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Future Urban

15. Future Urban

Explanatory Statement

This Zone provides for the longer term *development* of the Omokoroa Peninsula for urban purposes. It is important therefore to ensure that any interim *development* does not compromise the future option.

Conflicts between primarily residential used land and rural uses such as horticulture can arise. They are usually a result of the adverse effects of noise, smell, shade from shelterbelts, and spray drift and a lack of tolerance and/or understanding of rural practices.

The potential for urban *development* is recognised and balanced with the productive potential and versatility of parts of the Peninsula and the need to maintain the amenity values of the area. By not allowing rural-residential type *development* the ability of the land resource to be used productively is maintained, as is the potential for urban *development*.

Omokoroa Road is the only major access arterial servicing the Peninsula and it is important that *development* does not compromise its efficient functioning. To this purpose additional accesses are only provided through intersections identified on the Structure Plan.

Whilst not zoned on the District Planning Maps there are a number of areas within the *District* identified in the Bay of Plenty Regional Policy Statement for future urban growth. Zoning of these areas for immediate urban *development* will not occur until the completion of appropriate comprehensive structure planning exercises that include integrated assessment of any *infrastructure* upgrades. Undertaking such work ahead of actual demand or need for urbanisation is not an efficient use of resources and the resulting *structure plans* may become obsolete before the time of their implementation. Provision is therefore made for these areas to retain the ability for productive rural purposes in the interim prior to urbanisation.

15.1 Significant Issues

1. The amenity of the existing Omokoroa settlement and adjacent 'rural' areas would be adversely affected by uncontrolled urban *development*.
2. Potential for conflicts between principally rural uses of land and principally residential uses of land.

3. Loss of *versatile land* to *developments* which inhibit its productive potential and compromise future use options.
4. Adverse impact on roading affecting traffic safety and efficiency as a result of increased traffic movements caused by new residential *development*.
5. Premature *development* of rural land for principally residential activities may compromise the ability to integrate transport and land use planning and *development* of such land for urban purposes in the longer term.

15.2 Objectives and Policies

15.2.1 Objectives

1. The amenity of the Omokoroa Peninsula is not compromised by inappropriate *development*.
2. Minimisation of the potential for incompatibilities between activities.
3. Conservation of the potential of the rural land resource with productive potential and versatility to be used for primary productive purposes until such time as it is needed for urban *development*.
4. A safe and efficient *District* roading system that integrates transport and land use planning to provide good connectivity for public transport, cycling and walking and safe and efficient linkages to the wider *transport network*.
5. *Development* of the Omokoroa Peninsula which does not compromise the potential for urban *development*.

15.2.2 Policies

1. *Development* of the Omokoroa Peninsula should not have effects which are incompatible with the amenity values of the environment in which they are situated.
2. Limitations on *development* will be imposed to minimise conflicts between activities.
3. *Development* of rural land should not have a significant adverse effect on the land's productive potential until such time as it is needed for urban *development*.

4. Ensure that any *development* does not adversely affect the roading system, including the future provision of integrated travel options such as public transport, walkways and cycleways and particularly the functioning of Omokoroa Road as the major access arterial servicing the Peninsula.
5. Any *development* proposals should not lead to fragmentation of existing titles to levels which could compromise future urban *development*.

15.3 Activity Lists

15.3.1 Permitted Activities

- (a) *Farming*.
- (b) *Conservation forestry*.
- (c) One *dwelling* per *lot*, except as per 15.3.2(d).
- (d) *Home enterprises*.
- (e) Activities on reserves as provided for in the Reserves Act 1977.
- (f) *Education facilities* for a combined maximum of four persons (excluding staff).
- (g) Works and *network utilities* as provided for in Section 10.
- (h) *Buildings accessory* to the foregoing.
- (i) *Existing urupa*.
- (j) *Accommodation facilities* for a combined maximum of five persons (excluding staff).

15.3.2 Controlled Activities

- (a) Boundary adjustment in accordance with 12.3.3.
- (b) Works and *network utilities* as provided for in Section 10.
- (c) One *minor dwelling* in addition to 15.3.1(c) above subject to performance standard 15.4.1(f).
- (d) One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.

15.3.3 Restricted Discretionary Activities

- (a) Within stormwater management reserves and private conservation areas in Omokoroa 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, *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 or Local Government Act 2002 shall be exempt from this requirement.

15.3.4 Discretionary Activities

- (a) Subdivision.
- (b) *Places of assembly.*
- (c) *Accommodation facilities* not complying with 15.4.1(d).
- (d) *Education facilities* for more than four persons (excluding staff).
- (e) *Stalls.*
- (f) Retail garden centres/nurseries.
- (g) Urupa (new sites).
- (h) Works and *network utilities* as provided for in Section 10.

15.4 Activity Performance Standards

15.4.1 General

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

(a) Height of buildings/structures

Maximum – 9m.

(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 and education facilities* – minimum 5m

(ii) All other *buildings/structures* – minimum 5m

Provided that:

All other *buildings/structures* may be located within a *side or rear yard* 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:

(ii) 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 a 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.

(d) 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 is 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.

(e) 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) Is carried out by a maximum of three persons;
- (iii) Does not have access from Omokoroa Road;
- (iv) 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*.
- (v) Any advertising shall comply with Section 4D.3.1.1.
- (vi) 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*.

- (f) **Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 15.3.2(c) and (d)**
- (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.
- (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.

15.4.2 Subdivision and Development (See also Section 12)

Minimum average net *lot* size – 4.0ha.

15.5 Matters of Discretion

15.5.1 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.

15.5.2 Restricted Discretionary Activities – Omokoroa Stage 2 Structure Plan

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- (a) Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.
- (b) In the Omokoroa Structure Plan area retaining the integrity of the Omokoroa 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.
- (e) Avoiding, remedying or mitigating the potential adverse effects on the functioning of Omokoroa Road (see 4B.4.2 and 12.4.4.4(c)).