersections within the wider network and the effects of *reverse sensitivity* experienced between the operation and use of the *transportation network* and the establishment of adjacent land uses.

4. To ensure the integrated management of road, rail, sea and air *transport networks* to facilitate the long-term efficient and sustainable management of the wider *transportation network*.

5. To recognise and provide for network wide effects of land use change on *transport networks* by assessing the effects of land use change across the networks affected.

6. To recognise and provide for the function of each road as described in the *road hierarchy*, and provide for the efficient use of that road type, by managing the intensity and form of land use, *development* and subdivision that impact on these roads.

7. To encourage the efficient use of land particularly in identified land use zones to reduce the potential impacts on the *transportation network*.

8. To ensure land use, *development* and subdivision planning provides for the implementation of multi-modal transport activities including public transport, walking and cycling facilities that address the identified need for new facilities/networks or enhance existing facilities/networks.

9. To maintain or enhance the sustainable and efficient use of arterial and collector roads through the use of transport optimisation methods and techniques (for example traffic demand management) that encourage adjacent land uses to provide access in keeping with the function of the road in the *roading hierarchy* and support alternative modes of transport.

10. The access, parking and loading effects of activities on the *transportation network* shall be avoided, remedied or mitigated with particular regard given to the level of service the road provides within the *District's roading hierarchy*.

11. Activities should be established and operate in a manner which ensures safe and effective on-site and off-site vehicle parking, manoeuvring and access and pedestrian access.

12. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.

13. To ensure that the amenity value and public safety in town centres are not affected by *vehicle movements* across footpaths to and from on-site parking areas.
14. That *Council* be the preferred provider of parking facilities in the town centre

4B.3 Activity Lists

4B.3.1 Controlled Activities

- a. Cash in lieu for ~~parking and~~ loading provisions within the Katikati and Waihi Beach town centres, as identified on the District Plan Maps, for the following activities:
 - Business activities including *retailing* shops;
 - Administrative, commercial and professional *offices* not in a residential *building*.
- b. Activities that require new crossings, or activities other than Permitted Activities that increase the use of existing crossings, onto Strategic Roads subject to performance standard 4B.4.2.

4B.3.2 Restricted Discretionary Activities

- a. Non-compliance with rules contained in Section 4B.4, Activity Performance Standards, shall be Restricted Discretionary, unless otherwise stated.
- b. Any subdivision of land to create a maximum of one additional *lot*, where access to a legal road is obtained by crossing a railway line.
- c. On-site parking in the Waihi Beach and Katikati town centres, as identified on the District Plan Maps, for the following activities:
 - Business activities including *retailing* shops;
 - Administrative, commercial and professional *offices* not in a residential *building*.

4B.3.3 Discretionary Activities

- a. Alternative means of provision of ~~parking and~~ loading as per Rule 4B.4.8, other than as provided for in Rule 4B.3.1 a. ~~and 4B.3.2 c.~~

4B.3.4 Non Complying Activities

- a. Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads where:
 - i. For State Highways – the written approval of Waka Kotahi NZ Transport Agency is not provided; or
 - ii. For other Strategic Roads – the written approval of the Western Bay of Plenty District Council is not provided.
- b. Any subdivision of land to create more than one additional *lot*, where access to a legal road is obtained by crossing a railway line.

4B.4 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities as listed in each zone and shall be used as a guide for all other activities.

4B.4.1 Roading Hierarchy (refer to Roading Hierarchy Map below)

a. Strategic Roads

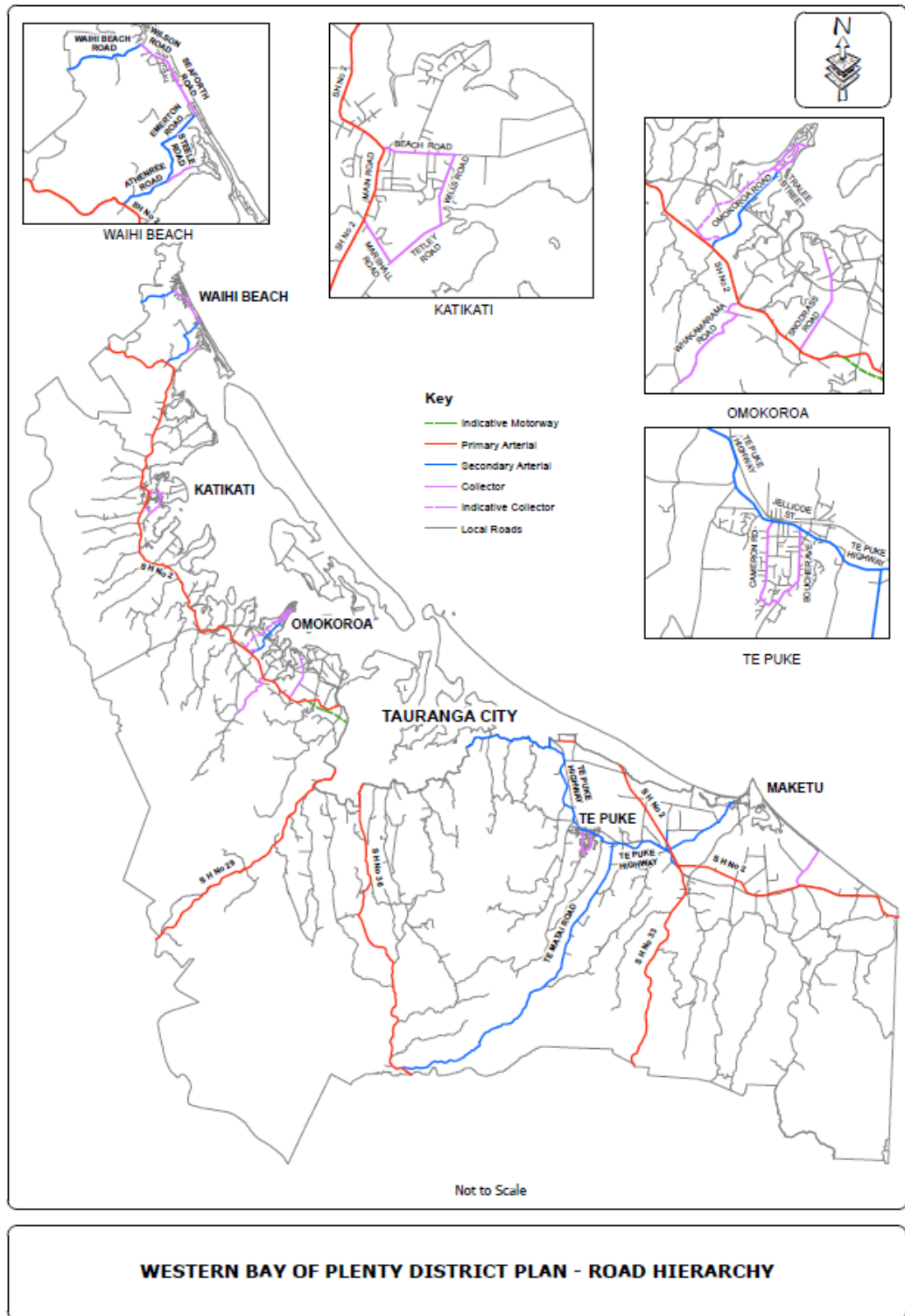
(i)	<i>Motorways</i>	Tauranga Eastern Link
		Northern Arterial
(ii)	<i>Expressways</i>	
(iii)	<i>Primary Arterial</i>	State Highway 2
		State Highway 29
		State Highway 33
		State Highway 36
(iv)	<i>Secondary Arterial</i>	Te Puke Highway Jellicoe Street Waihi Beach Road
		Athenree / Steele / Emerton Roads
		Ōmokoroa Road (SH2 to Tralee Street)
		Welcome Bay Road
		Te Matai Road
		Maketu Road
		Tara Road

b. District Roads

(i)	<i>Collector Roads</i>	Wilson Road/Seaforth Road
		Athenree Road (Steele to Koutunui Road)
		Beach Road (SH2 to Wills Road)
		Wills Road
		Tetley Road (Marshall to Wills Road)
		Marshall Road
		Ōmokoroa Road (Tralee to The Esplanade)
		Tralee Street
		Hamurana Road
		Francis Road (Ōmokoroa to Hamurana Road)
		Barrett Road
		Old Highway (Barrett to Whakamarama Road)
		Whakamarama Road (Old Highway to Youngson Road)
		Snodgrass Road (SH2 to Newnham Road)

		Cameron Road
		Boucher Ave (SH2 to Cameron Road)
		Pukehina Beach Road
(ii)	<i>Local Roads</i>	
(iii)	<i>Service Lanes</i>	

Roading Hierarchy Map



4B.4.2 Access to Strategic Roads

- a. No crossing place shall be permitted to serve any proposed new activity that requires resource consent and/or increases the traffic movements to the site unless:

- i. It is impractical for the activity to have alternative legal access to some other road; and
- ii. An assessment of the effects of such access on the road including written consent from Waka Kotahi NZ Transport Agency or *Council* (where relevant) is submitted with the application. The assessment shall address traffic safety, the traffic efficiency of the road, the impracticality of achieving alternative access, the potential for adverse effects on adjacent land owners and adverse effects on the *transportation network*.

Explanatory Note:

Where any new crossing is proposed onto a State Highway, approval for that crossing needs to be obtained from Waka Kotahi NZ Transport Agency pursuant to the Government Roading Powers Act 1989.

Waka Kotahi NZ Transport Agency retains control over the design and construction standards of crossing places and road intersections with State Highways.

- b. All properties with legal access to a strategic road shall provide all parking and manoeuvring on site.

4B.4.3 Access to Rural Roads (Rural, Lifestyle and Future Urban Zones) other than Strategic Roads

- a. No vehicle entrance shall be constructed within:
 - i. 30m of a rural road intersection;
 - ii. 45m of a State Highway intersection where the posted speed limit on the rural road is 70km/hr or less;
 - iii. 60m of a State Highway intersection where the posted speed limit on the rural road is greater than 70 km/hr;
 - iv. i., ii. and iii. above shall be measured from the intersection of the legal road boundaries, or the edge of the road formation, whichever is closer to the entrance.
- b. Each entrance shall be located in such a position as to provide complying visibility for motorists entering and leaving the property in accordance with *Council's* Development Code 2009.
- c. All new rural entrances and entrances which are in a 'fixed location' at subdivision consent stage on District roads shall be designed and constructed so that heavy vehicles can enter and leave the property in a safe and convenient manner without damaging the edge of seal.

Explanatory note:

For the purpose of this rule, 'fixed location' shall be defined as an entrance serving a *privateway*, access leg or a property limited to complying and practical road frontage for entrance construction of 30m or less.

- d. Where a building consent is lodged with *Council* for the *construction* of a *building* on a site, details of the entranceway will be required in the following circumstances

- Where the property does not already have an existing entrance; or
 - Where there is an existing entrance and the purpose of the *building* increases the use of the entrance; or
 - Where there is an existing complying entrance and it is intended that the *building* be served by any other entrance;
- i. Should one or more of the above circumstances apply, the details of any existing entranceway arrangement (including information required by Rule 12.3.8 c.) and the details of a new complying entranceway or upgraded existing and complying entranceway, shall be provided for approval at the time of building consent. The entranceway shall be constructed or upgraded, and certified in accordance with the approved details and Rule 12.3.9 thereafter.
- ii. As an alternative to i., an application to *Council* for a new entrance shall be made under the 'Rural Vehicle Crossing Application' procedure or its successor.

Explanatory Note:

The term "complying" in the context of the above rule refers to the location and standard of construction for the entranceway as determined by *Council's* Development Code. This rule excludes *buildings* which are a permitted activity under Rule 18.3.1.e.

- e. Activities, including any Controlled, Restricted Discretionary, Discretionary or Non-Complying activities, that require new access, or increase the use of existing accesses, to rural roads shall ensure that the access and the existing road is formed and constructed to the current standards in *Council's* Development Code 2009, necessary to accommodate the increased use of the road (see Section 12.4).
- f. In any subdivision (including boundary adjustments), all *lots* available for independent use shall be demonstrated as capable of being provided with an entrance that complies with *Council* access standards.

Except that this rule shall not apply to:

- Existing entrances used intermittently only and which do not provide access to an existing or proposed *dwelling*. For the purpose of this rule 'intermittent use' includes farm accesses used occasionally, but excludes dairy tanker accesses and the main working entrance of properties.
- Existing entrances to properties being subdivided by way of boundary adjustment where no additional *lots* are created and the ability to create a complying entranceway for each *lot* in the future is not compromised.

Explanatory note:

Non-compliance with this rule shall be a Restricted Discretionary Activity in respect of the particular non-compliance.

4B.4.4 Access to Urban Roads (Residential, Rural-Residential, Commercial, and Industrial Zones) other than Strategic Roads

- a. Subdividers shall normally be required to provide only those crossings where the location is fixed at the time of subdivision, such as *Privateways*. In all other cases, the crossings shall be constructed at the time of building.

- b. Distance from Road Intersections - No vehicular access shall be located nearer than 8m in a Residential, Rural-Residential or nearer than 25m in a Commercial, or Industrial Zone from the road intersection, measured from the intersection of the legal road boundaries or any part of a road on which the *Council* has resolved that no vehicle may stop in accordance with the provisions of the Transport Act and any regulations pursuant to that Act.
- c. The maximum gradient for a private access (vehicle crossing and driveway) serving one *lot* shall be 1 in 4.5 (22.2%) as per *Council's* Development Code Standard Drawing W436.

Explanatory Note:

This gradient has been calculated as the absolute maximum for an 85th percentile passenger car to negotiate a vehicle crossing and driveway interface with sufficient clearance, assuming the vehicle crossing has been constructed to *Council's* standards. *Council's* maximum gradients for shared access (*Privateways* or Rights of Way) are as per District Plan Rule 12.4.4.2 – Tables 1 & 2.

4B.4.5 Loading Path and Space Dimensions

Activities requiring loading facilities or servicing from heavy vehicles shall comply with the 90 percentile design two axled truck swept path and minimum loading space dimensions or a greater dimension of design where articulated vehicles or trucks and trailers are anticipated.

4B.4.6 On-site Manoeuvring

All activities shall provide manoeuvring space onsite so that all vehicles can enter and exit without reversing on to or off the road. Such manoeuvring shall be able to be executed in no more than a three-point turn.

Except that:

Dwellings in the Residential Zone with direct access off a District Road are not required to provide for onsite manoeuvring.

4B.4.7 Parking and Loading Requirements

Every person who proposes to erect, re-erect, construct or substantially reconstruct, alter or add to a *building* on any site or who changes the use of any land or *building*, shall ensure that there is provision for parking of vehicles and loading as required in the table that follows: (note there is no minimum number of carparks to be required).

Within the Waihi Beach and Katikati town centres, as identified on the District Plan Maps, parking (where parking is provided) and loading provisions for business activities, administrative, commercial and professional *offices* (as listed in the table that follows), shall be provided for in an existing or designated public car park, regardless of whether space is available on site.

For all other activities, parking and loading provisions have to be provided for on-site (regardless whether the activity is in or outside the Waihi Beach and Katikati Town Centres).

4B.4.8 Alternative means of Provision of Parking and Loading

Activity	Car Parking Spaces Required Specific Requirements
Residential Activities	
<i>Dwellings</i> (being one household unit).	Two Where car parking spaces for each dwelling. Note: One are provided one may be 'stacked' where it does not interfere with shared access.
<i>Dwellings</i> (being one household unit) in town centres. - less than 55m ² - between 55m ² and 85m ² - 85m ² or greater Explanatory Note: The sizes above are measured <i>by gross floor area</i> .	1 space for each dwelling 1.5 spaces for each dwelling 2 spaces for each dwelling Explanatory Note: Where more than one car park is required provided, one may be stacked provided it does not interfere with shared access.
<i>Retirement Villages/Rest Homes.</i>	One car parking space for each retirement village dwelling. One car parking space per two retirement village independent apartments. One car parking space per six rest home bedrooms. One extra car parking space per five of the above combined units for visitors. One car parking space per two full time staff.
Accommodation Facilities	
Boarding houses, Hostels, Hotel Accommodation.	One car parking space to every three persons designed to be accommodated plus one car parking space per two staff members.
Motels, Lodges, Camping Grounds, Caravan Parks.	One car parking space for each unit place plus one per two staff members.
Places of Assembly	
Clubrooms, <i>Restaurants</i> , Brasserie, Cafe, Hotels, Taverns exclusive of accommodation.	One car parking space for every five persons the facility is designed to cater for.
Recreational and Community Activities with no <i>buildings</i> .	Two spaces to every five persons the facility is designed to accommodate.
Places of Worship Churches and Mortuary Chapels, Funeral Directors Halls, Theatres, Libraries, Gymnasiums, Marae and other <i>places of assembly</i> .	Participants and spectators are to be catered for both motor vehicle use and bicycles with respect to bicycle parking assessed in relation to the specific activity.
Education Facilities	
Pre-schools, Kindergartens, Childcare Centres, Primary and Intermediate Schools, Educational Institutions with less than 50 pupils.	One car parking space for every staff member plus two spaces for visitors.
Secondary Schools, and Educational Institutions with 50 or more pupils.	One car parking space for every staff member plus two spaces for visitors plus provision for pupil's vehicles assessed by a discretionary use application.
Business Activities	
<i>Retailing</i> shops (including drive-in retail facilities and banks).	One car parking space to every 20m² of gross floor area.
<i>Home Enterprises</i> in the Residential, Rural, Rural Residential and Future Urban Zones.	One onsite car parking space per 120m² of site area dedicated to the use of the Home Enterprise.
Administrative, Commercial and Professional <i>Offices</i>	One car parking space to each 40m² of gross floor

not in a residential <i>building</i> .	area.
Motor Vehicle and Agricultural Implement sales yards.	One car parking space per 150m² of display area.
Medical Centres and Veterinary Clinics.	Five car parking spaces per professional person plus one car parking space per two staff.
<i>Service Stations</i> and Premises for Assembly, or Repair of Motor Vehicles.	Two car parking spaces per three staff One car parking space per 40m² gross floor area of shop; Four car parking spaces per workshop bay; Three queuing spaces for a carwash; One car parking space per air hose or vacuum.
Warehouses, <i>Depots</i> , <i>Building and Construction Wholesalers</i> (with no retail component) and Storage Facilities (indoor and outdoor), Auction Rooms.	One car parking space to each 100m² of gross floor area so used.
<i>Building and Construction Retailers</i> or Retailers and Wholesalers combined	One car parking space to each 50m² of gross floor area so used.
<i>Commercial Services</i> , Hire Centres, Dry Cleaning <i>Depots</i> , Repair Services, Tradesman's Workshops.	One car parking space per 40m² of gross floor area.
Industrial Uses.	One car parking space to each 50m² of gross floor area.
Packhouses, Coolstores.	One car parking space to each 25m² of gross floor area. Minimum of 20 car parking spaces.
<i>Post Harvest Facilities</i> and associated <i>seasonal worker accommodation</i> for a maximum of 75 persons and other on site ancillary activities within the Post Harvest	All carparking to be onsite.
Works and <i>Network Utilities</i> .	One car parking space per permanent employee.
<p>Notes: All parking and loading spaces and manoeuvring areas shall be provided onsite exclusive of land required for service lane or road. All car parking spaces shall be suitable for a 90 percentile car. Loading Requirements: All permitted uses, exclusive of <i>dwelling</i>s and <i>network utilities</i> where facilities are not normally required to be staffed, shall be provided with at least one loading space in a location appropriate to the use. All Discretionary Activity use loading requirements shall be assessed on their merits. Fractional Spaces: Where the assessment of the number of parking spaces results in a fractional space being involved any fraction under one half shall be disregarded and fractions of one half or more shall be counted as one space. Bicycle Parking: All activities must have at least one parking space for a bicycle, and depending on the activity; more parking spaces can be required.</p>	

Council shall consider as a Discretionary Activity, or as a Restricted Discretionary Activity in the case of on-site parking in the Waihi Beach and Katikati town centres, the following alternative means of parking and loading:

- a. **Joint provisions of ~~parking and~~ loading for several activities**
 - i. Where several activities are established on any one site, or on several sites in any area, the *Council* may permit the developers of such activities to provide joint off-street ~~parking and~~ loading areas for their common use. ~~The number of parking spaces required shall be the sum of the requirements for each activity;~~
 - ii. Where it can be shown that the ~~parking or~~ loading demand of one or more of the activities occurs at a different time from that of the remaining activities, the *Council* may allow a

dispensation in respect of the ~~parking or~~ loading requirement for one or more of the activities;

- iii. The *Council* may allow a developer to enter into an agreement to use an existing ~~parking or~~ loading area as a joint area where the demand for ~~parking or~~ loading of vehicles occurs at a different time from that of the existing activities, or where the *Council* considers that there is sufficient capacity to accommodate the additional vehicles;

In every case *Council* shall require written documentation of the agreement or arrangement entered into.

- iv. The *Council* reserves the right to re-impose the individual requirements should circumstances change with respect to the right of any developer, owner or occupier to use the joint ~~parking or~~ loading area.

~~Or~~

b. ~~Cash in lieu~~

- i. ~~Council may accept cash in lieu of parking and the monies received shall equate to the cost of the land nearby and formation of a carpark for the spaces not provided onsite. A financial contribution for parking shall only be received where Council owns or has designated land in the vicinity of the subject site identified on the Planning Maps for the purposes of public carparking.~~

~~The following formula will be used to calculate the cost per parking space:~~

~~$(50\% \times 25m^2 \text{ per parking bay}) \times (\text{land value per } m^2) + \text{construction costs per parking bay}$~~

- ii. ~~Cash received in lieu of parking for development in any one town centre shall be used solely for parking in that town centre. An account shall be kept at Council's Offices of the number of spaces funded by developments in the vicinity of the carpark. This information must be referred to prior to Council accepting a financial contribution. See also Section 11.~~

~~Explanatory Note:~~

~~Cash in lieu for parking is the preferred means of parking provision in the Katikati and Waihi Beach town centres for:~~

- ~~• Business activities including retailing shops~~
- ~~• Administrative, commercial and professional offices not in a residential building.~~

~~Cash in lieu for parking is only an alternative means of parking provision within the Waihi Beach and Katikati town centres for activities other than the ones mentioned above.~~

~~Parking bays are not dedicated at a specific location for a specific activity.~~

~~Or~~

c. ~~On-street parking~~

- i. ~~Where onsite parking is required but Council considers that it is not reasonable or practical now or in the future to make that provision onsite, Council may approve on-street parking~~

~~facilities as close to the site as is reasonable and practicable;~~

- ii. ~~The Council may require a set back of the footpath to accommodate on street parking and may require the full cost to be borne by the applicant.~~

~~Or~~

d. **Additional land areas**

- i. ~~The Council may approve parking provided on suitably zoned land sufficiently close to that site (but not on any road or service lane) to ensure the ready use of such parking areas by visitors and employees of the activity. Council shall require legal evidence of the parking site being tied to the activity.~~

Or

eb. On-site parking within the Katikati and Waihi Beach town centres

- i. As a Restricted Discretionary Activity, Council may allow on-site parking within the Katikati and Waihi Beach town centres for the following activities:

- Business activities including *retailing* shops;
- Administrative, commercial and professional *offices* not in a residential *building*.

4B.4.9 Location of Parking and Loading areas

The provision for parking and loading in respect of any site shall not be on:

- Part of any manoeuvring area or access lane, or road.
- Any screening required by the District Plan.
- Any solid waste storage area required by the District Plan.

Provided that:

In Commercial and Industrial Zones manoeuvring may be on service lanes where land for service lane is given by the applicant.

- Parking spaces shall not occupy loading spaces nor loading spaces occupy parking spaces.
- Parking and loading spaces are to be either visible from the public road or clearly signposted at the road frontage.

4B.4.10 Formation of Parking and Loading areas

Parking and loading areas shall be sealed in Residential, Commercial and Industrial zones and metalled as a minimum in Rural-Residential, Future Urban, Rural and Lifestyle Zones so as not to create a dust nuisance to adjoining properties, except in respect of the 3m of any carpark immediately adjoining Strategic Roads that shall be paved in all zones.

4B.4.11 Stack Parking

Council shall accept stacked parking only in the case of *dwellings* provided that the stacking area is exclusive of all those matters listed in 4B.4.9 above.

4B.4.12 Service Lanes

All new activities shall provide *Council* with the land for a service lane at the rear or at the side of the site as required in accordance with the Planning Maps.

The service lane widths and dimensions required from each site shall be in accordance with dimensions as stated in the relevant designation.

4B.4.13 Signs - See Section 4D.

4B.5 Matters of Control – Controlled Activities

Council shall exercise control over the following:

- a. The number and nature of the required ~~parking and~~ loading provisions within the Waihi Beach and Katikati town centres.
- b. The location of available *Council* owned or designated public ~~parking and~~ loading areas.

4B.6 Matters of Discretion for Restricted Discretionary Activities

4B.6.1 Non Compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- a. Works to improve sight distances and other safety enhancements.
- b. Closure of an existing entrance.
- c. The ability to relocate the entrance to a complying or less non-complying location.
- d. The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).
- e. The upgrade of existing roads and accesses necessary to serve the activity (see Section 12.4.4).

4B.6.2 Non Compliance with Rules 4B.4.4 – 4B.4.7 and Rules 4B.4.9 – 4B.4.12 (inclusive)

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

- a. The degree of non-compliance with the specific rule.
- b. The mitigation of actual or potential adverse effects of the non-compliance on, or beyond the boundary of, the site.
- c. The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).
- d. The outcomes of the respective town centre plans for Katikati and Waihi Beach.
- e. The potential adverse effects on pedestrian safety, such as vehicles crossing the footpath to access on-site carparks.
- f. The effects on the amenity values of the town centre, such as the impact on a continuous shop front.
- g. With regard to on-site parking in the Waihi Beach and Katikati town centres, the availability of adequate land on-site to accommodate safe and convenient parking and *vehicle movements*.

4B.6.3 Subdivision Accessed over a Railway Line (see Rule 4B.3.2.b.)

Council will restrict its discretion to the following matters:

- a. The ability to establish an alternative legal access that does not cross a railway line and can be formed at a later date if required.
- b. Whether the alternative access can be practicably formed.
- c. Whether the written approval of the railway line network owner or operator has been obtained.

4B.7 Matters of Assessment for Discretionary Activities

4B.7.1 All Discretionary Activities including (but not limited to) New Crossings, or an Increase in the Use of Existing Crossings, onto Strategic Roads

Assessment Criteria include, but are not limited to:

- a. Impacts on the *road hierarchy*.
- b. *Infrastructure* provision, including works to maintain the safety and function of the *transportation network*.
- c. The recommendations and findings of any *Integrated Transportation Assessment*.
- d. Establishment of cycleways, walkways and public transport stops.
- e. Timing and staging of *development*.

4B.7.2 Alternative means of Parking and Loading

In addition to assessment criteria identified in Rule 4B.6.1 assessment criteria to be considered for alternative means of parking and loading include, but are not limited to:

- a. Existing demand on parking in the immediate locality.
- b. Availability of land on which public carparks may be built.
- c. Traffic environment in the locality of the subject site.
- d. The recommendations and findings of any *Integrated Transportation Assessment*.

4B.8 Information Requirements

4B.8.1 Information Requirements for Activities Subject to Rule 4B.3.2

An assessment of any activity's non-compliance shall be undertaken by a suitably qualified person recognised by the *Council* including a registered professional surveyor, licensed cadastral surveyor, chartered professional civil engineer or, where an *Integrated Transportation Assessment* (or other traffic assessment) is required, a suitably qualified and experienced traffic engineer, and shall include:

- a. A description of the existing situation including:
 - i. Specific quantification of the nature and extent of non-compliance;
 - ii. Standard of existing formation.
- b. Possible mitigation measures (such as works to improve sight lines or relocation of the entrance).
- c. Predicted changes (if any) to the volume of traffic using the entrance following subdivision.

4B.8.2 Information Requirements for Activities Subject to Rule 4B.3.3

In addition to any other requirement of the District Plan each application shall include, as appropriate, the following:

- a. *An Integrated Transportation Assessment for the development. Integrated Transportation Assessments* should reference appropriate best practice technical guides and consultation (where undertaken) with Waka Kotahi NZ Transport Agency and should consider as a minimum the following matters:
 - i. Planning and policy frameworks;
 - ii. Measures to influence multi-modal travel, including encouraging passenger transport, walking and cycling;
 - iii. Travel characteristics;

- iv. Land use characteristics;
- v. Assessment of adverse effects;
- vi. Mitigation of adverse effects.
- b. A *Travel Management Plan* for the proposed activity.
- c. An assessment of Equivalent Light *Vehicle Movements* per peak hour and per day. Daily movements shall be averaged over a seven day period.
- d. An assessment of pedestrian and cycle movements to and from the proposed activity.
- e. An assessment of the integration of the proposed activity with public transport.
- f. Assessment of a Discretionary Activity land use consent application may include consideration of the Permitted Activity Standards and Restricted Discretionary Assessment Criteria and possible conditions as well as any other relevant criteria in the District Plan as guidelines to the determination of the application.
- g. Waka Kotahi NZ Transport Agency shall be considered an affected party in any application for subdivision or *development* of land that significantly impacts on the *Strategic Road Network*.

4B.9 Other Methods

4B.9.1 Building Code

- a. Vehicle manoeuvring distances, parking dimensions, queuing spaces and circulation rates, and pedestrian access are controlled by the Building Code.

Explanatory note:
The '1993 Building Code Acceptable Solution' or its successor must be complied with at the building stage.
- b. Parking and access for disabled persons are to be provided in accordance with the Building Code.

4B.9.2 Waka Kotahi NZ Transport Agency

- a. Waka Kotahi NZ Transport Agency is the controlling authority for State Highways. Section 51 of the Government Roading Powers Act, 1989, lists things which are an offence to do, cause or permit on a State Highway, without the written permission of Waka Kotahi NZ Transport Agency. This includes undertaking any work on a State Highway.

4B.9.3 Department of Conservation

- a. *Council* will liaise with the Department of Conservation in the identification of road ends and accessways that link with land managed by the Department.

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Infrastructure, Network Utilities & Designations

10. Infrastructure, Network Utilities & Designations

Explanatory Statement

Infrastructure and network utilities are essential components for the effective and efficient functioning of the *District*. They contribute positive benefits to local communities and also the wider *sub-region* and the nation. These components include water and wastewater reticulation; electricity transmission, distribution and generation; roading and associated linkages; rail networks; distribution networks; telecommunication and radio communication networks and associated equipment (including privately owned *aerials*, *antennas* and *cabinets*); gas networks; solid waste disposal facilities; and schools.

Infrastructure and network utilities are provided for within the *District* by way of Permitted Activities, through obtaining appropriate resource consents, or in regards to a *network utility* operator, by way of designation. This section comprises issues, objectives, policies, rules and assessment criteria to be used for both guidance and assessment in respect of the establishment, development, operation, *maintenance* and *upgrading* of such activities. The section will also assist *Council* in assessing any notices of requirement submitted for new *infrastructure and network utilities*, as well as for the assessment of outline plans of works for activities on designated sites.

The provisions within this section apply to *infrastructure, network utilities* and designations throughout the *District*. However, due to their potential complexity, other sections of the District Plan may also contain provisions of relevance. For example, roads are not only referred to in this section, but also in Sections 4B and 12 relating to transportation and subdivision.

This section applies to all *infrastructure and network utilities*, not just those listed as requiring authorities. This includes all utility companies, private landowners and State-owned Enterprises.

Infrastructure and Network Utilities

In managing the effects of *infrastructure and network utilities*, recognition should be given to the essential role that these components play in the functioning of the *District*, and for the services they provide. National Policy Statements are instruments developed and implemented under the *RMA* to help local authorities decide how competing national benefits and local costs should be balanced. A National Policy Statement on Electricity Transmission is already operative while other

National Policy Statements continue to be developed.

While *infrastructure and network utilities* can have local, regional and national benefits, it is recognised that the nature of some *infrastructure and network utilities* can generate environmental effects. There is also the potential for some activities undertaken in the vicinity of *infrastructure and network utilities* to lead to adverse *reverse sensitivity* effects. In some cases this can potentially impinge upon public health and safety.

Accordingly it needs to be acknowledged that the avoidance of adverse effects associated with *infrastructure and network utilities* will not always be possible. In some circumstances the effects of *infrastructure and network utilities* are addressed by other instruments e.g. relevant health and safety requirements, traffic safety measures and/or recognised National Environmental Standards. Where environmental effects are not fully addressed by other instruments, the District Plan provides a resource management framework for balancing the positive effects and benefits of *infrastructure and network utilities* with adverse environmental effects.

Designations

Under the *RMA*, public works and some private utility and *infrastructure* projects can be provided for by way of designation. Certain organisations are able to serve a notice of requirement on a territorial local authority in respect of land required to be designated for such works. These organisations have the status of a 'requiring authority' under the *RMA*.

A notice of requirement follows a similar process to that of an application for resource consent and if confirmed is included in the District Plan as a designation. The effect of designating land is to authorise the use of that land for a particular work/s (e.g. school, police station, electricity *substation*, infrastructural services).

For activities that will not be in accordance with the designation of a particular site, or in the event that the designation is uplifted or lapses, the usual District Plan provisions relating to the land apply.

10.1 Significant Issues

1. *Infrastructure and network utilities* provide systems and services essential to the maintenance and enhancement of the well-being and quality of life for the *District* and wider *sub-region* communities (particularly Tauranga City). Failure to facilitate adequate provision of these systems and services can result in the desired level of well-being and quality of life not being achieved.
2. The servicing of piecemeal growth can be both problematic and costly.

A lack of cohesion between land use, planned *infrastructure* and equitable sources of funding can put pressure on the *District* and *sub-region's* communities, leading to unexpected funding or servicing shortfalls. This is particularly important where this servicing is for growth in adjoining districts.
3. The Western Bay of Plenty District shares a long boundary with Tauranga City. It is important to acknowledge the importance of the infrastructural and *network utility* linkages crossing the boundary between these two districts, and to ensure the appropriate integration, coordination and safeguarding of such assets.
4. The development, operation, *maintenance* and *upgrading* of some *infrastructure and network utilities* may have the potential to positively or adversely affect landscapes, streetscapes and

other amenity values. Adverse effects can be in the form of visual intrusion and the generation of offensive odour, dust, noise and vibration.

5. Communities and residents use telecommunications on a day-to-day basis in a variety of forms and for a variety of purposes. The ability to continue to provide an acceptable telecommunication service level is however reliant on advancements and improvements in the telecommunication industry. As this can occur within a short timeframe in response to increased demand and technological advances, it is important that new or alternative methods for implementation be given appropriate consideration in the resource management framework provided by the District Plan.
6. The location, establishment and operation of land use activities, and undertaking of subdivision in the vicinity of *infrastructure and network utilities* may lead to *reverse sensitivity* effects that have the potential to impact upon the safe, effective and efficient operation of such *infrastructure and network utilities*.
7. The development, operation and *maintenance and upgrading of infrastructure and network utilities* has the potential to both positively and adversely affect the health and safety of the community.
8. The locational and functional constraints associated with the development, operation, *maintenance and upgrading of renewable energy electricity generation and transmission infrastructure* may conflict with the protection provisions for significant ecological, landscape, and cultural values.

Such conflict will necessitate the balancing of the benefits of the generation and transmission of renewable energy against the protection provisions contained in the District Plan.

9. The utilisation of renewable energy resources within the *District* for electricity generation can enable a significant portion of electricity to be supplied to the region's communities. Opportunities to further increase electricity generation through use of renewable energy resources should therefore be encouraged. As there can be limited opportunities for utilisation and development of renewable energy, and the ability to transmit this energy, it will be necessary to balance the benefits of renewable energy utilisation against the sometimes competing or conflicting interests between electricity generation activities, recreational uses, values of significance to *tāngata whenua* and conservation of natural areas.
10. Solid waste disposal facilities can generate adverse environmental effects.
11. The functionality of flood control stopbanks, canals and drains may be compromised by adverse effects of other activities.

10.2 Objectives and Policies

10.2.1 Objectives

1. Development, operation, *maintenance and upgrading of infrastructure and network utility* systems and services so as to efficiently and effectively meet the current and foreseeable needs of the *District*.
2. To recognise that *infrastructure and network utility* systems and services provide both direct and indirect local, sub-regional and national benefits (social, economic, cultural and

environmental).

3. The protection of water supply sources particularly for municipal use by both the Western Bay of Plenty District and Tauranga City.
4. The effective and efficient provision of *infrastructure and network utilities* across territorial local authority boundaries.
5. Fulfilment of the functional, locational, technical and operational requirements of different *infrastructure and network utilities* whilst avoiding, remedying or mitigating the actual or potential adverse environmental effects of such activities.
6. The establishment and management of land use activities, or undertaking of subdivision in a way that avoids, remedies or mitigates potential *reverse sensitivity* effects that may impact on the safe, effective and efficient operation of *infrastructure and network utilities*.
7. Avoidance or mitigation of adverse effects and risks from the development, operation, *maintenance* and *upgrading of infrastructure and network utilities*, on the health and safety of the community.
8. The sustainable utilisation and management of the *District's* natural and physical resources for electricity generation and associated critical *infrastructure* whilst ensuring that adverse effects are avoided, remedied or mitigated.
9. Minimisation of waste generation and the provision of appropriate disposal methods.
10. The efficient and effective functioning of flood protection devices.
11. The establishment of *infrastructure* associated with electricity generation and transmission of renewable energy where the actual or potential adverse effects on *Identified Significant Features*, and other ecological, cultural and amenity values can be avoided, remedied or mitigated.

10.2.2 Policies

1. Provision of *infrastructure and network utility* development should be sequenced in a way that integrates with the long-term planning and funding mechanisms of local authorities and central government policies, directions and strategies.
2. The current operation of and future opportunities for the *development*, operation, *maintenance* and *upgrading* of existing transmission corridors should be protected.
3. Where *infrastructure or network utilities* have a functional, locational, technical or operational need for a particular location, such facilities should, as far as practicable, be located and designed so as to avoid, remedy or mitigate adverse effects on:
 - i. The landscape, streetscape, cultural values of an area;
 - ii. Nearby residents and properties; and
 - iii. Other established *infrastructure and network utilities*.
4. Assessment of resource consent applications should have regard to the functional, locational,

technical and operational requirements of *infrastructure and network utilities*. Recognition shall be afforded to the requirements of, and constraints on, the efficient and effective development, operation, *maintenance*, and *upgrading of infrastructure and network utilities*.

5. Where technically and practically feasible, the potential adverse visual effects from *aerials, antennas, dishes, masts* and ancillary equipment should be avoided, remedied or mitigated by encouraging these components to be located on or attached to existing *buildings and structures* or in other similarly unobtrusive positions.
6. *Infrastructure and network utilities* should be developed, operated, maintained and upgraded in a manner that avoids, remedies or mitigates the generation and/or emission of adverse environmental effects.
7. Recognise the opportunity for electricity generation from the *District's* natural and physical resources, particularly those of a renewable nature while avoiding, remedying and mitigating adverse environmental effects.
8. The local, national and regional benefits of small-scale renewable energy use and development shall be recognised and provided for along with the efficiency of the end use of energy.
9. Adverse effects on the safe and efficient operation of transmission and distribution *infrastructure* should be avoided or mitigated to ensure that the current and future ability to develop, maintain and undertake upgrading of infrastructure transmission corridors can be undertaken.
10. New or major upgrades of existing transmission or distribution lines, should consider the extent to which the route, site and methodology will avoid, remedy or mitigate adverse effects.
11. When assessing applications for new electricity generation and transmission of renewable energy *infrastructure*, *Council* should consider the benefits to be derived and the site selection limitations (due to functional, locational, technical and operational constraints), and assess these against the protection provisions for *Identified Significant Features*, and other ecological, cultural, and amenity values where there is an ability to avoid, remedy or mitigate any potential effects.

10.3 Activity Table for Infrastructure and Network Utilities

The table below includes particular *Infrastructure and Network Utility* type activities. An activity status is assigned for each of these activities for when they are undertaken within a particular zone. Unless stated otherwise, the activities contained within the table below shall comply with the Performance Standards contained within Section 10.4 where they are relevant.

Activity	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Zone	All Terrain Park Zone (ATP)	Public Reserves	Road Reserve	
Activities for Existing Infrastructure and Network Utilities										
(a)	Activities relating to the operation, <i>maintenance</i> (including vegetation trimming/removal as			p2	p2	p2	p2	p2	p2	p2

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<p>prescribed in the Electricity (Hazards from Trees) Regulations 2003, or other superseding legislation), removal or <i>replacement</i> of existing <i>infrastructure and network utilities</i>.</p> <p>Provided that: Within <i>Identified Significant Features</i>, these activities shall not result in:</p> <ol style="list-style-type: none"> 1. The removal of trees and/or shrubs over 3m in height; 2. Vegetation disturbance/destruction/removal of greater than 1%, or being no more than 150m² in area of the <i>Identified Significant Feature</i> area contained within the site, in any 12 month period. 3. Greater than 50m³ of <i>earthworks</i> within an <i>Identified Significant Feature</i>, in any 12 month period. <p>However, if these works do result in any of 1., 2. or 3. above, then resource consent will be required. Refer to activity status and Information Requirements of Section 5 (Natural Environment), Section 6 (Landscape) and Section 7 (Historic Heritage) for whichever <i>Identified Significant Feature</i> these works are being undertaken within.</p>										
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Transmission and Distribution Activities

(b)	<p><i>Minor upgrading</i> of existing electricity transmission infrastructure, including existing transmission lines forming part of the local distribution network but excluding existing transmission lines forming part of the national grid ³. * <i>Minor upgrading</i> activities are required to comply with <i>network utility</i> zone performance standards only.</p>	P*
(c)	<p>New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission) up to and including 110kV, including associated support poles and <i>aerials</i>, up to and including a total <i>height</i> of 20m. *Within areas of the road reserve, this activity shall have the same activity status as for the zone adjacent to the <i>road reserve</i>. (Note: There is no <i>height</i> limit for the wires connecting between support poles).</p>	RD
(d)	<p>New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission). (Note: There is no <i>height</i> limit for the wires connecting between support poles).</p>	D
(e)	<p>New below ground <i>infrastructure and in Network utilities</i> lines in compliance with Rule 10.4.a.</p>	P P P P P P P P P P
(f)	<p>Temporary above ground electrical and telecommunication lines to construction sites or short term recreational venues subject to <i>Council</i> being formally notified of the route, voltage/type of telecommunications link and date by which it will be removed.</p>	P
(g)	<p>Single transformers and associated switching gear conveying electricity at a voltage up to and including 110kV, not exceeding an area of 6m² and a <i>height</i> of 2m.</p>	NA
(h)	<p>New transformers, <i>substations</i> and switching stations conveying electricity at a voltage up to and including 66kV and ancillary <i>buildings</i> not exceeding 30m² <i>gross floor area</i>.</p>	NA
(i)	<p>New <i>substations</i> and switching stations conveying electricity at a voltage including and in excess of 110kv and ancillary <i>buildings</i> not exceeding 50m² <i>gross floor area</i>.</p>	NA
(j)	<p>Electrical depots for <i>maintenance, upgrading, alteration, construction</i> or security of lines or pylons provided they are situated within a substation property.</p>	NA

Electricity Generation

(k)	<p>The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary <i>structures</i> and <i>buildings</i>, for bulk power supply.</p>	D
(l)	<p><i>Maintenance and Upgrading/Development</i> of existing electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary <i>structures</i> and <i>buildings</i>, for power supply.</p>	P

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(m)	The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) for onsite domestic use in compliance with the relevant general and underlying zone Performance Standards.										RD
Radio and Telecommunications											
(n)	Telephone exchanges.										NA
(o)	Card Phone and Coin Phone Boxes.										NA
(p)	Radio, telecommunication and microwave <i>masts</i> , poles and towers up to and including 10m in <i>height</i> and 1.35m in diameter. Associated equipment to not exceed: i. <i>Antennas</i> /dishes not exceeding 2m in diameter; ii. <i>Aerials</i> and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 12m; iii. Inclusion of weather radar allowed provided it is contained within the 10m <i>height</i> and 1.35m diameter envelope; iv. <i>Accessory buildings</i> not exceeding 30m ² of <i>gross floor area</i> .	NA	RD	RD	NA	NA	NA	NA	RD	p ¹	
(q)	Radio, telecommunication and microwave <i>masts</i> , poles and towers up to and including 20m in height and 1.35m in diameter. Associated equipment to not exceed: i. <i>Antennas</i> /dishes not exceeding 5m in diameter; ii. <i>Aerials</i> and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 22m; iii. Inclusion of weather radar allowed provided it is contained within the 20m <i>height</i> and 1.35m diameter envelope; iv. <i>Accessory buildings</i> not exceeding 30m ² of <i>gross floor area</i> .	NA	D	D	P	P	P	P	D	p ¹	
(r)	Radio, telecommunication and microwave <i>masts</i> , poles and towers: i. Exceeding 20m in <i>height</i> and/or a <i>mast</i> greater than 1.35m in diameter; ii. <i>Antennas</i> /dishes exceeding 5m in diameter; iii. <i>Aerials</i> and lightning rods exceeding 75mm in diameter or extend higher than 22m; iv. Inclusion of weather radar that will exceed the 20m <i>height</i> and 1.35m diameter envelope; v. <i>Accessory buildings</i> exceeding 30m ² of <i>gross floor area</i> .	NA	NC	NC	D	D	D	D	D	D ¹	
(s)	When attached to a <i>building/structure</i> (other than a <i>mast</i> , pole or aerial) that complies with the maximum <i>height</i> for the zone in which the <i>building/structure</i> is or will be located, the following are provided for and may exceed the maximum <i>height</i> for the zone: i. <i>Aerials</i> up to 4m in <i>height</i> ; ii. dishes not exceeding 1.8m in diameter for Residential/Future Urban/Rural Residential/Lifestyle Zones, and 5m in diameter for all other zones; iii. <i>Antennas</i> not exceeding 1.2m ² in area for Residential/Future Urban and Rural Residential, and not exceeding 2m ² in all	NA	RD	P	P	P	P	P	RD	p ¹	

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	other zones.										
(t)	When attached to a <i>building/structure</i> (other than a <i>mast</i> , pole or aerial) that complies with the maximum <i>height</i> for the zone in which the <i>building/structure</i> is or will be located, a telecommunication or radio communication facility not covered by sub-clauses i.-iii. of clause (s) above, can exceed the maximum <i>height</i> for the zone in which it will be located provided it is contained within the following dimensions: i. Residential Zones – 2m high x 1m wide x 1m long ie. 2m ³ in volume; ii. All other zones – 5m high x 1m wide x 1m long i.e. 5m ³ in volume.	NA	RD	P	P	P	P	P	P	RD	p ¹
(u)	Any telecommunication or radio communication facility attached to a <i>building/structure</i> and which fails to comply with either (s) or (t) above.	NA									
(v)	Radio and telecommunication <i>cabinets</i> and <i>equipment shelters</i> up to 3.0m in <i>height</i> and 4m ² <i>gross floor area</i> .	NA	D	P	P	P	P	P	P	P	p ¹
(w)	Radio and telecommunication ancillary <i>equipment shelters</i> that exceed the standards in (w) above.	NA	D	RD	RD	RD	RD	P	RD	RD ¹	
(x)	Radio, telecommunication and <i>Council</i> depots and workshops.	NA	NC	NC	D	P	RD	P	NC	NC	

Gas, Water, Wastewater and Stormwater Infrastructure

(y)	Underground gas transmission pipelines at a pressure not exceeding 2000 kilopascals including aerial crossings of bridges, <i>structures</i> or streams and ancillary equipment including regulator stations, but not compressor stations.	NA	p ²	P	P	P	P	P	P	P	P
(z)	Underground gas transmission pipelines at a pressure exceeding 2000 kilopascals including <i>aerial</i> crossings of bridges, <i>structures</i> or streams and ancillary equipment including regulator stations and compressor stations.	NA	D ²	D	D	D	D	D	D	D	D
(aa)	Gas valve and takeoff stations, sales gates and regulator systems.	NA	D ²	P	P	P	P	P	D	P	
(ab)	New underground pipelines conveying water, stormwater, wastewater and associated pump stations (with above ground dimensions less than 50m ² <i>gross floor area</i>).	NA	p ²	P	P	P	P	P	P	P	
(ac)	Water and irrigation races, open drains, channels and necessary incidental equipment. Stormwater drains and drainage channels and necessary incidental equipment.	NA	D	P	P	P	P	P	RD	P	
(ad)	Sewage treatment schemes/plants/facilities (exclusive of septic tanks).	NC	NC	D	D	D	D	D	NC	NC	
(ae)	Water reservoir tanks with associated and ancillary equipment.	NA	NC	D	D	P	RD	RD	D	NC	
(af)	Water treatment plants.	NA	NC	RD	RD	RD	RD	RD	D	NA	
(ag)	Groundwater Bores and ancillary equipment (including <i>maintenance</i> and upgrading of these).	NA	RD	P	P	P	P	P	P	P	

Traffic, Transport and Structures associated with Roading

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(ah)	Construction of toll gantries, road widening, cycle lanes, bus lanes, heavy occupancy vehicle lanes.	NA	NA	NA	NA	NA	NA	NA	NA	NA	P
(ai)	New road reserves, public roads, parking areas and service lanes, and closure thereof.	NA	NC	RD	RD	RD	RD	RD	RD	NC	NA
(aj)	New grade separation structures and flyovers within existing road reserves.										NA
(ak)	New roads, parking areas and service lanes to be established in conjunction with an approved Land Use and/or Subdivision Resource Consent, or identified on a Council adopted structure plan or reserve management plan.	NA	P	P	P	P	P	P	P	P	P
(al)	Traffic-control signals, devices and structures (including speed camera equipment), road and traffic signs, light-poles and associated structures and fittings, post boxes, road furniture, landscaped gardens.	C	C	C	C	P	C	P	C		pa
(am)	New park and ride facilities.	NA	D	RD	P	P	RD	P	NC	RD	
(an)	New railway networks and ancillary equipment.	NA	NC	D	D	P	D	D	NC	NA	
(ao)	Lighthouses, navigational aids and beacons subject to the approval of the Maritime Safety Authority and/or the Regional Council.	P	RD	P	P	P	P	P	RD	P	
(ap)	Airports.	NA	NC	NC	NC	NC	D	NC	NC	NC	
(aq)	Helipads.	NA	NC	NC	D	D	D	D	NC	NA	
Miscellaneous											
(ar)	Trig Stations.										NA
(as)	Subscriber terminals/antennas on private property up to a dimension of 1m ³ in volume.	NA	P	P	P	P	P	P	P	P	P
(at)	Relocatable recycling drop-off centres less than 10m ² in area.										NA
(au)	Relocatable recycling drop-off centres greater than 10m ² in area.	NA	NC	D	P	P	D	P	D	D	
(av)	Meteorological enclosures and buildings not exceeding 30m ² gross floor area; automatic weather stations and single anemometer masts provided that the anemometer mast does not exceed a height of 10m; voluntary observer sites; associated microwave links.	NA	RD	P	P	P	P	P	D	NC	
(aw)	Meteorological buildings greater than 30m ² gross floor area.	NA	NC	D	D	RD	RD	RD	D	NC	
(ax)	The installation/placement, maintenance, replacement, minor upgrading and testing of Council installed extreme adverse weather and tsunamogenic event devices.	P	P	P	P	P	P	P	P	P	P
(ay)	Solid Waste Management and Disposal sites, including the disposal of hazardous substances (private and public), Refuse Transfer Stations.	NA	NC	D	D	D	D	D	D	NA	
(az)	New flood control stopbanks and necessary incidental equipment.	NA	D	D	D	D	RD	RD	D	RD	
(ba)	Activities for the protection of identified Regional Council flood control stopbanks and drains, including the use of stock proof fences, farming of grazing animals, flood control measures by territorial or regional councils.										P
(bb)	The excavation or the digging of any drain within	D	D	D	D	D	D	D	D	D	D

	20m of any flood control stopbank.										
(bc)	<p><i>Public trails</i></p> <p>* The activity status of a <i>public trail</i> within an <i>identified significant feature</i> shall be determined by any relevant specific provision in Sections 5, 6 and 7 of the District Plan.</p> <p>**In this context <i>Road Reserve</i> includes formed and unformed roads.</p>	P	*	P	P	P	P	P	P	P	P**

P = Permitted C = Controlled RD = Restricted Discretionary D = Discretionary NC = Non-complying NA = not applicable

a Unless otherwise provided for within the District Plan, the erection of *signs* within public roads is controlled by *Council* or Waka Kotahi NZ Transport Agency bylaws or the Traffic Regulations 1976, Transport Act 1962 or Land Transport Act 1993.

1 **Note:**

Telecommunication facilities to be located within *road reserves* (including roadside *cabinets* and the attachment of equipment to existing *buildings/structures*) are subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. In the event of any inconsistency or conflict between the District Plan rules and the NES, the provisions of the NES shall prevail, provided that where a particular matter is not specifically covered by the NES, the District Plan rules still apply.

2 **Note:**

Ground re-instatement Rule 10.4.a.

3 **Note:**

Activities relating to the operation, *maintenance*, *upgrading*, relocation or removal of existing high voltage electricity transmission lines forming part of the national grid are subject to the requirements of the National Environmental Standards (NES) for Electricity Transmission Activities. Such activities are not subject to rules under this District Plan.

4 **Note:**

Archaeological sites are subject to a separate consent process under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a Regional Plan or a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification.

10.4 Activity Performance Standards for Infrastructure and Network Utilities

The activities within Activity Table 10.3 shall comply with the Performance Standards in 10.4 and the Performance Standards for the zone in which the activity is located. Except that activities within Table 10.3 shall be exempt from the Performance Standards for the zone in which the activity is located where those Performance Standards are inconsistent with standards already specified in either Activity Table 10.3 or the Performance Standards in 10.4.

An activity that will not comply with a Performance Standard shall be a Restricted Discretionary Activity for that particular non-compliance, unless the activity is assigned a more stringent activity

status within Activity Table 10.3, then that activity status shall take precedence.

a. Ground reinstatement

- i. Where the development, operation, *maintenance* or *minor upgrading of infrastructure or network utilities* involves ground disturbance, the ground affected shall be reinstated as far as practicable to the condition existing before the start of the activity;
- ii. Where the removal of *infrastructure/network utilities* involves disturbance to the ground, the ground shall be reinstated as far as practicable to the condition of the land immediately surrounding where the activity has occurred.

b. Radiofrequency fields

Activities that transmit radiofrequency fields shall comply with the allowable exposure levels for the general public in NZS 2772.1:1999

Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (or other superseding standards) measured at all places reasonably accessible to the general public.

c. Electric and magnetic fields

Exposures to ELF electric and magnetic fields shall comply with the guidelines specified by the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522) or revisions thereof and any applicable New Zealand standards or national environmental standards.

d. New Zealand Electrical Code of Practice

Activities to comply with the New Zealand Electrical Code of Practice 34:2001 (or other superseding standards).

e. Noise for Infrastructure and Network Utilities Activities

- i. Wind generators for bulk power: activities shall demonstrate compliance with New Zealand Standard 6808:1988 (Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators) (or other superseding standards);
- ii. (ii) Airports: activities shall demonstrate compliance with New Zealand Standard 6805:1992 (Airport Noise Management and Land Use Planning) (or other superseding standards);
- iii. All noise from telecommunications *cabinets* and *equipment shelters* located in *road reserve* shall demonstrate compliance with the provisions of the National Environmental Standard for Telecommunication Facilities. Where the standard is not applicable the noise provisions of the closest adjoining zone will apply;
- iv. Except that the noise limits in 4C.1 do not apply to the testing and operating of back up electricity generators to provide power supply to *network utility* operations.

f. Exemptions from daylighting and yard performance standards

Above or below ground transmission or distribution lines/pipelines for conveying: electricity; telecommunication; radio communication; gas; water; wastewater and stormwater are exempt from being required to comply with *yard* and daylighting Performance Standards.

- g. Transportation, Access, Parking and Loading** – See Section 4B.
- h. Noise and Vibration** – See Section 4C.1.
- i. Storage and Disposal of Solid Wastes** – See Section 4C.2.
- j. Lighting and Welding** – See Section 4C.3.
- k. Offensive Odours, Effluent Aerosols and Spray Drift** – See Section 4C.4.
- l. Screening** – See Section 4C.5.

Above ground: electricity; telecommunication; radio communication; (lines, *masts*, poles, support structures and attached antennae, dish, lightning rods, *aerials*, weather radar); are exempt from being required to comply with the screening requirements.

- m. Signs** – See Section 4D.
- n. Natural Hazards** - See Section 8.
- o. Hazardous Substances** – See Section 9.

p. Sight lines at railway crossings

- i. Where a railway and road intersect on the same level, no *building/structure* or other physical obstruction which might block the sight lines shall be permitted within the area shown on the diagram below;
- ii. Other sight lines (other than that Permitted in (i) above) shall be permitted when:
 - a. The written consent of the railways owner/operator (or other appropriate authority) has been obtained before a building consent is issued.
 - b. The written consent of the railways owner/operator (or other appropriate authority) is also clearly endorsed on all relevant development plans.

Explanatory Note:

Activities permitted under clause (ii) above may be subject to conditions agreed between the *Council* and the railways owner/operator (or other appropriate authority).

q. Tauranga Airport approach path protection

While the airport is physically located within Tauranga City, the Approach Path Protection area extends into the Western Bay of Plenty District airspace as identified on the District Planning Maps.

i. Height restrictions within specified airport approach path

No *building, structure, mast*, tree or other object shall penetrate any of the approach slopes, transitional slopes and, an horizontal surface and surrounding sloping plans defined in the zoning specification herewith and illustrated on the District Planning Maps.

Provided that:

Where there is any conflict between these height control limits, the lowest height restriction shall prevail.

ii. Specifications

a. Approach slopes

There is an approach slope at the end of each strip. The approach slope rises on a specified gradient from its origin at the strip end and from the level of the lowest part of the formed strip end.

Each approach slope stretches over a specified horizontal distance from the strip and has sides that diverge uniformly outwards at the rate of 15% from the end corners of the strip. Each approach slope is symmetrically disposed about the exact centre line of the related strip.

b. Main approach slopes

For the purposes of this specification each of the two approach slopes of the main strip arise at a gradient of 1.6%, stretching over a horizontal distance of 15,000m and its sides diverge to a width of 4,710m at its outer end.

c. Subsidiary approach slopes

Each of the two approach slopes for the subsidiary strips arise at a gradient of 2.5%. Each approach slope stretches over a horizontal distance of 3,000m and its sides diverge to a width of 1,050m at its outer end.

d. Horizontal surface

The horizontal surface extends from above each side and from above each end of the main strip outwards for a distance of 4,500m overlaying the ground at an elevation of 45m above the level of the lowest part of the lower end of the main strip.

Each outer boundary line of the horizontal surface is extended so as to join the adjacent extended boundary line by tangential curves having a radius of 2,250m.

Sloping planes extend outwards and upwards from the periphery of the horizontal surface. They extend outwards for a horizontal distance of 1,900m and upwards at a constant gradient

to reach a maximum elevation of 120m (above the level of the lowest part of the lower end of the main strip).

For the purposes of this specification, where the ground rises so that it becomes close to or penetrates the horizontal surface or its surrounding sloping planes, then the horizontal surface or surrounding sloping plane may be adjusted at that place in conformity with the natural slope of the ground level in order to provide a clearance of 10m vertically above the natural ground level.

e. Transitional slopes

These extended upwards and outwards from the sides of each approach slope at a gradient of 14.3% rising up to an elevation of 45m above the level of the lowest part of the related strip end.

Explanatory Note:

There are no transitional slopes from the sides of the approach slopes above an elevation of 45m above the respective strip end.

Transitional slopes extend upwards and outwards from the side edges of each lighting visibility slope at a gradient of 10% and they continue to rise until they intercept a vertical plane containing the side edges of the main approach slope.

Transitional slopes also extend upwards and outwards from the sides of each strip at a gradient of 14.3% to intercept the horizontal surface.

r. Public trails

i. Any part of a *public trail* shall be a minimum of 30m from any title boundary.

Except that:

ii. Clause i. shall not apply if the *public trail* location is closer than 30m from a title boundary and the *public trail*:

- has been identified in a plan prepared under the Reserves Act 1977, the Local Government Act 2002, or the Resource Management Act 1991; or
- is on land that is an esplanade reserve, esplanade strip, formed or unformed road, or an access strip.

Provided that:

iii. A *public trail* may be located closer than 30m to a title boundary where the written approval of the owner/s of the title/s has been obtained.

10.5 Matters of Discretion

10.5.1 Assessment Criteria – Controlled Activities

For Controlled Activities, *Council* reserves control on the following matters:

a. Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's*

Development Code, *structure plans*, reserve management plans, built environment strategy, walking and cycling strategy, town centre plans).

- b. Where the activity will result in *earthworks*/vegetation disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rule 10.4.a. and 4C.5.3.
- c. Consideration of relevant matters within Sections 4A, 4B, 4C, 4D, 11 and 12 of the District Plan.
- d. The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:
 - i. Provide appropriate, safe and efficient vehicular access and onsite parking **(note there is no minimum number of carparks to be required)**;
 - ii. Create suitable building platforms for *buildings/structures* to be located in a complying manner; and
 - iii. The ability to adequately manage stormwater.
- e. The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

10.5.2 Assessment Criteria – Restricted Discretionary Activities

For Restricted Discretionary Activities, *Council* restricts the exercise of its discretion to the following matters:

- a. The degree, scale and significance of the activity not meeting either the relevant Activity Performance Standards below or relevant Activity Performance Standards of the activity zone it is located, and whether actual or potential adverse off-site effect(s) resulting from this non-compliance can be avoided, remedied or mitigated.
- b. Consideration of whether non-compliance with the relevant Activity Performance Standards is a result of operational or technical constraints of an *infrastructure or network utility* activity.
- c. The extent to which the activity will otherwise be consistent with the Activity Performance Standards.
- d. Whether it is operationally, technically, practically and/or economically reasonable to co-locate aspects of *infrastructure and network utility* activities.
- e. Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's* Development Code, *structure plans*, reserve management plan, built environment strategy, walking and cycling strategy, town centre plans).
- f. Where the activity will result in *earthworks*/vegetation disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rules 10.4.a. and 4C.5.3.
- g. Consideration of relevant matters within Sections 4A, 4B, 4C, 4D, 11 and 12 of the District Plan.

- h. The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:
- i. Provide appropriate, safe and efficient vehicular access & onsite parking (note there is no minimum number of carparks to be required);
- ii. Create suitable building platforms for *buildings/structures* to be located in a complying manner; and
- iii. The ability to adequately manage stormwater.
- i. The objectives and policies in association with the above criteria.
- j. The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

10.5.3 Assessment Criteria – Discretionary Activities

For Discretionary Activities, *Council's* discretion includes but is not limited to the relevant matters contained within the General Provisions (Sections 4 – 10), Activity Performance Standards in 10.4 and those relevant within the specific activity zone that the activity will be occurring within.

10.6 Other Methods

10.6.1 Waste Minimisation

Council shall support and assist the work of the *Regional Council* as a service delivery function of *Council*. The regional co-ordination of waste minimisation and waste reduction is considered to be more comprehensive and effective than individual *Council* initiatives.

10.6.2 Contaminant-Free Stormwater

Council shall ensure the management of stormwater to avoid contamination through the Building Act 2004.

10.6.3 Regional Council Management

The Bay of Plenty Regional Council is the *Regional Council* for the Western Bay of Plenty and retains control over the following matters:

- Discharge to water, air and land (exclusive of site stormwater which is a Building Act 2004 matter controlled by the District *Council*);
- Land and Vegetation Disturbance, particularly *earthworks* relating to access and site development;
- Activities within the Coastal Marine Area;
- Use of water from streams and other water bodies, including the damming and diversion activities;
- Relevant consents for stormwater control, water supply and wastewater management systems

should be sought from the *Regional Council*.

10.6.4 Other Regulations and Codes

Council assumes that all operators will comply with the relevant Regulations and Codes that minimise the risks associated with the operation of their facility and or activity.

Similarly, it is the responsibility of private landowners to ensure compliance with other regulations. Below is a list of useful guidelines where further advice can be obtained:

- Waka Kotahi NZ Transport Agency - "Guidelines for the Management of Road Traffic Noise - State Highway Improvements".
- Ministry for the Environment - various publications are available.
- Transpower New Zealand Limited – Brochures are available on "Corridor Management", "Development Guide", "Trees and Power Lines", "Tree Management Near High Voltage Transmission Lines".
- Department of Conservation.
- Tauranga City Council, Rotorua District Council, Whakatane District Council, Hauraki District Council, Matamata-Piako District Council.

10.6.5 National Environmental Standards

National environmental standards are regulations issued under Section 43 and Section 44 of the *RMA*. They prescribe technical standards, methods and other requirements for environmental matters. Territorial and regional councils must enforce these standards (or they can enforce stricter standards when the standard provides for this). In this way, national environmental standards ensure consistent minimum standards are maintained throughout all New Zealand's regions and districts. Specific detail on these can be obtained from the Ministry for the Environment.

10.7 Designations

10.7.1 General

Designations within the Western Bay of Plenty District are contained within the Schedule of Designations within Appendix 5 of the District Plan and shown on the Planning Maps. Detail and additional information on these designations, and any subsequent designations may be held on *Council* files.

This detail may include specific conditions on individual designations, and/or specific reference to the term of the Designation, which establishes the lapse period, if the designation is not given effect to.

If no such Term of Designation exists then the statutory provisions (five years from the date the District Plan is made operative) shall prevail.

Designations are provided for specifically under the *RMA* and have assessment criteria that differ from that for other activities.

10.7.2 Rules: Underlying Zoning of Designations

Subject to the provisions of the *RMA*, designated land that is to be used for any activity other than

provided for by the designated purpose shall only be used in accordance with the underlying zoning for the land.

The underlying zoning of the designated land shall be the zone immediately adjoining the designation.

Where a designation runs across a number of zones and there is doubt as to the underlying zoning at some point or position of the designation, then the *Council* will assign the zoning which is predominant in that locality or area.

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Residential

13. Residential Explanatory Statement

The Western Bay of Plenty District contains three main residential living environments:

1. The larger residential settlements comprising Te Puke, Katikati, Ōmokoroa and Waihi Beach. These areas have been identified for residential growth by SmartGrowth and the Bay of Plenty Regional Policy Statement. This has also been reflected in the various *structure plans* prepared to date. Within these areas residential *development* at specified densities is provided for.
2. Areas within the larger residential settlements identified above where provision is made for some intensification. Medium density *development* is provided for in specifically identified areas and elsewhere subject to certain specified criteria being met.
3. Existing residential settlements that lie outside those listed in 1 above. These are mainly smaller settlements often in close proximity to the coast. Growth is limited to areas within existing Residential Zone boundaries so as to avoid potential negative impacts on the Harbour (e.g. in terms of landscape and water quality), on the natural environment and versatile soils, on existing *infrastructure* and to maintain existing character. Expansion of these areas is not provided for.

Structure planning exercises have been undertaken to ensure a well planned and comprehensive approach to transportation links, *infrastructure* and zoning. Through such a structure planning process areas have been identified for medium density *development* to encourage more compact housing forms. This is consistent with SmartGrowth in that a wider range of sustainable housing options is provided so as to cater for a future population that will include significant increases in the elderly as well as in single person and childless households.

The *District's* residential areas are currently characterised by low density, low rise houses and low noise levels. The look and feel of residential areas may be adversely affected by non-residential activities which can lead to parking and congestion problems, odours, and increased noise. Poor house design and siting can also lead to a loss of sunlight, daylight and privacy. Infill *development* is provided for where these adverse effects can be minimised and where *infrastructure* and other amenities are available. Infill eases the pressure to expand Residential Zones onto productive rural land.

Provision is made for more intensive residential *development* in specially created zones incorporating rules and performance standards to protect amenity values. Objectives, policies and rules regarding general amenity matters are included in Section 4C of the District Plan.

Where urban expansion does occur it must make efficient use of resources, whether they are *infrastructure* or land. *Development* adjoining existing urban areas achieves this, as well as reducing the potential for rural/urban conflict. Appropriate application of financial contributions provides an economic incentive for the efficient use of land for urban purposes.

13.1 Significant Issues

1. Growth within the Western Bay of Plenty District is projected to continue. Unplanned subdivision, use and *development* has the potential to adversely affect the environment and inhibit the efficient and cost-effective provision of infrastructural services.
2. A lower density residential form leads to inefficient use of *infrastructure* and unnecessary urban expansion into rural areas.
3. The expansion of smaller coastal settlements could lead to wastewater disposal issues, loss of productive rural land and erosion of the individual character of each of the settlements.
4. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.
5. The location and design of *buildings* and other *structures*, as well as the layout of subdivisions and associated *infrastructure*, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.
6. A lack in the ability to interact and connect on foot and bicycle with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.
7. The amenity values of established residential areas can be adversely affected by more intensive *development*.
8. Community Plans have been prepared for the different urban areas within the *District* that reflect the community aspirations for the area. There is the potential for the environmental outcomes sought in Community Plans to be different from the outcomes expected through the provisions of the District Plan.
9. Non-residential activities such as *home enterprises*, dairies, churches, halls, and sports clubs can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detraction in existing residential character and amenity values.
10. The establishment of non-residential activities that have no functional relationship with Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.
11. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the *District*.

12. In areas where there are no reticulated sewerage systems, inadequate provision for wastewater disposal associated with residential *development* can increase the risk of pollution, particularly in areas in close proximity to natural water bodies such as rivers, Tauranga Harbour and the wider coastline.

13.2 Objectives and Policies

13.2.1 Objectives

1. Efficient use of the finite land resource for urban *development*.
2. Cost-effective and efficient provision of roading and other *infrastructure* to service urban areas.
3. Concentration of new urban *development* within urban growth areas identified in the Bay of Plenty Regional Policy Statement.
4. Fulfilment of the housing needs of all sections of the residential community.
5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.
6. Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.
7. Avoidance of pollution associated with on-site wastewater disposal facilities.
8. To ensure the safe movement of pedestrians, cyclists and motor vehicles by creating an environment that promotes a sense of personal safety and security within the Residential Zone.
9. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport, particularly in areas of medium density *development*.
10. To avoid inappropriate activities from establishing and operating within residentially zoned areas.

13.2.2 Policies

1. Residential/urban expansion should be provided for only in areas that have been identified for future urban *development* and which are contiguous with existing residential/urban areas.
2. Provision should be made for a variety of housing types and living environments within existing urban areas and within identified urban growth areas.
3. Higher density residential *development* should occur only in locations that are close to amenities, have adequate open space and can be efficiently serviced.
4. Further residential *development* in and expansion of smaller coastal settlements should be accommodated within existing Residential Zone boundaries.

5. The form of residential *development* should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.
6. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
7. Urban design should provide for a greater interaction between public and private space.
8. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.
9. The outcomes sought in relevant community plans that have been developed through consultation with the *District's* communities should be provided for in *development* proposals.
10. On-site wastewater disposal systems should not cause any adverse off site effects.

13.3 Activity Lists

13.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- a. One *dwelling* per *lot*.
- b. Activities on reserves as provided for in the Reserves Act 1977.
- c. *Education facilities* for a combined maximum of four persons (excluding staff).
- d. *Home enterprises* subject to performance standard 13.4.1.g.
- e. Public works and *network utilities* as provided for in Section 10.
- f. *Buildings accessory* to the foregoing.
- g. *Existing urupā*.
- h. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

13.3.2 Controlled Activities

- a. More than one *dwelling* per *lot* subject to performance standard 13.4.1.i.

Residential Settlement	More than one dwelling per lot subject to a net land area of:
Katikati, Te Puke, Waihi Beach (including Athenree, Bowentown and Pios Beach)	350m ² per <i>dwelling</i>
Ōmokoroa Stage 1	400m ² per <i>dwelling</i> with a <i>maximum average</i> of 800m ² .

Ōmokoroa Stage 2	350m ² per <i>dwelling</i> with a <i>maximum average</i> of 650m ²
Ōmokoroa Existing Village	600m ² per <i>dwelling</i>
All other areas	800m ² per <i>dwelling</i>

- b. *Minor dwellings* in addition to 13.3.1.a. subject to performance standard 13.4.1.h.
- c. One *dwelling* on a title where no *dwelling* currently exists but where a *minor dwelling* exists which was constructed after 9 February 2009.
- d. Works and *network utilities* as provided for in Section 10.
- e. Subdivision (excluding subdivision by *unit plan*) in accordance with 13.4.2.
- f. *Retirement Villages/Rest Homes* subject to compliance with the *net land area* requirements for *dwellings* in 13.3.2.a. (for *retirement village dwellings* and *retirements village independent apartments* on a one to one basis; for *rest homes* every six *rest home* bedrooms will be counted as one *dwelling* for the purpose of this rule).

13.3.3 Restricted Discretionary Activities

- a. Medium density housing, by means of subdivision or by *unit plan*, in any area where the parent site meets the following criteria:
- i. Is within the Residential Zones of Katikati, Ōmokoroa Stage 1, Te Puke and Waihi Beach, and
- ii. Adjoins at least one of the following:
- A *public reserve* classified for active sports use;
 - A local purpose reserve or stormwater management reserve which is at least 30m x 30m or has a minimum area of 1,000m² with a width and length of at least 20m;
 - The Ōmokoroa Golf Course.

Explanatory Note:

For the purpose of this rule “adjoin” shall include land which is separated from any of the above by a local road, but excluding all other roads.

- iii. Is greater than 1400m² in gross area (this may require an amalgamation of titles).
- iv. Meets the Activity Performance Standards in Section 14.4.
- b. Activities within stormwater management reserves in any areas and within private conservation areas in Ōmokoroa Stage 2 *Structure Plan* Area, regardless of whether they are designated, the following:
- i. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;

- ii. The diversion or modification of any natural watercourses;
- iii. The *construction* of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwellings* or *buildings/structures*, playgrounds, pump stations, sewers, culverts and roadways;
- iv. Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 shall be exempt from this requirement.

Explanatory Note:

For a. to b. above *Council* will restrict its discretion to the matters specified in 13.6.

- c. Subdivision by *unit plan* in the general residential area subject to compliance with:
 - i. activity performance standards 13.4.1.a-d. inclusive and 13.4.1.i.;
 - ii. the minimum net *lot* sizes in 13.4.2.a.;
 - iii. the following carparking ~~requirements~~ requirement:

Council's discretion is restricted to matters under 13.5.1, 13.6.1 and 13.6.2.

Parking Spaces Required Requirement

Two Where car parking spaces ~~for each principal unit~~

Note: One are provided one may be 'stacked' where it does not interfere with shared access.

- d. *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in Rule 13.4.

13.3.4 Discretionary Activities

- a. *Places of assembly.*
- b. *Accommodation facilities* not complying with 13.4.1.f.
- c. Hospitals.
- d. *Medical or scientific facilities.*
- e. *Dairies* no greater than 60m² *gross floor area.*
- f. *Education facilities* for more than four persons (excluding staff).
- g. *Urupā* (new sites).

- h. Works and *network utilities* as provided for in Section 10.
- i. *Development* that is not in general accordance with the respective *Structure Plan*.
- j. *Retirement Villages/Rest Homes* that do not comply with the *net land area* requirements for *dwellings* in 13.3.2.a.

13.4 Activity Performance Standards

13.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Height of buildings/structures

The maximum *height* shall be 8m and retain a maximum two storey character.

b. Daylight (except as provided for in clause ba. below).

All *buildings/structures* shall be within a building envelope of 2m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

Figure 1: Daylighting Calculation

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

ba. Daylighting requirements applying to dwellings at Waihi Beach (Planning Maps U01-U08) which are in floodable areas and subject to rule 8.3.3.c.i.

i. Existing or replacement *dwellings*

This rule shall apply to:

- The raising of an existing *dwelling* within the same building footprint (*building coverage* and distance from boundaries); and
- The erection of a replacement *dwelling* within the same building footprint and *building envelope* (*height* in relation to boundaries) as the *dwelling* to be replaced.

In either of the foregoing cases, the *dwelling* may encroach through the daylighting plane referred to in rule 13.4.1.b. to an extent no greater than that required to achieve a floor level of 500mm above the 2% AEP Maximum Probable Development Flood Level for the subject property. Provided that:

1. The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;
2. In respect of an existing or replacement *dwelling* the term "building footprint" shall be limited to that of the *dwelling* itself and shall not include any floor area used for garaging or other accessory purposes.

ii. Additional provision for *dwellings* on narrow width properties

In respect of properties with an average width of less than 13m, and notwithstanding any non-compliance of an existing or replacement *dwelling* with clause (i) above, any *dwelling* (existing, replacement or new) may encroach through the daylighting plane set out in rule 13.4.1.b. by a maximum vertical extent of 1.0m.

ExplanatoryNote:

Pursuant to rule 8.3.3.b., the activity status of the *dwellings* referred to in foregoing clauses i. and ii. is restricted discretionary. Any resource consent application under rule 8.3.3.b. to which rule 13.4.1.ba. also applies shall be processed without notification and without written approvals of other persons being required. In the case of encroachments through the daylighting plane exceeding a vertical extent of 1.0m, the usual provisions of the RMA relating to notification and affected persons shall apply.

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

c. **Yards**

i. Front *Yards* shall be no less than the following:

Residential *Dwellings* (not including garages) 4m

Other *buildings/structures* including all garages 5m

ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* 1.5m

(Also see (c)(iv) for *lots* along Two Mile Creek)

Provided that:

A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

iii. Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:

On *Secondary Arterial Roads*, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

iv. All *buildings/structures* shall have a setback of at least 7.5m from the centreline of Two Mile Creek (Waihi Beach) measured at building consent stage, irrespective of whether or not the centreline of the creek is within the subject property.

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings/structures* on the base land in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any common property.

d. Maximum Building Coverage

Building Coverage	Activity Status
40% or less	Permitted
40%-50%	Controlled
Greater than 50%	Restricted Discretionary

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to the *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

e. Fences and Walls

i. Side and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1.b.;

- Except that where the common boundary is with a *public reserve* or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%
- Where the side fence or *walls* are within the 4m front *yard* specified in Rule 13.4.1.c. Yards, this *height* shall be 1.2m, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

ii. Front boundary:

Any fences or *walls* within the 4m front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Explanatory Notes:

- Existing use rights allow fences and *walls* existing as at 1 January 2010 to be replaced to the same *height* and scale as a Permitted Activity.
- A building consent is required where a fence exceeds 2.5m.

f. Standards for Accommodation Facilities

- Have a maximum occupancy of five persons at any one time (excluding staff);
- The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;
- Must not contain a *kitchen facility* or otherwise be self contained;
- For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

g. Standards for Home Enterprises

- Shall be conducted within a *gross floor area* not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity;
- Is carried out by a maximum of three persons;
- Any goods sold must be:
 - goods produced on site; and/or
 - goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
 - goods ancillary and related to a service provided by the *home enterprise*.

- iv. Any advertising shall comply with Section 4D.3.2.1;
- v. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:

The above activity performance standards shall apply cumulatively to all *home enterprises per lot*.

- h. **Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2.b. and c.**
- i. Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- ii. For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m².
- i. **Standards for more than one dwelling per lot**

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* site being treated as if a new *lot* is being created, including the application of financial contributions.

- j. **Transportation, Access, Parking and Loading** - See Section 4B.
- k. **Noise and Vibration** - See Section 4C.1.
- l. **Storage and Disposal of Solid Waste** - See Section 4C.2.
- m. **Lighting and Welding** - See Section 4C.3.
- n. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- o. **Screening** - See Section 4C.5.
- p. **Signs** - See Section 4D.
- q. **Natural Environment** - See Section 5.
- r. **Landscape** - See Section 6.
- s. **Historic Heritage** - See Section 7.
- t. **Natural Hazards** - See Section 8.
- u. **Hazardous Substances** - See Section 9.
- v. **Financial Contributions** - See Section 11.

13.4.2 Subdivision and Development (See also Section 12)

a. Minimum net *lot* size:

Conventional Residential Areas	Minimum Lot Size
Katikati, Te Puke and Waihi Beach (including Athenree, Bowentown and Pios Beach).	350m ²
Athenree <i>Structure Plan</i> area adjoining the Tauranga Harbour or esplanade reserve	2,000m ²
Ōmokoroa Stage 1	400m ² with a <i>maximum average</i> of 800m ²
Ōmokoroa Stage 2	350m ² with a <i>maximum average</i> of 650m ²
Ōmokoroa Existing Village	600m ²
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent <i>lot</i> size of 3000m ²	Minimum 350m ² Average 600m ²
All other residential areas	800m ² subject to compliance with Rule 12.4.6 and 12.4.7.

Except that:

For subdivision by *unit plan*, minimum *lot* size shall not apply to the *principal units* and *common property* within the *unit plan*.

Instead the minimum *lot* sizes indicated in 13.4.2.a. shall be used to determine the maximum number of *principal units* that can be developed within the *base land* within the respective residential areas.

For example:

In the Katikati, Te Puke and Waihi Beach Residential Zones where the minimum net *lot* size is 350m² a 1750m² *base land* could have a maximum number of five *principal units*.

- b. In Ōmokoroa Stage 1 a *lot* of no greater than 2000m² may be created to accommodate an existing *dwelling* for which a building consent was granted prior to 9 December 2006. Any such *lot* shall be excluded from the calculation of *maximum average* net *lot* size.
- c. The following specific requirements apply to Pt Allot 63 SO 423, Ōmokoroa, that adjoins the esplanade reserve (directly south of the railway line):
- i. *Lot* width: All *lots* shall have a minimum width of 30m;
 - ii. *Yards*: All side *yards* shall be a minimum of 5m;
 - iii. *Building height* shall be a maximum of 6m except that a chimney may be at a *height* of 7.5m;
 - iv. *Reflectivity*:

All external surfaces of *buildings* (excluding glazing) shall comply with the following *reflectivity* standards:

Walls – 35%

Roofs – 25%

Note:

The above shall be in accordance with British Standard BS 5252 Reflectance Value.

- v. No mirrored glass shall be used;
- vi. Planting: That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover;
- vii. The subdivision plan shall be supported by a landscape and maintenance plan to be approved by *Council*. The landscape strip shall be planted at the time of subdivision.
- d. All subdivision, use and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide stormwater management reserves and access thereto, roading and road widening, walkways/cycleways, green buffer areas and water and sewage mains in the general locations shown on the *Structure Plan* and/or Planning Maps.

13.4.3 Activity Performance Standards for Medium Density Housing by criteria

See Sub-Section 14.4 – Activity Performance Standards – for Medium Density Residential.

13.5 Matters of Control - Controlled Activities

13.5.1 Subdivision and More than One Dwelling per Lot

Council shall exercise control over the following:

- a. The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwellings* to road boundaries to ensure good urban design outcomes.
- b. The interface between public and private space to achieve good urban design outcomes.
- c. The provision of access for emergency services/refuse collection (need to be able to access and manoeuvre on site).
- d. The effect of additional driveways on public safety and amenity along footpaths.
- e. The provision of easements or alignment of boundaries to facilitate servicing the subject area.
- f. The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the *structure plan*.

- g. The provision of access from Lot 2 DPS 312635, Pt Allot 64 Parish Te Puna, Pt Lot 2 58259 to Lot 1 DPS 58259 and Allot 63 Te Puna Parish in Ōmokoroa (see 12.4.4.4.c.).
- h. The application of financial contributions.
- i. For *Retirement Villages/Rest Home*, Council shall also exercise control over the following in addition to a. to h. above:
- i. The landscaping and design of the site to ensure a high level of on-site amenity including such measures as:
- Integrating *buildings, structures*, access ways, parking areas and visible *earthworks* with the surrounding environment;
 - Allowing space for maturing trees and retaining existing trees where practicable;
 - Balancing the built environment with areas of open space.
- j. For *Rest Homes* only, where such *buildings* or part thereof are within 30m of a public road frontage or a neighbouring property, and are of a length greater than 25m along that frontage, and there are no other *buildings* on the subject site that provide a break in the visual form of the *Rest Home* when viewed from the public road or neighbouring property, Council shall also exercise control over the following in addition to a. to h. above.
- i. How the design of the *building* or other means provides for the variation of the visual appearance of built form by use of such methods as recesses, projections, colour, change of materials and landscaping to mitigate adverse visual effects.

13.5.2 Controlled Activity – Building Coverage

Council may impose conditions in relation to:

- a. Retaining permeable surfaces on a site. This includes conditions requiring the retention of permeable surfaces on the site; or
- b. Methods that mitigate the additional runoff. These methods may include onsite storage and retention of stormwater.

13.6 Matters of Discretion

13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

13.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard – Building Coverage

Council shall restrict its discretion to the following matters:

- a. The ability for the effects of additional stormwater to be mitigated; and;

- b. The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge.

13.6.3 Restricted Discretionary Activities – Activities within Stormwater Management Reserves and Private Conservation Reserves in Ōmokoroa Stage 2

Council's discretion is restricted to:

- a. Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.
- b. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding. Natural hazards must not be made more severe as the consequence of a proposal.
- c. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.
- d. Retaining the integrity of any adopted and approved stormwater management plan and including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

13.6.4 Restricted Discretionary Activities - Medium Density Housing Areas by criteria

Council's discretion is restricted to:

- a. Consistency/compatibility with 14.4 Activity Performance Standards for Medium Density Residential.
- b. Aural privacy including the noise levels anticipated from the onsite and adjacent land uses and the provision of acoustic treatments.
- c. Access for emergency vehicles.
- d. Lighting for amenity and crime prevention without being a nuisance to residents.
- e. Connectivity to footpaths, and public walkways and cycleways.
- f. Open space character including on-site landscaping, retention of mature trees, provision of shared driveways and streetscape/access way design, and location of *buildings/structures* within the site particularly the set back of garages from the facades of the house.
- g. Urban design elements as per 14.4.1.j.
- h. *Building* orientation for solar efficiency.
- i. Street and public open space surveillance by *kitchen* or living rooms; and all front doors are to be physically sheltered and clearly visible from the adjacent road frontage.
- j. Street definition including the extent to which units orient and face the street - to help define the street corridor and create a strong interface between the public and private domains.

Explanatory Note:

A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified, and will not require serving notice on people who may be considered affected.

13.6.5 Restricted Discretionary Activities – Retirement Villages/Rest Homes that do not comply with one or more of the Applicable Activity Performance Standards in 13.4

Council's discretion is restricted to:

- a. The particular matter(s) of non-compliance with *Activity Performance Standards* in 13.4.
- b. The Matters of Control in Rule 13.5.1.

13.6.6 Discretionary Activities – matters of discretion and assessment criteria

In considering an application for a Discretionary Activity, *Council* shall consider:

- a. The extent of non-compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- b. How well the *development* integrates with the surrounding *development*, landuse and zoning.
- c. How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- d. Any national standards for urban design.
- e. What provision is made for pedestrian and vehicular access.
- f. The effect on the amenity values of adjoining residential and reserve land.

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Medium Density Residential

14. Medium Density Residential

Explanatory Statement

The urban communities in the Western Bay of Plenty are diverse and a range of housing options are required. The *development* of medium density residential dwellings will become more and more important as communities age, social dynamics of households change, land becomes more expensive, and sustainable development practices become more important.

The Western Bay of Plenty lacks medium density residential options in general and those that do exist are not well-designed and/or unaffordable.

The main purpose of this Section is to encourage the *development* of quality, and affordable medium density residential housing in appropriate locations.

14.1 Significant Issues

1. Growth within the Western Bay of Plenty District is projected to continue. Unplanned subdivision, use and *development* has the potential to adversely affect the environment and inhibit the efficient and cost-effective provision of infrastructural services.
2. A lower density residential form leads to inefficient use of *infrastructure* and unnecessary urban expansion into rural areas.
3. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.
4. The location and design of *buildings* and other *structures*, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.
5. A lack in the ability to interact and connect on foot and bicycle with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.
6. The amenity values of established residential areas can be adversely affected if a medium

density residential development is not properly planned or if surrounding areas are not taken into consideration.

7. Community Plans have been prepared for the different urban areas within the District that reflect the community aspirations for the area. These aspirations can come under threat if medium density residential development doesn't complement these aspirations.
8. The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.
9. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the District.

14.2 Objectives and Policies

14.2.1 Objectives

1. Efficient use of the finite land resource for urban development.
2. Cost-effective and efficient provision of roading and other infrastructure to service urban areas.
3. Concentration of new urban development within urban growth areas identified in the Bay of Plenty Regional Policy Statement.
4. Fulfilment of the housing needs of all sections of the residential community within identified growth areas.
5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.
6. To ensure the safe movement of pedestrians, cyclists and motor vehicles by creating an environment that promotes a sense of personal safety and security within the Medium Density Residential Zone.
7. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport in areas of medium density development.
8. To avoid inappropriate activities from establishing and operating within the Medium Density Residential Zones.

14.2.2 Policies

1. Medium density residential development should only be developed in identified growth areas and locations that are close to amenities and social infrastructure, have adequate open space and can be efficiently serviced.
2. Provision should be made for a variety of housing types and living environments within identified urban growth areas.
3. The form of medium density residential development should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.

4. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
5. Urban design should provide for a greater interaction between public and private space.
6. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.
7. Avoid the establishment of *retirement villages* in locations not within a reasonable distance of the nearest shops and community facilities (including public transport).
8. The outcomes sought in relevant community plans that have been developed through consultation with the *District's* communities should be provided for in development proposals.

14.3 Activity Lists

14.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- a. One *dwelling* per *lot*, subject to meeting the maximum *lot* size requirements.
- b. Activities on reserves as provided for in the Reserves Act 1977.
- c. *Education facilities* for a combined maximum of four persons (excluding staff).
- d. *Home enterprises* subject to performance standard 13.4.1.g.
- e. Public works and *network utilities* as provided for in Section 10.
- f. *Buildings accessory* to the foregoing.
- g. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

14.3.2 Controlled Activities

- a. More than one *dwelling* per *lot* subject to performance standard 14.4.4.
- b. Works and *network utilities* as provided for in Section 10.
- c. Subdivision (excluding subdivision by *unit plan*) in accordance with 14.5.1.
- d. *Retirement Villages/Rest Homes* subject to compliance with the *net land area* requirements for *dwellings* in 13.3.2.a. [for *retirement village dwellings* and *retirement village independent apartments* on a one to one basis; for *rest homes* every six *rest home* bedrooms will be counted as one *dwelling* for the purposes of this rule].

14.3.3 Restricted Discretionary Activities

- a. Any Permitted or Controlled Activity that fails to comply with 14.4 - Activity Performance

Standards.

- b. *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in 14.4.

14.3.4 Discretionary Activities

- a. *Places of Assembly*.
- b. *Accommodation facilities* not complying with 13.4.1.f.
- c. Hospitals.
- d. *Medical or scientific facilities*.
- e. *Dairies* no greater than 60m² gross floor area.
- f. *Education facilities* for more than four persons (excluding staff).
- g. Works and *network utilities* as provided for in Section 10.
- h. *Development* that is not in general accordance with the respective *Structure Plan*.

14.4 Activity Performance Standards

14.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

- a. **Height of buildings/structures**
 - The maximum *height*, excluding Lots 3 and 4 DPS73174 (Waihi Beach), shall be 9m and retain a maximum two storey character.
 - The maximum *height* for Lots 3 and 4 DPS73174 (Waihi Beach), shall be 12m.
- b. **Lot size: Minimum Parent lot size and Internal lot size or Density**
 - i. Subdivision and *development* shall only occur where the parent *lot* or title with a minimum area of at least 1,400m².
 - ii. The following *lot* sizes or densities shall apply to the subdivision or *development*:

Area	Density
Ōmokoroa Stage 2 Medium Density	A <i>maximum average</i> of one <i>dwelling</i> unit per 400m ² provided that any balance area resulting from such subdivision shall comply with the average net <i>lot</i> size specified in 13.4.2.a.
Katikati, Ōmokoroa Stage 1, Te Puke, Waihi Beach	A <i>maximum average</i> of one <i>dwelling</i> per 250m ² provided that any balance area resulting from such subdivision shall comply with 13.4.2.a.

c. Daylight

All *buildings/structures* shall be within a *building envelope* of 2.0m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

Figure 1: Daylighting Calculation

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

d. Yards

i. Front *Yards* shall be no less than the following:

Medium Density *Dwellings* (not including garages) - 3m

Other *buildings/structures* including all garages - 5m

ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* 1.5m

Provided that:

A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

iii. Except that:

Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Waihi Beach - All *buildings/structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek, measured at building consent stage, irrespective of whether or not the centre line of the creek is within the subject property.

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

e. Maximum Building Coverage

Building Coverage	Activity Status
40% or less	Permitted
40% - 50%	Controlled
> 50%	Restricted Discretionary

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to the *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

f. Fences or walls

i. Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 14.4.1.c.:

Explanatory Note:

A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front *yard* specified in Rule 14.4.1.d. *Yards*, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%.
- Where the common boundary is with a *public reserve* or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.
- Any fence or *wall* closer than 5.5m from the centre line of Two Mile Creek shall not exceed 1.2m in *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

ii. Front boundary:

Any fence or *wall* within the front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Explanatory Note:

Existing use rights allow fences or *walls* existing as at 1 January 2010 to be replaced to the same *height* / *scale* as a Permitted Activity.

g. Dwelling unit gross floor area requirements

i. *Dwelling* units shall not be less than the following minimum *gross floor areas*:

- 1 bedroom *dwelling* units – 40m²
- 2 Bedroom *dwelling* units – 60m²
- 3 Bedroom *dwelling* units – 80m²
- 4 or more bedroom *dwelling* units – 95m²

Explanatory Note:

These figures exclude balconies.

Provided that:

Complexes containing up to ten *dwelling* units shall have no more than five studio and one bedroom units and no more than 30% of units in complexes greater than ten *dwellings* shall comprise studio or one bedroom units.

ii. Multi unit developments shall maintain and enhance amenity by providing a reasonable mix of single and multi-bedroom *dwellings* provided that retirement and care-based facilities may provide a greater number of single bedroom units if they include compensatory provision of common floor or open space elsewhere in the facility.

h. Outdoor living area

i. Katikati, Waihi Beach, Te Puke, Ōmokoroa Stage 1 and 2:

Each *dwelling* unit shall be provided with an outdoor living area in the form of a balcony, deck, or grass/garden with a minimum area of 25m² that is able to contain a 4.0m diameter circle. Such open space shall:

- a. Be directly accessible from the main living room of the *dwelling*.
- b. Provide sunlight access to an area of the space with a minimum diameter circle of 3m that receives no less than 1 hour of continuous sunlight when the sun's azimuth is between 337° 30' and 22° 30' (approximately hours of 11am to 2pm) on June 21 (mid-winter solstice). Depending on orientation & topography, an additional outdoor living area

may be required to provide minimum sunlight access to residents.

Except that

For *dwelling* units above the ground floor or *dwelling* units with living areas above ground floor a proportion of the required open space may be provided communally at ground level to the equivalent required total, provided that the sunlight access quota is met. Communal open space shall be on flat land, easily accessible to residents and have seating, shade and landscape planting.

i. Rubbish and recycling

An enclosed shed or screened areas shall be provided for the placement of refuse and recycling material. This area will be accessible by a two axled truck.

j. Urban design

- i. Windows within habitable rooms in a *dwelling* unit shall not have a direct line of sight to a habitable room window in another *dwelling* unit where the distance between the respective windows of the two *dwelling* units is 10m or less.
- ii. The street façade of a *building* should have at least two cladding materials and glass surfaces should not exceed more than 60% of the street façade for that *building*.
- iii. All new residential and medium density residential *buildings* should have a pitched roof with overhangs of a minimum of 400mm to make the roof appear light and reduce the impact or bulk of the *building*.
- iv. At ground floor level, garage doors facing the street should not occupy more than 65% of the frontage to ensure that the street front is not dominated by garage doors.

k. Landscaping

- i. A minimum of 20% of the lineal *lot* frontage to a depth of 2.0m shall be planted with a combination of grass, ground covers, shrubs and trees and this shall be maintained on an ongoing basis.
- ii. A minimum of one specimen tree (1.2m in height at the time of planting or greater) per 35m² of planted area shall be planted and maintained to best horticultural practice

l. Parking requirements

The required minimum parking for apartments, terrace, semi-detached or other multi-dwelling residential buildings shall be:

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

Explanatory Note:

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

m. Maximum building length

- i. The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required

The recess shall also have a height of no less than 1.0m lower than the adjacent *building* mass. In addition terraced houses are limited to avoid long repetitive rows of units.

- ii. No *building* shall have a length exceeding 50m or contain more than 10 *dwelling* units in a row i.e. terrace housing.

n. Transportation, Access, Parking and Loading - See Section 4B.

o. Noise and Vibration - See Section 4C.1.

p. Storage and Disposal of Solid Waste - See Section 4C.2.

q. Lighting and Welding - See Section 4C.3.

r. Offensive Odours, Effluent Aerosols and Spray Drift - See Section 4C.4.

s. Screening - See Section 4C.5.

t. Signs - See Section 4D.

u. Natural Environment - See Section 5.

v. Landscape - See Section 6.

w. Historic Heritage - See Section 7.

x. Natural Hazards - See Section 8.

y. Hazardous Substances - See Section 9.

z. Financial Contributions - See Section 11.

14.4.2 Standards for Accommodation Facilities

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

- a. Have a maximum occupancy of five persons at any one time (excluding staff);
- b. The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;

- c. Must not contain a *kitchen* or otherwise be *self contained*;
- d. For Discretionary *Accommodation Facilities*, information is to be provided in accordance with 4A.6.2.

14.4.3 Standards for Home Enterprises

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

- a. Shall be conducted within a *gross floor area* not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity.
- b. Is carried out by a maximum of three persons.
- c. Any goods sold must be:
 - i. goods produced on site; and/or
 - ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
 - iii. goods ancillary and related to a service provided by the *home enterprise*.
- d. Any advertising shall comply with Section 4D.3.2.1.
- e. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:

The above activity performance standards shall apply cumulatively to all *Home Enterprises* per *lot*.

14.4.4 Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* site being treated as if a new *lot* is being created, including the application of financial contributions.

14.5 Matters of Control - Controlled Activities

14.5.1 Subdivision and More than One Dwelling on a Lot

Council shall exercise control over the following:

- a. The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwelling*s to road boundaries to ensure good urban design outcomes;
- b. The interface between public and private space to achieve good urban design outcomes;

- c. The provision of access for emergency services/refuse collection (need to be able to access and manoeuvre on site);
- d. The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the *Structure Plan*;
- e. The application of financial contributions.
- f. The effect of additional driveways on public safety and amenity along footpaths.

14.5.2 Controlled Activity – Retirement Villages/Rest Homes

For *Retirement Villages/Rest Homes*, *Council* shall also exercise control over the following in addition to 14.5.1.a. to f. above:

- a. The landscaping and design of the site to ensure a high level of on-site amenity including such measures as:
 - Integrating *buildings, structures, accessways, parking areas* and visible *earthworks* with the surrounding environment.
 - Allowing space for maturing trees and retaining existing trees where practicable
 - Balancing the built environment with areas of open space.

For *Rest Homes* only, *Council* shall also exercise control over the following in addition to 14.5.1.a. to f. and 14.5.2.a. above:

- b. The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required. No *building* shall have a length exceeding 50m.

14.6 Matters of Discretion

14.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

14.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard – Building Coverage

Council shall restrict its discretion to the following matters:

- a. The ability for the effects of additional stormwater to be mitigated;
- b. The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge; and

14.6.3 Restricted Discretionary Activities – Non Compliance with minimum Parent Lot or Title size of 1,400m²

Council shall restrict its discretion to the following matters:

- a. Aural privacy including the noise levels anticipated from the on-site and adjacent land uses and the provision of acoustic treatments.
- b. Open space character including:
 - on-site landscaping;
 - retention of mature trees;
 - provision of shared driveways and streetscape/access way design; and
 - location of *buildings/structures* within the site particularly the setback back of garages from the facades of the house.
- c. Urban design elements as per 14.4.1.j.
- d. *Building* orientation for solar efficiency.
- e. Street and public open space surveillance by *kitchen* or living.
- f. Street definition including the extent to which units orient and face the street - to help define the street corridor and create a strong interface between the public and private domains.

14.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 14.4.

Council's discretion is restricted to:

- a. The particular matter(s) of non-compliance with the Activity Performance Standards in Rule 14.4.
- b. The Matters of Control in Rule 14.5.

14.6.5 Discretionary Activities – Matters Of Discretion And Assessment Criteria

In considering an application for a Discretionary Activity, *Council* shall consider:

- a. The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- b. How well the *development* integrates with existing medium density residential development and its orientation to public space, including the street.
- c. How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- d. Any national standards for urban design.
- e. What provision is made for pedestrian and vehicular access.
- f. The effect on the amenity values of adjoining residential and reserve land.
- g. The extent to which the proposal is consistent with objectives and policies of this District Plan.

14.7 Other Methods

- 14.7.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'package of plans approach' which promotes the development community presenting concept plans to *Council* at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

Section Contents

Rural

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Rural

18. Rural

Explanatory Statement

The Western Bay of Plenty District is predominantly a rural area with a number of small towns spread throughout. Rural production is the primary economic driver and the *District* is reliant on the efficient use of the rural land resource to sustain this production.

The rural area is made up of a number of physically discrete landforms. To the north west lies the Kaimai Range which is characterised by steep elevated ridges and valleys, is mostly bush clad and is in large part a Forest Park. The foothills to these ranges are steeply sloping to rolling hill country dissected by rivers and streams. These foothills have many remnant bush areas and large parts are used for pastoral farming. The lowland around Tauranga Harbour contains both *versatile land* and productive land and has a number of other physical attributes which enables this land to be used for horticulture or more intensive farming. To the east of the *District* around Te Puke the land is characterised by large flat elevated plateaus with incised gullies and broken terrain. Land use varies from horticulture on the lower plateaus to pastoral farming. A coastal plain in the east comprised of fertile lowland peat and sandy silt soils extends from the edge of the plateau area to the coast and is largely flat land used for pastoral farming and slightly elevated rolling land with horticulture.

The rural area contains the majority of the *sub-region's* remaining indigenous flora and fauna. These areas of high ecological significance include harbours, *wetlands*, freshwater streams and rivers, areas of indigenous vegetation and protected areas. Protection and enhancement of these areas is desirable to maintain the *District's* biodiversity.

One of the key attributes of the *District* is that it encircles the City of Tauranga. Both Tauranga City and the *District* have experienced considerable growth since 1990 and this growth is forecast to continue. Over half of the people who have moved to the *District* have chosen to live in the rural area because of the rural lifestyle opportunities that it provides. Many of these people also work within Tauranga City. The opportunities for lifestyle living have been created by the subdivision of rural land under the previous subdivision rules. This has resulted in a wide distribution of lifestyle blocks throughout the *District*. Existing rural communities have often benefited from the increase in population resulting from lifestyle *development* which has added diversity and provided support for rural services and facilities.

In the last two decades the widespread subdivision of rural land for lifestyle and other purposes has resulted in significant fragmentation of the rural land resource.

The magnitude of demand for rural living which has resulted in the high degree of rural land fragmentation through subdivision was not anticipated and the point has now been reached where the cumulative effects of the large amount of intensified rural *development* has now become evident. Many owners of land have also carried out subdivision to secure future development rights.

Consequently a considerable number of vacant *lots* now exist which have the potential to be developed. Many of these *lots* are in areas that have deficient *infrastructure* and which are remote from employment areas and if developed will continue to add to the cumulative effects already being experienced.

Much rural land is in multiple Māori ownership. It is consistent with the principles of the Treaty of Waitangi and Part 2 of the *RMA* to recognise and provide for the establishment of Papakāianga and associated supporting facilities on *Māori land* so as to give a practical expression to the relationship of Māori and their culture and traditions with their ancestral lands, waahi tapu and other taonga.

Matakana Island is an elongated barrier island between Tauranga Harbour and the Pacific Ocean that lies between Mount Maunganui in the southeast and Bowentown in the northwest. Its predominant landuses are pastoral farming and horticulture, with *production forestry* on the sand barrier. The Island is of significant value to the *District* in a number of ways:

- a. Its resident population of around 250 is principally tāngata whenua with a rich cultural history and strong social fabric.
- b. The Island community has a strong sense of connectedness and a modest way of life.
- c. It is one of the richest archaeological landscapes in the western Bay of Plenty sub-region.
- d. Matakana Island protects Tauranga Harbour, which is of national importance, from the Pacific Ocean.
- e. The freshwater wetlands, dune lakes and frontal dune system on the Island are significant ecological features that provide the habitat for a diverse range of threatened and at risk species.
- f. The pine forest landscape, as viewed from the Harbour, open coast and mainland is valued by both residents of the Island and the mainland, and visitors and as a production forest it will be subject to cyclical harvesting and associated visual changes.
- g. The unbuilt nature of the Matakana Island forested sand barrier.

It is important that future *development* on Matakana Island complements these significant values and provides for the Island community's social, cultural and economic well-being. *Council* has adopted the Matakana Island Plan which addresses these significant issues in more detail to provide guidance for the future subdivision, use and *development* of the Island. This seeks to confine the built form on the forested sand barrier to be clustered instead of the traditional pepper potting based on subdivision *lot* size. In addition, the hapū of the Island have adopted the Hapū Management Plan which has to be taken into account by *Council*.

There has been significant growth in the horticultural sector, especially the kiwifruit industry, over the past 20 years. Large numbers of seasonal workers are needed to satisfy the local demand for labour especially during the picking and packing season. These workers need to be housed and there is increasing pressure for redundant rural *buildings* of a non-residential nature to be

converted to provide seasonal worker accommodation. Many of these *buildings* are in somewhat isolated rural locations and require lengthy journeys to either the workplace or the social and retail services provided in towns. From a pastoral care perspective it is preferable that seasonal worker accommodation is located close to the place of employment and/or the service facilities of the towns. Locating accommodation close to post harvest facilities also reduces the number of traffic movements associated with workers travelling to these workplaces.

Careful management of the various demands on the rural land resource can allow the range of legitimate demands made on it to be accommodated in a balanced manner which minimises inter-activity conflict and which is consistent with *Council's* statutory resource management responsibilities.

18.1 Significant Issues

1. Rural primary production is important to the economic welfare of the *District* and the *District's* rural land resource is important for sustaining this production.

The important contribution of the primary production sector to the economy of the *District* is directly reflected in rural employment as well as in the significant number of supporting service industries. The *District's* reliance on primary production for its economic output means that maintenance of the productive capacity of the rural land resource is critical to the future wellbeing of the *District*.

2. The *District's* rural land resource (including *versatile land*) is finite and productive capacity has been diminishing as a result of fragmentation into smaller *lots* through subdivision and the establishment of additional *dwellings* for non rural production purposes. There has been increasing pressure for rural residential subdivision or 'lifestyle' use, particularly in close proximity to urban areas where much of the more *versatile land* and horticultural production is located. The challenge is to ensure that subdivision under the District Plan rules, in particular those stipulating minimum *lot* sizes, results in the productive potential of the most *versatile land* not being compromised.
3. The character and associated amenity of the rural environment are what makes the *District* a sought after place in which to live.

Elements which make up rural character include:

- A predominance of natural features over human made features;
- A high ratio of open space relative to the built environment;
- Significant areas in pasture, crops, horticulture, forestry and indigenous vegetation;
- A working rural production environment;
- Presence of farm animals;
- Noise, odours and other effects associated with the use of rural land for a wide range of primary productive purposes and quarries;
- Low population densities relative to urban areas;

- Existence of some narrow and/or unsealed roads;
- General lack of urban infrastructure.

Over half of the *District's* population lives in rural areas. The rural environment of the *District* is a popular place in which to live because of the lifestyle opportunities it provides and because of its reasonable proximity to urban employment areas. Demand for lifestyle *development* in rural areas will therefore be ongoing. Provision to help meet this demand by allowing some additional rural living opportunities is appropriate in selected areas which have the *infrastructure* capacity and where the *productive land* resource will not be eroded.

4. Rural *farming* practices, including horticulture, can have effects which may influence the well-being of people living in close proximity to and who may be unfamiliar with the operational requirements of primary production which have effects which are to be anticipated and expected in the Rural Zone. These practices include spray drift, the use of agrichemicals, noise from frost fans, shading from shelterbelts, pumping of water for irrigation, bird scarers, general use of farm machinery both on and off farm, the harvesting of crops which may occur at various times including at night, the weekend and public holidays. These practices have the potential to create noise, dust and odour either of a temporary or intermittent nature beyond the boundary or the property concerned. These are legitimate *farming* practises which may nevertheless experience *reverse sensitivity* effects. Because these practices are an accepted and integral part of primary production they should not be unreasonably constrained by other activities.
5. There are a large number of undeveloped rural properties existing throughout the *District*, some of which have the potential to help meet the demand of those seeking new rural *lots* for both primary production and lifestyle living.
6. The cumulative effect of the fragmented pattern of rural subdivision and the establishment of additional *dwelling*s for non rural production purposes has led to inefficient use of physical resources and a gradual loss of rural character and degradation in rural amenity values. The historical approach to subdivision within the rural area has been to provide for it throughout the *District* rather than to channel it into particular locations. The effect of this pepper-pot approach to rural subdivision was to spread adverse effects on rural amenity and *infrastructure* widely, such that they have been diluted. However, the cumulative effects of the large amount of rural subdivision that has occurred is now becoming evident.
7. *Quarrying* and other mineral extraction activities are important to the future growth of the *western Bay of Plenty sub-region*.

By their nature, hard rock and mineral deposits are found in fixed locations and consequently *quarrying* and/or mining of these resources is constrained by their location. Because of the potential effects generated by *quarrying* and mining activities such as noise, dust and traffic, *development* in close proximity to them and alongside access routes to these resources has the potential to create *reverse sensitivity* issues.

8. There is the potential for controls on the use and *development* of rural land to conflict with the special relationship of Māori with their ancestral land.

The legal tenure of land that has *Māori land* status under Te Ture Whenua Māori Act 1993 creates unique ownership issues and many barriers to its *development*. In addition, Māori have traditional values in respect of how *Māori land* should be developed which may not be

consistent with *development* standards considered appropriate to apply to other rural land.

9. There is both a need and a desire for Māori to be able to choose to live on their ancestral lands and provide for their physical, social, cultural and economic needs.
10. Matakana Island is a sensitive environment that needs to be planned for carefully. While the resource management issues relevant to Matakana Island also apply to other rural land, those of particular importance in the Matakana context include:
 - The subdivision of large blocks into multiple 40ha lots and the pepper potting of dwellings on these lots.
 - The potential for more intensive or large scale subdivision, use and development to adversely impact on archaeological, cultural, spiritual, ecological and landscape values.
 - The need and desire of tāngata whenua to exercise rangatiratanga and kaitiakitanga and to actively protect cultural values over their ancestral land, and to live on and develop their own land.
 - The threat of a multiplicity of natural hazards including coastal erosion, tsunami, liquefaction, inundation, and fire.
11. The rural land resource can be sought to establish industrial or commercial activities because it is generally less expensive to obtain than land within Industrial and Commercial Zones.

Allowing these activities to establish within rural areas has the potential to detract from the rural character and amenity of the Zone as well as increase conflict with existing activities. It also has the potential to undermine the integrity of the Zones established for these uses in urban areas by reducing demand and resulting in inefficient use of resources.

12. Seasonal worker accommodation is an important component of the horticultural sector. For efficiency and social and economic reasons they should be located in association with the employment source.
13. The siting of *network utility* operations in rural areas is often constrained by the fixed location of the particular resource being utilised, thereby creating the potential for *reverse sensitivity* effects to occur in respect of other rural land users.

18.2 Objectives and Policies

18.2.1 Objectives

1. The rural land resource and *versatile land* capability is maintained to enable its use for rural production activities.
2. Primary productive activities should be able to operate in the Rural Zone without unreasonable constraints being imposed on them by other activities.
3. Appropriate provision for activities not directly based on primary production but which have a functional or other legitimate need for a rural location.
4. The efficient use and *development* of the rural land resource for primary production.

5. Maintain the rural character and amenity values associated with the low density rural environment.
6. Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.
7. The efficient and cost effective provision, management and further *development* of roading, water supplies and other *infrastructure* required to meet the needs of rural activities and communities.
8. The efficient use and *development* of regionally important mineral resources.
9. Fulfilment of the special relationship of Māori with their ancestral land including the particular culturally based housing needs and traditions associated with such land.
10. The following attributes which contribute to the social, economic and cultural well-being of the Matakana Island community are maintained and supported:
 - unique way of life,
 - rich cultural values,
 - sensitive natural environment, and
 - a significant landscape.
11. Preservation of the options for the future use of land identified in the Bay of Plenty Regional Policy Statement as being required for future urban *development*.

18.2.2 Policies

1. Subdivision, use and *development* of *versatile land* should occur in a way which retains its potential to be used for a range of productive rural purposes and which maximises the likelihood of it actually being used for such purposes.
2. Fragmentation of *versatile land* for purposes not directly related to maintaining or enhancing the primary productive potential of the rural land resource should be avoided or minimised.
3. Except where specifically tailored to accommodate other activities with a legitimate need for a rural location, new rural *lots* created through subdivision should be of a size and nature suitable for a range of primary productive uses.
4. Subdivision, use and *development* which has the potential to inhibit the efficient use and development of rural land for primary production or to inhibit the efficient use and *development* of existing mineral extraction sites (including vehicle access routes to such resources) should be avoided or minimised.
5. Subdivision, use and *development* of rural land for purposes other than primary production and which have the potential to inhibit the efficient and lawful operation of existing or designated network utility operations should be avoided or minimised.
6. The amalgamation of existing rural *lots* into larger land parcels should be encouraged.
7. Provide for the amalgamation of large rural *lots* for productive purposes through the provision of incentives.

8. Encourage the amalgamation of titles in areas with deficient infrastructure services and remote from employment areas through the provision of incentives.
9. Provision should be made for the limited subdivision of land (including the transfer of title rights to identified areas) in conjunction with the sustainable protection or restoration of ecological, cultural, heritage, landscape or other features of value to the wider community.
10. Activities with a functional or other legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of productive rural land uses which are carried out in accordance with accepted management practices.
11. The establishment in rural areas of industrial, commercial or other activities which do not have a functional or other legitimate need for a rural location should be avoided.
12. Subdivision and *development* should not occur in rural areas which have inadequate roading or other infrastructural capacity to cater for such *development*.
13. Rural-residential or rural lifestyle *development* should be channelled onto land with the following attributes:
 - Low versatility for primary production;
 - Able to be readily serviced;
 - In reasonable proximity to urban centres;
 - Able to be developed in a manner sympathetic to the character and amenity values of the surrounding rural area.
14. Subdivision and *development* of rural land should not occur in a manner which inhibits the legitimate operation of existing mineral extraction sites or in areas known to contain untapped mineral resources of regional significance.
15. The use and *development* of ancestral *Māori land* should be provided for in a manner consistent with and in recognition of the special relationship of Māori to such land, including provision for multiple housing and associated support facilities
16. In addition to policies relating to the rural land resource, subdivision, use and *development* of land on Matakana Island shall recognise and provide for the following matters:
 - a. Cultural, spiritual and archaeological values, including the need and desire of Māori to live on, develop and otherwise maintain a strong relationship with their ancestral land.
 - b. Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes, indigenous vegetation and habitats of indigenous fauna, and historic heritage.
 - c. The need to ensure that large-scale or more intensive subdivision, use and *development* proposals do not compromise future options for the comprehensive planning, land use and *development* of the Island.
 - d. Legal access to the ocean beach, Panepane and sites of cultural significance for at least the local community and landowners.

- e. Sustainability of existing social infrastructure and the cultural and social well-being of the Matakana Island community.
 - f. Sustainable economic development that contributes to the economic well-being of the Matakana Island community.
 - g. *Development* that is of a scale and nature that will complement the lifestyle (including self-sufficiency) of the Matakana Island community.
 - h. Provide for the establishment of additional *dwellings* and *lots* on the Matakana Island forested sand barrier in a clustered form (through the use of 'on site entitlements' and the transferring of entitlements) in return for avoiding or mitigating adverse effects at donor *lots*.
 - i. Manage subdivision, landuse and *development* on the Matakana Island forested sand barrier under the rural provisions of the Plan to avoid fragmentation of existing titles
17. In addition to policies relating to the rural land resource, *development* of land on Matakana Island shall recognise and provide for the following matters:
- a. Cultural, spiritual and archaeological values, including the need and desire of Māori to live on and develop their ancestral land.
 - b. Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes, indigenous vegetation and habitats of indigenous fauna, and historic heritage.
 - c. The need to ensure that large-scale or more intensive *development* proposals do not compromise future options for the comprehensive planning and *development* of the Island.
18. Subdivision, use and *development* of rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban *development* in a manner which limits the options for the future use of such land for urban purposes should be avoided or minimised. Particular forms of *development* which should be avoided include:
- a. Fragmentation of rural land through subdivision unrelated to primary productive use.
 - b. The establishment of capital intensive rural or quasi urban land uses.
19. The release of land for urban *development* will be staged in a manner which ensures the continued availability of rural land for productive rural purposes and the retention of rural character until urban *development* occurs.
20. Rural land will not be proposed to be rezoned for urban *development* until a comprehensive *structure plan* which provides a framework for such *development* in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been prepared and forms part of the proposed change to the District Plan.
21. Seasonal worker *accommodation facilities* should be located on sites which are in close proximity to the principal sources of employment, including:
- a. On rural sites accommodating stand alone post harvest facilities.
 - b. In existing townships.

22. Additional *dwelling*s should not be provided for except where these are essential for the management of the land for productive rural purposes.

18.3 Activity Lists

18.3.1 Permitted Activities

- a. *Farming.*
- b. *Production forestry.*
- c. *Conservation forestry.*
- d. One *dwelling* per *lot*, except as per 18.3.2 b., and except Smithstown (map reference D03) where individual titles do not qualify for the erection of *dwelling*s.
- e. *Buildings* (except *dwelling*s) *accessory* to the foregoing subject to 18.4.1 q. See the definition for *buildings accessory to*.
- f. *Home enterprises.*
- g. *Stalls.*
- h. *Education facilities* for a combined maximum of four persons (excluding staff).
- i. Works and *network utilities* as provided for in Section 10.
- j. Activities on reserves as provided for in the Reserves Act 1977;
- k. *Minerals prospecting.*
- l. *Existing urupā* and new *urupā* adjoining *existing urupā*.
- m. Frost protection fans, subject to performance standards specified in 4C.1.3.6.
- n. Audible bird scaring devices, subject to performance standards in 4C.1.3.5.
- o. *Artificial crop protection* subject to performance standards specified in 18.4.1 k.
- p. *Community facilities on Māori land* up to a cumulative maximum *gross floor area* of 200m² when associated with a Controlled Activity of five *dwelling*s on multiple owned *Māori land* accessed from an unsealed road maintained by *Council*.
- q. *Community facilities on Māori land* up to a cumulative maximum *gross floor area* of 400m² when associated with a Controlled Activity of 10 *dwelling*s on multiple owned *Māori land* accessed from a sealed road maintained by *Council*.
- r. Private burials as provided for under Clause 47 (1) of the Burial and Cremation Act 1964.
- s. *Rural Contractors Depots*, excluding within a *dwelling* cluster on the Matakana Island forested

sand barrier.

- t. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

18.3.2 Controlled Activities

- a. One *minor dwelling* in addition to 18.3.1 d. above subject to performance standard 18.4.1 i. Standards for *minor dwellings*, excluding the Matakana Island forested sand barrier.
- b. One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009, excluding titles on the Matakana Island forested sand barrier.
- c. Works and *network utilities* as provided for in Section 10.
- d. Up to a maximum of five *dwellings* on multiple owned *Māori land* accessed from an unsealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- e. Up to a maximum of 10 *dwellings* on multiple owned *Māori land* accessed from a sealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- f. On Matakana Island up to a maximum of 10 *dwellings* on multiple owned *Māori land* accessed from a road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- g. On Rangiwaea Island up to a maximum of 10 *dwellings* on multiple owned *Māori land* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- h. *Community facilities on Māori Land* up to a cumulative maximum *gross floor area* of 800m² when associated with a Restricted Discretionary Activity of 11 to 30 *dwellings* on multiple owned *Māori land* accessed from a sealed road maintained by *Council*.
- i. Subdivision as provided for in Rules 18.4.2 b. General Farming Lots excluding the Matakana Island forested sand barrier, d. Transferable Rural Lots, e. Transferable Amalgamation Lots, f. Additional Dwelling Lots and g. Separation Lots.
- j. On-site protection lot subdivision (excluding Matakana Island) for up to two additional *lots* in accordance with Rules 18.4.2 h. i.-ii. when based on ecological features, *viewshafts*, cultural features, or land for community benefit (priority esplanade reserves and strips only) in accordance with Rules 18.4.2 h. iv.-vii. and 18.4.2 h. viii.

18.3.3 Restricted Discretionary Activities

- a. Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 18.4, excluding Matakana Island (see Rule 18.3.4 r.).
- b. Subdivision as provided for in 18.4.2 c. Rural Production Lots.
- c. 11 to 30 *dwellings* on multiple owned *Māori land* accessed from a sealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling*

(including those provided for as a Permitted Activity). *Council's* discretion is restricted to the matters set out in Rule 18.5.2.

- d. *Accommodation facilities* and *education facilities* on Matakana Island that comply with 18.4.1 f.
- e. *Places of Assembly* on Matakana Island that comply with 18.4.1 g.
- f. *Dwellings* and any associated subdivision on the Matakana Island forested sand barrier which complies with the activity performance standards contained in Rules 18.4.1 d. and 18.4.2 i.
- g. *Aquaculture* on Matakana Island.
- h. Works and *network utilities* as provided for in Section 10.
- i. On-site protection lot subdivision (excluding Matakana Island) for up to two additional *lots* in accordance with Rules 18.4.2 h. i.-ii. when based on land for community benefit (except priority esplanade reserves and strips) in accordance with Rules 18.4.2 h. vii. and 18.4.2 h. viii.
- j. On-site protection lot subdivision (excluding Matakana Island) for three to five additional *lots* in accordance with Rules 18.4.2 h. i.-ii. when based on any feature or features of value to the *District* in accordance with Rules 18.4.2 h. iv.-vii. and 18.4.2 h. viii.

18.3.4 Discretionary Activities

- a. *Intensive Farming Activities.*
- b. *Kennels, catteries.*
- c. *Accommodation facilities* not complying with 18.4.1 e.
- d. *Education facilities* for more than four persons (excluding staff).
- e. *Places of assembly*, other than as provided for by Rule 18.3.3 e.
- f. *Rural selling places.*
- g. *Rural contractors depots* not meeting Rule 18.4.1 p.
- h. Coolstores and packhouses of 200m² *gross floor area* or less.

Note: For the purpose of this rule, only the ground floor shall be included in the calculation of *gross floor area*.

- i. *Animal saleyards.*
- j. Mineral exploration, mining and *quarrying*.
- k. Urupā (new sites).
- l. Works and *network utilities* as provided for in Section 10.

- m. On-site protection lot subdivision (excluding Matakana Island) for one to five additional *lots* when based on any feature or features of value to the *District* (including land for community benefit) not in accordance with Rules 18.4.2 h. i.-ii., 18.4.2 h. iv.-vii., or 18.4.2 h. viii.
- n. On-site protection lot subdivision on Matakana Island (excluding the forested sand barrier) for one to five additional *lots* when based on any feature or features of value to the *District* (including land for community benefit) in accordance with Rules 18.4.2 h. i.-ii., 18.4.2 h. iv.-vii., or 18.4.2 h. viii.
- o. Development of 31 *dwellings* or more on multiple owned *Māori land* accessed from a sealed road maintained by *Council* subject to there being an average of at least 2000m² of net land area per *dwelling* (including those provided for as a Permitted Activity).
- p. Expansion of existing coolstores and packhouses (consented as at 1 January 2010) associated with kiwifruit and avocado industry and not within a Post Harvest Zone.
- q. Rural Production Lot subdivision not meeting Rule 18.4.2 c. ii.-vi.
- r. Any Permitted or Controlled Activity on Matakana Island that fails to comply with the activity performance standards listed in Rule 18.4.
- s. Subdivision, *dwellings* and *development* on the Matakana Island forested sand barrier that fails to comply with the activity performance standards contained in Rule 18.4, provided that in respect of rule 18.3.6 an overall density of one *dwelling* per 40ha is not exceeded.

18.3.5 Non-Complying Activities

- a. Subdivision not meeting the land area requirement of performance standard 18.4.2 c. i. (Rural Production Lots).
- b. *Minor dwellings* not complying with performance standards specified in 18.4.1 i.
- c. Additional *dwellings*.
- d. New coolstores and packhouses greater than 200m² *gross floor area*.

Note: For the purpose of this rule, only the ground floor shall be included in the calculation of *gross floor area*.

- e. Within the *National Grid Electricity Transmission Buffer*
 - *Dwellings, minor dwellings, accommodation facilities, education facilities, hospitals, rest homes, and retirement villages.*
 - Principal *buildings* for *intensive farming activities* and commercial greenhouses.
 - *Buildings/structures* for restricted discretionary or discretionary activities in 18.3.3 or 18.3.4.
 - *Buildings/structures* and *earthworks* not complying with the performance standards in 18.4.1 r.
 - Subdivision not complying with the performance standards in 18.4.2 a. iv.
- f. Subdivision as provided for in Rule 18.4.2 b. General Farming Lots on the Matakana Island forested sand barrier.

18.3.6 Prohibited Activities

- a. Residential *development* and subdivision that exceeds a density of one *dwelling* per 40ha on the Matakana Island forested sand barrier.
- b. *Minor dwellings* on the Matakana Island forested sand barrier.

18.4 Activity Performance Standards

18.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and all Restricted Discretionary Activities on Matakana Island. They shall also be used as a guide for the assessment of all other activities. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

Except where specified otherwise the following performance standards shall be met by all land use activities.

a. Height of buildings/structures

Maximum – 9.0m excluding frost protection fans which shall be a maximum of 15m inclusive of blades.

b. Daylighting

No part of any *building/structure* shall exceed a *height* equal to 2m above *ground level* at all boundaries and an angle of 45° into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Yards

- i. *Dwellings, minor dwellings, accommodation facilities, education facilities*

Minimum 30m.

Provided that:

A front *yard* may be reduced to not less than 10m in the following circumstance;

- a. For any additions or alterations to *dwellings, minor dwellings, accommodation facilities* or *education facilities* that were established with a reduced *yard*, provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard* and does not increase the existing *gross floor area* of that building by more than 20%.

Note:

For the purpose of this rule “existing gross floor area” shall mean the *gross floor area* of that building as approved by way of the most recent building consent for which an application was lodged prior to 19 November 2011.

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

- b. For titles in existence prior to 30 January 2010 and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before 30 January 2010 and which are of an area no greater than one hectare; or
- c. For titles that have obtained subdivision consent and which have an approved building site in accordance with Rule 12.4.1 b. with a reduced *yard* where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or
- d. For any additions or alterations to *dwelling*, *minor dwelling*, *accommodation facilities* or *education facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard*); or
- e. Where any new *dwelling*, *minor dwelling*, *accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
 - Shall not be located any closer than 60m to any existing or consented *dwelling*, *minor dwelling*, *accommodation facility*, *education facility*, *rural contractors depot* (including vehicle accessways, driveways, vehicle parking and/or manoeuvring areas associated with a *rural contractors depot*), or approved building site assessed as part of a subdivision in accordance with Rule 12.4.1 b., that is located on a title separate to that of the subject site and in different ownership;
 - Shall not be located any closer than 35m to any other existing or consented *building/structure* that is located on a title separate to that of the subject site and in different ownership;
 - Shall not be within 300m of any existing or consented *intensive farming activity* that is located on a title separate to that of the subject site and in different ownership.

Except that:

As provided for in iii., iv., v. and vi. below.

Explanatory Notes:

a. – e. above are provided for subject to submission to *Council* of a written statement from the applicant accepting any adverse environmental effect which may be created by the reduced yard.

The term “consented” within clause e. above refers to activities that have been approved through a building consent and/or resource consent (if required), and where the relevant consent or consents have not lapsed.

- ii. All other *buildings/structures*;

Minimum 5.0m.

Provided that:

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

Except that:

As provided for in iii., iv., v. and vi. below.

iii. Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 30m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 30m.

Provided that:

On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

iv. Open Coastal Hazard Protection Yard – for activities within 100m of *MHWS* adjoining the open coast for the purpose of Coastal Hazard Mitigation purposes, see Section 8.3.

v. Landward Edge Protection Yard – for controls on activities up to 40m landward of *MHWS* around the Maketu Estuary (S19) and Waihi Estuary (S21), and 100m landward of *MHWS* adjoining the Open Coast (S24), see Section 6.4.

vi. Tauranga Harbour (S8), Wairoa River (S7) Landscape Management Areas and Matakana Island Landscape Management Area (S9) – for controls on activities up to 300m landward of *MHWS*, see Section 6.4.

d. Standards for clustering of dwellings or lots on the Matakana Island forested sand barrier

The purpose of this provision is to enable the clustering of *dwellings* on Matakana Island forested sand barrier through:

- The on-site clustering of *dwellings* using the dwelling entitlements of an existing *lot*. See i. below.
- The transferring of additional dwelling entitlements from any *lot* on the forested sand barrier into a cluster. See ii. below.

i. Density: One *dwelling* per 40ha

ii. Transferring of additional dwelling entitlements:

To achieve the clustering of *dwelling*s, an entitlement may be transferred from an existing title (the donor *lot*) to the title on which the cluster is to be developed (the recipient *lot*) at a rate of one entitlement per 40ha of land within the "donor" *lot*.

An encumbrance shall be registered against the title of the donor *lot* or balance land to record the transfer of entitlements to:

- a. ensure that the *allotment* cannot be used for further subdivision or additional *dwelling*s in future.
 - b. record the balance number of *lots* or *dwelling*s still to be transferred (if applicable).
- iii. **Yards:**
- within the cluster - Minimum of 10m
 - along the outer boundary of the cluster - Minimum of 30m
- iv. Minimum number of *dwelling*s or *lots* per cluster: 10
- v. The layout of the cluster or multiple clusters shall not be of a linear nature.
- vi. The *reflectivity* of all roofs of all *building*s, excluding solar panels, shall be no greater than 25% and the *reflectivity* of all *building walls* shall be no greater than 35% (as per the British Standard BS5252 Reflectance Value).
- vii. *Development* within the cluster shall be in accordance with a Design and Development Plan approved in conjunction with the granting of a resource consent under rule 18.3.3 f. The Design and Development Plan shall, as a minimum, address the matters included in rule 18.5.8.
- e. Standards for accommodation facilities**
- i. Have a maximum occupancy of five persons at any one time (excluding staff);
 - ii. The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;
 - iii. Must not contain a *kitchen* or otherwise be *self contained*;
 - iv. For Discretionary *Accommodation Facilities*, information is to be provided in accordance with 4A.6.2.
- f. Restricted Discretionary standards for accommodation facilities and for education facilities on Matakana Island**
- i. Maximum combined total of 20 guests or students.
 - ii. No *building* shall exceed a total *gross floor area* of 200m².
 - iii. The distance between any two *building*s shall be a minimum of 10m.

iv. The *buildings* shall be partially screened from each other. The screening shall be dominated by trees and vegetation above 2m in height to mitigate the cumulative scale of the *accommodation facilities/education facilities*.

v. The *buildings* shall meet the *reflectivity* standards of rules 6.4.1.3 b. ii. to iv.

vi. Information is to be provided in accordance with 4A.6.2.

g. Standards for Places of Assembly on Matakana Island

i. *Places of Assembly* shall be limited to facilities for recreation activities and tourist facilities.

h. Standards for home enterprises

i. Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for *buildings* as calculated by *gross floor area*.

Carparks shall be excluded from the maximum area calculation of the activity;

ii. Does not have access within 30m of a State Highway or the Te Puke Highway;

iii. Is carried out by a maximum of three persons;

iv. Any *retailing* shall occur within a floor area not exceeding 20m²;

v. Any goods sold must be:

i. goods produced on site; and/or

ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or

iii. goods ancillary and related to a service provided by the *home enterprise*.

vi. Any advertising shall comply with the relevant provisions of Section 4D.3.1.1;

vii. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:

The above activity performance standards shall apply cumulatively to all *home enterprises* per *lot*.

i. Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 18.3.2 a. and b.

i. Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and

ii. Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and

- iii. For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m².

j. Standards for new Dwellings, addition of habitable space to existing Dwellings, and Accommodation Facilities within 200 metres of a Post Harvest Zone

Any new *dwelling*, addition of a *habitable space* to an existing *dwelling* or *accommodation facility* to be erected within 200m of a Post Harvest Zone boundary shall:

- i. Be designed and constructed so that the internal noise levels do not exceed *LAeq*(15 min) 30dB in bedrooms and *LAeq*(15 min) 40dB in other habitable rooms (the night time noise limits for the Post Harvest Zone);
- ii. Written certification from an appropriately qualified persons, to *Council's* satisfaction that i. above has been met, shall be submitted with the building consent application;
- iii. Where the windows of the *dwelling*, additional *habitable space* to an existing *dwelling*, or *accommodation facility* are required to be closed to achieve compliance with the noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

k. Standards for artificial crop protection

- i. Shall have green or black cloth when used vertically within 30m of the boundary of the property or within the Tauranga Harbour (S8), Wairoa River (S7) and Matakana Island (S9) Landscape Management Areas;
- ii. Shall be of any colour when used horizontally;
- iii. Are exempt from *yard* and daylighting requirements.

Provided that:

Within 30m of property boundaries, other than any road boundary, a different colour cloth can be used where the written approval of the owner(s) of the immediately adjoining property is obtained.

Any proposal to situate any *artificial crop protection* with cloth other than green or black within 30m of a road boundary will require resource consent for a Discretionary Activity.

Explanatory Note:

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth used vertically within 30m of property boundaries, including boundaries adjacent to roads.

l. Standards for Production Forestry and Conservation Forestry (excluding shelterbelts and protection lots planting)

- i. No trunk of any tree shall be located nearer than 10m to the boundary of an adjoining property;

Provided that:

Trees may be located closer to the boundary where the written approval of the owner of the immediately adjoining property is obtained.

m. Standards for the development of housing on multiple owned Māori land

- i. Control shall be limited to the assessment of financial contributions; and
- ii. The provision of a papakāinga site plan approved by *Council* that addresses:
- The provision of access that minimises access points from *Council* maintained roads;
 - The location of houses;
 - Internal roading access;
 - Location of *community facilities on Māori Land*;
 - Location of outdoor community areas;
 - Service provision to existing *Council* owned and other *network utilities*.

n. Fencing

- i. Goats (Minimum)

1. Bulldozed line.
2. 9 wires (kept tight at all times)
 - Minimum high tensile 2.5mm diameter galvanised steel.
 - Bottom wire should be placed 80mm above *ground level* and, above that, wires placed at following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post.
3. No internal stays.
4. Posts to be at the following spaces:
 - Less than 30° ground slope 5m
 - 30° to less than 45° 4m
 - 45° or more 3m
5. Battens to be at 1m intervals

- ii. Deer (Minimum)

As specified in the Deer Farming Notice (No 5 2008) of the Wild Animal Control Act 1977.

o. Quarry Effects Management Area

Dwellings, minor dwellings, accommodation facilities and education facilities (including any additions or alterations to these) shall not be located within a Quarry Effects Management Area.

p. Standards for Rural Contractor Depots

- i. The *Rural Contractors Depot* is carried out by a maximum of five persons, a minimum of one who shall reside on site, plus a maximum of two additional persons for no more than a six month period during the period from 1 July of each year to 30 June of the following year.
- ii. Does not involve the sale of goods from the site, other than those that are sold as an integral component of the rural contracting service provided to the *farming* industry, whether produced by the Rural Contractor or not.
- iii. Does not have access within 30 metres of a State Highway or Strategic Road.
- iv. All vehicle crossings used as access by the *Rural Contractors Depot* shall meet all of the relevant standards and standard drawings in *Council's* Development Code 2009 and shall as a minimum meet standard drawing W437 Diagram B.
- v. The *Rural Contractors Depot* (including any associated vehicle accessways, driveways, vehicle parking and/or manoeuvring areas) shall not be located within 60 metres of any existing or consented *Dwelling, Minor Dwelling, Education Facility or Accommodation Facility* that is located on a title separate to that of the subject site and in different ownership to that of the *Rural Contractors Depot* operator.

q. 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.

Provided that:

- Any *accessory buildings* greater than 200m² in *gross floor area* on *lots* over two hectares shall have a *side yard* and *rear yard* of 30m.

Except that:

- An *accessory building* may be located within a *side yard* and / or *rear yard* up to 5m of a side and / or rear boundary where it is not located any closer than 35m to any existing *dwelling, minor dwelling, accommodation facility, education facility, approved building site – natural hazards*, and / or approved building site in accordance with Rule 12.4.1 b., that is located on a title separate to that of the subject site.
- An *accessory building* may be located within a *side yard* and / or *rear yard* up to a side and / or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.
- As provided for in Rule 18.4.1 c. iii.-vi.

Note: For the purpose of this rule, only the ground floor shall be included in the calculation of *gross floor area*.

r. National Grid Electricity Transmission Buffers

Note:

- Non-compliance with i. to iii. below shall require a resource consent for a Non-Complying Activity.
- For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to publicly notify any application.
- All activities (whether listed below or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.

i. Activities around transmission structures (towers or poles)

Buildings/structures (including additions and alterations), *artificial crop protection structures* and horticultural crop support structures shall not be located within 12m of the outer edge of a transmission structure associated with a transmission line shown on the Planning Maps;

Except that:

- a. *Artificial crop protection* and horticultural crop support structures can be located within 8m–12m of the outer edge of a single pole (not tower) provided it:
 - is no more than 2.5m high; and
 - is removable or temporary, to allow a clear working space 12m from the pole when necessary for *maintenance* purposes; and
 - is located a sufficient distance from the pole to provide for unimpeded access for maintenance equipment, including a crane.
- b. *Artificial crop protection* and horticultural crop support structures can be closer than 8m from a pole or 12m from a tower where Transpower New Zealand Limited gives its written approval in accordance with clause 2.4.1 of NZECP34:2001.
- c. Fences can be located within 5m–12m from the outer edge of a support structure provided they comply with NZECP34:2001

ii. Activities under conductors (wires)

- a. Within the *National Grid Electricity Transmission Buffer* the following (including any additions or alterations) shall not be located:
 - *Dwellings*,
 - *Minor dwellings*,
 - *Accommodation facilities*,
 - *Education facilities*,
 - Milking shed buildings (excluding the surrounding platform and any stockyards).
- b. Within the *National Grid Electricity Transmission Buffer* the following shall be no closer than 10m in a vertical direction from the conductor associated with a transmission line shown on the Planning Maps unless they otherwise comply with NZECP34 2001:
 - *Buildings/structures* associated with horticultural and *farming* activities,
 - *Artificial crop protection* and horticultural crop support structures

iii. Earthworks and Quarrying

a. *Earthworks and Quarrying Around Poles*

Earthworks and quarrying shall not be:

- i. deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or
- ii. deeper than 750mm between 2.2m - 5m from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from i. and ii. above.

b. *Earthworks and Quarrying Around Towers*

Earthworks and quarrying shall not be:

- i. deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or
- ii. deeper than 3m between 6m - 12m from the outer visible edge of a transmission tower support structure.

c. *Earthworks and quarrying within the National Grid Electricity Transmission Buffer*

Earthworks and quarrying shall not:

- i. create an unstable batter that will affect a transmission support structure; and/or
- ii. result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

Provided that:

- *Earthworks* undertaken by a Network Utility operator in accordance with NZECP34; or
- *Earthworks* undertaken as part of normal agricultural cultivation or the repair, sealing or resealing of a road (including farm track), footpath or driveway

are exempt from a. and b. above.

- s. **Transportation, Access, Parking and Loading** - See Section 4B.
- t. **Noise and Vibration** - See Section 4C.1.
- u. **Storage and Disposal of Solid Waste** - See Section 4C.2.
- v. **Lighting and Welding** - See Section 4C.3.
- w. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- x. **Screening** - See Section 4C.5.
- y. **Signs** - See Section 4D.
- z. **Natural Environment** - See Section 5.

- aa. **Landscape** - See Section 6.
- ab. **Historic Heritage** - See Section 7.
- ac. **Natural Hazards** - See Section 8.
- ad. **Hazardous Substances** - See Section 9.
- ae. **Financial Contributions** - See Section 11.

18.4.2 **Subdivision Activity Performance Standards (see Section 12)**

a. **General**

i. Shape factor

Each *lot* which will qualify for the erection of a *dwelling* as a Permitted Activity shall be capable of accommodating a 20m diameter circle exclusive of *yard* requirements, such area to contain a building site complying with 12.4.1 b.;

ii. Conflict with intensive farming activities

Each *lot* shall be located no closer than 300m from an existing *intensive farming activity*.

iii. Conflict with *quarrying*

All identified house sites shall be located outside of a *Quarry Effects Management Area*.

iv. Conflict with *National Grid Electricity Transmission Buffer*

Lots that have a *National Grid Electricity Transmission Buffer* located on them shall have an identified house site and an additional separate building site (in terms of the requirements of 12.3.7 e.). Such sites shall not be located within the *National Grid Electricity Transmission Buffer*. Furthermore if such sites are located between this buffer and a distance of 37m from the centreline of the Kaitemako Transmission Line or 16m from the centreline of the Te Matai Transmission Line, Transpower shall be considered an affected party to ensure compliance with NZECP34.

See also 12.3.8 p. Subdivision Information Requirements - Application Report.

- Non-compliance with the above shall require a resource consent for a Non-Complying Activity.
- For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have

discretion over whether to publicly notify any application.

- All activities (whether listed above or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.

b. General farming lots

- i. Minimum *lot* size (including any balance area or residual *lot*) - 40ha;
- ii. Limitation.

This rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 7 February 2009 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

c. Rural production lots

Existing rural *lots* may be subdivided to create one or more Rural Production Lots subject to the following standards and criteria relating to either productive land or land containing a *productive crop*:

Productive Land:

- i. Shall contain a minimum of 6ha.
- ii. Shall be located less than 200m above *MHWS*.
- iii. Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.
- iv. Shall have the following characteristics:
 - Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)
 - Potential rooting depth: minimum one metre
 - Drainage Class: well-drained
 - Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)
 - Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³
 - Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³
 - Topsoil (top 15cm) organic matter: minimum 5%
 - No point exceeding 15 degree slope
 - No more than 20% of the productive land shall be facing 45 degrees either side of South (south east to south west).
- v. Each application shall be accompanied by a report/s completed by a person/s qualified and experienced in local soils and horticulture production. The report as a minimum shall:
 - Certify that the land concerned meets i to iv. above;
 - Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;
 - Recommendations for any remedial work.

Productive Crop:

- vi. The above provisions, ii. to v. shall not be required to be met where each Rural Production Lot is a minimum of 6ha and no less than 70% of that area is planted in a *productive crop* which must be certified or other evidence provided.

General:

- vii. One balance *lot* complying with the relevant provisions of Section 12 (Subdivision) but which does not meet the requirements of clauses i. and vi. above may be created, provided that:
- the average area of all *lots* within the proposed subdivision shall be at least 6ha, and
 - In the case of an application to subdivide land previously subdivided under this rule, the area of the original parent property shall be used for the purposes of calculating average *lot* size and only one non-complying balance *lot* may be created from the land within the original property.
- viii. Where any new *lot* created under this rule will contain more than one existing *dwelling* (excluding *minor dwellings*), no such *dwelling* may be used as the basis for a subsequent subdivision under the Additional Dwelling Lot rule. A consent notice condition to this effect will be registered on the title of the *lot* concerned;
- ix. Limitation – this rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 30 January 2010 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

d. Transferable rural lot entitlements

Explanatory Note:

The purpose of this provision is to allow existing *lots* that meet age of title and size criteria to obtain a transferable rural lot entitlement for use in the Lifestyle Zone.

- i. Qualifying existing *lot*

To qualify for a Transferable Rural Lot entitlement the existing *lot* must meet the following criteria:

1. Have a title that existed prior to 1 August 1992 or which has been created by way of a subdivision consent for which an application was lodged prior to that date; and
 2. Is at least 4ha in area;
- or
3. Has been created by way of a subdivision consent for which an application was lodged on or after 1 August 1992 but before 22 November 1997, and
 4. Is at least 8ha in area;

Provided that:

Other *lots* shall qualify under this rule where it can be demonstrated that the title was created following consent to a boundary adjustment and that prior to such adjustment a similar

entitlement to subdivision of the previous *lot* (as determined by *Council*) would have complied with the foregoing limitation and all other requirements of this rule.

ii. Number of entitlements

The maximum number of transferable entitlements able to be obtained from existing *lots* which qualify under this rule shall be as follows:

- *lots* less than 30ha – one entitlement;
- *lots* 30ha or more – two entitlements.

iii. To be able to exercise the transferable entitlement the qualifying existing *lot* shall have registered against its title a Memorandum of Encumbrance which specifies that the transferable entitlement has been exercised and no further entitlement is obtainable.

e. **Transferable amalgamation lots**

Explanatory Note:

The purpose of this provision is to encourage the aggregation of existing rural *lots* into larger land parcels in return for the granting of a transferable amalgamation lot entitlement for use in the Lifestyle Zone or to create a *lot* around an existing additional *dwelling* under the Additional Dwelling Lots Rule.

In both cases, a copy of the new title for the amalgamated land will be required to be submitted to *Council* prior to the issue of an *RMA* section 224(c) certificate for the subdivision creating the new *lot*.

To qualify for a Transferable Amalgamation Lot the *lots* being amalgamated must:

1. Exist as at 7 February 2009 or have subdivision consent as at 7 February 2009.
2. Qualify for the erection of a *dwelling* in accordance with the performance standards of the District Plan.
3. The final amalgamated *lot* contains no more than one *dwelling*.
4. A Memorandum of Encumbrance will be required to be registered against the title of the amalgamated *lot* so as to prevent further re-subdivision.

f. **Additional dwelling lots**

A Transferable Amalgamation Lot entitlement or an entitlement created under 18.4.2 h. iii. 4. a.-b. may be used to create a *lot* around an existing additional *dwelling* subject to compliance with the following standards:

- i. Maximum *lot* size – 1ha, provided that as a Restricted Discretionary Activity the *lot* size may be increased on the basis that existing physical constraints such as the location of the *dwelling* (including vehicle access thereto) on the subject land and the nature of the subject land itself, render it impractical to comply with a maximum *lot* size of 1ha. In any such case, *Council's* discretion shall be restricted to:

- The extent to which for physical reasons it is impractical, unreasonable or otherwise undesirable to limit the size of the lot to 1ha;
- The extent to which the amount of *versatile land* (as described in the Rural Production Lots rule) within the lot has been or is able to be minimised.

A restricted discretionary application under this rule need not be publicly notified nor notice of it served on any other persons.

ii. Qualifying additional *dwelling*s

To qualify to be used as the basis for a subdivision under this rule the existing additional *dwelling* must have been lawfully established either by way of a specific resource consent for an additional *dwelling* or by virtue of having existing use rights under Section 10 of the *RMA* (excluding *minor dwellings* in both cases), provided that no existing additional *dwelling* on a *lot* created under the Rural Production Lots rule shall qualify for subdivision under this rule.

iii. Other matters over which control may be exercised

- Financial contributions, limited to the difference between the current level of such contributions and any contributions previously paid;
- Any relevant matters in Section 12 – Subdivision;
- Any new or increased non-compliance with the rural *yards* rule.

iv. New title for amalgamated land

Prior to the issue of an *RMA* Section 224(c) certificate for a subdivision creating an Additional Dwelling Lot under this rule, a copy of the new certificate of title for the land amalgamated pursuant to the Transferable Amalgamation Lots rule shall be submitted to *Council*.

g. Separation lots

Separation lots may be created by subdividing an existing land title where each proposed lot is and will remain totally separated and inaccessible from other land within the subdivision by:

- i. A permanent watercourse not less than 10m in width; or
- ii. A State Highway or an existing legal public road currently maintained by *Council* or formed to the relevant standard specified in Table 2 of Rule 12.4.4.2; or
- iii. An operational railway; or
- iv. A severe or substantial natural landform feature such as a cliff, ravine or the like.

h. Protection lots

i. Purpose

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

In the context of this rule a 'feature of value to the *District*' is deemed to be:

1. Identified Significant Ecological Features as listed in Appendix 1 of the District Plan or other ecological features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.
 - *Tall forest*
 - *Regenerating forest*
 - *Secondary shrub land*
 - *Riparian margins*
 - *Wetlands*
2. Identified Outstanding *Viewshafts* as listed in Appendix 2 of the District Plan.
3. Identified Significant Cultural Heritage Features as listed in Appendix 3 of the District Plan or other cultural heritage features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.
4. Land for community benefit;
 - Esplanade reserves or strips shown on the Planning Maps and listed as a priority in Appendix 4A of the District Plan
 - Other esplanade reserves or strips shown on the Planning Maps and listed in Appendix 4 of the District Plan
 - Expansion to an existing reserve or creation of a new reserve (not otherwise listed above).
 - Other land (not established as any of the above) for public purposes
 - Public access to an existing or proposed reserve or to an existing or proposed esplanade reserve or strip

Except that:

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

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

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

Explanatory note:

For the avoidance of doubt, maximum *lot* size shall only apply to on-site Protection Lots and not to any new *lots* being created as a feature or features of value to the *District* to be protected in accordance with Rule 18.4.2.h.i.

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

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

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

1. Certification from an appropriately qualified independent person that the feature in question meets the criteria in 2 below shall be submitted with the application for subdivision consent. Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and include a management plan specifying any protective or enhancement measures deemed necessary.
2. The feature must be assessed in the context of the relevant ecological district, bioclimatic zone and landform type. Each feature is required to rank highly on three or more of the following criteria:
 - a. Representativeness - the extent to which an area is characteristic or representative of natural diversity;

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

Explanatory Note:

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

3. Minimum feature sizes for the creation of one or more on-site Protection Lots or Transferable Protection Lot credits are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		1	Avg	2	3	4
Significant Ecological						
<i>Tall Forest</i>	3ha	6ha	12ha	18ha	24ha	30ha
<i>Regenerating Forest</i>	4ha	8ha	16ha	24ha	32ha	40ha
<i>Secondary Shrub Land</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Riparian Margins</i> (above MHWS) See note 2 below	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands</i> (above MHWS) See note 3 below	0.5ha	1ha	2ha	3ha	4ha	5ha
Other Ecological						
<i>Tall Forest</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Regenerating Forest</i>	8ha	16ha	32ha	48ha	64ha	80ha

<i>Secondary Shrub Land</i>	10ha	20ha	40ha	60ha	80ha	100ha
<i>Riparian Margins</i> (above MHWS) See note 2 below	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands</i> (above MHWS) See note 3 below	0.5ha	1ha	2ha	3ha	4ha	5ha

Notes / related standards

1. The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.
2. The width of *riparian margins* is measured from 20m landward of the stream edge on one side. When a stream is wholly contained within one title the length of the *riparian margin* is the combined total length of the *riparian margins* on each side of the stream.
3. *Wetlands* less than 2ha require a minimum of 10m indigenous buffer (larger areas may be required where topography dictates). This buffer must be established prior to being eligible for a Protection Lot. *Wetlands* equal to or greater than 2ha require a buffer area of a suitable width prescribed by the certifying ecologist and must be established prior to obtaining s224 consent.
4. Within the subject existing *lot*, where an ecological feature exceeds the above sizes then the entire feature shall be protected.

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

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

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

1. In the case of Identified Significant Cultural Heritage Features referred to in Appendix 3 certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in Appendix 3 shall be submitted with the application for subdivision consent.
2. With respect to cultural heritage features not listed in Appendix 3, the feature in question shall be certified by an appropriately qualified and experienced person as being of such cultural or archaeological significance as to warrant preservation in perpetuity. Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and shall include:
 - a. Endorsement from an authorised representative of the recognised *tāngata whenua* for the area in question;
 - b. A management plan specifying any protective or enhancement measures deemed necessary.
3. The whole of the cultural heritage feature falling within the subject existing *lot* shall be protected.

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

vii. Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on the provision of land for community benefit

1. The land shall provide for one or more of the purposes relevant to the particular feature type;

- a. Priority esplanade reserves and strips in Appendix 4A
 - Linkages along targeted waterways
- b. Other esplanade reserves and strips in Appendix 4
 - Purposes of esplanade reserves and strips under Section 229 of the RMA
- c. Expansion of an existing reserve or creation of a new reserve
 - General purposes of reserves under Section 3 of the Reserves Act 1977
- d. Other land (not established as any of the above) for public purposes
 - Public purposes that can be provided for through the establishment of community facilities, infrastructure, parks, open space, or similar.
- e. Public access to an existing or proposed reserve or to an existing or proposed esplanade reserve or strip

2. The minimum feature sizes in the table below shall be used as a guide for assessing the number of on-site Protection Lots or Transferable Protection Lot Credits able to be created.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		1	Avg	2	3	4
Priority Esplanade Reserves/Strips in Appendix 4A	Entire feature 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
Other Esplanade Reserves/Strips in Appendix 4	Entire feature 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
Expansion of an existing reserve or creation of a new reserve	No minimum size	1ha	2ha	3ha	4ha	5ha
Other land (not established as any of the above) for public purposes	No minimum size	1ha	2ha	3ha	4ha	5ha
Public access to an existing or proposed reserve or to an existing or proposed	No minimum length 7m wide	1km 7m	2km 7m	3km 7m	4km 7m	5km 7m

esplanade reserve or strip						
Notes / related standards						
<ol style="list-style-type: none"> 1. The creation of further Transferable Protection Lot credits may be allowed for each particular feature type using the specified averages as a guide. 2. Within the subject existing <i>lot</i>, where a priority esplanade reserve or strip or other esplanade reserve or strip exceeds the above sizes then the entire feature shall be protected. 3. No piece of land within the subject existing <i>lot</i> shall be used to qualify as more than one feature type e.g. land for esplanade reserve cannot also qualify as land for public access to an existing reserve or esplanade reserve. 						

3. With respect to the provision of land for priority esplanade reserves or strips or other esplanade reserves or strips, landowners shall waive the right to compensation under s237E(2) of the *RMA*.

Note: See also Rule 4A.6.3 for specific information requirements.

viii. Legal protection

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

i. **Subdivision relating to clustering of dwellings or lots on the Matakana Island forested sand barrier and the transferring of subdivision entitlements**

The purpose of this provision is to enable the clustering of *lots* on Matakana Island forested sand barrier through:

- The on-site clustering of *lots* using the lot entitlements of an existing *lot*. See i. below.
- The transferring of additional lot entitlements from any *lot* on the forested sand barrier into a cluster. See ii. below.

i. Lot entitlements: Density of one *lot* for every 40ha.

ii. Transferring of additional lot entitlements:

To achieve the clustering of *lots*, an entitlement may be transferred from an existing title (the donor *lot*) to the title on which the cluster is to be developed (the recipient *lot*) at a rate of one entitlement per 40ha of land within the 'donor' *lot*.

An encumbrance shall be registered against the title of the donor *lot* or balance land to record

the transfer of entitlements to:

- a. ensure that the *allotment* cannot be used for further subdivision or additional *dwellings* in future.
- b. record the balance number of *lots* or *dwellings* still to be transferred (if applicable).
- iii. The maximum size of a *lot* accommodating a *dwelling* shall be 1ha.
- iv. The cluster shall meet the activity performance standards included in 18.4.1 d. iii. – vii.

18.5 Matters of Discretion

18.5.1 Restricted Discretionary Activities - General

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

18.5.2 Restricted Discretionary Assessment Criteria – Development of 11–30 Houses on Multiple Owned Māori Land

With respect to the *development* of between 11- 30 houses on multiple owned *Māori land Council's* discretion is restricted to the following:

- a. Assessment of financial contributions; and
- b. The provision of a *structure plan* approved by *Council* that addresses:
 - i. Provision of house sites;
 - ii. *Buildings/Structures* other than *dwellings*;
 - iii. Description of the character, scale and intensity of activities proposed to use any *community facilities on Māori land* or other *buildings*;
 - iv. Location of areas to be allocated to any non-residential activity or group of activities;
 - v. Areas of the site proposed to be devoted to rural productive activities;
 - vi. Location of any waste water, water supply, roading, stormwater services and associated equipment, reticulation and facilities;
 - vii. The provision of compliant vehicle and pedestrian accessways from the site to *Council* maintained roads;
 - viii. Provision of internal vehicle access, parking **(where parking is provided)** and walkways, including the surface material and whether this will be loose or sealed, and *construction* standards;

- ix. Landscaping by either land form shaping, planting or artificial screening;
- x. The extent and effect of *earthworks*;
- xi. Areas of any native plantings or bush on the site;
- xii. Location of any property boundaries (including internal) in instances where the site is proposed to comprise more than one title and boundaries of any licenses to occupy or lease or other forms of establishing areas of exclusive occupation to particular individuals or groups.

18.5.3 Assessment Criteria for Activities Failing to Meet Rule 18.4.1 c. Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 18.4.

- a. Due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the *yard* requirements.
- b. The location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the *yard* requirements.
- c. The potential for conflict with existing and foreseeable activities in the area.
- d. Compliance with the *yard* requirements will result in a significant constraint on maximising the productive use of the site.
- e. Compliance with the *yard* requirements will result in an adverse visual effect on the low density rural character of the area by forcing the *dwelling* into a visually prominent position such as a *ridgeline*.
- f. Separation distances from other *dwellings* and any resultant loss of privacy of adjoining *dwellings*.
- g. In regard to the front *yard* whether the road is sealed or unsealed.
- h. In regard to the front *yard* adjoining Old Coach Road (between the entrance to Cameron's Quarry and State Highway 2) whether any potential for conflict between activities and the use of the road for heavy vehicles can be avoided through the design and *construction of buildings* to restrict noise levels within any habitable room to a reasonable level.

18.5.4 Assessment Criteria for Activities Failing to Meet Rule 18.4.1 o. Quarry Effects Management Area

In relation to activities within the *Quarry Effects Management Area*, the location and design of the activity in relation to the effects of the quarry operation and the measures taken to ensure that these effects on the occupants are adequately avoided, remedied and mitigated.

18.5.5 Assessment Criteria for Discretionary Activities failing to meet Rule 18.4.2 a. ii. Intensive Farming Separation Distance

Council shall have regard to the following matters:

- a. Assessment of the potential for odour, fly and noise effects.

- b. The location of *lots* and house sites in relation to the *intensive farming activity*.
- c. The extent of avoidance and mitigation measures.

18.5.6 Assessment Criteria for Discretionary Activities failing to meet Rule 18.4.1 k. Artificial Crop Protection

Council shall have regard to the following matters:

Assessment of the potential glare on neighbouring properties from the colour of the cloth.

18.5.7 Assessment Criteria for buildings not meeting 18.4.1 q.

- a. The extent to which the proposed *building* can be screened from neighbouring 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.

18.5.8 Assessment Criteria for Restricted Discretionary Activities on Matakana Island, including the clustering of dwellings or lots on the forested sand barrier

Council shall restrict its discretion to the following:

- a. The location and design of the clusters of *dwellings* or *lots* on the forested sand barrier, including the extent of, and any adverse effects created by, development of a linear nature.
- b. The sustainability of water, wastewater, electricity, telecommunication and solid waste removal provisions.
- c. The provision of safe and legal access for landowners and the effect on the existing access rights of surrounding landowners.
- d. The impact of *development* (including *earthworks*) on the natural environment, landscape, cultural, historic heritage and archaeological values, including methods of management, protection and enhancement where appropriate.
- e. Avoidance or minimisation of the risk to life and damage to property from natural hazards.
- f. The social, cultural and economic impact on the existing Island community.
- g. How existing areas of ecological value will be enhanced and maintained.
- h. How the introduction of pest plants and animals will be minimised and managed.
- i. The impact on the existing rural character and amenity values of Matakana Island as viewed from within the Island, the mainland (particularly from Bowentown and Mauao), open coast and the Harbour.
- j. How the *development* will co-exist with the *production forestry* operations.
- k. The provision of convenient access for the existing Island community to the open coast,

- Panepane and sites of cultural significance.
- l. Rooding ownership, construction and on-going maintenance.
- m. Potential for conflict with existing and foreseeable activities in the area. In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.
- n. Traffic Generation
 - Impact on roading including traffic safety;
 - Access;
 - Effect on amenity.
- o. Scale of the activity including number of people and how this affects the existing character and amenity values.

18.5.9 Discretionary and Non-Complying Activity Criteria – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 18.5.1 – 18.5.8.

- a. Relevant objectives and policies of the District Plan.
- b. The extent of the loss of land with high production potential.
- c. Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.
- d. Traffic Generation
 - Impact on roading including traffic safety;
 - Access;
 - Effect on amenity.
- e. Scale of the activity including number of people carrying out the activity, the hours of operation and how this affects the existing rural character and amenity values.
- f. Proposed *signs*.
- g. The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.
- h. The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in these District Plan rules. In addition how the character of the noise

differs from that which is being experienced in the surrounding environment.

- i. In relation to activities within the *Quarry Effects Management Area*, the location and design of the activity in relation to the effects of the quarry operation and the measures taken to ensure occupants are adequately protected from those effects.
- j. In relation to activities within the *National Grid Electricity Transmission Buffers*:
 - the safety of the proposed activity (with reference to compliance with NZECP34 2001), and
 - the effects on the National Grid, including potential *reverse sensitivity* effects, and whether the operation and *maintenance* of the transmission lines is compromised.

For the purpose of the notification provisions of the *Resource Management Act*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to notify any application.

18.5.10 Discretionary Activities Criteria for the Development of 31 Houses or More on Multiple owned Māori Land

- a. All *developments* on multiple owned *Māori land* that result in a cumulative total of 31 houses or more shall be designed in general accordance with a *Council* approved *structure plan* and *Council* has full discretion to assess the *development* application and decide whether the *development* proposal is in general accordance with the *structure plan*.
- b. Developments failing to comply with the *structure plan* shall be a Non-Complying Activity.

18.5.11 Assessment Criteria for Rural Production Lots

- a. Restricted Discretionary Activities

Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Rural Production Lot subdivision:

- i. The design and layout of the subdivision shall be in a manner which ensures that the minimum 6ha within each Rural Production Lot shall be in a configuration which allows all of the land to be capable of being used for permanent horticultural production in accordance with good industry practice.

It is recognised that a Rural Production Lot may include an identified house site and *accessory buildings*, loading bays, crop plantings, shelterbelts, access ways and headlands;

- ii. That the subdivision does not compromise the use and viability of the land for horticultural production;
- iii. For subdivision of an existing horticultural *lot*, *Council* must be satisfied that each Rural Production Lot contains a *productive crop*;
- iv. Where the subdivision relies on a *productive crop* and the canopy/cropping area is less than 70% of the minimum required productive land area *Council* needs to be satisfied that any remaining land is productive land.

- v. The amount of *earthworks* required to enable the land to be of a suitable topography for horticultural practises, where the *earthworks* will exceed 3000m² and/or involve cuts and fill exceeding 0.5 metres in height then *Council* must be satisfied that the land will be capable of containing a viable permanent horticultural crop on completion of the *earthworks*.
- vi. Any effects on natural flow paths, streams, watercourses or vegetation which may occur as a result of the re-contouring.
- vii. Notification – an application under this rule need not be publically notified nor notice of it served on any persons.

18.5.12 Restricted Discretionary Activities – Protection Lot Subdivision based on land for community benefit

With respect to on-site Protection Lot subdivision or the creation of Transferable Protection Lot credits based on land for community benefit, *Council* shall restrict its discretion to the following:

- a. The provision of land must provide for a significant community benefit now or in the future taking into account the extent to which the land;
 - i. is in a strategic location;
 - ii. is of a sufficient size;
 - iii. is in a sufficient condition to be used or established for the proposed purpose;
 - iv. will be physically accessible to the public;
 - v. is likely to be accessed or used by the public;
 - vi. will provide connectivity between existing esplanade reserves or strips or to other reserves or other public access such as paper roads or walkways and cycleways;
 - vii. meets outcomes within existing reserve management plans and other relevant plans, strategies and policies;
 - viii. services future urban growth requirements;
 - ix. is needed by *Council* for the proposed purpose;
 - x. is unlikely to be otherwise acquired by *Council* now or in the future.

18.5.13 Restricted Discretionary Activities – On-site Protection Lot Subdivision for three to five additional lots

With respect to on-site Protection Lot subdivision for three to five additional *lots* off a sealed road, *Council* shall restrict its discretion to the extent to which the number, size and location of the *lots*:

- a. Maintains the productive capability of the rural land resource by avoiding *reverse sensitivity* effects on rural production activities and the fragmentation of versatile land, in particular where *lots* greater than 1ha in area are proposed to be created;
- b. Maintains existing rural character and amenity values;

- c. Avoids the creation of adverse traffic and roading effects.

Explanatory note:

For the avoidance of doubt, where the land being provided is for community benefit, *Council's* discretion includes the matters listed in 18.5.12.

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Commercial

19. Commercial

Explanatory Statement

The commercial centres of towns form the heart of the town and outlying districts. They are a key element in providing a sense of identity and belonging to individuals and the community in general. There is often considerable community investment in the town centre. It is the focal point of social, economic and cultural activities. The sustainable management of these areas is seen as being a key aspect in enabling people and communities to provide for their social, economic and cultural wellbeing.

The Western Bay of Plenty District has established town centres at Te Puke, Katikati and Waihi Beach. A new town centre has been planned at Ōmokoroa to support its existing and future planned population of 12,000 people as well as the surrounding rural catchment. Smaller beach and rural communities exist at Pukehina, Paengaroa, Maketu, Te Puna and Whakamaramara that have small commercial areas to service their immediate catchments.

Council has a Built Environment Strategy to assist in achieving good urban design outcomes in line with the New Zealand Urban Design Protocol and to promote the principles embodied within the Crime Prevention through Environmental Design national standard.

Council has developed Town Centre Plans to deliver these urban design outcomes and meet each community's vision. The Commercial Zone objectives, policies and rules seek to deliver these outcomes by providing a framework for future *development*. Non regulatory methods are also promoted such as *Council's* 'Package of Plans' approach which seeks to provide *Council* advice and guidance at the conceptual stage to assist *development* projects to achieve positive design outcomes for the community now and in the future. There are a number of other community plans that *Council* will have regard to as part of the resource consent process.

Important issues for the Commercial Zone include the containment of the Commercial Zone and also ensuring that activities within the Zone are managed so not to adversely affect adjacent residential areas. It is also important to ensure that residential activities in the Commercial Zone do not detract from the viable operation of the commercial area. Special provisions are included in the Commercial Zone to avoid *reverse sensitivity* effects.

Although the efficient operation of the Te Puke Highway which currently bisects Te Puke, and State Highway 2 which currently bisects Katikati, is important, these roads should not detract from

the efficient operation of the towns they bisect.

19.1 Significant Issues

1. The decline of town centres may have an adverse effect on the community's social, economic and cultural wellbeing.
2. Commercial creep into non-commercial zones and the establishment of out of zone large format retail activities have the potential to detract from the viability and efficient operation of commercial centres.
3. Poorly designed and constructed commercial centres can adversely affect people's enjoyment of the centre and nearby public places and can affect the safety and efficiency of the adjacent road network and amenity, enjoyment and vitality of entire communities.
4. The adverse effects on visual amenity resulting from large and/or badly designed *buildings/structures* and including potential adverse effects from lighting and inappropriate *signage*.
5. Commercial activities attract large numbers of people resulting in a large number of traffic movements, generating adverse effects such as pedestrian/vehicle conflict, noise, dust, fumes, odour, and a large concentration of people which can lead to noise, privacy and behaviour issues affecting the amenity of the area.
6. The adverse effects of commercial activities such as rubbish generation, smell and noise.
7. Non-commercial activities such as *dwelling*s have the potential to improve the vibrancy of town centres and improve safety outside normal retail hours provided they are appropriately located and designed.
8. The loss of heritage buildings through the lack of protection or incentives for retention of facades of heritage value.
9. The adverse effects of heavy transport travelling through commercial centres especially pedestrian/vehicle conflict and associated noise/dust/odour problems.
10. There is a need to integrate pedestrian and cycleways both to and within commercial centres to minimise reliance on motorised transport.

19.2 Objectives and Policies

19.2.1 Objectives

1. Consolidated commercial centres that are vibrant commercial environments that encourage social and cultural interaction.
2. Well designed commercial centres which reflect accepted urban design principles.
3. Convenient and safe commercial centres.
4. Commercial *development* of a scale that is appropriate for the location.

5. Public, civic and private space that relate well to each other.
6. Commercial centres that have a high level of amenity.
7. Commercial Zones in which commercial activities can operate effectively and efficiently, without undue restraint from non-commercial uses which may require higher amenity values.
8. Important heritage buildings and landscape features are retained.
9. An efficient network of road, cycle and pedestrian linkages connecting the *District's* commercial centres to surrounding urban areas.
10. The *development* of commercial centres and associated *transportation networks* that enhance social, economic and cultural activity through attention to design detail and the integration of the public, civic and private places nearby and therein.
11. The *development* of town centres that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

19.2.2 Policies

1. Provide for the comprehensive *development* of commercial areas, including the redevelopment of multiple commercial sites by:
 - a. Encouraging the aggregation of land titles in accordance with the relevant town centre plan.
 - b. Providing incentives (such as a reduction in the required number of onsite car parks) to off-set the acquisition of land required to achieve relevant town centre plan design outcomes.
2. New *development* or redevelopment of commercial centres is consistent with the design elements of the relevant adopted town centre plans.
3. Limit the establishment of commercial activities in non-commercial zones.
4. Ensure *buildings/structures* in Commercial Zones:
 - a. Provide sufficient shelter for pedestrians so as to protect them from the natural elements.
 - b. Do not compromise pedestrian access unless the characteristics of the locality of the site or the site itself are such that verandas or other forms of pedestrian shelter are not required.
 - c. Support the *development* of areas that encourage social interaction.
5. Encourage alternative routes for heavy transport so as to avoid adverse effects such as danger to pedestrians, dust, noise and odour associated with such movements through commercial centres.
6. Ensure noise levels are such as to maintain a reasonable quality commercial environment.
7. Locate residential activities so they do not conflict with the integrity of the Zone and are designed and located so as to avoid *reverse sensitivity* effects such as noise.

8. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.
9. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and *development*.
10. Identify and protect Significant Heritage and Landscape Features.
11. Apply *height* limits that are appropriate for the location of the Commercial Zone especially in relation to smaller communities such as Maketu, Pukehina and Paengaroa where large commercial *buildings/structures* could detract from the amenity of the area.
12. Promote pedestrian and cycle accessibility by controlling the location and design of accessways.
13. Require retail frontages to be orientated towards streets and other public areas, such as public walkways and parking areas.
14. Ensure that *development* in Commercial Zones is designed and constructed to be consistent with the New Zealand Urban Design Protocol and National Guidelines for Crime Prevention through Environmental Design.
15. Commercial *development* within the Ōmokoroa Stage 2 *Structure Plan* area shall be comprehensively designed to include:
 - a. Mixed use areas.
 - b. Visually broken building facades of a human scale.
 - c. Muted natural or recessive colours.
 - d. A maximum of one connection to Ōmokoroa Road thereby preserving that road's primary function as a transport corridor.
 - e. Landscaped car parking **(where car parking is provided)** and set back from Ōmokoroa Road.
 - f. Functional and alternative mixed use (including residential) on upper floors.
 - g. An outlook and amenities that relate to the adjoining gully system.
 - h. The provision of residential accommodation to promote vibrancy in the commercial area.

19.3 Activity Lists

19.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- a. *Retailing.*
- b. *Commercial services.*

- c. *Offices.*
- d. *Places of assembly.*
- e. *Takeaway food outlets.*
- f. *Medical or scientific facilities.*
- g. *Restaurants and other eating places.*
- h. Activities on reserves as provided for in the Reserves Act 1977.
- i. Works and *network utilities* as provided for in Section 10.
- j. *Accommodation facilities*, provided that *retirement villages* are excluded from locating within the Commercial Zone at Ōmokoroa *Structure Plan* Area 2.
- k. Police stations.
- l. *Commercial sexual services.*
- m. *Building and construction wholesalers and retailers* with a maximum gross area of 2500m².
- n. *Educational facilities* for a maximum of four persons (excluding staff).

19.3.2 Controlled Activities

- a. Subdivision.
- b. *Dwellings* provided they are located above ground floor level.
- c. Works and *network utilities* as provided for in Section 10.
- d. With respect to financial contributions only:
 - i. The erection or undertaking of one or more commercial activities other than the first such activity on a site or significant expansion of an existing activity (significant expansion is an increase of more than 0.5 of a *household equivalent* for services);
 - ii. Any activity in 19.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b.

19.3.3 Restricted Discretionary Activities

- a. Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 19.4.
- b. Within the Commercial Zone shown on the Ōmokoroa Stage 2 *Structure Plan* all activities other than a *dwelling* shall be a Restricted Discretionary Activity subject to the development of a commercial area master plan and activity performance standards listed in 19.5.

- c. Within stormwater management reserves and private conservation areas in Ōmokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:
 - i. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;
 - ii. The diversion or modification of any natural watercourses;
 - iii. The construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwelling*s or *buildings/structures*, playgrounds, pump stations, sewers, culverts and roadways;
 - iv. Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a stormwater catchment plan, *structure plan*, comprehensive stormwater consent and reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

19.3.4 Discretionary Activities

- a. *Service stations* and garages.
- b. *Depots* (except in Ōmokoroa, where they are Non-Complying).
- c. *Vehicle and machinery sales* (except in Ōmokoroa, where they are Non-Complying).
- d. Works and *network utilities* as provided for in Section 10.
- e. *Building and construction wholesalers and retailers* that exceed a gross area of 2,500m².
- f. *Education facilities* for more than four persons (excluding staff).
- g. *Buildings/structures* in the Waihi Beach Town Centre that exceed the permitted *height* of 9m to a maximum *height* of 10.5m.

19.4 Activity Performance Standards

19.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

- a. **Building height, setback, alignment and design**
 - i. All *buildings* shall be provided with a veranda not less than 2m wide, 3m above street level,

0.3m back from the kerb line and not more than 0.4m thick;

- ii. Te Puke and Katikati town centres

Overall *building/structure height* shall not exceed 12.5m and retain a maximum two storey character (not exceeding 8.0m) facing the street;

The *habitable space* of any *building* shall be limited to the first 11m;

Any three storey *building* shall have its third storey set back in accordance with Diagram 1 following;

- iii. Ōmokoroa Commercial Zone Stage 2 *Structure Plan Area*

The maximum *building/structure height* in the Ōmokoroa Stage 2 *Structure Plan* area shall be 11m and no provision is made for additional non-*habitable space* above the 11m *height* limit;

- iv. Comvita Campus *Structure Plan Area*

The maximum *building/structure height* in the Comvita Campus *Structure Plan* area shall be 12.0m.

- v. All other areas including spot Commercial Zones

The maximum *height* shall be limited to two storeys and 9m and no provision is made for additional non-*habitable space* above the 9m *height* limit;

Diagram 1 – Commercial Zone heights and setback standards

- vi. Any balustrade servicing a third floor (not in the Ōmokoroa Stage 2 *Structure Plan Area*) shall be either set back in accordance with Diagram 1 below or be 80% *visually permeable*.

- vii. Continuous retail frontage – *Development* in the Commercial Zone shall be constructed up to the road boundary except for vehicle access up to 6m wide per site. Each *building* shall have clear windows on the ground floor that must cover at least 50% of the *building's* frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas.

- viii. No car parking, other than underground parking, shall be located within 10m of any street boundary.

b. Daylight

All site boundaries adjoining Residential and Rural Zones:

No part of any *building/structure* shall exceed a *height* equal to 2m *height* above

ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Offices

The floor area utilised for *office* purposes on the ground floor is not to exceed 20% of the total *gross floor area* of the ground floor of the *building*.

Explanatory Note:

This rule does not apply to *Commercial Service* activities.

d. Yards

All buildings/structures

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban, Rural Zone or reserve boundary.

Provided that:

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

Except that:

Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road (except in the Commercial Zones in Katikati and Te Puke), it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:

On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

e. Dwellings

Commercial Zone rules shall apply, except as specified below:

- i. Any habitable room in new residential activities established in the Commercial Zone shall be designed to meet an internal *LAeq* noise level of 45dB at all times;

An acoustic design report from a suitably qualified acoustic engineer will be required to show that the required noise standards will be met;

- ii. All *dwelling*s shall be located above ground floor.

f. Commercial sexual service

No *commercial sexual service* shall be located within 150m of the main entrance of a *sensitive site*.

- g. Transportation, Access, Parking and Loading** - See Section 4B.

- h. Noise and Vibration** - See Section 4C.1.

- i. Storage and Disposal of Solid Waste** - See Section 4C.2.

- j. Lighting and Welding** - See Section 4C.3.

- k. Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

- l. Screening** - See Section 4C.5.

- m. Signs** - See Section 4D.

- n. Natural Environment** - See Section 5.

- o. Landscape**- See Section 6.

- p. Historic Heritage** - See Section 7.

- q. Natural Hazards** - See Section 8.

- r. Hazardous Substances** – See Section 9.

- s. Financial Contributions** - See Section 11.

- t. Ōmokoroa Commercial Zones (Stage 2).**

Development shall be in accordance with the adopted *structure plan*.

19.4.2 Katikati: Standards for development in the Katikati Commercial Zone along the State Highway, between the entrance to the Haiku Walkway and Donegal Place.

- a. *Yards*

- i. Front *Yards* shall be no less than 4m.

- ii. 3m where a property adjoins a Residential Zone or reserve boundary.
- b. Within this area, there is no requirement for a verandah that protrudes over the footpath.
- c. Maximum *building/structure height* shall be limited to two storeys and 9.0m.
- d. Provisions for parking and loading shall be on-site as per 4B.4.7.
- e. A continuous retail frontage is not required.
- f. Each *building* shall have clear windows on the ground floor that cover at least 50% of the *building's* street front.
- g. Car parking may be located within the front *yard*.

19.4.3 Activity Performance Standards for Activities in the Waihi Beach Town Centre

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

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

Except that:

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

For the purpose of the exemption above “existing” shall mean the existing *building* as approved by way of the most recent building consent for which an application was lodged prior to 19 December 2015.

- b. Access provision
 - i. Vehicle access to properties zoned Commercial in the Waihi Beach Town Centre that front onto Wilson Road should either:

- Be shared between two adjoining properties; or
 - Be obtained from an adjoining service lane; or
 - Be from a road other than Wilson Road, excluding the public parking area situated on 24 Wilson Road.
- ii. To enable Commercial Zoned land (adjoining Dillon Street) to be developed in compliance with the Access, Parking and Loading requirements of the District Plan Lot 4 DP 37326 and/or Lot 6 DP 37326 shall provide for legal and practical access to Lot 5 DP 37326.
- c. All *buildings* and permanent *structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.

19.5 Development of a Commercial Area Master Plan for the Commercial Zone - Ōmokoroa Stage 2 Structure Plan Area

- a. A commercial area master plan for the Ōmokoroa Stage 2 *Structure Plan* area shall be prepared by *Council* prior to *development* of individual titles.

This plan shall define the compliance with the performance standards and criteria listed below and the location of *buildings/structures*, traffic and pedestrian cycle paths and **any** parking areas and shall specify integration with the Commercial Zone and to the Industrial Zone and *public reserve*.

The comprehensive development plan shall include:

- i. Mixed use areas;
 - ii. Visually broken building facades of a human scale;
 - iii. Muted natural or recessive colours;
 - iv. A maximum of one connection to Ōmokoroa Road thereby preserving that road's primary function as a transport corridor;
 - v. Landscaped carparking (**where car parking is provided**) and set back from Ōmokoroa Road;
 - vi. Functional and alternative mixed use (including residential) on upper floors;
 - vii. An outlook and amenities that relate to the adjoining gully system;
 - viii. The provision of residential accommodation to promote vibrancy in the commercial area.
- b. In addition to the standards in 19.4.1 the following performance standards shall apply:
- i. No *building* shall exceed 50m in length across any continuous dimension and the commercial *development* is to provide a minimum 200m² pedestrian court/plaza to act as a point of focus and physical congregation within the centre;

- ii. For every square metre of ground floor retail there shall be an equivalent upper floor area provided for other Permitted or Controlled Activities;
- iii. A portion of the **required car parking (where car parking is provided)** is to be provided along the commercial/reserve boundary to facilitate shared use;
- iv. Access to Ōmokoroa Road shall be by way of a roundabout as shown in the *Structure Plan* and from the controlled intersection from the Industrial Zone.
- c. Any habitable room in new residential activities shall meet an internal *L_{Aeq}* noise level of 45dB at all times. An acoustic design report from a suitably qualified acoustic engineer will be required at the time of building consent application to show that the required noise standards will be met.
- d. Covered walkways of at least 3m in width are to be provided along the frontage of all *buildings* and a network of uncovered walkways/cycleways to connect the commercial area to the car parking, light industrial, reserves and residential lands. The uncovered walkways are to be a minimum of 1.5m wide constructed of asphalt, exposed aggregate or similar materials.
- e. Amenity planting and fencing at 1.8m high of service yards shall be provided incorporating a minimum width of 4m of vegetative planting achieving 4m in *height*. The Ōmokoroa Road boundary is also to be screen planted, with trees at a minimum *height* of 1.2m at the time of planting, to a minimum depth of 4m achieving a minimum 4m in *height*.
- f. Lights within the Zone are to be no higher than 5m and be either standard or bollard design.
- g. Daylighting - Measured at the boundary, no part of any *building/structure* shall exceed a *height* equal to 2m plus the shortest horizontal distance between that part of the *building/structure* and the commercial/reserve boundary and the boundary with Ōmokoroa Road.
- h. **Carparking** **Any car parking** is to provide maximum convenience for the public using commercial or reserve facilities. Any such parking is to be screen planted along Ōmokoroa Road and all parking areas for more than ten cars are to include specimen trees to provide shade to 30% of the car parking areas in summer.
- i. The maximum coverage shall be 80% of land area.

Explanatory Notes:

Non-compliance with activity performance standard i. above will require a resource consent approval for a Non-Complying Activity.

A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified and will not require serving on people who may be considered affected.

19.6 Matters of Control - Controlled Activities

19.6.1 Financial Contributions

Council will impose conditions with respect to the payment of financial contributions where these

are triggered in Section 11 of the District Plan or identified in the Controlled Activity list.

19.6.2 Subdivision (refer also to Section 12)

- a. No minimum *lot* size.
- b. *Council* may impose conditions regarding access to and from the existing and newly created *lots*.
- c. Where subdivision occurs in the Commercial Zone at Ōmokoroa Stage 2 the Council will reserve its control over and may set conditions relating to design and compliance with the *Structure Plan*. Failure to comply with the *Structure Plan* will result in the activity being classified as a Non-Complying Activity.

19.7 Matters of Discretion

19.7.1 Restricted Discretionary Activities – Non-Compliance with Activity Performance Standards

- a. *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.
- b. *Council* will also restrict its discretion to the overall community benefit resulting from a *development* proposal that is aligned with the design outcomes in adopted town centre plans.

19.7.2 Restricted Discretionary Activities – Ōmokoroa Stage 2 Structure Plan Area

a. General

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- i. Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves;
- ii. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal;
- iii. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions;
- iv. In the Ōmokoroa *Structure Plan* area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

b. Commercial activities

In assessing a Restricted Discretionary Activity, *Council* will restrict its discretion to a consideration of, and may set conditions related to:

- i. The extent to which *development* provides for mixed use and provides for ingress and egress of residents without impinging on downstairs commercial operations, and the extent to which upper stories are dimensioned and designed so as to provide functional and attractive

- accommodation for residents;
- ii. The extent to which the *development* provides a central pedestrian plaza court;
 - iii. How well the *development* integrates with walkways/cycleways to parking and nearby reserve land, civic centre facilities, civic activities, *park and ride facilities*, school sites and other public amenities;
 - iv. The *height* and setback of *buildings/structures* and plants and their current and future effects on daylight to other sites;
 - v. The overall design and location of *buildings/structures* and their compatibility with safe traffic and pedestrian flows from the Ōmokoroa Road roundabout to the access road into the light industrial area in the north;
 - vi. Visual impacts of the proposal and, in particular, visual amenity when viewed from Ōmokoroa Road and the adjoining reserve;
 - vii. The overall design and appearance of *buildings/structures* including the extent to which building facades are visually broken up and sympathetic to a human scale. This may include variation in roof profiles and pitches, modulation of walling, and the use of layered roofing, walling, verandas, windows, structural supports and other building elements to give building facades a layered, three dimensional character. This may also include the use of extensive glazing at ground level to create strong visual interaction between the external and internal components of the commercial area and to further avoid walling appearing overly extensive and devoid of visual relief/variety;
 - viii. The extent to which proposed colours are muted, natural or recessive and are compatible with nearby residential *development* and reserves - particularly so in relation to walling next to service courts and along rear/side *walls* potentially exposed to residential/reserve areas;
 - ix. The safety and efficiency of traffic flows on Ōmokoroa Road.
 - x. The extent to which the proposal is consistent with objectives and policies of the District Plan; and with the activity performance standards listed in 19.4.
 - xi. The extent to which planting and other measures provide for amenity and create safe environments.

19.7.3 Discretionary Activity – Relaxation of Building Height in the Waihi Beach Town Centre

Building height of commercially zoned properties in the Waihi Beach Town Centre may be relaxed to a maximum *height* of 10.5m, provided that:

- a. The *development* covers more than one section or a developer can prove to *Council* that an agreement exists with an adjoining Wilson Road land owner regarding the *development* of a shared access way and onsite parking arrangement (in cases where onsite parking is provided).
- b. Continuous shop front is retained.
- c. Underground or semi-underground parking is provided (in cases where parking is provided).

- d. The ground floor of the proposed *building* has a minimum stud height of 2.9m.
- e. The *building* has a setback of at least 7.5m from the centre line of Two Mile Creek to allow for a public walkway along the Creek.
- f. The *building* has no overshadowing impact on properties to the south between 11am and 2pm as a result of the increase in *height*.
- g. The third floor has a set back of 3m from the street boundary and the proposed walkway along Two Mile Creek.
- h. The *building* has a pitched roof (mono or double pitched gable roof).
- i. The top 1m (between 9.5m and 10.5m) should not be habitable.

19.7.4 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria

In considering an application for a Discretionary or Non-Complying Activity *Council* shall consider:

- a. The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- b. How well the *development* integrates with existing commercial *development* and its orientation to public space.
- c. How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- d. Any national standards for urban design.
- e. What provision is made for pedestrian and vehicular access.
- f. The effect on the amenity values of adjoining residential and reserve land.

19.8 Other Methods

- 19.8.1** The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'Package of Plans approach' which promotes the development community presenting concept plans to *Council* at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

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Commercial Transition

20. Commercial Transition

Explanatory Statement

The commercial centres of towns form the heart of the town and the sustainable management of these areas is seen as being a key aspect in enabling people and communities to provide for their social, economic and cultural wellbeing.

Council has developed Town Centre Plans to deliver good design and development outcomes and meet each community's vision for their town centre and directly adjoining areas.

Important issues for the Commercial Zone include the containment of the Commercial Zone and also ensuring that activities within the zone are managed so not to adversely affect adjacent residential areas.

The Commercial Transition Zone helps to contain the commercial area and provides a physical transition between the Commercial and Residential Zones by providing:

- a medium density residential character to the street front facing the Residential or Medium Density Residential Zone and;
- a commercial character for the area facing the Commercial Zone.

Katikati and Waihi Beach have Commercial Transition Zones that take local issues into consideration.

The Commercial Transition Zone encourages the establishment of medium density residential, which in turn will increase the vibrancy of the town centres.

20.1 Significant issues

1. Commercial creep into non-commercial zones has the potential to detract from the viability and efficient operation of commercial centres.
2. A sudden interface between commercial and residential areas can have adverse effects on both areas.

20.2 Objectives and policies

20.2.1 Objectives

1. A compact town centre that is surrounded by an area that provides a gradual transition between the Commercial and Residential Zones.
2. A medium density residential character that makes the town centre more sustainable and viable.
3. The *development* of town centres and adjoining areas that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

20.2.2 Policies

1. New *development* or redevelopment in the Commercial Transition Zone is consistent with the design elements of the relevant adopted town centre plans.
2. Limit the establishment of commercial activities in non-commercial zones.
3. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.

20.3 Activity lists

20.3.1 Permitted activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- a. Medium Density Residential.
- b. *Offices.*
- c. *Commercial services.*
- d. *Medical or scientific facilities.*
- e. *Restaurants and other eating places.*
- f. *Takeaway food outlets.*
- g. Activities on reserves as provided for in the Reserves Act 1977.
- h. Works and *network utilities* as provided for in Section 10.
- i. *Accommodation facilities.*
- j. *Educational facilities* for a maximum of four persons (excluding staff).

20.3.2 Controlled activities

- a. Subdivision.
- b. Works and *network utilities* as provided for in Section 10.
- c. With respect to financial contributions only:
- i. Any activity in 20.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b. iv.

20.3.3 Restricted discretionary activities

- a. Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 20.4.

20.3.4 Discretionary activities

- a. *Education facilities* for more than four persons (excluding staff)
- b. *Retailing*

20.4 Activity performance standards

20.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Building/structure height:

9m

b. Daylight:

All site boundaries adjoining Residential Zones:

No part of any *building/structure* shall exceed a *height* equal to 2.0m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Yards

- i. Front *Yards* shall be no less than the following:

Medium Density *Dwellings* (not including garages) - 3m

Other *buildings/structures* including all garages - 5m

- ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* - 1.5m

Provided that:

A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

d. Standards for development specific to Waihi Beach Commercial Transition Zone

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Waihi Beach Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1 above, the content of these rules shall prevail.

- i. The following activities shall face Two Mile Creek, if developed offices, *commercial services; restaurants* and other eating places; *takeaway food outlets*; and *educational facilities* for a combined maximum of four persons (excluding staff).
- ii. All *buildings* and permanent *structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.
- iii. Edinburgh Street front retains a residential or medium density residential character.
- iv. The activities are compatible with accommodation and apartments and exclude bars, clubs, places of assembly or any activity that creates more noise than that associated with a Residential Zone (see 4C.1.3.2).
- v. The commercial activities do not take up more than 50% of the total Gross Floor Area or 150m², which ever is the most restrictive.
- vi. Fences and *walls*:

Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1 b.:

Explanatory Note:

A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front *yard* specified in Rule 20.4.1c. Yards, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in height has a *visual permeability* of at least 60%.
- Where the common boundary is with a public reserve or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.
- Any fence or *wall* closer than 5m from the centre line of Two Mile Creek shall not exceed 1.2m in *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Front boundary:

Any fence or *wall* within the front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

e. Standards for development specific to Katikati Commercial Transition Zone

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Katikati Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1, the content of these rules shall prevail.

- i. Carisbrooke and Jocelyn Street fronts retain a residential or medium density residential character.
- ii. Commercial activities do not take up more than 70% of the total *gross floor area* or 200m², whichever is the most restrictive.
- iii. The following activity performance standards shall apply to the properties that front Talisman Drive:
 - Front *Yards* - 0m
 - Continuous retail frontage – development along Talisman Drive shall be constructed up to the road boundary. Each *building* shall have clear windows on the ground floor that must cover at least 50% of the *building's* frontage to Talisman Drive and at least 25% for other public areas, such as walkways and public parking areas.
 - All *buildings* shall be provided with a verandah not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick.
 - No vehicle access is allowed off Talisman Drive.
 - No car parking, other than underground parking, shall be located within 10m of Talisman

Drive.

- ~~Parking associated with commercial activities that are accessed off Talisman Drive shall be accommodated for in a public parking area in close proximity of the commercial activity as per Section 4B.4.8 b. Cash in lieu.~~

Except that:

Where the building platform of any *building* fronting Talisman Drive is more than 1.5m above the carriageway of Talisman Drive, the *building* shall have a 3m Front Yard and a continuous retail frontage shall not be required.

iv. Fences and walls

Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear yards or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1 b.:

Explanatory Note:

A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front yard specified in Rule 20.4.1 c. Yards, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%.
- Where the common boundary is with a public reserve or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Front boundary:

Any fence or wall within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

- f. **Transportation, Access, Parking and Loading** - See Section 4B.
- g. **Noise and Vibration** - See Section 4C.1
- h. **Storage and Disposal of Solid Waste** - See Section 4C.2

- i. **Lighting and Welding** - See Section 4C.3
- j. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4
- k. **Screening** - See Section 4C.5
- l. **Signs** - See Section 4D
- m. **Natural Environment** - See Section 5.
- n. **Landscape** - See Section 6.
- o. **Cultural and Heritage** - See Section 7.
- p. **Natural Hazards** - See Section 8
- q. **Hazardous Substances** – See Section 9.
- r, **Financial Contributions** - See Section 11.

20.4.2 Subdivision and Development

See Sub-Section 14.4.4 – (Standards for more than one dwelling per lot) - and Section 12 Subdivision and Development.

20.5 Matters of control - controlled activities

See Sub-Section 14.5.1 – (Subdivision and more than one dwelling on a lot).

20.6 Matters of discretion

20.6.1 Restricted discretionary activities – non-compliance with activity performance standards

See Sub-Section 13.6.4 – (Restricted Discretionary Activities – Medium Density Housing Areas by criteria).

20.6.2 Discretionary and Non-Complying Activities – matters of discretion and assessment criteria

See Sub-Section 19.7.4 – (Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria).

20.7 Other methods

20.7.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'package of plans approach' which

promotes the development community presenting concept plans to Council at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

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Industrial

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Industrial

21. Industrial Explanatory Statement

Industrial activity enables people and communities to provide for their needs through employment and the provision of goods and services. Such activity therefore plays an important role in providing for the economic well being of the *District*.

SmartGrowth established the longer term requirements for industrial land for the Western Bay of Plenty District and Tauranga City, seeing the two territorial authorities as complimentary. In particular is the establishment of two substantial business parks, Tauriko and Rangiuru, to serve the *sub-region's* needs. The current zoned land is deemed adequate to provide for the projected industrial growth out to 2021, but beyond that there is a shortfall of some 300ha. A recent study identified an expanded Rangiuru Business Park as the preferred location for this additional industrial land. The Rangiuru area and other areas including an extension of the Tauriko Business Estate to the south of Belk Road will be further investigated during the planning period in order to meet the long term needs of the *sub-region*.

Industrial Zones in the *District* are established at Katikati, Te Puna, Te Puke and Rangiuru with new zones proposed at Waihi Beach, Ōmokoroa and Paengaroa. The Comvita Campus *Structure Plan* area at Paengaroa provides for the expansion of existing Comvita activities and other complementary activities. Apart from Rangiuru these zones cater primarily for the Western Bay of Plenty population in the philosophy of 'live, work and play'. These zones total some 600ha and will provide for the projected economic growth for well beyond the ten year planning period. Apart from perhaps small additions to existing zones, there is no need to add further land to the existing stock over and above that which has already been identified above.

The intention of the Industrial Zone is to locate industrial activities together for the avoidance and management of adverse effects such as traffic, noise, dust, *hazardous substances*, visual effects and odour. It also enables *Council* to better manage the provision of *infrastructure* and the interface with adjacent Residential and Rural Zones. It also enables better long term planning of transport corridors (road and rail).

Some greenfield Industrial Zones have detailed *development* staging plans to ensure the land is developed in the most efficient and effective way. Special rules have been developed in these circumstances to address out of sequence *development*.

An important resource management issue for maintaining the integrity of the Industrial Zone is

ensuring that non-industrial activities such as *retailing* and residential activities are restricted to ensure that *reverse sensitivity* effects are avoided.

There is an opportunity for the market to establish clusters in which sensitive industrial activities are grouped together. Such activities include food processing and electronic equipment manufacturing. Clustering is seen as best driven by the market rather than *Council* dictating where such activities should be located

Special performance standards have been established where an Industrial Zone is located close to or surrounds ecological features such as streams. Appropriate buffer zones and reserves have been established where there are multiple benefits such as landscape mitigation and cycleways.

Good urban design outcomes are also important for Industrial Zones especially when they are located in prominent gateway locations to towns such as Te Puke and Katikati. Special provision has been made for the promotion of pedestrian and cycleways to connect through to adjacent urban areas while avoiding State Highway corridors and the Te Puke Highway corridor where practicable. It is also important to promote safe design through consideration and implementation of the recognised principles of Crime Prevention through Environmental Design.

21.1 Significant Issues

1. Industrial activities may generate adverse effects particularly through noise, vibration odour, visual appearance and traffic movement both within an industrial area and beyond.
2. Industrial areas such as those fronting residential areas and those at the main entrances to towns have a high capacity to generate adverse visual effects.
3. Introduction of new industrial and business activities in areas that have high amenity values has the potential to create conflict between existing activities and future industrial activities.
4. The *District's* industrial land resource is a limited resource in the long term. Allowing sensitive uses such as residential activities to establish in industrial areas has the potential to constrain *development* in close proximity because of the higher amenity standards required for living spaces.
5. Allowing commercial and retail activities to establish in industrial areas has the potential to undermine the viability of existing and proposed town centres and retail areas.
6. Unless carefully managed, stormwater runoff from industrial areas has the potential to affect downstream activities and sensitive environments. For example, the Rangiuru Business Park could affect the operation of the Kaituna Drainage Scheme and the ecology of nearby sensitive areas (such as the Kaituna River, Kaituna Wildlife Reserve and the Maketu Estuary).
7. The cost of establishing industrial areas and providing them with the necessary roading, water, wastewater and stormwater *infrastructure* can be high. Unless provision is made for *infrastructure* necessary to support business activities to be funded in advance by developers, and the costs fully recouped in an efficient and equitable manner, such *infrastructure* may not be provided thereby preventing *development* from occurring.
8. The establishment of industrial activities out of zone, particularly into the rural areas, has the potential to detract from the viability of the Industrial Zones.
9. Unplanned ad-hoc industrial *development* will undermine the SmartGrowth growth management strategy and lead to inefficient use of land resources and *infrastructure*.

10. The need to plan long term for the industrial land provision to ensure future options are not compromised.
11. Each urban community within the *District* has prepared a community plan that reflects the character of their area. There is the potential for industrial *development* to occur in a manner which is inconsistent with these community plans.

21.2 Objectives and Policies

21.2.1 Objectives

1. The efficient and optimum use and *development* of industrial resources (including land and *buildings/structures*) in a manner which provides for the economic well being of the people living in the *District*.
2. Industrial areas which maintain amenity values from key roads within the zones, from surrounding road networks, and at the interface with other areas.
3. Industrial areas in which industrial activities can operate effectively and efficiently, without undue restraint from non-industrial uses which may require higher amenity values.
4. Viable commercial centres in which commercial activities that do not have a functional need to locate in an industrial area are consolidated.
5. The equitable provision, extension and/or upgrading of *infrastructure* with sufficient capacity to cater for future *development* within the Zone and in accordance with applicable *structure plans* to be funded by all *development* within the *structure plan* area.
6. The protection of sensitive environments downstream of industrial areas from the adverse effects of *infrastructure* required to service such areas.

21.2.2 Policies

1. Provide industrial areas within the *District* close to established urban centres that provide for a wide variety of industrial activities to establish.
2. Industrial activities should establish and operate so as to protect the environment in other zones from noise, odour, visual impact or traffic generation.
3. Require industry locating in close proximity to Residential and Rural Zones and reserves to incorporate buffering, screening and landscaping to minimise the adverse visual impact of the activity.
4. Require the provision of onsite landscaping and screening in industrial areas and to have design controls for *buildings/structures* fronting identified key roads to enhance street appearance.
5. Industries should be located in areas where they can be adequately serviced by existing *infrastructure* or provide new *infrastructure* so as to ensure adverse effects can be mitigated, remedied or avoided including through financial contributions.
6. Limit the establishment of non-industrial activities in industrial areas to those which have a

functional or operational need for such a location.

7. Community Service Areas are provided within the Rangioru Business Park to meet the day-to-day needs of the workers and other users of the Park.

21.3 Activity Lists

21.3.1 Permitted Activities (all areas except for the Comvita Campus Structure Plan Area (see 21.3.4) and where otherwise specified)

- a. *Industry* (except within the Ōmokoroa Light Industrial Zone).
- b. Storage, warehousing, coolstores and packhouses (excluding warehousing, coolstores and packhouses, and storage and disposal of solid waste in the Ōmokoroa Light Industrial Zone).
- c. *Retailing* which is accessory and secondary to a. and b. above and which has:
 - i. Rangioru Business Park – a maximum of 250m² indoor/outdoor retail or a maximum of 25% of the *gross floor area* of the primary activity whichever is the lesser;
 - ii. All other areas – a maximum *gross floor area* of 100m².
- d. *Building and construction wholesalers and retailers.*
- e. *Commercial services.*
- f. *Takeaway food outlets* with a maximum *gross floor area* of 100m² (excluding Te Puna Business Park).
- g. *Service stations* and garages (excluding the Te Puna Business Park).
- h. *Medical or scientific facilities.*
- i. Veterinary rooms and pet crematoriums.
- j. Activities on reserves as provided for in the Reserves Act 1977.
- k. Police stations, fire stations and St Johns Ambulance stations.
- l. *Depots* (except transport and rural contractors *depots* within the Ōmokoroa Light Industrial Zone).
- m. *Vehicle, machinery and automotive parts sales* (excluding Te Puna Business Park).
- n. Works and *network utilities* as provided for in Section 10.
- o. *Commercial sexual services.*
- p. *Offices and buildings accessory* to the foregoing on the same site.
- q. Green waste and waste recycling facilities where these occur within buildings (i.e. are

enclosed) (except within the Ōmokoroa Light Industrial Zone).

r. *Aquaculture*

21.3.2 Additional Permitted Activities (Rangiuru Business Park only)

a. *Takeaway food outlets* with a maximum *gross floor area* of 350m². Such outlets can include dine in facilities where aligned to a permitted use in 21.3.1 g.

b. Handling, storage, processing, consignment and transportation of cargo.

c. Community Service Areas within the Business Park that meet the following criteria:

i. Are located within 250m of either of the two intersections marked for such on the Rangiuru Business Park *Structure Plan*; and

ii. *Development* within each of the two Community Service Areas must form a single contiguous *development* having a minimum *net land area* of 6,000m² and a maximum *net land area* of 20,000m²;

iii. The combined total *development* area across both of the two Community Service Areas shall not exceed a maximum *net land area* of 2.6ha.

Explanatory Note: Land uses within a Community Service Area may be held in *lots* which are smaller than the 6,000m² minimum provided they have contiguous boundaries and together exceed the minimum 6000m² *net land area*.

d. In the Community Service Areas

i. *Offices* (not covered by 21.3.1 p.) with a maximum *gross floor area* per activity of 200m², and a maximum cumulative gross floor area of 2000m².

ii. *Retailing* (not covered by 21.3.1 c.) with a maximum *gross floor area* per activity of 200m², and a maximum cumulative *gross floor area* of 2000m².

iii. *Places of assembly*.

iv. *Educational Facilities* (limited to childcare/day-care/pre-school facilities).

v. *Takeaway food outlets* with a maximum *gross floor area* of 350m². Such outlets can include dine in facilities.

e. In local purpose reserve amenity areas, Rural Zone Permitted Activities shall apply except for the following:

i. *New dwellings*;

ii. *Accommodation facilities*;

iii. *Education facilities*;

- iv. *Intensive farming activities.*
- f. Rural Zone Permitted Activities until such time as the Business Park is developed in accordance with the *Structure Plan* and staging rules except for the following:
 - i. *New dwellings;*
 - ii. *Accommodation facilities;*
 - iii. *Education facilities;*
 - iv. *Intensive farming activities.*

Explanatory Note:

This is a transitional provision to protect the integrity of the Industrial Zone.

- g. For Lots 1 and 2 DPS 35211, Post Harvest Zone Permitted Activities in accordance with that Zone until such time as the Business Park is developed in accordance with the *Structure Plan* and staging rules.

21.3.3 Additional Permitted Activities (Te Puna Business Park only)

- a. Retail outlets for primary produce with a maximum retail floor area of 100m².
- b. Garden centres and plant nurseries, including ancillary cafés provided that the café does not exceed a maximum *gross floor area* of 100m².
- c. *Farm vehicle and machinery sales.*

21.3.4 Permitted Activities (Comvita Campus Structure Plan Area only)

- a. *Industry*, storage and warehousing relating to food, health and pharmaceuticals that;
 - i. is produced in the *Structure Plan Area*, or
 - ii. is associated with activities undertaken within the *Structure Plan Area*.
- b. Research and development facilities and *medical or scientific facilities* relating to food, health and pharmaceuticals.
- c. *Works and network utilities* as provided for in Section 10.
- d. *Educational facilities* complementary to the foregoing.
- e. *Offices and buildings accessory to the foregoing.*

21.3.5 Controlled Activities

- a. Subdivision in accordance with 21.4.2.

- b. Works and *network utilities* as provided for in Section 10.
- c. With respect to financial contributions the erection or undertaking of one or more industrial activities other than the first such activity on a site or significant expansion of an existing activity (significant expansion is an increase of more than 0.5 of a *household equivalent* for services) and which in all other respects is a Permitted Activity.
- d. With respect to financial contributions, any activity in 21.3 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b. iv.

21.3.6 Additional Controlled Activities – Rangiuru Business Park only

- a. With respect to financial contributions the erection or undertaking of any industrial activity, and which in all other respects is a Permitted Activity, on a *lot* for which the title existed at December 2005.
- b. For Lots 1 and 2 DPS 35211, Post Harvest Zone Controlled Activities in accordance with that Zone until such time as Business Park is developed in accordance with the *Structure Plan* and staging rules.

21.3.7 Additional Controlled Activities – Te Puna Business Park only

- a. Subdivision to create no more than a total of 26 *lots*.
- b. Subdivision for the adjustment or relocation of boundaries provided no additional *lots* are created and the subdivision complies with at least one of the following:
 - i. The adjustment or relocation of boundaries will leave *allotment(s)* with the same or similar areas;
 - ii. The adjustment or relocation of boundaries will rationalise boundaries which are clearly not in accordance with existing or proposed land use and management.
- c. *Construction of buildings* greater than 100m² *gross floor area* to accommodate any Permitted Activity.

21.3.8 Restricted Discretionary Activities

- a. One *dwelling* accessory to Permitted or Controlled Activities on the same site.
- b. Any Permitted or Controlled Activity that fails to comply with any activity performance standard listed in Rule 21.4.
- c. Activities which are high risk facilities in terms of potential stormwater contaminants (as defined in the schedule contained in Section 21.8).

Explanatory Note:

The schedule in Section 21.8 is an extract from the Proposed Bay of Plenty Regional Water and Land Plan and is adopted as part of this District Plan. This rule is included, to ensure that specific assessment of high risk facilities can be undertaken and mitigation measures can be

imposed.

- d. Within stormwater management reserves and private conservation areas in Ōmokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:
 - i. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;
 - ii. The diversion or modification of any natural watercourses;
 - iii. The *construction* of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwelling*s or *buildings/structures*, playgrounds, pumpstations, sewers, culverts and roadways;
 - iv. Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

21.3.9 Additional Restricted Discretionary Activities – Rangiuru Business Park

- a. For Lots 1 and 2 DPS 35211, Post Harvest Zone Restricted Discretionary Activities in accordance with that Zone until such time as the Rangiuru Business Park is developed in accordance with the *Structure Plan* and staging rules.
- b. *Offices* that cause the maximum permitted cumulative *gross floor area* in the Community Service Area (21.3.2 d. i.) to be exceeded by no more than 1,000m².
- c. *Retailing* that causes the maximum cumulative permitted *gross floor area* in the Community Service Area (21.3.2 d.ii.) to be exceeded by no more than 1,000m².

21.3.10 Discretionary Activities

- a. With respect to any activity in 21.3.1 c., *retailing* involving a maximum *gross floor area* greater than 100m² but not exceeding 25% of the *gross floor area* of the industrial activity.
- b. *Places of assembly*, excluding those Permitted in 21.3.2 d. iii.
- c. *Accommodation facilities* ancillary to an industrial activity.
- d. *Education Facilities* – Tertiary Education Facilities only.

21.3.11 Additional Discretionary Activities – Rangiuru Business Park

- a. For Lots 1 and 2 DPS 35211, Post Harvest Zone Discretionary Activities in accordance with that Zone until such time as the Rangiuru Business Park is developed in accordance with the *Structure Plan* and staging rules.

- b. *Offices* accessory to Permitted Activities 21.3.1 and 21.3.2 b. provided that the *office* is on a *lot* adjoining the Permitted Activity to which the *office* is accessory to.
- c. Any individual activity or land use which exceeds the maximum daily demand for water (54m³/ha/day).

21.3.12 Non-Complying Activities

- a. Any *retailing* activity not covered by the foregoing rules including *retailing* which is accessory and secondary to *industry*, storage or warehousing.
- b. Any *office* activity not covered by the foregoing rules.
- c. *Development* and subdivision that is not in general accordance with the relevant *structure plans* and their stated servicing requirements, including any staged *infrastructure* requirements.
- d. Within *structure plan* areas, new *dwellings*, *accommodation facilities*, *education facilities* and *intensive farming activities* until the area has been developed in accordance with the *structure plan* at which time the standard industrial rules will apply. Within local purpose reserve (amenity) these activities remain Non-Complying Activities.
- e. Waste management activities (transfer stations, compost sites, landfills, recycling operations, green waste, and waste recycling facilities, etc) within the Ōmokoroa Light Industrial Zone.

21.3.13 Additional Non-Complying Activities – Rangioru Business Park

For Lots 1 and 2 DPS 35211, Post Harvest Zone Non-Complying Activities in accordance with that Zone until such time as the Rangioru Business Park is developed in accordance with the *Structure Plan* and staging rules

21.4 Activity Performance Standards

21.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities (including subdivision where applicable) and shall be used as a guide for all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Height and daylighting

Maximum *height* of all *buildings/structures* - 20m except in the following areas:

- Ōmokoroa Light Industrial Zone - 9m;
- Te Puna Business Park – 9m;
- Te Puke West – 9m for all *buildings/structures* located within the area identified as Stage 2 on the West Te Puke Staging Plan in Appendix 7;
- Comvita Campus *Structure Plan* Area – 15.0m.

The exception shall be the Ravensdown Marketstore on that land legally described

as Part Te Puke 1A20 block, Part Te Puke 1A21 block and Lot 1 DPS 19980.

The Ravensdown Marketstore shall have a maximum *height* of 12.5m above the finished floor level of 10.1m (Moturiki datum) as confirmed by a licensed cadastral surveyor in accordance with the Environment Court's decision ENV-2006-AKL-000472 dated 13 November 2006.

For all site boundaries adjoining Residential, Rural-Residential, Future Urban and Rural Zones and existing and proposed reserves:

No part of any *building/structure* shall exceed a *height* equal to 2m above ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

b. Yards

All buildings/structures

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.

Provided that:

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

Except that:

- Where a property adjoins a Strategic Road or a designation for a Strategic Road, that *yard* shall be 10m.

Explanatory Note:

This 10m front *yard* shall not be applicable to service station forecourts and associated forecourt canopies.

- Ōmokoroa Light Industrial Zone specific provisions:
 - i. Minimum 5m reduced to 3m (as measured from the internal boundary of the landscape strip) with the provision of a solid fence at least 1.8m high.
 - ii. For the boundary with the ROW serving 467 B, C, D and E Ōmokoroa Road, the *yard* shall be 5m (see also 4C.5.3.2 d. iv).
 - iii. The *yard* shall not be used for the storage of any material that is more than 3m high.
- Te Puna Industrial Park specific provisions:
 - i. 10m where a property adjoins a Rural Zone;
 - ii. 20m from Te Puna Station Road and 5m from any other road boundary.

c. Visual amenity – Streetscene

Streetscene performance standards apply to the following areas:

- Katikati (South of Marshall Road) Industrial Structure Plan and having a boundary with any road shown on the *Structure Plan* within the industrial area or any road surrounding the industrial area;
- Te Puke West Industrial Zone in respect of any site boundary adjoining a *Structure Plan* road (Road 1 and 2);
- Rangiuuru Business Park and being a collector or entrance road as shown on the *Structure Plan* or a site boundary adjacent to the Proposed Tauranga Eastern Link, Pah Road or the Te Puke Highway/East Coast main trunk Railway (including a boundary which is separated from the above by any reserve);
- Ōmokoroa Industrial Zones and having a boundary with Ōmokoroa Road, Hamurana Road and Francis Road.
- The industrial road (spine road) on the right hand side off the first intersection along Ōmokoroa Road from the State Highway (see Appendix 7, 4.8 Ōmokoroa Industrial Road Cross-section).
- Comvita Campus Structure Plan Area in respect of any boundary adjoining either State Highway 33 or Wilson Road South.

The following standards apply:

- i. All *buildings/structures* shall be set back a minimum of 5m from the road boundary;
 - ii. Loading and unloading, or outdoor storage activities shall be set back behind a line perpendicular to the nearest part of any *building* to the boundary with the road. Outdoor storage areas shall be screened from public view and other properties by way of a solid wall of not less than 2m in *height* and/or landscape planting to a minimum depth of 3m and a minimum *height* of not less than 2m. Such screening is to be maintained in good order at all times.
 - iii. In respect of any exterior *wall* that faces the road and which is greater than 150m² in face area, provision shall be made for at least two of the following design features:
 - A step or protrusion in the *wall* of at least 2m in depth and 4m in *height*;
 - Doors and windows that cover at least 20% of the wall;
 - A variation of surface texture with at least 20mm relief from the *wall* that covers at least 30% of the *wall*;
 - Vegetation in the form of vines and other climbing plants attached to the *wall* or free standing plantings that screen at least 50% of the *wall*.
- For the purposes of clause iii. above, a *wall* is considered to 'face' a boundary if the outside face of the *wall* is parallel to or at an angle of 45° or less to the boundary.
- iv. Front entrances to *buildings* shall face towards the main vehicle entrance on the site;
 - v. Specimen tree planting shall be provided on sites adjoining the road boundary at the rate of one tree for every 10m (lineal) of road frontage or fraction thereof. The required trees shall be located in the area within 10m of the front boundary of the site with the road;

At least 50% of the setback required by clause i. above shall be landscaped in the form of shrubs and groundcover species.

vi. No more than five vehicle parking spaces may be located within the 5m setback required by clause i. above, except where continuous landscape planting to screen the carparks is located between the road and the carparks, and this landscaping achieves a height of 1m across the front of the carparks;

vii. Fences shall not exceed 1.2m in *height* within 5m of any front boundary.

d. Visual amenity - reflectivity

i. Te Puna Business Park - All external surfaces of *buildings/structures* (excluding glazing) shall comply with the following *reflectivity* standards:

- Walls no greater than 35%;
- Roofs no greater than 25%.

Explanatory Note:

The above shall be in accordance with British Standard BS5252 Reflectance Value.

ii. Te Puke West - All *buildings/structures* adjacent to the Raparapahoe Stream and Te Puke Highway shall be developed in accordance with the standards and controls contained in the Te Puke West Urban Design Plan included in Appendix 7.

iii. Any *building/structure* failing to comply with these requirements shall require resource consent approval for a Non-Complying Activity.

e. Amenity - Katikati Waterford Road Industrial Zone

i. A close-boarded wooden fence shall be constructed on the boundary of the Zone with Flat 1 DPS 31079 and Lot 2 DPS 30458.

ii. The fence shall be 2m in *height* with a wooden cap. The fence is to be constructed prior to Lot 2 DP 30458 being used for industrial purposes.

f. **Commercial sexual services** shall not be located within 150m of the main entrance of a *sensitive site*, or share a common boundary with a *sensitive site*.

g. Transportation, Access, Parking and Loading - See Section 4B.

All onsite parking, **and all** access and manoeuvring areas required by the rules in Section 4B Transport, Access, Parking and Loading, shall be sealed to ensure dust is not generated by vehicular movements.

h. **Noise and Vibration** - See Section 4C.1.

i. **Storage and Disposal of Solid Waste** - See Section 4C.2.

- j. **Lighting and Welding** - See Section 4C.3.
- k. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- l. **Screening** – See Section 4C.5.
- m. **Signs** – See Section 4D.
- n. **Natural Environment** - See Section 5.
- o. **Landscape** - See Section 6.
- p. **Historic Heritage** - See Section 7.
- q. **Natural Hazards** - See Section 8.
- r. **Hazardous Substances** - See Section 9.
- s. **Financial Contributions** - See Section 11.

21.4.2 Subdivision and Development – (see Section 12)

- a. In addition to the subdivision and *development* standards in Section 12 all subdivision or *development* of land within the *structure plan* areas shown on the Planning Maps and in Appendix 7 shall be designed, approved and undertaken to incorporate and illustrate the *infrastructure* and mitigation features identified, including roading and road widening, walkways and cycleways, buffer areas, amenity screen landscaping, acoustics earth bunds/fences and stormwater collection systems as appropriate to the area.

Any activity not in general accordance with the *structure plan* will require resource consent as a Non-Complying Activity.

- b. No minimum *lot* size.

21.5 Matters of Control

21.5.1 Controlled Activities – Additional Matters of Control for Te Puna Business Park

With respect to *buildings* greater than 100m² in *gross floor area*, matters of control and the subject matter of consent conditions are limited to:

- a. *Building* design.
- b. Landscaping (including securing the maintenance thereof), in addition to that required by Permitted Activity standards.
- c. Traffic generation and monitoring.
- d. The Te Puna Rural Business Park Structure Plan.

21.6 Matters of Discretion

21.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

21.6.2 Restricted Discretionary Activities –One Dwelling Accessory to Permitted Activities on the Same Site

The operational requirement to have people live onsite for the effective and safe operation of the activity.

21.6.3 Restricted Discretionary Activities – High Risk Facilities

- a. *Council's* discretion is limited to the avoidance or mitigation of potential stormwater effects, including onsite measures to prevent or reduce potential contamination.
- b. An application need not be publicly notified and notice will only be served on the *Regional Council*.

21.6.4 Restricted Discretionary Activities –Stormwater Management Reserves and Private Conservation areas in Ōmokoroa Stage 2

Council's discretion and any conditions imposed are limited to:

- a. Avoiding, remedying or mitigating the potential adverse effects on of the ecological value of the reserves.
- b. In the Ōmokoroa *Structure Plan* area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.
- c. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.
- d. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

21.6.5 Restricted Discretionary Activities – Rangioru Business Park

- a. For any *office* or *retailing* activity in 21.3.9 b. or c., *Council's* discretion is restricted to:
 - i. The necessity for the additional *gross floor area* to provide for the actual demand for such services to meet day-to-day needs of the workers and other users of the Rangioru Business Park.
 - ii. Avoiding adverse office and retail distribution effects on existing or planned commercial centres within Rotorua District, Papamoa East UGA and Te Puke.

21.6.6 Assessment Criteria for Discretionary Activities

The assessment and management of effects should include the following:

- a. Consideration of the sustainable and efficient operation of the industrial area, including any *reverse sensitivity* effects.
- b. Whether adverse environmental effects will be adequately avoided or mitigated, with particular reference to:
 - Amenity values including noise, odour, visual and the like;
 - Streetscape within the industrial area with particular regard to front *yard* landscaping and the architectural treatment of *buildings/structures*;
 - Views into the industrial area from the surrounding road network;
 - The interface with adjacent Residential and Rural Zones and reserves;
 - The form, scale and character of the *building* or *structure* and its relationship with *buildings/structures* in the immediate vicinity of the site;
 - The nature and scale of activity;
 - The type of activities occurring on the site and nearby sites and the potential for conflict, including cumulative effects.
- c. The nature of any adverse potential or actual effects on downstream receiving environments as a result of stormwater runoff, with particular regard to the sensitive ecological features and drainage schemes.
- d. The equitable provision and funding of *infrastructure* and the need for full recovery of *infrastructure* costs (as set out in the financial contributions schedules). For the Te Puke West Industrial Zone this will be done on the basis of available areas able to be developed as opposed to actual site utilisation or building area, and notwithstanding that different activities place different actual demand on *infrastructure* networks. Developers wishing to occupy land within these areas must make their decisions on location in full awareness that financial contributions are payable on the basis of site area without refinements for specific proposals unless in exceptional circumstances.
- e. The extent to which *development* provides *infrastructure* for *development* of the land in accordance with any relevant *structure plan*, staging pre-requisites and can be adequately serviced.
- f. The potential for pedestrian/vehicle conflicts and effects on parking and traffic generation (both within and outside the industrial area).

- g. Traffic safety and efficiency, including the capacity of the road networks (local and State Highway) and intersections, and having regard to any travel demand management initiatives.
- h. In respect of retail, *place of assembly* and *office* activities, the means by which the viability of other retail areas/town centres within the *Western Bay of Plenty sub-region* is maintained and enhanced.
- i. For the Rangiuru Business Park, *offices* as provided for in 21.3.11 b., with a demonstrated need to be located in the Park including a locational requirement to be adjoining an associated Permitted Activity within the Park.
- j. For any activity that requires resource consent pursuant to 21.3.11 c. an assessment shall be provided in respect to the impacts on the balance of the relevant stage of *development* (and measures to address these impacts) in regards to water supply and limits on other uses and equitable funding of water supply infrastructure.

21.7 Other Methods

21.7.1 Regional Council

- a. *Earthworks* and discharges to land, air and water fall within the jurisdiction of the *Regional Council*. The relevant regional plans specify the rules for these activities, which will require regional resource consent if they are not provided for as Permitted Activities in the respective regional plan.

21.7.2 District Council

- a. Preparation of a *structure plan* for the expansion of the Rangiuru Business Park.
- b. 'Package of Plans' approach as identified in the Built Environment Strategy.

21.7.3 Smartgrowth

- a. As part of the ongoing actions required to implement the SmartGrowth Strategy, investigate the longer term expansion of the Rangiuru Business Park and other areas including the Tauriko Business Estate to the south of Belk Road.

21.8 Schedule – High Risk Facilities

Activity		Reason for High Risk Classification
1	Mechanical workshops, <i>service stations</i> , and automotive dismantlers.	These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon, hence the greater risk of stormwater discharges to the environment.
2	Printers	Relatively large quantities of dyes and paints and handled at these sites. The risk of spillages is relatively high.
3	Spray painting facilities	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
4	Meat, fish and shellfish processing industries, food and pet food processing	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
5	Dairy products processing	Wastes from these industries can typically have a high BOD.

		This can cause significant adverse effects.
6	Waste Management Sites (transfer stations, compost sites, landfills, recycling operations, etc)	Litter, <i>hazardous substances</i> and high BOD wastes can all enter stormwater systems from these sites.
7	Truck washing facilities	The activity of truck washing can wash hazardous contaminants off trucks as well as sediments and waters from spillages on site.
8	Manufacturing and bulk storage of fertiliser.	Fertilisers can have a high BOD. Typically such facilities are largely uncovered – the risk that fertiliser material will enter stormwater is high.
9	Textile fibre and textile processing industries where dyeing and washing of fabric occurs	Large quantities of dye and high BOD wastes (from wool scours for instance) are handled on these sites. The risk of spillages that could enter stormwater is high.
10	Tanneries and leather finishing	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
11	Footwear manufacture	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
12	Manufacture of paper and paper products	<i>Hazardous substances</i> such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages etc, entering stormwater can be high.
13	Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products.	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
14	Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
15	Manufacture of fabricated metal products, machinery and equipment.	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
16	Electroplaters, foundries, galvanisers and metal surfacing	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
17	Concrete batching plants and, asphalt manufacturing plants.	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
18	Stock sale yards	High BOD run-off can be associated with these sites.
19	Bakeries	Outside washing of trays, discharges and pans can result in high BOD, fats, greases and detergents entering stormwater systems.
20	Car wash and valet services	High oil, solvent and solid discharges can occur from these activities.
21	Commercial laundries (excluding service laundrettes and laundromats)	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
22	Furniture/wood manufacturing and refinishing industries	Some of these industries work outside extensively, usually with no stormwater treatment. Contaminants such as sawdust, glues, alkalis stripper solution in the stormwater coming off these sites can include high solids, BOD and high pH.
23	Timber preservation, treatment and storage sites where chemically treated timber is stored.	A range of <i>hazardous substances</i> are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage.
24	Paint stripping or abrasive blasting operations	May produce wastes containing heavy metals. The risk and effect of spillages is relatively high.