

Mā tō tātou takiwā  
**For our District**

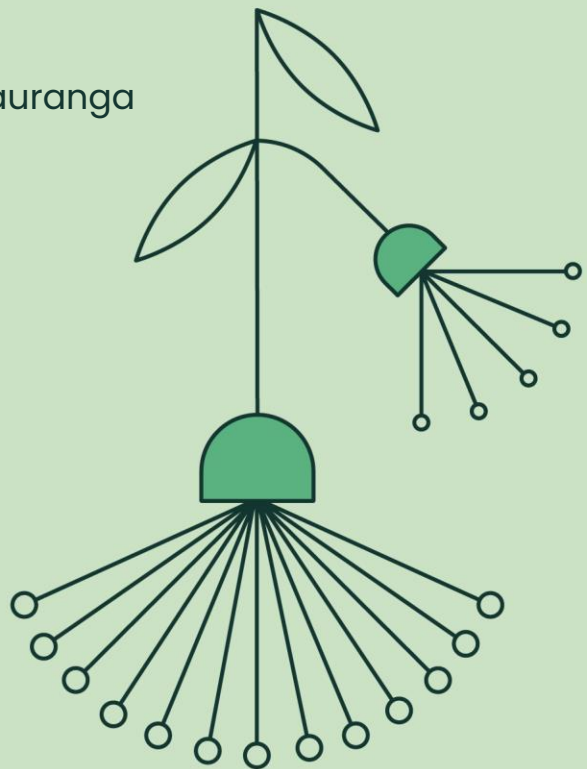
## Council

Te Kaunihera

CL24-1

Thursday, 22 February 2024, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



# Council

## Membership:

<b>Chairperson</b>	Mayor James Denyer
<b>Deputy Chairperson</b>	Deputy Mayor John Scrimgeour
<b>Members</b>	Cr Tracey Coxhead Cr Richard Crawford Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
<b>Quorum</b>	Six (6)
<b>Frequency</b>	Six weekly

## Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
- The power to appoint a chief executive;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement;



- The power to adopt a remuneration and employment policy;
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for
- modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

**Procedural matters:**

Approval of elected member training/conference attendance.

**Mayor's Delegation:**

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

**Power to sub-delegate:**

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the  
Council Chambers, 1484 Cameron Road, Tauranga on:  
Thursday, 22 February 2024 at 9.30am

## Order Of Business

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**1 KARAKIA**

Whakatau mai te wairua  
Whakawātea mai te hinengaro  
Whakarite mai te tinana  
Kia ea ai ngā mahi

Āe

Settle the spirit  
Clear the mind  
Prepare the body  
To achieve what needs to be  
achieved.  
Yes

**2 PRESENT****3 IN ATTENDANCE****4 APOLOGIES****5 CONSIDERATION OF LATE ITEMS****6 DECLARATIONS OF INTEREST****7 PUBLIC EXCLUDED ITEMS****8 PUBLIC FORUM**

## **9 COMMUNITY BOARD MINUTES FOR RECEIPT**

### **9.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 28 NOVEMBER 2023**

**File Number:** A5933213

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

#### **RECOMMENDATION**

1. That the Minutes of the Maketu Community Board Meeting held on 28 November 2023 be received.

#### **ATTACHMENTS**

1. Minutes of the Maketu Community Board Meeting held on 28 November 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
MAKETU COMMUNITY BOARD MEETING NO. MKC23-7  
HELD IN THE MAKETU COMMUNITY CENTRE, WILSON ROAD, MAKETU  
ON TUESDAY, 28 NOVEMBER 2023 AT 7.00PM**

## **KARAKIA**

The Chairperson opened the meeting with a karakia.

## **1 PRESENT**

Chairperson L Rae, Member T Hopping, Member D Walters, Cr R Crawford, Deputy Mayor J Scrimgeour.

## **ABSENT**

Deputy Chairperson R Corbett

## **2 IN ATTENDANCE**

R Davie (Deputy CEO/General Manager Strategy and Community), P Watson (Reserves and Facilities Manager), J Field (Reserves and Facilities Assets Manager) and C Irvin (Senior Governance Advisor).

## **OTHERS IN ATTENDANCE**

3 Members of the public including:

Cr A Wichers

## **3 APOLOGIES**

### **APOLOGY**

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### **RESOLUTION MKC23-7.1**

Moved: Member T Hopping

Seconded: Cr R Crawford

That the apology for lateness Member D Walters be accepted.

**CARRIED**

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## 4 CONSIDERATION OF LATE ITEMS

Nil

## 5 DECLARATIONS OF INTEREST

Nil

## 6 PUBLIC EXCLUDED ITEMS

Nil

## 7 PUBLIC FORUM

### 7.1 STUART MALLASH – CHAIRPERSON, PUKEHINA RATEPAYERS ASSOCIATION

- There had been a lot of discussion and media information regarding Central Government's inquiry into community-led retreat and adaptation funding.
- Mr Mallash had been overseas and seen very effective sandbagging, which was being looked into. This highlighted the fact that there were other options available to the community/Council.

The Chairperson advised this had been discussed, however the Maketu Community Board did not have any position on this nor could it make any decisions.

Deputy Mayor Scrimgeour advised caution when reading about this in the media, noting that the submission was a response to a set of questions requested by Central Government.

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### 7.2 MELANIE TREADGOLD – MATEKU ROAD RESIDENT

- Ms Treadgold had lived on Maketu Road for about two and a half years.
  - The floodgates had been opened again on the weekend (which was concerning as this had not happened for a long time) and the tide had come right up to the black marker on the side of the road.
  - It had been a frightening experience for her and her children to watch the water rising and the thought that her property could be flooded.
  - Ms Treadgold had contacted Council on Monday to inform them of this. It was understood that the floodgates were not going to be opened until a culvert had been installed to let the water in and out of the estuary.
  - It would be good to clarify who was responsible for this. The flood gate needed to be left shut because it did a good job.
-



The Chairperson advised:

- It had been made clear, and agreed, that the flood gates were not to be tampered with.
  - The Coastal Catchments Manager (Bay of Plenty Regional Council) had been looking at costings and a consent for a new inlet pipe under Maketu Road to service the wetland.
  - Further conversations needed to be had on not opening the gate. The solution to this needed to be resolved as quickly as possible.
  - In the event that it happened again, a Service Request needed to be raised.
- 

## **8 PRESENTATIONS**

### **8.1 SPENCER AVENUE RESERVE PRESENTATION**

The Board considered a report and presentation from the Reserves and Facilities Assets Manager, who provided the Board with an update on Spencer Avenue Reserve.

Deputy CEO/General Manager Strategy and Community noted that in terms of taking soil from Rangioru Business Park, Tapuika Iwi Authority would need to be consulted in relation to the transition of earth out of their rohe.

Staff responded to pātai as follows:

- \$100,000 had been set aside for the car park and driveway.
- The first year of implementation would include planning, detailed design and how elements of the park would be built.
- The cycleway would be a shared path to be utilised by everyone.
- When the business case for the Reserve was submitted to the Long Term Plan, maintenance costs were also included. This was not a direct cost to the Board as Council's reserve funding was district wide.
- The Bittern's biggest habitat was the Te Arawa wetlands located next to the Reserve. Sometimes they wandered over to the grass on the reserve.
- The spring would be looked after, and the fruit trees would be given some care.

In regards to the cycleway, the Chairperson noted the below:

- The Board had asked for a cycleway through the Reserve to be investigated.
  - At the moment, permission from Te Arawa Lakes Trust was still being worked through.
  - There were two possible designs at this stage, with the idea of having full connectivity through the reserve.
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## **RESOLUTION MKC23-7.2**

Moved: Member T Hopping

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Seconded: Deputy Mayor J Scrimgeour

That the Spencer Avenue Reserve presentation dated 28 November 2023 from the Reserves and Facilities Assets Manager be received.

**CARRIED**

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## **CHANGE TO ORDER OF BUSINESS**

The Chairperson requested that the next item of business be agenda item: 10.5 'Infrastructure Group Report Maketu Community Board November 2023' in order to release a presenter from the meeting.

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### **RESOLUTION MKC23-7.3**

Moved: Chairperson L Rae

Seconded: Cr R Crawford

That, in accordance with Standing Orders, the order of business be changed and that the item 10.5 'Infrastructure Group Report Maketu Community Board November 2023' be dealt with as the next item of business.

**CARRIED**

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## **9 REPORTS**

### **9.1 INFRASTRUCTURE GROUP REPORT MAKETU COMMUNITY BOARD NOVEMBER 2023**

The Board considered a report dated 28 November 2023 from the Executive's Assistant Infrastructure Group.

The Reserves and Facilities Manager was in attendance to respond to pātai on the below items.

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### **RESOLUTION MKC23-7.4**

Moved: Member T Hopping

Seconded: Member D Walters

That the Executive's Assistant Infrastructure Group's report dated 28 November 2023 titled 'Infrastructure Group Report Maketu Community Board November 2023' be received.

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**CARRIED**

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**9.1.1 MAKETU URUPĀ**

- At a hui held earlier in the year, actions had been agreed upon and some of those had been followed up on, such as:
  - Installing a rubbish bin and a seat up at the top;
  - Staff working with the community group on other options for providing water at the bottom section of the Urupā/cemetery (e.g. a large water container); and
  - The handrails were being progressed.
- It was hoped the flooding issue was a one-off event in terms of its severity. There would always be a certain amount of surface flooding due to the catchment that came down through the Urupā.
- A survey had been done of what had been built there, the results of which had shown that there were a couple of areas in the lower part of the Urupā which were 75 to 100 millimetres lower down than they should be, which was why a certain amount of 'ponding' was occurring there.
- Encroachments in the form of wood/plastic flowers and other such items obstructed the natural flow of the water through the Urupā. This needed to be reduced.
- The Reserves and Facilities Manager was working together with another contractor to look at importing some soil back on to the Urupā during the summer months. The archaeological authorities were in place and the site had been blessed.
- It had been suggested to bench the areas that came off either side of the stairway to create even surfaces for funeral services and visitors to walk on.
- Any further works would be held off until after the holiday season.
- The ideas for the Urupā would be put together to present to the Urupā Task Force.
- The Urupā land, and the operation of it, was owned by Council.

The Chairperson advised that it would be helpful to have some photos/visuals to provide to the Urupā Task Force so that they could see what was being done to maintain and upgrade the Urupā.

The Maketu Community Board requested to be provided with photos of the proposed upgrades to the Maketu Urupā.

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8.01pm Member D Walters entered the meeting.

**9.1.2 MAKETU SURF CLUB**

- Sand-renourishment was being undertaken around the Surf Club area.

- Staff were working with Surf Club members regarding the earthquake-prone building notice. This was a government directive where Council had to work through a set process. There was a substantial amount of time before the building had to be brought up to standard.
  - The building reinforcements had been exposed to salt over the years which had deteriorated their integrity, and they were disintegrating. It would cost quite a lot to get it repaired.
- 

### 10.1.3 MAKETU SPORTS FIELD

- The quote provided for a gate was an estimate only. A proper quote could be sought.
- The signage for freedom camping was currently being processed.
- If a gate was installed, someone could be engaged to unlock and lock the gate in the morning and at night. This was quite a commitment and needed a reliable person. The preferred option would be to engage someone local to reduce costs.

The Chairperson advised that community orientated signage was needed with a preference to avoid Council branded signage.

It was noted that the footpath at the sports field was not being used, as the end, close to the drain, had been boarded off. Due to this, people were not using the path.

The Maketu Community Board requested that the area of the footpath that had been boarded off be investigated and opened up to allow for better pedestrian access.

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## 10 MINUTES FOR CONFIRMATION

### 10.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 3 OCTOBER 2023

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#### RESOLUTION MKC23-7.5

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Maketu Community Board Meeting held on 3 October 2023 as circulated with the agenda be confirmed as a true and correct record, with the following amendment to the wording of item 10.1.1 as follows:
    - The Board requested that the new bike rack be placed next to, or near by, the existing one.
  2. That the Chairperson's electronic signature be inserted into the confirmed minutes.
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**CARRIED**

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## **11      REPORTS**

### **11.1      MAKETU COMMUNITY BOARD CHAIRPERSONS REPORT – NOVEMBER 2023**

The Board considered a report dated 28 November 2023 from the Maketu Community Board Chairperson who took the report as read.

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#### **RESOLUTION MKC23-7.6**

Moved:        Deputy Mayor J Scrimgeour

Seconded: Member D Walters

That the Chairperson's report dated 28 November 2023 titled 'Maketu Community Board Chairperson's Report – November 2023' be received.

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**CARRIED**

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#### **11.1.1      WILSON ROAD NORTH**

It was noted that something was needed as soon as possible to address the health and safety concerns.

The General Manager Strategy and Community provided the following points:

- The Transportation Area Engineer had advised that a new roading provider had now been contracted, which meant the 60% of design work that had already been completed would be passed on to new designers. This meant they may be able to present a design within the first quarter of 2024.
- The goal was to stay on target with construction to be carried out during the 2023-2025 construction season (beginning September 2024).

The Board would like to be provided with a project timeline/high level plan on what would happen and when regarding the planned works for Wilson Road North. The expectations of the community needed to be managed and they needed to be kept informed.

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### 12.1.2 LITTLE WAIHĪ FOUR WHEEL DRIVE TRACK

The Board would like to know who had been working on the alternative exit, four wheel drive track in Little Waihī and to explore facilitating some work, or assisting to finance, the stabilisation of it.

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## 12.2 MAKETU COMMUNITY BOARD COUNCILLOR'S REPORT – NOVEMBER 2023

The Board considered a report dated 28 November 2023 from Deputy Mayor Scrimgeour who took the report as read and provided the following updates:

### WestLink Contract:

- Council's roading contract with WestLink had been discontinued two weeks ago. Steps had been taken to replace this service for the next immediate period to address current issues. It was felt this would be a good opportunity to establish a more direct relationship with a new contractor.

### Long Term Plan (LTP) Changes:

- Council was dealing with many 'unknowns' at the moment. Meeting the LTP deadline was going to be a real challenge. A resolution was passed at the Council meeting held on 23 November 2023 to defer the LTP to no later than 30 September 2024. This would assist with addressing issues with the new Government appealing legislation and to gain more clarity going forward.

### Elderly Housing in Katikati:

- Council had recently received funding approval for elderly housing in Katikati from the Government which was a good outcome. Staff were now able to put 21 houses on the cleared site, at no cost to Council.

### Waihī Beach Pensioner Housing Units:

- Seven Waihī Beach Pensioner Units had been deemed unsafe to repair. At the Council meeting on 23 November 2023, Council resolved to have these units demolished. This was a difficult decision for some but the bottom line was that people could not be rehoused in units that were dangerous/unsafe.

### Tawhitinui Marae:

- A piece of unformed road had been requested to be returned to enable more Papakāinga housing on the land that surrounded the marae. Council resolved to

return the unformed road and also another piece of land which provided more space for housing and better access. This was a very good outcome.

Pencarrow Estate:

- Pencarrow Estate was not quite within the Maketu Community Board area, however, was situated at Arawa Road, Pongakawa.
- Council had accepted an application for a plan change to re-zone a block of land from rural to residential which was currently out for consultation. This was an opportunity for the community to make submissions if they wished.

Deputy Mayor Scrimgeour responded to pātai as follows:

- With regard to 'Elderly Housing', obtaining funding from the Government for Maketu would not be easy. The new Government had indicated they had a very different approach to spending. As such, it was not envisaged there would be more opportunities like this in the short term. It was important to take opportunities when they arose and make the most of them when they were available.

General Manager Strategy and Community responded to a pātai as follows:

- During the Three Waters proposal, the prevailing Government made available to all councils across the country a package of funding, known as 'Better off Funding'. Western Bay of Plenty District Council made the decision to use this funding for progressing housing outcomes, some of which was ring-fenced for Te Arawa ki Tai to identify land blocks in the rohe of Ngāti Whakāue, Waitaha and Tapuika, who were at a point of readiness to explore the possibility of Papakāinga. The funding was being used to progress development feasibility assessments.
- 

**RESOLUTION MKC23-7.7**

Moved: Deputy Mayor J Scrimgeour

Seconded: Chairperson L Rae

That Deputy Mayor's report dated 28 November 2023 titled 'Maketu Community Board Councillor's Report – November 2023' be received.

**CARRIED**

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**12.3 MAKETU COMMUNITY BOARD – 2024/2025 ANNUAL OPERATING BUDGET**

The Board considered a report dated 28 November 2023 from the Senior Governance Advisor. The report was taken as read.

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The Maketu Community Board requested clarification of the numbers in the 'Options' section of the report.

### RESOLUTION MKC23-7.8

Moved: Cr R Crawford

Seconded: Member D Walters

1. That the Senior Governance Advisor's report dated 28 November 2023 titled 'Maketu Community Board 2024/2025 Annual Operation Budget' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That it be recommended to the Annual Plan and Long Term Plan Committee that the Maketu Community Board 2024/2025 Annual Operating Budget be:

OPERATING COSTS	2024/2025	
Contingency	21,020	
Grants	5,000	
Milage Allowance	1,000	
Salaries	Determined by Remuneration Authority	
Inter Departmental Charges	Determined by Overhead Cost Allocation	
TOTAL OPERATING COSTS		

**CARRIED**

## 12.4 MAKETU COMMUNITY BOARD – FINANCIAL REPORT OCTOBER 2023

The Board considered a report dated 28 November 2023 from the Financial Business Advisor. The report was taken as read.

### RESOLUTION MKC23-7.9

Moved: Member T Hopping

Seconded: Cr R Crawford

That the Financial Business Advisor's report dated 28 November 2023 titled 'Maketu Community Board – Financial Report October 2023' be received.



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**CARRIED**

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The Chairperson thanked everyone involved with the Board, including those who provided input during Public Forum, as well as the staff.

**The Meeting closed at 9.00pm with a karakia.**

**Confirmed as a true and correct record at the Maketu Community Board meeting held on 20 February 2024.**

.....  
Chairperson L Rae

**CHAIRPERSON**

**10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION****10.1 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 9 NOVEMBER 2023**

**File Number:** A5909051

**Author:** Horowai Wi Repa, Governance Systems Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Strategy and Policy Committee Meeting held on 9 November 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

1. Minutes of the Strategy and Policy Committee Meeting held on 9 November 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
STRATEGY AND POLICY COMMITTEE MEETING NO. SPC23-7  
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 9 NOVEMBER 2023 AT 9.37AM**

## 1 KARAKIA

Whakatau mai te wairua  
Whakawātea mai te hinengaro  
Whakarite mai te tinana  
Kia ea ai ngā mahi

Settle the spirit  
Clear the mind  
Prepare the body  
To achieve what needs to be  
achieved.

Āe

Yes

## 2 PRESENT

Mayor J Denyer (Chairperson), Cr R Crawford, Cr T Coxhead, Cr G Dally, Cr M Grainger, Cr R Joyce, Cr M Murray-Benge, Deputy Mayor J Scrimgeour, Cr D Thwaites and Cr A Wichers

## VIA ZOOM

Cr A Sole

## 3 IN ATTENDANCE

R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), E Watton (Strategic Policy and Planning Programme Director), G Golding (Governance Manager), J Crummer (Senior Recreational Planner), T Wilson (Contract Manager Solid Waste), M Va'ai Matatia (Senior Environmental Planner), M Leighton (Policy and Planning Manager), C McGirr (Policy Analyst), M Wakefield (Climate Change Programme Lead), A King (Strategic Advisor: Legislative Reform and Special Projects), N Rutland (Environmental Planning Manager), R Leahy (Governance Advisor) and P Osborne (Senior Governance Advisor).

## OTHERS IN ATTENDANCE

1 member of the Media

## 4 APOLOGIES

### APOLOGY

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#### RESOLUTION SPC23-7.1

Moved: Cr M Grainger

Seconded: Cr R Crawford

That the apology for leave of absence from Cr Henry be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

Nil

## 9 PRESENTATIONS

Nil

## 10 REPORTS

### 10.1 ADOPTION OF THE DRAFT WASTE MANAGEMENT AND MINIMISATION PLAN FOR CONSULTATION

The Committee considered a report dated 9 November 2023 from the Policy Analyst, who took the report as read, and highlighted the background, as outlined in the report.

Staff responded to pātai as follows:

- The report stated that engagement had been planned with neighbouring councils. It was noted that Western Bay of Plenty District Council (WBOPDC) was
-

also part of a Central North Island Waste Group, which extended to a wider area than just the immediate neighbouring councils.

- The funding received from the waste levy could not be used to subsidise the PAYT kerbside rubbish tags, as that was an operational matter and the waste levy must also be used for waste minimisation initiatives.
- The worm farm in Kawerau was not owned by Tauranga City Council (TCC). Their food waste was sent to EnviroWaste in Hampton Downs, noting that this was the same as WBOPDC.
- Bitumen waste was considered as construction/demolition waste, which was included as a focus of multiple actions within the draft plan. It was noted that this could be stressed more in the final document, as it was an area of concern for the community.
- In relation to nappy waste, it was noted that council subsidised educational programmes that promoted Waste Free Parenting.
- Considerations, such as requests for larger glass bins, are addressed through the action plan as a commitment to review the kerbside service.
- The Resource Recovery Centres in Te Puke and Katikati were progressing, noting that there were two actions within the Waste Management and Minimisation Plan that committed Council to these projects.

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#### RESOLUTION SPC23-7.2

Moved: Cr M Murray-Benge

Seconded: Cr R Crawford

1. That the Policy Analysts report dated 9 November 2023 titled 'Adoption of the draft Waste Management and Minimisation Plan for Consultation' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That, with consideration of the Waste Assessment 2022, the draft Waste Management and Minimisation Plan be amended in accordance with section 50(3) of the Waste Minimisation Act 2008.
4. That the draft Waste Management and Minimisation Plan and accompanying Statement of Proposal, Waste Assessment and submission form be adopted for public consultation between 10 November 2023 and 10 December 2023.

**CARRIED**

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## 10.2 KATIKATI AND ŌMOKOROA DOG EXERCISE AREAS

The Committee considered a report dated 9 November 2023 from the Senior Recreation Planner, who provided the Committee with a brief overview of the report.

Staff responded to pātai as follows:

- Choosing to consult on Precious Family Reserve did not rule out the option of Links View Drive Reserve.
- Councils funding commitment was \$30,000 (outlined in the LTP), noting that this was not sufficient in and of itself to fund a dog exercise area that met community expectations. However, it was acknowledged that these were the types of projects that the community and philanthropic funders supported.
- Consultation was undertaken in May/June 2023, noting that what was presented at the meeting were the concept plans for adoption.
  - The Donegal Reserve, Katikati concept plan was recommended for adoption for implementation in the 2023/24 financial year.
  - A lot of community members believed Links View Drive, Ōmokoroa was suitable, however, through the consultation Council were requested to consider Precious Reserve, Ōmokoroa. For this reason, it was recommended that staff investigate this option further before any concept plan in relation to Ōmokoroa was adopted.
- This decision was presented to the Strategy and Policy Committee, as it was a concept plan.
- The figures relating to the payback of the dogs fees would be sought following the meeting.
- The Stormwater area behind 336 Ōmokoroa Road (specifically the area behind the Ōmokoroa Settler's Hall) was not considered a viable option, due to the size/shape, location in relation to existing walkway/cycleway connections, as well as proximity to neighbouring houses.
- The Community Board were engaged with through the Tō Wāhi events, however, not specifically in regard to contributing funds to the project. It was highlighted that this was a decision that sat with them for consideration.
- Staff had looked at ways to reduce costs through the design stage, noting that additional features were dependent on additional funding being sought.
- Mangawhai Pa site was considered, however discounted under the criteria relating to cultural heritage issues.

10.01am Deputy Mayor Scrimgeour left the meeting

The following tākupu (comments) were made by Committee members:

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- There was concern regarding the additional funding required, due to no figure or confirmation on whether this could be achieved. There was a belief that the Community Boards required more extensive consultation/engagement than what had been completed.
- Due to this being a direct request from the community, this could be seen as a community-led project. Council's contribution to the project was to support the communities needs and wants, however, still highlighted the need for community input.

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### RESOLUTION SPC23-7.3

Moved: Cr R Crawford

Seconded: Cr G Dally

1. That the Senior Recreation Planner's report dated 9 November 2023 titled 'Katikati and Ōmokoroa dog exercise areas be received.
2. That the report relates to an issue that is considered to be of low to medium significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee receives all feedback from the consultation period held between 30 May and 30 June 2023, as set out in the document titled "Dog Exercise Areas Submission Pack" (**Attachment 1** of this report).
4. That in relation to **Issue 1**, the Strategy and Policy Committee adopts the concept plan for Donegal Reserve, Katikati, as a dog exercise area (as per **Attachment 2** of this report).
5. That in relation to **Issue 2**, the Strategy and Policy Committee does not approve the concept plan for Links View Drive Reserve, Ōmokoroa (as per **Attachment 3** of this report) as a dog exercise area at this point but undertakes additional investigation and community consultation on Precious Family Reserve as a possible alternate location for the dog exercise area for Ōmokoroa.

**CARRIED**

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### 10.3 SUBMISSION ON MINISTRY FOR THE ENVIRONMENT CONSULTATION: DEFERRAL OF NZ ETS REPORTING OBLIGATIONS FOR ANIMALS-FARMER ACTIVITIES

The Committee considered a report dated 9 November 2023 from the Climate Change Programme Lead. The report was taken as read.

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### RESOLUTION SPC23-7.4

Moved: Mayor J Denyer

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Seconded: Cr M Murray-Benge

1. That the Climate Change Programme Lead's report dated 9 November 2023 titled 'Submission on Ministry for the Environment consultation: Deferral of NZ ETS reporting obligations for animals-farmer activities' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

**CARRIED**

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#### **10.4 SUBMISSION TO THE BAY OF PLENTY REGIONAL COUNCIL – CHANGES TO FRESHWATER MANAGEMENT IN THE BAY OF PLENTY**

The Committee considered a report dated 9 November 2023 from the Strategic Advisor: Legislative Reform and Special Projects. The report was taken as read.

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##### **RESOLUTION SPC23-7.5**

Moved: Cr M Grainger

Seconded: Mayor J Denyer

1. That the Strategic Advisor: Legislative Reform and Special Projects report dated 9 November 2023 titled 'Submission to the Bay of Plenty Regional Council – Changes to Freshwater Management in the Bay of Plenty' be received.
2. That the submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

**CARRIED**

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#### **10.5 SUBMISSION ON INQUIRY INTO COMMUNITY-LED RETREAT AND ADAPTATION FUNDING**

The Committee considered a report dated 9 November 2023 from the Strategic Advisor Resource Management. The report was taken as read.

Staff responded to pātai as follows:

- This item was workshopped on 3 October 2023, noting that Committee members were invited to share further ideas and/or feedback following the workshop.

The following tākupu were made by Committee members:

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- There was concern that ideas shared following the workshop were not made available to all Committee members prior to being added to the submission.
- The Mayor acknowledged the process regarding the submissions was not easy, due to incorporating a large variety of ideas and thoughts, as well as having to meet the submission deadlines.
- There was concern that the ideas included in the submission were big and required further conversations prior to being submitted on behalf of Council.
- Some members did not feel comfortable being included in this submission.
- It was highlighted that this was a submission on an inquiry regarding climate adaption, rather than a bill.

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#### RESOLUTION SPC23-7.6

Moved: Cr R Crawford

Seconded: Cr M Grainger

1. That the Strategic Advisor Resource Management's report dated 9 November 2023, titled 'Submission on Inquiry into community-led retreat and adaptation funding', be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

The motion was put. A division was called and recorded as follows:

In Favour: Crs G Dally, M Grainger, R Crawford, D Thwaites and Mayor Denyer

Against: Crs R Joyce, M Murray-Benge, A Wichers, A Sole and T Coxhead.

**EQUAL**

The Chairperson then exercised his casting vote and voted in favour of the motion.

The motion was declared **carried** on the casting vote.

**CARRIED**

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#### 10.6 FEEDBACK: MANAGING THE USE AND DEVELOPMENT OF HIGHLY PRODUCTIVE LAND: POTENTIAL AMENDMENTS TO THE NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND (NPS-HPL)

The Committee considered a report dated 9 November 2023 from the Senior Environmental Planner. The report was taken as read, with a brief overview of the submission provided.

Staff responded to pātai as follows:

- The objective of the National Policy Statement (NPS) was to protect highly productive land.

- It was acknowledged that the submission points were narrow, however, stated that the consenting pathways should be the same for renewable infrastructure on highly productive land, and for other primary production uses on highly productive land.
- The Regulatory Services team were demonstrating flexibility in relation to highly productive land, noting that they were working within the entire framework, and not just this NPS.
- It was understood that the rationale for not having solar farms on highly productive land was due to the typology of the land, noting that highly productive land was mostly rural.
- It was highlighted that there were incredible tensions that existed in policy setting, most notably between; the NPS for highly productive land, the NPS for Urban Development, and the NPS for Freshwater Management. It was recognised that these all collide, and there was a need to find a “sweet spot” between them.

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#### RESOLUTION SPC23-7.7

Moved: Cr M Grainger

Seconded: Mayor J Denyer

1. That the Senior Environmental Planner report dated 9 November 2023 titled ‘Feedback: Managing the use and development of highly productive land: Potential amendments to the National Policy Statement for Highly Productive Land (NPS-HPL)’, be received.
2. That the submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

**CARRIED**

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#### 11 INFORMATION FOR RECEIPT

Nil

**The Meeting closed at 10.55am.**

**Confirmed as a true and correct record by Council on 23 November 2023.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

**10.2 MINUTES OF THE COUNCIL MEETING HELD ON 14 DECEMBER 2023****File Number:** A5933201**Author:** Carolyn Irvin, Senior Governance Advisor**Authoriser:** Greer Golding, Governance Manager**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 14 December 2023 be confirmed as a true and correct record and the recommendations therein be adopted with the following amendment to item 11.2, bullet point four:
  - The highlights for the financial year *that were covered in the Annual Report*.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**ATTACHMENTS**

1. Minutes of the Council Meeting held on 14 December 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL23-18  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 14 DECEMBER 2023 AT 9.30AM**

## **1 KARAKIA**

Whakatau mai te wairua  
Whakawātea mai te hinengaro  
Whakarite mai te tinana  
Kia ea ai ngā mahi

Settle the spirit  
Clear the mind  
Prepare the body  
To achieve what needs to be  
achieved.

Āe

Yes

## **2 PRESENT**

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr A Sole, Cr D Thwaites and Cr A Wichers.

## **3 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), C Crow (General Manager Infrastructure Services), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), A Ali (Chief Financial Officer), S Bedford (Finance Manager), K Little (Operations Manager), P Watson (Reserves and Facilities Manager), A King (Strategic Advisor: Legislative Reform and Special Projects), J Proverbs (Communications Specialist), H Wi Repa (Governance Systems Advisor), P Osborne (Senior Governance Advisor), and C Irvin (Senior Governance Advisor).

## **VIA ZOOM**

S Henderson (Independent Member Audit Risk and Finance Committee)

J Crummer (Senior Recreational Planner)

S Bedford (Finance Manager)

## **OTHERS IN ATTENDANCE**

Audit New Zealand

Leon Pieterse – Audit Director

Anton Labuschagne – Audit Manager

Submitters as listed in item 11.3: 'Proposal to Lease – Waihi Beach Lifeguard Services Incorporated – Bowentown Seaforth Road South Reserve – Submission Period Closed'.

Maketu Coastguard Services:

Shane Beech, Geoff Oliver, Dion Muir, Ian Hurlock, Murray Whitehead, Dean Lindsay and Bill Martyn.

## 4 APOLOGIES

### APOLOGY

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#### RESOLUTION CL23-18.1

Moved: Cr M Grainger

Seconded: Cr A Sole

That the apology for absence from Cr Coxhead and Cr Murray-Benge be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

### 5.1 CONSIDERATION OF A LATE ITEM

There was one late item for Council to consider for inclusion in the open section of the agenda, being 'Supplementary Report: Annual Report 2022-2023'.

The reason that this item was not included on the agenda was that it was necessary to update a document and it could not be delayed to the next scheduled Council meeting because it was needed to resolve item 11.2 of this agenda (CL23-18).

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#### RESOLUTION CL23-18.2

Moved: Cr R Joyce

Seconded: Cr D Thwaites

That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following item be considered as a late item of open business:

- Supplementary Report: Annual Report 2022-2023

**CARRIED**

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## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

Nil

## 9 COMMUNITY BOARD MINUTES FOR RECEIPT

### 9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 15 NOVEMBER 2023

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#### RESOLUTION CL23-18.3

Moved: Cr A Henry

Seconded: Cr R Joyce

That the Minutes of the Katikati Community Board Meeting held on 15 November 2023 be received.

**CARRIED**

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### 9.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 21 NOVEMBER 2023

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#### RESOLUTION CL23-18.4

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Ōmokoroa Community Board Meeting held on 21 November 2023 be received.

**CARRIED**

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## 10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

### 10.1 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 23 NOVEMBER 2023

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#### RESOLUTION CL23-18.5

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Moved: Mayor J Denyer

Seconded: Cr G Dally

That the Minutes of the Community Committee Meeting held on 23 November 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10.2 MINUTES OF THE TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING HELD ON 22 NOVEMBER 2023**

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### **RESOLUTION CL23-18.6**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Wichers

That the Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 22 November 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10.3 MINUTES OF THE COUNCIL MEETING HELD ON 23 NOVEMBER 2023**

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### **RESOLUTION CL23-18.7**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 23 November 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## **10.4 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 23 NOVEMBER 2023**

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### **RESOLUTION CL23-18.8**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Grainger

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That the Minutes of the District Plan Committee Meeting held on 23 November 2023 be received.

**CARRIED**

## **11 REPORTS**

### **11.1 FORMAL DECLARATION OF WAYNE STEVENSON FOR APPOINTMENT TO THE WAIHĪ BEACH COMMUNITY BOARD.**

Council considered a report dated 14 December 2023 from the Governance Manager. The report was taken as read.

#### **RESOLUTION CL23-18.9**

Moved: Cr R Joyce

Seconded: Cr A Sole

1. That the Governance Manager's report dated 14 December 2023 titled 'Formal Declaration of Wayne Stevenson for Appointment to the Waihī Beach Community Board' be received.
2. That the oral and written declaration (**Attachment 1**) by Wayne Stevenson is witnessed and signed by Mayor James Denyer.

**CARRIED**

9.37am The meeting adjourned.

9.54am The meeting reconvened.

### **11.2 ANNUAL REPORT 2022-2023**

Council considered a report dated 14 December 2023 from the Finance Manager. The report was taken as read.

Mr Leon Pieterse and Mr Anton Labuschagne from Audit New Zealand were in attendance to speak to the report.

The Chief Financial Officer provided the following points:

- An unqualified opinion had been received.
- Three key areas had been changed to the Annual Report since its publication:
  - Stormwater measures/disclosures;
  - Vested assets; and
  - Additional Co-Lab disclosure.



- The changes had been detailed in the supplementary report;
- The highlights for the financial year that were covered in the Annual Report.
- Council would go into the new year with a very strong balance sheet and financial result.

The following tākupu was made by Councillor's:

- Councillor Grainger congratulated and thanked staff for their effort and time put into this work, and acknowledged Audit New Zealand's positive and cooperative work with Council to get the Annual Report completed. He also acknowledged Stuart Henderson's contribution.

Staff responded to pātai as follows:

- The 2023 Quarterly Loan Balance report and current account was circulated at the last Audit, Risk and Finance Committee meeting held 7 November 2023 however, could be circulated to Councillor's again.
- In the last month, a significant amount of work for the financial model for Elderly Housing had been done and would be brought to Councillor's for a workshop, with full details on the financials. From there, the reporting mechanisms could be finalised.

Mr Leon Pietersie noted Elderly Housing was reported on in the Annual Report as one of Council's performance measures. It was not audited as it was not assessed as material.

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#### RESOLUTION CL23-18.10

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

1. That the Chief Financial Officer's report dated 14 December 2023 titled 'Annual Report 2022-2023' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Council considers the information provided in this report when presented with the recommendation to adopt the Annual Report 2022-2023 included in late item 13.1 'Supplementary Report: Annual Report 2022-2023'.

**CARRIED**

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### 11.3 CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be late item 13.1: 'Supplementary Report: Annual Report 2022-2023' in order for Elected Members to address it as an update to item 11.2.

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**RESOLUTION CL23-18.11**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

That in accordance with Standing Orders, the order of business be changed and that item 13.1: 'Supplementary Report: Annual Report 2022-2023' be dealt with as the next item of business.

**CARRIED**

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**11.4 SUPPLEMENTARY REPORT – ANNUAL REPORT 2022-2023**

Council considered a report dated 14 December 2023 from the Finance Manager. The report was taken as read.

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**RESOLUTION CL23-18.12**

Moved: Cr M Grainger

Seconded: Cr D Thwaites

1. That the Finance Manager's report dated 14 December 2023 titled 'Supplementary Report: Annual Report 2022-2023' be received.
2. That Council receive the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2023 (included in **Attachment 1** of this report).
3. That, pursuant to section 98 of the Local Government Act 2002, Council adopt Western Bay of Plenty District Council's Annual Report 2022-2023 (**Attachment 1** of this report).
4. That the Chief Executive Officer be delegated authority to make such minor editorial changes to the Annual Report 2022-2023, as may be required.

**CARRIED**

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**11.4 PROPOSAL TO LEASE – WAIHĪ BEACH LIFEGUARD SERVICES INCORPORATED – BOWENTOWN SEAFORTH ROAD SOUTH RESERVE – SUBMISSION PERIOD CLOSED**

Council considered a report dated 14 December 2023 from the Reserves and Facilities Manager who took the report as read, summarising the main points.

The submitters spoke to their submissions as follows:

- Mr Ross Goudie (Chairperson, Waihi Beach Community Board):
-

- Mr Goudie Tabled Items 1, 2 and 3, and advised he was presenting on behalf of the Waihi Beach Community Board.
- The Waihi Beach Community Board fully supported the Waihi Beach Lifeguard Service's application to have a base at the Bowentown end of Waihi Beach. It was acknowledged this was for critical circumstances and for the need for equipment to be stored.
- The Board believed site options two and three were not viable options due to their awkward positions and the proposed lease area being impacted by other groups/users.
- The Waihi Beach Community Board wished to put forward Option 3a for consideration today, as it did not impact on the Coastguard parking area.
- 

Mr Goudie responded to pātai as follows:

- This had been a long process for Lifeguard Services, which the Waihi Beach Community Board had known about in the background, and had then put in their submission.
- The wish was for everyone to be happy and not tread on other users of the area.

Mr Peter Roy – Pio Shores Sports and Community Association:

- Mr Roy Tabled Item 4 and advised he was in attendance on behalf of the Pio Shores Sports and Community Association, who were fully understanding of the concept of the Waihi Beach Lifeguard Service wanting to establish a base at that end of the beach.
- The community had indicated to the Association that they were supportive of the Waihi Beach Lifeguard Service's request. Most were opposed to Option 1, but were clearly in favour of Option 3. The Association then made their own submission.
- The main issue that the community had with Option 1 was that it infringed on the open space and current recreation activities already established on the reserve, namely the cricket oval and the BMX track. Much of the proposed 600 square metre site was exclusive car parking.
- Option 3a was fully supported as it was understood it would meet the stated needs of the Lifeguards, would not impact on the Lifeguards current operations, and would be in keeping with the feedback from the community.
- It was recommended that Council did not choose Option 1, pending the development of Option 3a for a review through the public consultation process.

Mr Robert Donaldson – Pio Shores Resident:

- A new Coastguard building was supported in principle, however, the site location was strongly objected to in Option 1 because it would extend into the existing BMX track and cricket area, as well as require the removal of some of the existing

Pohutukawa trees and increase traffic congestion, therefore presenting additional hazards to pedestrians and cyclists.

- The application did not include a traffic hazard risk assessment or a traffic management plan.
- It was understood the proposed new building would have three new functions – short term life and emergency functions and storage during the patrol season, and long term storage outside the patrol season. Effectively, a storage warehouse for nine to ten months of the year.
- Any new building should be located within the vicinity of Option 3 or Option 3a, and the building dimensions should be limited to the minimum necessary to meet the needs for a life support facility and short term storage. Long term storage needs could be achieved by using other sites around Bowentown or existing industrial sites at Waihi Beach.

Mr Donaldson responded to pātai as follows:

- It was understood the observation tower did not need to be stored during the patrol season but would need to be stored outside of that period, which may require more storage room.

Ms Rose Fox – Bowentown Resident:

- Ms Fox was a senior registered architect who had worked on apartment buildings as project lead and lead consultant.
- This was an opportunity to develop something that everyone in the community was happy with and was future proof.
- The question was how to create a community emergency hub that worked cohesively for all users. Impacting on Coastguard parking would not be a cohesive option.
- Both the Coastguard and Lifeguard services should have their own dedicated parking within their dedicated lease area. Any parking over and above this would be common parking area available for other parties in an emergency.
- It was recommended that if Option 3a was chosen, a feasibility study, which included a traffic management plan, should be done before granting the lease.
- Potentially, the building scope could be changed so that it could also be used as a community centre, where community groups could use the building outside peak months.

Ms Fox responded to pātai as follows:

- Site Option 3a provided much better access to the beach in terms of equipment, had access away from all other vehicle and pedestrian traffic, and had high visibility.
- There was no need to encroach on any other community amenities in finding a solution that the community would be happy with.

- The proposed option had the building turned around to enable better access to equipment from the beach, amongst other things.

The Reserves and Facilities Manager provided the following points:

- Option 3a was developed after submissions had closed, and as such was outside of the consultation process with the community.
- An onsite meeting had been held with Lifeguard Service members to review the proposed Option 3a, as they had not viewed it previously. The conclusion from this was that Option 3a was not their preferred site.

The following parties (non-submitters) provided their comments:

Sam Dunlop – President – Waihi Beach Coastguard:

- Waihi Beach Coastguard was the most affected party to this process, as it had supported the Waihi Beach Lifeguard's proposed lease and had a long standing expression of interest at the site, as it was vital to its future and operations.
- The Waihi Beach Community Board had been informed that Option 1 was supported, mainly because encroaching on any area available to the Coastguard would compromise its future.
- The Waihi Beach Coastguard had not been part of the brief for proposed Option 3a, which would compromise both the Coastguard and beach/surf access as parking in summer was diabolical.
- Anywhere from 12 to 30 parks were used during the week at training, and up to 40 parks were needed in an emergency event.
- Quite a few rescues involved the Coastguard and the Lifeguard services going out together. Option 3a would compromise Waihi Beach Coastguard's future and it's ability to respond in an emergency.

Mr Dunlop responded to pātai as follows:

- Waihi Beach Coastguard usually responded to one rescue per week, and four to five serious incidences per year.
- There were 30 'wet crew' and 14 radio operator volunteers. The building was used by other community groups and for large training events. The entire area was full of parked cars at these events (including on the reserve).
- The Waihi Beach Lifeguard needed a building to store all their equipment for 12 months of the year.
- A serious event was run by Hamilton Police, with Search and Rescue and Maritime New Zealand involved. This meant there was an influx of people who drove to the area that needed parking space.
- In terms of preparing for the future and population increase in the area, current parking and storage space was not adequate.

- Option 1 was the practical option for the Coastguard. Options 2, 3 and 3a obstructed its operational abilities.

Ms Donna Pfefferle – Waihi Beach Lifeguard Services (via Zoom):

- The purpose of the building was to provide two main things:
  - Somewhere for the lifeguards working 8 to 10 hours a day to go during their off time, proper showers, and a first aid room; and
  - Time reduction: There was a 29 to 35 minute delay driving a boat, a jet ski, or a vehicle to Bowentown which cost too much time in terms of rescuing people from the water.
- This service was for the entire year, and the building would be a complete unit to operate either a patrol or call out squad.
- Option 1 was chosen for operational use. It complimented the Coastguard in terms of both parties being a united team. It was close to the road so rescuers could head out in different directions, and had good beach access.
- After the recent flooding events at Waihi Beach, it was realised a separate, fully equipped hub that provided total patrol services, was needed at the Bowentown end, should this happen again. This was an adaptation plan as part of an on-going strategy, that took into consideration what this looked like and what was needed for the next 25 years.

Ms Pfefferle responded to pātai as follows:

- Waihi Beach Lifeguard worked very closely with St Johns. Due to this, a driveway adequate for a three tonne truck was needed. Option 1 provide this without the need for a large financial input.
- There was room for more discussion, however, delaying this further would mean that it would still be taking too long to reach someone in the water who needed urgent assistance.
- There were timelines associated with the funding that had been provided for this project. It would be preferable to be able to start at the latest by 1 May 2024.
- It was important to help the public understand the pressures on lifeguarding, what was involved and what was needed in terms of being able to perform at a level needed to save lives.

Due to the numerous issues that arose during the submitters input, Cr Sole put forward that this report lie on the table.

Mayor Denyer advised that:

- This was an application for a lease which was for Council to grant or decline (or lie on the table); and
- This was a Council process and not a Community Board process.

The Reserves and Facilities Manager responded to pātai as follows:

- The Waihi Beach Coastguard was an affected party and, although no formal submission had been received from them, were part of the discussion.
- The point of difference with the Coastguard was they had a leased area which did not need a building consent to come back to Council, but a sign off from the Reserves and Facilities Manager. This was allowed for in the lease.
- There was currently an arrangement in place around the use of the carpark for the Coastguard. If they wished to formally lease/extend their car park area, it would go through the same process of advertising with the intention to alter a lease agreement.
- In the proposal, the impact on the BMX track had been allowed for in the business case, as well as the Lifeguards and their costings. The distance a cricket ball may travel had been allowed for and was felt to be fit for purpose in the Option 1 proposal.
- A traffic management plan was something to be considered when applying for a building consent.

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#### RESOLUTION CL23-18.13

Moved: Cr A Henry

Seconded: Cr R Joyce

1. That the Reserves and Facilities Manager's report dated 14 December 2023 titled 'Proposal to Lease - Waihi Beach Lifeguard Services Incorporated - Bowentown Seaforth Road South Reserve - Submission Period Closed' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

**CARRIED**

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#### RESOLUTION CL23-18.14

Moved: Mayor J Denyer

Seconded: Cr R Joyce

That this item lie on the table until the first Council meeting of 2024.

**CARRIED**

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12.00pm The meeting adjourned

12.12pm The meeting reconvened

#### 11.5 MAKETU VOLUNTEER COASTGUARD INCORPORATED - OTAIPARIA RESERVE - COUNCIL APPROVAL OF LAND LEASE FOR THE SITING OF A NEW COASTGUARD

**BUILDING**

Council considered a report from the Reserves and Facilities Manager who took the report as read, summarising the main points.

Mr Shane Beech, Mr Dion Muir, Mr Ian Hurlock, Mr Geoff Oliver, Mr Murray Whitehead, Mr Dean Lindsay and Mr Bill Martyn were in attendance in support of the report.

**RESOLUTION CL23-18.15**

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Reserves and Facilities Manager's report dated 14 December 2023 titled 'Maketu Volunteer Coastguard Incorporated - Otaiparia Reserve - Council Approval of Land Lease for the Siting of a New Coastguard Building' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council grant the Maketu Volunteer Coastguard Incorporated the right to lease for up to 35 years for 1102m<sup>2</sup> of land, more or less, being part of Tumu Kaituna 11A1 Block to allow for a coastguard facility situated on Otaiparia Reserve.
4. That Council notes that any approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation, or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.

**CARRIED**

**11.6 NO.4 ROAD BRIDGE REINSTATEMENT**

Council considered a report dated 14 December 2023 from the Senior Transportation Engineer who took the report as read.

Staff responded to pātai as follows:

- The next stage of the project would be to seek a consultant to do a specimen design, and develop a document for a tender request for a design and construction contract.
- The specimen design would indicate if Option 1 was a viable option in terms of the geometric alignment. If it did not prove to be a viable option it would be brought back to Council to seek a decision on other options.



- New Zealand had a legal limit to load on roads. Staff would work to that limit, and identify what the largest vehicle limit could be, and that this was checked when the specimen design was done.
- A cost assessment of the Option 5 Bailey Bridge had not been done, however it was thought this would not be a cheaper option.
- If the Bailey Bridge was to be relocated, it was unlikely that the owners of a nearby private road would allow it to be used as an alternative route during the closure of the road, after opposing this request previously for bridge maintenance. This made the Bailey Bridge option unviable, as the road would have to be closed for the duration of the construction.
- Construction of the bridge would be around September 2024, mainly to avoid the conclusion of the kiwifruit season when the fruit was being transported along the road.
- A s-shaped bridge would be more difficult to implement, as left and right turns would need to be added to the access at the western end of the bridge, as the owners of the private road wanted to be able to turn right off the bridge into their road. The material needed for an s-shaped bridge would be substantially more expensive.

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**RESOLUTION CL23-18.16**

Moved: Cr A Wichers

Seconded: Cr R Joyce

1. That the Senior Transportation Engineer's report dated 14 December 2023 titled 'No. 4 Road Bridge - Reinstatement' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That Council approves, subject to appropriate geometric alignment being achieved, Option 1 as shown on **Attachment 1** of this report being: a 30m long single span bridge located 5-10m upstream of the Bailey bridge and with negligible longitudinal grade.

**CARRIED**

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## **11.7 DELEGATIONS - RESOURCE MANAGEMENT ACT 1991 AND LOCAL GOVERNMENT (RATING) ACT 2002**

Council considered a report from the Privacy and Official Information Advisor who took the report as read and provided a summary of the main points.

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**RESOLUTION CL23-18.17**

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Moved: Cr D Thwaites

Seconded: Cr M Grainger

1. That the Privacy and Official Information Advisor's report dated 14 December 2023 titled 'Delegations – Resource Management Act 1991 and Local Government (Rating) Act 2002' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That, pursuant to section 34A of the Resource Management Act 1991 (RMA), and section 132 of the Local Government (Rating) Act 2002, Council delegates those of its functions, powers and duties to the positions ('Delegates') specified in **Attachment 1**.

**CARRIED**

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## **11.8 MAYOR'S REPORT TO COUNCIL**

Council considered a report dated 14 December 2023 from the Mayor, who took the report as read.

The Mayor responded to pātai as follows:

- At the Special General Meeting for Local Government New Zealand, each of the five resolutions were put and carried with a healthy majority.

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### **RESOLUTION CL23-18.18**

Moved: Mayor J Denyer

Seconded: Cr A Sole

That the Senior Executive Assistant to Mayor/CEO's report dated 14 December 2023 titled 'Mayor's Report to Council' be received.

**CARRIED**

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## **12 INFORMATION FOR RECEIPT**

### **12.1 CCTV WORKING GROUP FUNDING APPLICATION OUTCOMES 2023 – COUNCIL**

- Council was provided with an information report dated 14 December 2023 from the Operations Manager. The report provided Elected Members with the outcomes of the CCTV Working Group applications for 2023.

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## 13 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RESOLUTION CL23-18.19

Moved: Cr A Henry

Seconded: Cr D Thwaites

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>14.1 – Confidential Minutes of the Council Meeting held on 23 November 2023</b>	s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  s7(2)(f)(ii) – the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment	s48(1)(a)(i) – the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>14.2 – Heron Crescent Elder Housing Redevelopment – Design and Build Contract</b>	s7(2)(i) – the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) – the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>14.3 – Appointment of District Licensing Committee Members and District</b>	s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including	s48(1)(a)(i) – the public conduct of the relevant part of the proceedings of the meeting would be likely to

Licensing Committee Commissioners	that of deceased natural persons	result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

## ITEMS TRANSFERRED INTO OPEN SECTION

### 13.2 HERON CRESCENT ELDER HOUSING REDEVELOPMENT - DESIGN AND BUILD CONTRACT

#### RESOLUTION CL23-18.21

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the Operations Manager's report dated 14 December 2023 titled 'Heron Crescent Elder Housing Development – Design and Build Contract' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the tender from iLine Construction for the design and build contract for 26 units at 13-17 Heron Crescent, Katikati valued at \$6,234,530.85, be accepted, and that Contract No 22-1061 be awarded to iLine Construction.
4. That recommendation 3 is subject to the execution of the Affordable Housing Fund Grant Funding Agreement between Te Tūāpapa Kura Kāinga – Ministry for Housing and Urban Development and Western Bay of Plenty District Council, signed by the Chief Executive Officer under delegated authority.
5. That the resolutions be transferred into the open section of the meeting once the tender has been awarded.

**CARRIED**

### 13.3 APPOINTMENT OF DISTRICT LICENSING COMMITTEE MEMBERS AND DISTRICT LICENSING COMMITTEE COMMISSIONERS

#### RESOLUTION CL23-18.22

Moved: Cr R Crawford

Seconded: Cr G Dally

1. That the Compliance and Monitoring Manager's report dated 14 December 2023 titled 'Appointment of District Licensing Committee Members and District Licensing Committee Commissioners' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the following people be appointed as members to serve on the Western Bay of Plenty District Council District Licensing Committee list:
  - Alan Sciascia
  - Arthur Wilkinson
  - Beverly Edlin
  - Buddy Mikaere
  - Murray Clearwater
  - Petera Tapsell
4. That the following members be appointed as Commissioners to serve on the Western Bay of Plenty District Council District Licensing Committee list:
  - Arthur Wilkinson
  - Beverly Edlin
  - Murray Clearwater
5. That the resolutions be transferred into the open section of the meeting once the District Licensing Committee Members and Commissioners have been confirmed and notified.

**CARRIED**

**The Meeting closed at 12.56pm.**

**Confirmed as a true and correct record at the Council meeting to be held 22 February 2024.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

## **11 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT**

### **11.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 10 NOVEMBER 2023**

**File Number:** A5944663

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

#### **RECOMMENDATION**

1. That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 10 November 2023 be received.

#### **ATTACHMENTS**

1. Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 10 November 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
TE IHU O TE WAKA O TE ARAWA MEETING NO. TA23-3  
HELD IN THE ORCHARD CHURCH, 20 MACLOUGHLIN DRIVE, TE PUKE  
ON FRIDAY, 10 NOVEMBER 2023 AT 10.00AM**

## **1 KARAKIA/MIHI**

The hui opened with a karakia from Cr A Wichers.

## **2 PRESENT**

Chairperson G Rice (Ngāti Marukukere), Cr R Crawford, Cr G Dally, Mayor J Denyer, Deputy Mayor J Scrimgeour, Cr A Wichers, Member A Potiki (Ngāti Moko), Member D Dinsdale (Ngāti Moko), Member M Te Amo (Alternate – Te Kapu o Waitaha), Member M Pene (Ngāti Whakaue ki Maketu), Member P Tapsell (Ngāti Whakaue), and Member V Skudder (Tapuika Iwi Authority Board).

## **3 IN ATTENDANCE**

R Davie (Deputy CEO/Group Manager Strategy and Community), C Nepia (Strategic Kaupapa Māori Manager), C Gaunt (Kaimahere Matua), G Golding (Governance Manager), and C Irvin (Senior Governance Advisor).

## **OTHERS IN ATTENDANCE**

Shae Crossan (Technical Advisor, Te Arawa ki Tai Housing Kaupapa)

Rondell Reihana (Papakāinga Specialist, Te Arawa ki Tai Housing Kaupapa)

Helen Biel (Alternate for Tapuika Iwi Authority)

Raponi Wilson (Tapuika Iwi Authority)

Noel Mahia (Te Kapu o Waitaha)

## **4 APOLOGIES**

### **APOLOGY**

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### **RESOLUTION TA23-3.1**

Moved: Member V Skudder

Seconded: Member M Pene

That the apology for absence from Member R Biel, Member R Kingi, Member T Turner and Member Mahi Wihapi be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 PRESENTATIONS

Nil

## 7 MINUTES FOR CONFIRMATION

### 7.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 9 AUGUST 2023

#### RESOLUTION TA23-3.2

Moved: Member P Tapsell

Seconded: Mayor J Denyer

1. That the Minutes of the Te Ihū o te Waka o Te Arawa Meeting held on 9 August 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

## 8 REPORTS

### 8.1 TE ARAWA KI TAI WHENUA MĀORI DEVELOPMENT – APPROVAL OF WHENUA FOR FEASIBILITY FUNDING

The Forum considered a report dated 10 November 2023 from the Kaimahere Matua, who introduced Shae Crossan and Rondell Reihana from Te Arawa ki Tai Housing Kaupapa Project Team and provided the Forum with the following points:

- Council set aside \$500,000 from funding obtained through the Three Waters Reform to progress housing within the Te Arawa ki Tai area. It was agreed that this money would be used to progress housing feasibility. A project team was established to help progress this mahi.
- Shae Crossan (Technical Advisor) and Rondell Reihana (Papakāinga specialist) from Te Arawa ki Tai Housing Kaupapa Project Team were in attendance today to speak to the report.

Rondell Reihana introduced herself to the Forum and provided the following information:

- She had been appointed as Papakāinga specialist alongside Roland Kingi, who was the Project Coordinator.
- This was a great opportunity to put the pānui out for land trusts to become engaged and extend some formal interest. There had been a great response to



this with a lot of questions. Some land trusts had not submitted applications, but had raised questions around trust with the Council as external stakeholders. It was however a very good opportunity to get their matters/concerns written down on paper.

- Going out to Maketu whānau was an initiative by Roland Kingi and was helpful because they asked questions around Maketu south infrastructure, reticulation, and what they needed to do.

Shae Crossan introduced himself to the Forum and provided the following information:

- He was a town planner from Stratum who looked at everything from a technical, services and natural hazards perspective. At this stage, a desk top study was being done for the Kaupapa.

Rondell Reihana:

Rondell Reihana advised that, while there were names allocated to each specific block, whānau members were not contacted or spoken to in isolation of others, the emphasis being on gaining trust while working through this new process and approach from Council, and submitting applications. The application was used to advise that there was interest in the process, but was not to commit anyone to anything.

Mayor Denyer:

Five of the blocks were quite close to each other, and a couple share a common border. Because of the limited funding, were there synergies involved?

Kaimahere Matua:

Once an understanding of the list that would be approved/endorsed by the Forum had been obtained, the Project Team would engage with the whānau of each of the blocks involved to do a scope for the procurement phase of the feasibility studies. Essentially, the desire was to get 'better bang for our buck' in having one whole scope of work rather than each block individually. This meant a 'package of feasibility studies' rather than looking at each block on its own.

Member Geoff Rice:

Having one whole scope of work had been discussed at the last meeting and was about using the money as smartly as possible and being collaborative.

Rondell Reihana:

A lot of the whānau/blocks responded in ways indicating that they just wanted an idea as to what they could do with the money, what were the environmental aspects, and unique aesthetics attached to their respective blocks.

Kaimahere Matua:

## Prioritisation Tool:

The Project Team, which included Council staff, Iwi representatives and technical specialists, had developed a prioritisation tool that focused on:

- Housing feasibility criteria (for example strong land block leadership, whether all the owners were on board, the functioning state of their trust);
- The status of the land, the size, how many houses it would allow and the existing use of the land (e.g. long term lease, vacant); and
- Land zoning under current District Plan regulations, onsite hazards such as flooding or slip issues that could impact development and site access and services.

Essentially, a block scored lower if there were hazards that negatively impacted development on the site, and scored higher if it was already reticulated, and had site access, for example.

The prioritisation was a balancing of all these criteria, which provided a final score of who was best placed overall at this time to be able to progress housing on their whenua.

Some costings were done last year. Shae Crossan confirmed yesterday that, with his experience recently doing feasibility on blocks, it was expected that about five to eight blocks from the list could be funded, which would mean we would be in a good position to go to the next step and apply for capital funding. The view was that, if it could be done as a packaged plan, it would be more enticing for the Ministry of Housing and Urban Development (MHUD) to fund if there were five to eight blocks that were ready to go with a housing output of 30, 40 or 50 whare.

An initial conversation had taken place with Brett Crib, MAIHI Partnership Manager MHUD, after the combined Tangata Whenua Forum. This kaupapa was being worked on and Mr Crib had shown interest on being brought on board.

An online hui was held with John MacDonald (Relationship Manager for MHUD) six months ago to inform him that this kaupapa was progressing and that funding would be sought at some point to build houses.

It was important to note that the ultimate goal for these whānau was to have houses on their whenua that they could put people into and that the housing was good quality, safe housing.

Te Arawa ki Tai – Whenua Māori Development Subcommittee:

The purpose of the Te Arawa ki Tai – Whenua Māori Development Subcommittee was to be a governance body over the Project Team to ensure it was doing what it set out to do.

**RESOLUTION TA23-3.3**

Moved: Member P Tapsell

Seconded: Chairperson G Rice

1. That the Kaimahere Matua's report dated 12 October 2023 titled 'Te Arawa ki Tai Housing Kaupapa – Approval of Whenua For Feasibility Funding' be received.
2. That Te Ihu o te Waka o Te Arawa approves the Proposed Housing Feasibility Priority List for funding as outlined in **Attachment 1**

AND

3. That Te Ihu o te Waka o Te Arawa establishes a Te Arawa ki Tai – Whenua Māori Development Subcommittee in accordance with the Project Terms of Reference attached to this report as **Attachment 2**

AND

4. That the following members are appointed to a Te Arawa ki Tai – Whenua Māori Development Subcommittee to oversee/monitor the progress of the Te Arawa ki Tai – Whenua Māori Development Project Team:

Manu Pene (Ngāti Whakaeu ki Maketu)

Raponi Wilson (Tapuika Iwi Authority)

Mokoera Teamu (Te Kapu o Waitaha)

**CARRIED**

Kaimahere Matua – Next Steps:

The intention was to reconnect with those who had put in applications and develop a scope of what was required for each particular block. Once that was completed, procurement for the feasibility studies would be undertaken.

The goal was to bring a report back to the Forum at the end of the first quarter next year.

There were other funding possibilities that could be explored, however, at the moment, the available funding of \$500,000 was committed.

General Manager Strategy and Community:

There were reporting obligations that came with the funding where an entity needed to show that it was making good progress, however there was no deadline that the funding needed to be spent by.

The hui closed with a karakia from Member Manu Pene.

**The Meeting closed at 10.34am.**

**Confirmed as a true and correct record at the Te Ihu o Te Waka O Te Arawa meeting on 20 March 2024 .**

.....  
Chairperson G Rice

**CHAIRPERSON**

## 12 REPORTS

### 12.1 TOURISM BAY OF PLENTY DRAFT STATEMENT OF INTENT 2024-25 TO 2026-27

**File Number:** A5947216

**Author:** Jodie Rickard, Community and Strategic Relationships Manager

**Authoriser:** Emily Watton, Strategic Policy and Planning Programme Director

#### EXECUTIVE SUMMARY

The purpose of this report is to provide Council an opportunity to consider feedback on the Draft Statement of Intent for Tourism Bay of Plenty for the period 2024-2025 to 2026-2027.

#### RECOMMENDATION

1. That the Community and Strategic Relationships Manager's report dated 22 February 2024 titled 'Tourism Bay of Plenty Draft Statement of Intent 2024-2025 to 2026-2027' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives the draft Tourism Bay of Plenty Statement of Intent 2024-2025 to 2026-2027, included as **Attachment 1** (of this report).
4. That Council confirms the draft Tourism Bay of Plenty Statement of Intent 2024-2025 to 2026-2027 is in alignment with the Letter of Expectation provided by Western Bay of Plenty District Council to Tourism Bay of Plenty.
5. That Council notes as joint shareholder Tauranga City Council has provided feedback on the draft Statement of Intent at their 12 February 2024 Council meeting.

#### BACKGROUND

1. It is a requirement of the Local Government Act 2002 that Tourism Bay of Plenty (TBOP) prepare a Statement of Intent annually. The purpose of a Statement of Intent is to state publicly the activities and intentions of the Council Controlled Organisation (CCO) for the year, and the objectives to which those activities will contribute.
2. A Statement of Intent also provides shareholders with an opportunity to influence the direction of a CCO. Shareholders do this by preparing a Letter of Expectation.
3. TBOP presented at Council's Community Committee workshop on 19 October 2023. Elected members had a good opportunity to review the stocktake of local tourism opportunities in Waihi Beach and Maketu that TBOP had completed, including the

report recommendations. Progressing these opportunities is now included in the draft Statement of Intent.

4. At its meeting on 26 October 2023, Council considered the broader areas of focus it wanted to see reflected in the TBOP Statement of Intent, and instructed staff to prepare a Letter of Expectation outlining these areas of focus. The areas were:
  - (a) Regenerative tourism: a focus on tourism that has net benefits for the environment and local communities, in accordance with Tourism Bay of Plenty's Destination Management Plan;
  - (b) Walkways and cycleways promotion as a key visitor attraction;
  - (c) Support with implementation of the TECT Park Strategic Plan;
  - (d) Growing the 'Flavours of Plenty' festival within Western Bay of Plenty communities.
  - (e) Support for the development of local tourism opportunities in Maketu and Waihi Beach, and extension to Te Puke and Katikati.
5. Tourism Bay of Plenty has reflected these areas of focus in Section 5.1 of the draft Statement of Intent – Significant Areas of Activity. As discussed with elected members, facilitation of tourism product development and destination management planning within Waihi Beach and Maketu has been factored into TBOP's budget for the 2024/25 year and beyond. Extension of that support for product development and destination management planning beyond those communities will require additional funding support. This can be considered further through the Long Term Plan 2024-34.
6. Council may make further comment on the draft Statement of Intent. TBOP must consider these comments before delivering the completed Statement of Intent to shareholders before 1 July 2024.
7. Staff have no further comments to make on the draft Statement of Intent.

## SIGNIFICANCE AND ENGAGEMENT

8. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
9. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
10. In terms of the Significance and Engagement Policy Significance and Engagement Policy this decision is considered to be of low significance because the decisions

are in accordance with statutory requirements for Council for its Council Controlled Organisations and align with the previously adopted Statement of Expectations for Tourism Bay of Plenty.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

11. Staff have met with TBOP to discuss work programmes for 2024-25 and proposed areas of focus. The areas of focus add value to Council's work programme and align with the current strategic direction of both Council and TBOP. No further changes have been identified.

### ISSUES AND OPTIONS ASSESSMENT

12. Council has an option to provide feedback on the draft Statement of Intent. TBOP must consider this feedback before delivering its completed Statement of Intent before 1 July 2024.
13. Staff do not have any further feedback and are of the view the draft Statement of Intent aligns with the Letter of Expectation.

<ol style="list-style-type: none"> <li>1. That Council receives the draft Tourism Bay of Plenty Statement of Intent 2024-2025 to 2026-2027, included as <b>Attachment 1</b> (to this report).</li> <li>2. That Council confirms the draft Tourism Bay of Plenty Statement of Intent 2024-2025 to 2026-2027 is in alignment with the Letter of Expectation provided by Western Bay of Plenty District Council to Tourism Bay of Plenty.</li> </ol>	
<b>Reasons why no options are available:</b> <b>Section 79 (2) (c) and (3) Local Government Act 2002</b>	<b>Legislative or other reference</b>
<p>The role of TBOP and expectations of its shareholders are set out in the enduring TBOP Statement of Expectations. The draft Statement of Intent is in alignment with this document.</p> <p>The requirement and process for a CCO to prepare a Statement of Intent is prescribed by Schedule 8 Part 1 of the Local Government Act 2002. TBOP have complied with these requirements.</p> <p>Council as a minority shareholder in TBOP has limited scope and opportunity to consider a range of options.</p>	<p>Local Government Act 2002</p> <p>Schedule 8 Statements of Intent for Council-controlled organisations</p> <p>Part 1 Adoption of Statement of Intent.</p>

### STATUTORY COMPLIANCE

14. The TBOP Draft Statement of Intent 2024-2025 to 2026-2027 and the recommendations in this report are in accordance with Schedule 8 Part 1 of the Local Government Act 2002.

### FUNDING/BUDGET IMPLICATIONS

15. The draft Statement of Intent includes sufficient budget for facilitating local product development and destination management for Waihi Beach and Maketū. This funding will be included in the Long Term Plan 2024-34 for approval.
16. The funding implication is an increase in funding for TBOP from 2023/24 year, as follows:

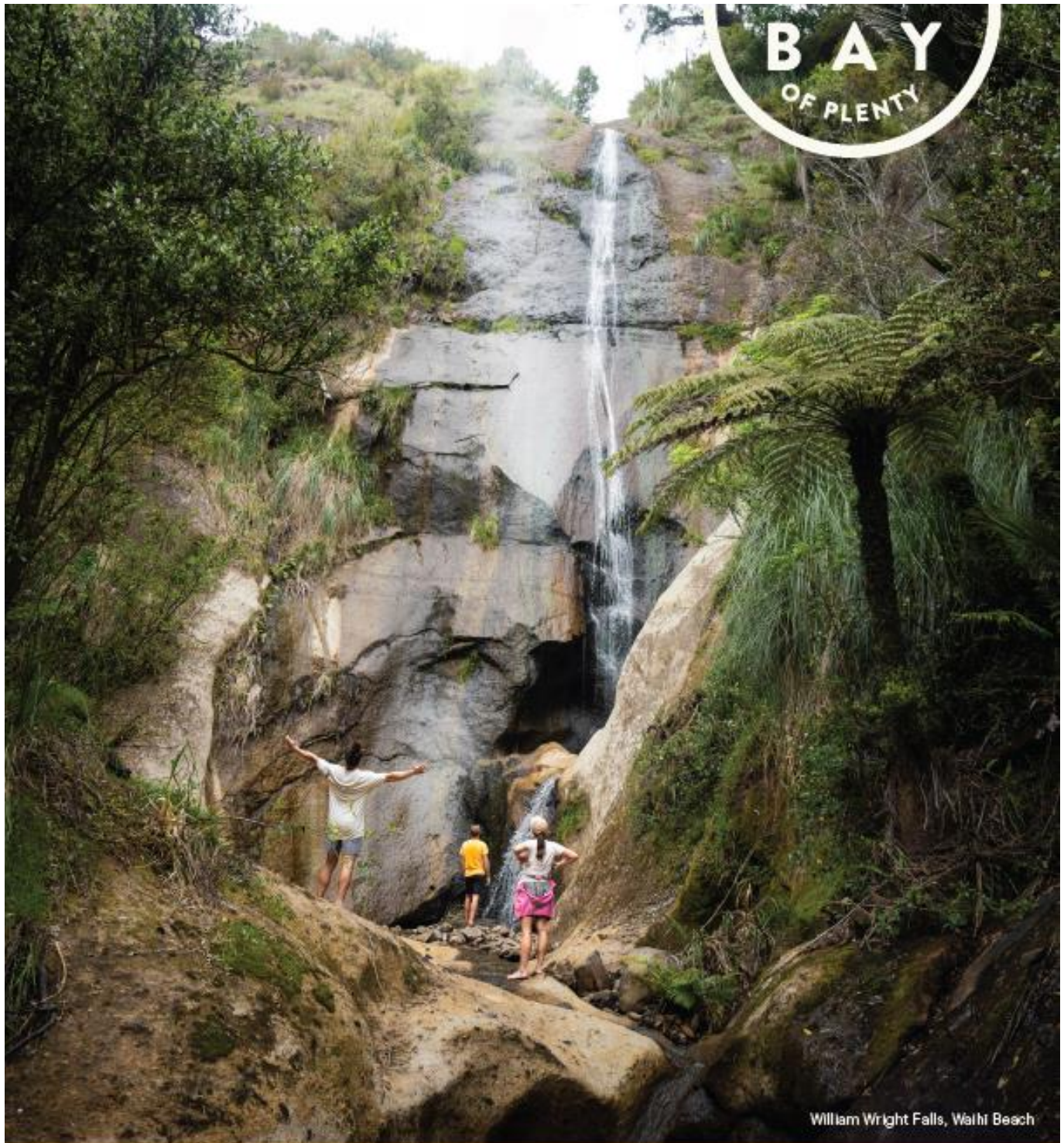
	Funding provided from WBOPDC to TBOP 2023/24	Proposed Funding 2024/25 year	Proposed funding 2025/26 year
	\$268,960	\$350,000	\$334,750
Funding increase from 2023/24 year		\$81,040	\$65,790

17. The funding is higher in 2024/25, to reflect the planning and immediate implementation of short term actions in the local tourism opportunities stocktake reports. Funding then reduces in the 2025/26 year.

### ATTACHMENTS

1. **Tourism Bay of Plenty Draft Statement of Intent 2024-25 to 2026-27**  





William Wright Falls, Waihi Beach

# STATEMENT OF INTENT

2024-2025 TO 2026-2027

**TĀPOI TE MOANANUI Ā TOI | TOURISM BAY OF PLENTY**

(WESTERN BAY OF PLENTY TOURISM AND VISITORS TRUST)



KO MĀTOU WAAHI HE NGĀKAU PAI, HE  
TAKUTAI HAUMAKO RAWA, HE WAAHI PITO  
MATA.

HE WAAHI AWHINA O NGĀ AHUREA  
TUAKIRI KĀTOA. KO TE WAIRUA  
MĀHORAHORA O TE TANGATA HE ORITE KI  
TE PARITANGA HUANGĀ PAI O TE WHENUA.

HE WAAHI HURANGA – KO TĀ MĀTOU  
PŪMANAWATANGA, TE MOTUHAKETANGA  
ME TE WHAKAARO MURAMURA E  
HONOHONO ANA MĀTOU KI TE AO.

HE TAURANGA MAI. HE TAURANGA ATU.

TE MOANANUI Ā TOI – HE WAAHI MŌU.

OURS IS A PLACE OF POSITIVE ENERGY; A  
RICH COASTAL PARADISE BLESSED WITH  
RAW POTENTIAL.

WHERE CULTURES EMBRACE  
AND THE NATURAL GENEROSITY  
OF OUR PEOPLE IS AS ABUNDANT AS OUR  
FERTILE LAND AND OPEN SEAS.

A PLACE OF DISCOVERY –  
OUR INGENUITY, DETERMINATION  
AND BOLD THINKING CONNECT  
US TO THE WORLD.

A LANDING PLACE. A LAUNCH PAD.

THE COASTAL BAY OF PLENTY –  
A PLACE FOR YOU.



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## 1. Purpose of Statement of Intent

In accordance with section 64 of the Local Government Act 2002 and the Local Government Amendment Act 2019, this annual Statement of Intent (SOI) publicly states the activities and intentions of the Western Bay of Plenty Tourism and Visitors Trust (Tourism Bay of Plenty) for the next three years. This SOI sets out Tourism Bay of Plenty's strategic framework, activities, and performance measures, as the basis of organisational accountability.

Tourism Bay of Plenty (TBOP) acknowledges the Enduring Statement of Expectations (ESE) and Letter of Expectation (LOE) from Tauranga City Council and Western Bay of Plenty District Council. These articulate the focus areas for TBOP that will contribute to advancing the western bay's economic prosperity.

## 2. About Tourism Bay of Plenty

TBOP is incorporated under the Charitable Trusts Act (1957) and is a not-for-profit entity, established to promote and manage the western bay sub-region as a visitor and tourist destination. TBOP is a Council Controlled Organisation (CCO) which is accountable to Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC) through separate Letters of Expectation. TBOP is also accountable to Whakatāne District Council (WDC) by a separate Letter of Intent. This collective region is known as Te Moananui ā Toi | the Coastal Bay of Plenty.





### 3. Objectives of Tourism Bay of Plenty

TBOP's purpose, as described in its Trust Deed, is to promote the economic welfare and development of the western bay region and its citizens through destination marketing, destination management, and other related activities which impact on the region as a visitor destination. TBOP is also responsible for providing visitor information services in the region.

TBOP's role as a Destination Management Organisation (DMO) is to lead, advocate, and coordinate a cohesive, collaborative, and balanced approach to the promotion and management of the region. This is a partnership approach which requires genuine engagement with local communities, businesses, iwi, and stakeholder councils to ensure an enhanced visitor experience.

#### 3.1 Alignment with Tauranga City Council's Community Outcomes

TCC have made a commitment to "put the community at the heart of everything we do" and to create a vibrant city. The [\*Our Direction Tauranga 2050\*](#) document explains the Council's strategic framework, outlining desired community outcomes, guiding further decision-making, and supporting its overarching [\*City Vision, Together we can.\*](#)

As per TCC's Letter of Expectations, TBOP will ensure its activity contributes to the following three TCC community outcomes, which align with the three pillars of the Council's City Vision:

- **We fuel possibility and vibrancy**

Tauranga is a vibrant city where we fuel possibility by fostering creativity, innovation, celebrating arts and culture and empowering change makers to create a vibrant city.

- **We are inclusive and lift each other up**

Tauranga is a city that recognises and promotes partnership with tangata whenua, values culture and diversity, and where people of all ages and backgrounds feel included.

- **We value and protect our environment and prioritise nature**

Tauranga is a city that values our natural environment and outdoor lifestyle, and actively works to protect and enhance it.

#### 3.2 Alignment with Western Bay of Plenty District Council's Focus

WBOPDC desires to have economic wellbeing integrated with environmental, social, and cultural wellbeing. WBOPDC value TBOP's Destination Management Plan, which has regenerative tourism at its core. Council supports regenerative tourism that aims to:

- Have net benefit across the environment.
- Improve residents' quality of life.
- Elevate Te Ao Māori.
- Add value to the economy.



### 3.3 Principal Objectives

TBOP takes the lead role in the sustainable growth of the visitor economy and destination management of Te Moananui ā Toi | the Coastal Bay of Plenty. TBOP's purpose is 'to lead the prosperity of our people and place through tourism'. As such, our principal objectives are to:

1. Help manage and promote the reputation of Tauranga and the wider coastal region nationally and internationally, to increase awareness and appeal.
2. Create, identify, and support opportunities for tourism to have positive economic, social, cultural, and environmental outcomes for the region and residents.
3. Share positive visitor sector stories to engage communities and to demonstrate the value of tourism to local residents (i.e., maintaining social license).
4. Provide leadership, advocacy, and engagement across the visitor economy, in areas such as events, cruise, conferencing, destination management, destination marketing, and storytelling.
5. Participate in conversations with both councils and in their subsequent workstreams, in relation to the development of their strategic directions. This includes contributing to Long-Term Plan conversations, the Te Manawataki o Te Papa project, and other similar large-scale council projects or reviews.
6. Ensure the TBOP business continuity plan is up to date and that it includes contingency strategies, being mindful of relevant health and safety legislation whenever we're providing services to support the wellbeing of our communities.

### 3.4 Operating Principles

TBOP will adhere to the 'Council Group' operating principles whereby:

- We deliver value for our communities through prudent financial management, ensuring we plan and provide affordable fit-for-purpose services.
- Sustainability and resilience underpin our decision-making and service delivery, protecting the future of our city.
- We work in partnership with tangata whenua, our communities, sub-regional stakeholders, and central government.
- We manage the balance between the social, economic, cultural, and environmental wellbeing of our communities.
- We listen to our communities and make transparent, evidence-based decisions.

TBOP is committed to employee wellbeing. As part of this, TBOP will continue to pay all staff the Living Wage as a minimum.



## 4. Approach to Governance

TBOP is a CCO of the Tauranga City and Western Bay of Plenty District Councils. The TBOP Board and management are committed to ensuring the organisation meets recommended best practice governance principles and maintains the highest ethical standards, as outlined in the ESE.

The TBOP Board of Trustees is appointed by both councils to govern and direct TBOP's activities. The Board is accountable to the councils for the financial and non-financial performance of TBOP. The Board works collaboratively with the councils to ensure a bilateral 'no surprises' relationship.

For transparency, TBOP will continue to publish up-to-date information online about what it does and how it operates on this page on our website: [bayofplenty.co.nz/media-and-resources/resources/](https://bayofplenty.co.nz/media-and-resources/resources/). TBOP will also consider the online publication of minutes of public sections of Board meetings.

### 4.1 The Role of the Tourism Bay of Plenty Board of Trustees

The Board of Trustees is responsible for the direction of TBOP. In accordance with the ESE, this responsibility includes:

- Acting in accordance with the Trust Deed.
- Developing and overseeing TBOP's Visitor Economy Strategy 2018-2028 (VES).
- Advocating on behalf of TBOP with key stakeholders.
- Approving Annual Plans, budgets, and the Statement of Intent (SOI).
- Maintaining Enterprise Risk and Health and Safety systems, policies, and controls.
- Monitoring financial performance and achievement of key initiatives and SOI objectives.
- Appointing and monitoring the performance and remuneration of the General Manager (GM).
- Ensuring the integrity of management information systems and policies.
- Assessing business opportunities and business risks.
- Ensuring TBOP policies enable a healthy organisational culture and staff engagement.
- Complying with relevant law.
- Ensuring TBOP exhibits a sense of social and environmental responsibility.
- Reporting to the councils.
- Following the decision-making guidelines in the ESE and the TCC Appointment of Directors to Council Organisations Policy and the Significance and Engagement Policies.

The Trustees operate under the TBOP Code of Conduct and the Tauranga City Council Code of Conduct for Directors Appointed by Council-to-Council Organisations.

The Trustees delegate the day-to-day operation of TBOP to the General Manager (GM) of TBOP, who reports to the Board.



#### 4.2 Tourism Bay of Plenty Trustees

As of 30 November 2023, the TBOP Board comprises of the following trustees:

- Russ Browne (Chairperson)
- Clare Swallow (Deputy Chairperson)
- Jason Hill
- Peter Blakeway
- Janine Tulloch
- Charles Russell
- Andrea Webster

#### 4.3 Communication Protocol

The Chairperson, Board members, and officers of TBOP will adhere to the following communication protocols with the councils, in addition to the formal reporting requirements:

- Regular governance-to-governance meetings with each council's Commissioners or Councillors.
- Presentations of the Six-Month Report and Annual Report to both councils.
- Two-way dialogue and consideration of each council's strategic priorities and objectives.
- A bilateral 'no-surprises' approach to governance and the management of the organisation.
- Consultation, prior to external release, of any significant changes and/or developments.
- Early notification and collaboration on key matters of risk or reputation.
- Appraise the performance of the TBOP Board of Trustees at a minimum of every two years, alternating annually between a Board-led review and a Council-led review.
- Share the details of any substantive engagement with central government and/or external agencies.
- Acknowledge our relationship with councils and use of logos where appropriate.

#### 4.4 Statement of Intent

The draft SOI for the ensuing financial year will be provided by TBOP to the councils by 19 January, 2024. Feedback from the councils will be considered by mid-February, and the final SOI will be submitted by 30 April, 2024.

The draft SOI provides a three-year view, which is consistent with the ESE, to identify:

- An indicative rolling three-year forecast of performance and position.
- Identification of any significant intended expenditure.
- Any likely requests for increased funding from either council.
- Key actions or initiatives to deliver on the objectives of TBOP.
- Upcoming challenges, risks and opportunities for TBOP.





5. Nature and Scope of Activities

TBOP’s purpose:

**To lead the prosperity of our people and place through tourism.**

TBOP’s growing role as a Destination Management Organisation requires it to *lead, advocate* and *coordinate* the visitor economy, while considering environmental, social, and cultural interests. We also need to ensure we preserve the region’s unique identity, and that visitor-related development is cognisant of the interests of local residents and iwi.

Lead	Advocate	Coordinate
<ul style="list-style-type: none"><li>•Lead the sustainable growth of the tourism sector, for the benefit of our community.</li></ul>	<ul style="list-style-type: none"><li>•Manage, develop and plan growth, taking into consideration social, environmental and cultural interests.</li></ul>	<ul style="list-style-type: none"><li>•Work with public, private and Iwi led organisations as a key collaborator in order to make the region a more regenerative, compelling and attractive visitor destination.</li></ul>

Destination management is an ongoing process, which reflects the need for regions to plan for the future. Destination management brings different stakeholders together in a collaborative manner to achieve the common goal to which they are all committed: developing a well-managed, sustainable destination for locals and visitors alike. This requires inclusive and coordinated leadership. Destination management needs to engage residents, tourism enterprises, businesses, Māori (iwi and hapū), Regional Tourism Organisations, Economic Development Organisations, Tourism New Zealand, and local, regional and central government whenever necessary or appropriate. To be successful, Tourism Bay of Plenty requires support from our local councils.

To ensure effective planning for population and urban growth, councils can provide opportunities for TBOP to actively contribute their expertise and knowledge of the tourism industry and economic development. This will help to ensure effective destination management of the region going forward.

As part of this, TBOP commits to liaising with the appropriate teams at both councils to better understand the destination opportunities they have already identified, such as Te Manawataki o Te Papa, Mount Maunganui, Ōmanawa Falls, TECT Park, and other recreational reserves, walking trails, cycling trails, and more.



## 5.1 Significant Areas of Activity

This section outlines the significant activities TBOP will undertake across Tauranga City and Western Bay of Plenty District. Activity will be apportioned per territorial authority area based on funding allocations, unless otherwise specified or if the activity is deemed to have regional benefit or there are extenuating circumstances that would require upweighting. Activity undertaken for Whakatāne District is project-based and is limited to direct funding received.

### Activity to be undertaken across the western bay region

#### MARKETING

Market the destination domestically and internationally through relevant channels to target markets. Including:

- A campaign aimed at domestic and local markets.
- Targeted Australian marketing activity. Trade marketing to partner organisations in New Zealand and key overseas markets (Australia, UK and USA).
- Media hosting.

#### PUBLIC RELATIONS & STORYTELLING

- Share information and news that shows why the region is a desirable place to live and visit, and to demonstrate the value of tourism to the local community.
- Manage any destination reputation risks that may arise.

#### PLACEMAKING

Support new and potential tourism developments that will enhance the destination. Including:

- Ōmanawa Falls.
- Cultural TECT Park to coast cycleway.
- Waihi Beach & Maketu identified opportunities as per scoping reports.

Further analysis into Te Puke & Katikati visitor economy opportunities will require additional funding for TBOP.

#### CYCLE TRAILS & WALKWAYS

- Support the development of recreational cycle trails and walkways.
- Support tourism ventures that make use of this infrastructure.
- Promote cycle trails in the western bay area through digital channels and an annual updates of the western bay cycle trails booklet, including printing and distribution.



#### **ELEVATE MĀORI CULTURAL TOURISM OFFERING**

- Support new and existing Māori cultural operators and developments to provide authentic cultural experiences to visitors.
- Incorporate cultural histories and stories into digital storytelling and wayfinding platforms managed by TBOP.

#### **SOCIAL LICENCE & INSIGHTS**

- Measure the impact of the tourism industry across the four wellbeing areas (where data are available) and use information to inform actions.
- Determine cruise value proposition and stakeholder perceptions as a key project.

#### **SUPPORT TOURISM OPERATORS**

Help new and existing operators to enhance their offering by supporting provision, access, and engagement with suitable training and upskilling opportunities. This includes resilience building, environmental sustainability, and digital marketing.

Note, some of this was previously covered by The Green Room | Te Rūma Kākāriki, and primarily funded by Toi Moana Bay of Plenty Regional Council.

#### **FLAVOURS OF PLENTY PLATFORM**

Grow the profile of the region as a foodie destination through:

- Promoting the region's foodscape through paid and owned marketing channels.
- Engaging with the foodie ecosystem via e-communications and face-to-face meets ups with industry.
- Retain Flavours of Plenty Festival as a key in-house marketing platform for local businesses to leverage.

NB: We are keen to see this platform grow and are seeking funding from multiple sources.

#### **CRUISE SECTOR OPPORTUNITES**

Continue to manage the cruise sector and work to enhance the benefits it brings to the local community.

#### **ACCESSIBLE TOURISM**

- Continue to update the bayofplenty.co.nz website with wayfinding and accessibility options in the western bay region.
- Continue to encourage operators to look at universal design options.



### Additional opportunities (Requested by TCC for TBOP to lead, with finalised funding pending)

#### DIGITAL WAYFINDING NETWORK

TBOP to continue to be the lead agency for a network of 'in-destination' digital kiosks to better enable visitor, event, and location specific wayfinding and cultural storytelling across the region. We are also supporting the wider TCC wayfinding and signage strategy.

#### BRAND TAURANGA

Project: TBOP the lead agency for the Tauranga Moana brand project.

Ongoing funding support and phasing work to be confirmed.

### Tauranga City Activity

#### EVENTS

Continue to implement the key actions (**1b and 4c**) in the Tauranga Events Actions and Investment Plan that TBOP is responsible for delivering. Timeframe for both actions is 1 to 3 years.

AIP Goal 1: Develop a strategic and collaborative approach to priorities and investment in major events and business events.

**TBOP Action 1b:** Develop a business events framework to provide a clear and coordinated framework for investment for the city.

AIP Goal 4: Improving the promotion and marketing of events to both local and national audiences.

**TBOP Action 4c:** Promote Tauranga as a premier event destination for visitors nationally and internationally. Adopt a collaborative approach to the promotion of events.

TBOP and the TCC Events Team are currently determining the scope of TBOP deliverables related to this action, based on TBOP resources.

#### PLACEMAKING

Support regional development and initiatives that support tourism, such as Te Manawataki o Te Papa, and the Mount Spatial Plan.



## Western Bay of Plenty District Activity

### MAJOR EVENTS PROMOTION

Support major events in the Western Bay of Plenty District such as the Waihi Beach Summer Fair, and Katikati Avocado Festival with promotional opportunities where appropriate.

## 6. Ratio of Funds to Assets

### 6.1 Ratio of Consolidated Funds

If the Trust is ever wound up, all assets will revert to both councils, to be held in trust for similar purposes. TBOP intends to keep the equity ratio equal to or above 0.5:1.0. The ratio is calculated as: equity divided by total assets.

## 7. Accounting Policies

Financial statements will be prepared in accordance with Tier 2 Public Benefit Entity Accounting Standards. The accounting policies that have been adopted are detailed in the Tourism Bay of Plenty Annual Report.

### 7.1 Asset Management

TBOP will prepare and implement Asset Management Plans for all assets where relevant.

### 7.2 Transactions Between Related Parties

Transactions between the councils and TBOP will be conducted on a wholly commercial basis.

## 8. Performance Targets (for western bay)

FOCUS AREA	PROJECT DELIVERABLE	MEASURE	TBOP	SOURCE	BASELINE (JUNE 2023)	TARGET BY JUNE 2024	TARGET BY JUNE 2025	TARGET BY JUNE 2026*
ECONOMIC Wellbeing	Grow the value of tourism to the western bay economy.	Trends in visitor spending via electronic card transactions.	Direct Partnered Indirect	MBIE MRTE's – Monthly Regional Tourism Estimates	In the year ending June 2023, total visitor spending in western bay was up 7% compared to the year ending June 2022.	Increased visitor spend in the western bay compared to YE June 2023.	Increased visitor spend in the western bay compared to YE June 2024.	Increased visitor spend in the western bay compared to previous YE.
SOCIAL Wellbeing	Enhance the value of tourism to our community (according to the community).	Residents' sentiment towards tourism. Measured by the percentage of residents who agree that tourism has a positive impact on their community. Residents provide a rating of 1 to 10, where 1 is strongly disagree and 10 is strongly agree.	Direct Partnered Indirect	Residents' satisfaction surveys, conducted by the respective councils.	Tauranga City community: 64% agree of residents agree. YE June 2023 Representing scores of 7 to 10  Western Bay of Plenty District community: 71% of residents agree. YE June 2023 Representing scores of 6 to 10	Increase minimum sentiment:  Tauranga City Residents: 65%  Western Bay of Plenty District Residents: 72%	Maintain minimum sentiment:  Tauranga City Residents: 65%  Western Bay of Plenty District Residents: 72%	Maintain minimum sentiment:  Tauranga City Residents: 65%  Western Bay of Plenty District Residents: 72%
CULTURAL Wellbeing	Improving the cultural wellbeing of the community through tourism.	Facilitation of programmes that elevate the Māori cultural tourism proposition in the western bay region.	Direct Partnered	TBOP Six-Month and Annual Reports.	Worked with Tauranga Moana mana whenua and other stakeholders to draw together cultural history and stories that can be shared with visitors via various platforms.	Incorporated Tauranga Moana cultural history and stories into digital storytelling and wayfinding platforms managed by TBOP.	Incorporated Western Bay of Plenty District cultural history and stories into digital storytelling and wayfinding platforms managed by TBOP.	Supported a minimum of 3 Māori tourism operators to connect their experience offering to a digital platform.
ENVIRONMENTAL Wellbeing	Improving the environmental wellbeing of the region via environmental sustainability and regeneration projects.	Industry-focused environmental sustainability and regeneration initiatives facilitated or enabled by TBOP.	Direct Partnered	Programme reports.	A total of 40 visitor sector organisations in the western bay have implemented sustainability initiatives and improved their sustainability literacy after completing The Green Room programme.	A total of 100 visitor sector organisations in the western bay have implemented sustainability initiatives and improved their sustainability literacy after completing The Green Room programme.	Key opportunities identified to support climate change mitigation and adaptation projects relating to tourism (connecting with the Tauranga Climate Change Action and Investment Plan, where relevant).	Key actions and programmes are in place which build on climate change mitigation and adaptation progress relating to tourism (connecting with the Tauranga Climate Change AIP, where relevant).
TBOP ORGANISATION Wellbeing	Enhance TBOP's ability to achieve its goals through high staff engagement.	TBOP staff engagement.	Direct	Employee engagement survey.	Employee Engagement score: 79%. April 2023	Employee Engagement score of ≥80%.	Employee Engagement score of ≥80%.	Employee Engagement score of ≥80%.



FOCUS AREA	PROJECT DELIVERABLE	MEASURE	TBOP	SOURCE	BASELINE (JUNE 2023)	TARGET BY JUNE 2024	TARGET BY JUNE 2025	TARGET BY JUNE 2026*
DESTINATION MANAGEMENT & MARKETING	Elevate the region’s cycling proposition.	Develop, update, and promote informative material on cycle trail options in the western bay.	Direct Partnered	Council’s feedback.	First iteration of western bay region cycle trails booklet successfully produced.	Cycle trails booklet updated with new trails, supported by an initial print run and digital deployment. Support the development of tourism ventures that make use of this experience.	Cycle trails booklet updated with new trails, supported by an initial print run and digital deployment. Support the development of tourism ventures that make use of this experience.	Cycle trails booklet updated. The western bay region becoming known as a destination for cycling within New Zealand.
	Build operator capability to enhance the quality of the region’s tourism offering.	Provide opportunities for western bay operators to train or upskill in sales, marketing and trade capability areas while also gaining, retaining or achieving higher Qualmark rated certification.	Direct Partnered Indirect	Capability programme report.	Provided one-to-one digital marketing training to 10 tourism businesses.	Operators supported to engage in capability building programmes, with a minimum of three additional operators being endorsed with Qualmark certification.	Operators supported to engage in capability building programmes, with a minimum of five additional operators being endorsed with Qualmark certification.	Operators supported to engage in capability building programmes, with a minimum of five additional operators being endorsed with Qualmark certification.
	Coordinate activity that attracts key business events to the western bay region.	Facilitate leads and bids for business events in the region.	Direct Partnered	TBOP Six-Month and Annual Reports.	Facilitated 17 leads or bids for business events in the region and won 4.	Facilitated 20 leads or bids for business events in the region and won 5.	Facilitated 25 leads or bids for business events in the region and won 7.	Facilitated 30 leads or bids for business events in the region and won 10.
	Elevate the region’s food story and proposition.	Promote and support the delivery of the Flavours of Plenty Festival to draw visitors to the Coastal Bay of Plenty region.	Direct Partnered	Festival delivery.	Successful coordination, delivery and promotion of the Flavours of Plenty Festival in March/April 2023, with 19% of event tickets sold to people who normally reside outside the region.	Promotion of the Flavours of Plenty Festival to key visitor markets results in ≥20% of ticketholders originating from outside the region.	Continued TBOP support of Flavours of Plenty, via key visitor marketing channels, reaffirms the festival as a signature DNA™ event for the region.	Continued TBOP support of Flavours of Plenty, via key visitor marketing channels, reaffirms the festival as a signature DNA™ event for the region.
	Promotion of the western bay region to key target markets (cultural explorers, surf & beach lovers, outdoor adventurers, and eco-travellers).	Annual development and delivery of marketing campaigns that incorporate our key DNA™ pillars that reach and convert the travel intentions of our target markets to visit, stay and spend in the region.	Direct Partnered	Campaign collateral.	Focusing on social and other key digital channels, TBOP takes a partnership approach to trade marketing, and critically assesses the value of media famils to ensure ROI and value for money.	Deliver an updated domestic marketing campaign which incorporates the destination’s DNA™ elements and is focused on the target markets.	Review previous campaign results and deliver an updated/renewed domestic marketing campaign which incorporates the destination’s DNA™, converting the travel intentions of our target markets to visit, stay and spend in the region.	Annual review and delivery of relevant campaigns and related PR activity that incorporates our DNA™ pillars and converts the travel intentions of our key target markets to visit, stay and spend in the region.

\*June 2027 targets to be confirmed, but initially baselined against June 2026 targets with scope for further development.



## 9. Expected Shareholder Distributions

TBOP is not expected to make profits. Any surplus funds remaining from the annual operations of TBOP will be carried forward to the ensuing year, to continue to pursue the primary objectives of TBOP.

## 10. Financial and Non-Financial Reporting

### 10.1 Financial Performance Targets and Measures

- Gross revenue is consistent with the agreed budget.
- Expenditure is managed within the agreed budget.
- Working capital ratio of no less than 1 (excluding current portion of term debt).
- Equity to assets ratio is reported on (equity divided by total assets).
- No debt is to be raised to finance operating expenses.

### 10.2 Reporting

TBOP has adopted 30 June as its balance date.

#### 10.2.1.1 Six Month Report

By 28 February each year, the Trustees shall deliver to the councils an unaudited report containing the following information, in respect of the six months under review:

- Statement of Financial Performance, disclosing revenue and expenditure and comparative prior period and budget figures.
- Statement of Financial Position.
- Progress towards Non-Financial Performance Targets.
- A commentary on the financial and non-financial results for the first six months and a forecast of these results for the full year.

#### 10.2.1.2 Annual Report

By 31 August each year, the Trustees shall deliver to the councils a draft Annual Report, and by 30 September a final version of the Annual Report which will include audited financial statements (dependent on Audit New Zealand timeframes) in respect to the previous financial year, and containing the following information:

- Chairperson's and GM's reports.
- Audited financial statements for the financial year, including Statement of Financial Performance and the Statement of Financial Position and Changes in Equity.
- Notes to the financial statements, including accounting policies.
- Service Delivery Report summarising TBOP's performance against the SOI strategic priorities.





- Independent Auditor's report on the financial statements and non-financial performance measures.

## 11. Activities for Compensation

### 11.1 Funding Principles

There are six high-level funding principles:

- As a general principle, TCC and WBOPDC will provide ongoing funding to TBOP as a contribution towards operational expenses.
- The role of the councils is to hold TBOP accountable for the use of funds provided by TCC and WBOPDC, which will ideally be consistent with the councils' strategies.
- TBOP is encouraged to seek funding opportunities from the private sector and central government to maximise the best outcomes for the organisation and the region.
- The TBOP Board must be empowered with sufficient flexibility to determine the best use and allocation of funding to meet required levels of service to the community and visitors.
- TBOP is expected to meet the approved annual budget.
- Any net surpluses are to be disclosed through Six Month and Annual Reports.

### 11.2 Approach to Funding

TBOP receives an operating grant from both councils for the purpose of marketing and managing the destination. The operating grant is set through the Long-Term Plan (LTP) process, with the contribution from each council updated annually, in line with the Consumer Price Index (CPI), when TBOP creates its budgets for the coming year.

Council funding for additional operating grants and ad hoc new capital projects is to be assessed on a case-by-case basis through the LTP or Annual Plan process.



### 11.3 Compensation from Local Authorities

TCC and WBOPDC intend to purchase services from TBOP over the long term and agree to the level of funding on a rolling three-year basis, aligned to the three-year Business Plan of TBOP.

The services for the next three years are currently forecast as per the table below. Note that this excludes separate funding for TBOP to lead the Tauranga Moana Brand and Digital Kiosk Network projects, which are being determined at the time of writing this document.

Funder	2023/24	2024/25	2025/26	2026/27
TCC	1,630,326	1,513,574	1,574,612	1,621,850
TCC (VIC, Including Cruise)	527,650	542,949	558,697	575,458
TCC Total	2,157,976	2,056,523	2,133,309	2,197,308
WBOPDC Total*	268,960	350,000	334,750	344,793
<b>Total</b>	<b>2,426,936</b>	<b>2,406,523</b>	<b>2,468,059</b>	<b>2,542,101</b>

\*Western Bay of Plenty District Council figures include an estimated 3% CPI increase.

The payments will be made quarterly, in advance, on receipt of a GST invoice, with payments one and two each being 30% of the annual sum, and payments three and four each being 20% of the annual sum.

#### WESTERN BAY OF PLENTY TOURISM & VISITORS TRUST

BUDGET	2023/24	2024/25	2025/26	2026/27
	\$	\$	\$	\$
<b>Revenue</b>				
Funding - Tauranga City Council	2,157,976	2,056,523	2,133,309	2,197,308
Funding - Western BOP District Council	268,960	350,000	334,750	344,793
Funding - Whakatane District Council	84,000	86,520	89,116	91,789
Funding - BOP Regional Council	60,000	-	-	-
Retail Gross Profit	4,800	2,000	2,000	2,000
Other (Includes Industry Contributions)	412,100	120,500	120,500	120,500
<b>Total Revenue</b>	<b>2,987,836</b>	<b>2,615,543</b>	<b>2,679,675</b>	<b>2,756,390</b>
<b>Less Expenditure</b>				
Operating & Marketing	1,222,675	948,564	977,021	1,006,332
Administration & Overheads	465,755	497,251	512,169	527,534
Employee Expenses	1,606,346	1,693,896	1,744,713	1,797,053
Depreciation & Amortisation	38,060	49,760	50,000	50,000
<b>Total Expenditure</b>	<b>3,332,836</b>	<b>3,189,471</b>	<b>3,283,903</b>	<b>3,380,919</b>
<b>Surplus/Deficit</b>	<b>- 345,000</b>	<b>- 573,928</b>	<b>- 604,228</b>	<b>- 624,529</b>



Notes:

- The 2023/24 deficit is a result of reduced TCC Airport funding.
- We have used reserves to cover the deficit for 2023/24. However, further reduction of reserves beyond 2023/24 may result in TBOP not meeting the equity ratio KPI of 0.5 (as per section 6.1 Ratio of Funds to Assets). This will be monitored and discussed with both councils.
- Any extra funding obtained from other sources will likely be project-based, to supplement (and not replace) this core operational funding.
- We have estimated CPI increases on funding of 3% for WBOPDC & WDC.



## 12. Estimated Value of Tourism Bay of Plenty

The TBOP Board estimate that the commercial value of the shareholders' investment in TBOP is represented by the net assets of TBOP. This value is calculated from total assets less liabilities.

## 13. Significant Decisions

In accordance with the TCC Significance and Engagement Policy, TBOP will not undertake any activity of a nature or scope not provided for in this SOI without prior approval of both councils. Specifically, prior approval would be required for TBOP to:

- Form any subsidiary entity.
- Purchase shares in any other entity.
- Dispose of any significant assets e.g., land or buildings.
- Purchase any significant assets e.g., land or buildings.
- Seek partnering solutions that involve the dilution of assets or the commitment of councils.

## 14. Termination

If any party wishes to terminate this three-year rolling arrangement, due to non-performance or any other substantive reason within the control of either of the parties:

- the party may give written notice to the other party specifying the issue and, if possible, requiring remedy within twenty-eight (28) days, and/or
- mediation is set to investigate any remedy of the issue, and/or
- if the issue is unable to be remedied to the party's satisfaction, the party must give written notice of its intention to terminate this arrangement from a date being not less than one year commencing the forthcoming 1 July (that is, the secondary party must have at least one full financial year's notice commencing on 1 July and ending on 30 June).

## 15. Signed by

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Chairperson  
Russ Browne  
Tourism Bay of Plenty

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General Manager  
Oscar Nathan  
Tourism Bay of Plenty



## 16. Glossary of Terms

AIP	Action and Investment Plan
CCO	Council Controlled Organisation
CPI	Consumer Price Index
ESE	Enduring Statement of Expectations
GM	General Manager
GST	Goods and Services Tax
LOE	Letter of Expectation
MBIE	Ministry of Business, Innovation and Employment
SOI	Statement of Intent
TBOP	Tourism Bay of Plenty
TCC	Tauranga City Council
VES	Tourism Bay of Plenty's Visitor Economy Strategy 2018-2028
VIC	Visitor Information Centre
WBOPDC	Western Bay of Plenty District Council
WDC	Whakatāne District Council
YE	Year end

Note, 'western bay' refers to the total combined area which is governed by Western Bay of Plenty District Council and Tauranga City Council.

## 12.2 PROPOSAL TO LEASE – WAIHĪ BEACH LIFEGUARD SERVICES INCORPORATED – BOWENTOWN SEAFORTH ROAD SOUTH RESERVE – REVISED COMMUNITY OPTION

File Number: A5947354

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Cedric Crow, General Manager Infrastructure Services

### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider a lease arrangement with the Waihi Beach Lifeguard Service Incorporated (WBLSI). Waihi Beach Lifeguard Services Incorporated are seeking the approval for a lease to establish a surf club facility on Bowentown Seaforth Road South Reserve, adjacent to Waihi Beach Coastguard premises at Bowentown, Waihi Beach. The lease would enable and supports the provision of surf life saving at the Bowen town end of Waihi Beach and future proofs the lifeguard services.

A robust community consultation process has taken place with a round of public consultation, followed by direct engagement with key community groups into site option(s). Staff are of the opinion that there is a majority in favour of the location of the proposed facility, and that any concerns have been mitigated and can be allowed for through lease conditions.

A summary of the engagement with key community groups is covered in this report.

### RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 22 February 2024 titled 'Proposal to Lease – Waihi Beach Lifeguard Services Incorporated – Bowentown Seaforth Road South Reserve – Revised Community Option' be received
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That Council exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and grant Waihi Beach Lifeguard Services Incorporated the right to lease for up to 35 years for 600m<sup>2</sup> of land, more or less, being part of Lot 1 DPS 75873 to allow for a surf club facility situated on:
  - A) Bowentown Seaforth Road South Reserve at site option 2 -V3 (included as **Attachment 1** of this report):
4. That Council as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 **does not** grant Waihi Beach Lifeguard Services Incorporated the right to lease for up to 35 years for 600m<sup>2</sup> of

land, more or less, being part of Lot 1 DPS 75873 to allow for a surf club facility situated on Bowen town Seaforth Road South Reserve

5. That Council notes that any granting of a lease must not be taken by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation, or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.

## BACKGROUND

Council considered a report on 14 December 2023 on the feedback from the initial public consultation undertaken. The feedback raised numerous issues; therefore, it was recommended that the matter lie on the table while the community groups give further consideration of the issues and provided a suggested option for Council's consideration at its next meeting.

Council resolved the following.

### RESOLUTION CL23-18.13

Moved: Cr A Henry

Seconded: Cr R Joyce

1. That the Reserves and Facilities Manager's report dated 14 December 2023 titled 'Proposal to Lease - Waihi Beach Lifeguard Services Incorporated - Bowen town Seaforth Road South Reserve - Submission Period Closed' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

**CARRIED**

### RESOLUTION CL23-18.14

Moved: Mayor J Denyer

Seconded: Cr R Joyce

That this item lie on the table until the first Council meeting of 2024.

**CARRIED**

## FURTHER ENGAGEMENT WITH SPECIFIC COMMUNITY GROUPS

There was several meetings held between the parties during the recent Christmas and New Year period, involving the Pio Shores Sports and Community Association, Waihi Beach Community Board, Waihi Beach Lifeguard Service Incorporated and Waihi Beach Volunteer Coastguard. Below is summary of the engagement for some of the key stakeholders.

**Pio Shores Sports and Community Association (PSSCA)**

The PSSCA Committee passed the following **two motions** in relation to this matter, which they understand is to come back to Council at its first meeting of 2024, for a decision on leasing of the reserve land.

- 1. That the PSSCA Committee supports the site option received from Rose Fox on 12 January 2024 (referred to as Site 2 – V3) and communicates this decision to Council and Waihi Beach Lifeguard Services Incorporated by 15 January 2024.**
- 2. That PSSCA require a written confirmation from Waihi Beach Lifeguard Services Incorporated and Council that the existing BMX track will be remodelled and reconstructed to at least its current capacity and standard prior to Labour Weekend 2024**

With the agreement of the PSSCA, the 2<sup>nd</sup> motion was amended so it was timeframe specific and not date specific.

- 2. That PSSCA require written confirmation from Waihi Beach Lifeguard Services Incorporated and Council that the existing BMX track will be remodelled and reconstructed to at least its current capacity and standard within one month prior to construction of the proposed Emergency Hub.**

The revised motion is more flexible in timing, therefore achievable for the Lifeguard service should the lease and building proceed.

**The Waihi Beach Volunteer Coastguard**

The Waihi Beach Volunteer Coastguard President was included in the further consultation and site selection process that occurred over the Christmas and New Year period. The Coastguard raised some reservations relating to the location of the driveway of the proposed building being immediately adjacent to their driveway and opposite the Motor camp entranceway. There are concerns about traffic management relating to the ingress and egress and potential conflict with pedestrians particularly during an emergency event.

The Coastguard also raised a concern about the size of the proposed building and reference to accommodation being identified in the artist's impressions raises concern about the intended use of the building for temporary accommodation purposes. The Coastguards original support was based upon a shed for storage purposes and basic shower/kitchen facilities to support the lifeguards on duty.

Staff followed up on this concern directly with the Waihi Beach Lifeguard Service Incorporated, who have confirmed in writing that there is no intent to have accommodation. The use for accommodation can be managed through appropriate lease conditions.



## **Cultural**

Ngāti Te Rangi, Whanau a Tauwhao hapū were kept in the loop with the community discussion relating site 2- V3. Further details are shown below under the Engagement, Consultation and Communication section of this report.

## **SIGNIFICANCE AND ENGAGEMENT**

1. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
2. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
3. In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because the public have had have the opportunity to make submissions or objections to the proposal through the prescribed public consultation process required under the provisions of the Reserves Act 1977. There are also no costs for the ratepayers as the applicant would pay for outgoings and maintenance, which will be required as a condition of the lease.

## **ENGAGEMENT, CONSULTATION AND COMMUNICATION**

<b>Interested/Affected Parties</b>	<b>Completed/Planned Engagement/Consultation/Communication</b>	
The Waihi Beach Community Board (WBCB)	<p>The WBCB supports the emergency hub in the south end of Waihi Beach (site 2 – V3) as a very sensible and necessary facility for the future.</p> <p>The position of the Facility is a complex discussion, of managing the risks in the future and the need to service the needs of the organisations using it. Also, the views of the locals need to be heard.</p>	Completed
Pio Shores Sports and Community Association (PSSCA)	<p>The PSSCA has participated in the reassessment of option(s) over the recent holiday period and are supportive of the proposed option being Site 2 –V3.</p> <p>The PSSCA have made some recommendations that are included in the further engagement section of this report.</p>	

Tangata Whenua	Whanau a Tauwhao hapū (via Reon Tuanau) have been included in the recent email correspondence over the holiday period.	
Waihi Beach Volunteer Coastguard	Sam Dunlop President Waihi Beach Volunteer Coastguard has raised some concerns over the new site 2-V3 which are discussed in the further engagement section of this report.	
General Public	Staff consider that there is no need for further public consultation on the proposed option site 2-V3 as a similar version of site 2 was considered in the initial round of public consultation.  Site 2- V3 is the outcome of further community involvement in the process.	

### ISSUES AND OPTIONS ASSESSMENT

<b>Option A</b>	
<p>3. That Council exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and grant Waihi Beach Lifeguard Services Incorporated the right to lease for up to 35 years for 600m<sup>2</sup> of land, more or less, being part of Lot 1 DPS 75873 to allow for a surf club facility situated on:</p> <p>A) Bowentown Seaforth Road South Reserve at site option 2 -V3 (included as <b>Attachment 1</b> of this report):</p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings:</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p>Supports the provision of surf life saving at the Bowen town end of Waihi Beach and future proofs the lifeguard services.</p> <ul style="list-style-type: none"> <li>• Supported by Waihi Beach Community Board.</li> <li>• Supported by the PSSCA.</li> <li>• Supported by the WBLGSI. (The applicant)</li> <li>• Not supported by the adjoining Volunteer Coast Guard. However, staff believe the concerns raised by the Coast Guard have been addressed and can be addressed through lease conditions.</li> </ul>

<b>Costs (including present and future costs, direct, indirect, and contingent costs).</b>	All costs relating to the processing of the proposal are to be borne by the WBLGSI.  Staff have also confirmed that the Lifeguard Service has received a significant grant \$300k + from TECT towards the establishment of the proposed building. This funding is subject to the WBLGSI being successful in obtaining a lease from Council.
<b>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</b>	
<p style="text-align: center;"><b>Option B</b></p> <p>4. That Council as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 <b>does not</b> grant Waihi Beach Lifeguard Services Incorporated the right to lease for up to 35 years for 600m<sup>2</sup> of land, more or less, being part of Lot 1 DPS 75873 to allow for a surf club facility situated on Bowentown Seaforth Road South Reserve.</p>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings:</b>	Does not support the provision of surf life saving at the Bowentown end of Waihi Beach. The benefits of the proposal will not be realised.
<ul style="list-style-type: none"> <li>• Economic</li> <li>• Social</li> <li>• Cultural</li> <li>• Environmental</li> </ul>	
<b>Costs (including present and future costs, direct, indirect, and contingent costs).</b>	The TECT grant will not be realised.
<b>Other implications and any assumptions that relate to this option</b>	N/A

### STATUTORY COMPLIANCE

Under the Reserves Act 1977, one month of public consultation, as required under Section 119 of the Reserves Act 1977, has been undertaken. Council has given full consideration in accordance with section 120 to all objections against and submissions in relation to the proposal received pursuant to section 120 of the Reserves Act 1977. Further consideration has been given to an alternative site which was generally in accordance with the original site two option and staff are satisfied that further public consultation is not required.

Under the Building Act 2004, a Building Consent will be required for any building work.

### FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	All costs relating to the processing of the proposal are to be borne by the WBLGSI.

### ATTACHMENTS

1. Site Arrangement with 3D Views  





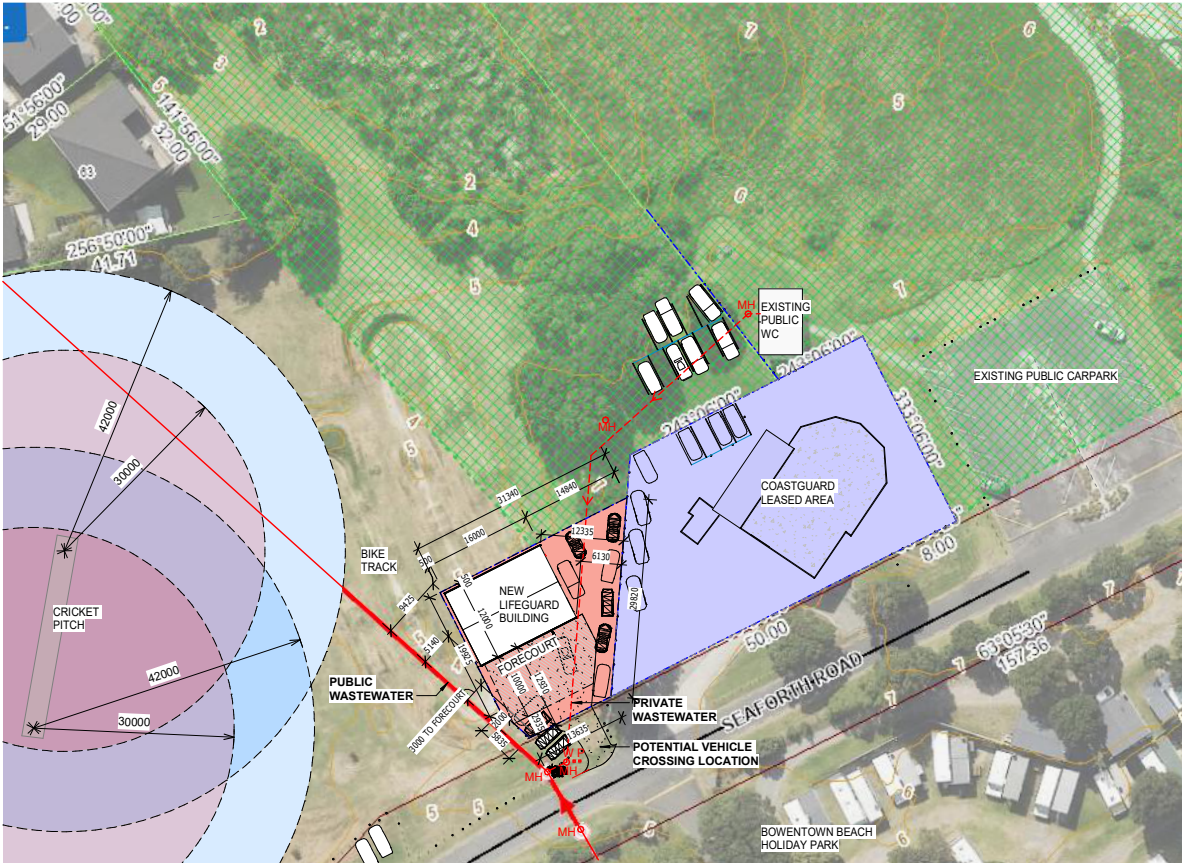
CLUB FROM NORTH



FRONT ENTRY



FROM PUBLIC CARPARK



1 SITE LOCATION PLAN PROPOSED  
(PLAN) 1 : 500 at A1

SITE 2 ADJACENT TO COASTGUARD.

1. The building is located parallel with Seaforth Road and approximately 13.0m from the road boundary. It shares a common boundary with the Coastguard leased area.
2. It has been sited to avoid both the wastewater mains and the wastewater pipe from the Public Toilets.
3. The roller doors for gear storage face the roadside and there is a 10.0m forecourt for access and manoeuvring in front of this. Ambulance parking adjacent to this. Manoeuvring and turning can occur on-site allowing front-in/front-out vehicle movements to Seaforth Road.
4. There is space for Lifeguard parking within the site, plus space for emergency vehicles. The parking/forecourt area to be bollarded on the western side to maintain a 3.0m minimum clearance from the wastewater mains pipe which goes across the reserve.
5. Access to the surf beach from the building can be done through the reserve past the eastern side of their building, and to the path without using Seaforth Road.
6. Enough separation from the Coastguard site is provided to avoid conflict of use and allows for futureproofing for both organisations.
  - a. Co-location will enhance their ability to work together, while ensuring each has enough room for their own activities.
7. The existing bike track is impacted (as it was for Site 1 also) however, as this is being re-furnished and re-designed by the lifeguard service, the overall impact to this community asset is therefore negligible and may well result in improvements. Cricket Pitch not affected.
8. The location of the building is more recessive within the reserve than Site 1, and leaves the reserve visually open, which local community groups are happy with.
9. Proximity to Services connections is good.
10. Earthworks to establish a level building platform is required. Could be combined with the earthworks required to re-form the bike track.

ADDITIONAL NOTES

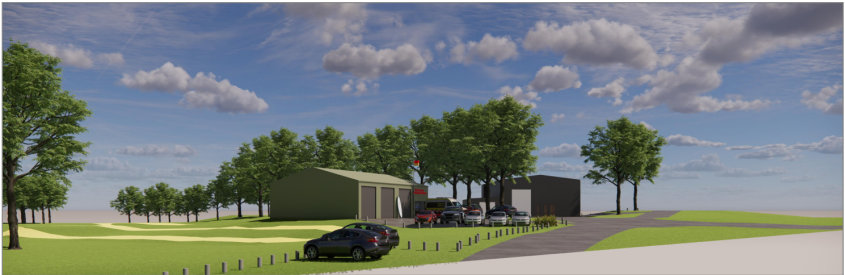
1. Lease boundary, vehicle crossing and pavement extents are shown indicatively only, to demonstrate feasibility of the site and intent. Confirmation of ground levels, surveyed location of wastewater pipes, input from WBLGS of their needs and consideration of traffic impact & etc., may result in changes to this proposed layout. Further work is required.
2. Building location is relatively well resolved pending surveyed confirmation of services location. We anticipate any adjustments as a result to be minor.
3. The road frontage west of the wastewater mains pipe has not been utilised in this plan, this could provide overflow emergency parking in a major emergency event, if removable bollards are installed. Leaving this clear provides a visually open access to the reserve and directs pedestrian traffic away from the driveway intersections.



FROM FIELD



BIRDSEYE OF SITE



FROM SEAFORTH ROAD

Rose Fox  
architect

Client  
Waihi Beach Lifeguard Services Inc.

Address  
Main Beach, 2 Beach Road, Waihi Beach, 3611

Legal Description

NOTES

REVISIONS

A	SITE LAYOUT AMENDED	26.10.2023
B	CONCEPT FOR LEASE	13.01.2024

SITE ARRANGEMENT  
AND 3D VIEWS

BOWENTOWN LIFEGUARD  
BUILDING

PROJECT NUMBER 2305

SCALE at A1=As indicated

DRAWING No.	A10.01
CURRENT REVISION	B
DATE ISSUED	13.01.2024

FOR LEASE APPROVAL



### **12.3 RECOMMENDATIONS BY THE INDEPENDENT HEARINGS PANEL FOR PLAN CHANGE 92 AND THE NOTICE OF REQUIREMENT FOR ŌMOKOROA ACTIVE RESERVE**

**File Number:** A5957399

**Author:** Natalie Rutland, Environmental Planning Manager

**Authoriser:** Emily Watton, Strategic Policy and Planning Programme Director

#### **EXECUTIVE SUMMARY**

1. On 6 June 2023 Council appointed an Independent Hearings Panel to hear and make recommendations on two planning processes:
  - (a) Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters, and
  - (b) the Notice of Requirement for Active Reserve, Ōmokoroa.
2. The members appointed to the panel (being Greg Carlyon (Chair), Lisa Mein, Alan Withy and Pia Bennett) are all accredited commissioners selected for their specific and complimentary areas of expertise to consider these planning processes.
3. The Independent Hearings Panel have issued two recommendation reports:
  - (a) Recommendation Report of the Independent Hearing Panel (IHP) Plan Change 92 (IPI) Western Bay of Plenty District Council Enabling Housing Supply and Other Supporting Matters with attachments:
    - Summary of Recommendation on All Topics and Submission Points
    - District Plan Provisions
    - Recommended changes to District Plan Maps
  - (b) Recommendation report of the Independent Hearing Panel (IHP) Notice of Requirement Western Bay of Plenty District Council Active Recreation Reserve, Ōmokoroa
4. The purpose of this report is for Council to consider and make decisions on the recommendations received from the Independent Hearings Panel.

**RECOMMENDATION**

1. That the Environmental Planning Manager's report dated 22 February 2024 titled 'Recommendations by the Independent Hearings Panel for Plan Change 92 and the Notice of Requirement for Ōmokoroa Active Reserve' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council accepts the recommendations of the Independent Hearings Panel for Plan Change 92 and the public be notified of the decision in accordance with clause 102 of Schedule 1 of the Resource Management Act 1991 by 1 March 2024.
4. That Council accepts the recommendations of the Independent Hearings Panel for the Ōmokoroa Active Reserve and confirms the Notice of Requirement with modifications in accordance with section 168A of the Resource Management Act 1991.

**BACKGROUND**

5. In response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA Amendment Act), Western Bay of Plenty District Council (Council) has notified changes to the District Plan as Plan Change 92 – Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters. This Plan Change is an Intensification Planning Instrument (IPI) under section 80E of the Resource Management Act 1991 (RMA).
6. Council is required in accordance with clause 96 (1) of Schedule 1 of the RMA to establish an Independent Hearings Panel (Hearings Panel) to act under delegated authority from Council to hear and make recommendations to Council on their IPI, using the Intensification Streamlined Planning Process (ISPP). The Hearings Panel has the duties and powers set out in clause 98 of Schedule 1 of the RMA.
7. Concurrent with notification of Plan Change 92, Council notified a Notice of Requirement for Active Reserve at Ōmokoroa (NoR), this is associated with the greenfield structure plan area that makes up a part of the urban plan change area. Submissions were received on the NoR and a hearing by a Hearings Panel is also required as Council is the 'Requiring Authority' (applicant).
8. The Hearings Panel commenced the hearings for both planning processes on 11 September 2023. The hearings were adjourned on 15 September 2023 and officially closed on 3 November 2023.
9. Recommendation reports were received from the Hearings Panel on 25 January 2024 and are **attached** to this report.

10. The Council is now required to consider the recommendations made by the Hearings Panel and make the necessary decisions required by the Resource Management Act 1991.

### SIGNIFICANCE AND ENGAGEMENT

11. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
12. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
13. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because the decision-making procedure set by legislation, and consultation has been undertaken as part of the required IPI process.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

14. The Resource Management Act sets out the matters that must be taken into account in making decisions on these two planning processes. The submission and hearing process allowed for members of the public to be involved in and inform the recommendations reached by the Independent Hearings Panel. The recommendation reports set out and acknowledge the submissions received.

Interested/Affected Parties	Completed Engagement & Consultation/ Planned Communication		
Ōmokoroa & Te Puke Residents and landowners	<p>Prior to notification, public community events were held in both Te Puke and Ōmokoroa, and targeted engagement was carried out with key stakeholders including the local development community. The Plan Change and Notice of Requirement were then publicly notified. Submissions have been received including some from residents and landowners. Those submitters have had direct contact from Council regarding the hearing process.</p> <p>Public notices and information will be made available on Council's website, in Council's offices and in newspaper circulations, in accordance with</p>	Planned	Completed



	legislative requirements for those residents and landowners that did not make a submission.		
Tangata Whenua	Council staff have presented information and updates on the Plan Change and Notice of Requirement to both the Te Ihu o Te Waka o Te Arawa and Te Kāhui Mana Whenua o Tauranga Moana forums. The Independent Hearings Panel heard from a member of Pirirākau hapū at the hearing and those matters and views expressed are set out within the recommendation documents.		
General Public	<p>The general public has had an opportunity to make a submission on both the plan change and the Notice of Requirement. Direct contact with submitters is made in accordance with legislation, advising on the process and information. Information and reports have been made available to the general public via Council's website and notified in newspaper circulations.</p> <p>Online information will be updated to reflect Council decision making and public notices will be circulated in newspapers.</p> <p>General media releases will occur in line with the project's engagement plan established at the commencement of these processes.</p>		

## ISSUES AND OPTIONS ASSESSMENT

15. The requirements to decide on the Plan Change and Notice of Requirement are set out and prescribed by the Resource Management Act 1991.

### **Plan Change 92**

16. Clause 101 of Schedule 1, Part 6 of the Resource Management Act sets out the matters of consideration for Council and the decision-making options available. Council must decide whether to accept or reject each of the Hearing Panel's recommendations and may provide an alternative recommendation for any recommendation that is rejected.
17. When making this decision on the Plan Change, in line with Clause 101, Council:
  - (a) Is not required to consult any person or consider submissions or other evidence from any person;

- (b) Must not consider any submission or other evidence unless it was made available to the Hearings Panel before they made their recommendation; and
  - (c) May seek clarification from the Hearings Panel on a recommendation in order to assist Council in making a decision.
18. Where a recommendation from the Hearings Panel is rejected, a reason must be given for doing so. Those rejected recommendations including any alternative recommendations must then be decided on by the Minister for the Environment.

### **Notice of Requirement**

19. When considering the recommendation for the Notice of Requirement, Council carries the role of both the Requiring Authority and the Territorial Authority as set out in the RMA. The Hearing Panel's recommendation provides an independence to the decision-making process and appropriately deals with any conflict of interest in this regard.
20. An alternative decision by Council should carefully consider this conflict of interest.

<b>That the Council makes a decision on Plan Change 92 and the Notice of Requirement</b>	
<b>Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002</b>	<b>Legislative or other reference</b>
Plan Change 92  No issues and options are available as the decision included in this report is required under Clause 20 of Schedule 1, of the Resource Management Act 1991.	Resource Management Act 1991
Notice of Requirement  No issues and options are available as the decision included in this report is required under section 168A, of the Resource Management Act 1991.	Resource Management Act 1991

### **STATUTORY COMPLIANCE**

21. The Plan Change and Notice of Requirement have been processed in accordance with the statutory requirements of the Resource Management Act 1991.
22. The Plan Change and Notice of Requirement are different planning processes and follow different decision-making pathways. As the Notice of Requirement is related to the urban growth enabled through Plan Change 92 the two processes have progressed alongside each other.

23. A direction from the Minister for the Environment in accordance with legislation requires Council to publicly notify a decision for Plan Change 92 by 1 March 2024.

### FUNDING/BUDGET IMPLICATIONS

24. The costs associated with the decision making on these planning processes are anticipated within operational budgets and project plans.

Budget Funding Information	Relevant Detail
Operational costs for decision making	Anticipated within operational budgets and project plans.

### ATTACHMENTS

1. **Plan Change 92 – Recommendation Report of the Independent Hearing Panel**  
2. **Plan Change 92 – IHP Recommendation Attachment A – Summary of Recommendations on All Topics and Submission Points**  
3. **Plan Change 92 – IHP Recommendation Attachment B – Recommended Changes to the District Plan Maps**  
4. **Plan Change 92 – IHP Recommendations Attachment C – Recommended Changes to the District Plan Provisions**  
5. **Notice of Requirement – Recommendation Report of the Independent Hearing Panel**  

## **RECOMMENDATION REPORT OF THE INDEPENDENT HEARING PANEL (IHP)**

**PLAN CHANGE 92 (IPI)**  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
*Enabling housing supply and other supporting matters*

**25 JANUARY 2024**

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### INDEX OF ABBREVIATIONS

The following list of abbreviations and acronyms are used in this report. This glossary is provided as a key to those unfamiliar with the references.

Abbreviation	Meaning
"BOPRC"	Bay of Plenty Regional Council
"CZ"	Commercial Zone
"DP"	District Plan
"EQM"	Existing Qualifying Matter
"FENZ"	Fire and Emergency New Zealand
"FINCOs"	Financial contributions
"HMP"	Hapū Management Plan
"HUE"	Housing Unit Equivalents
"IHP"	Independent Hearing Panel
"IPI"	Intensification Planning Instrument
"ISPP"	Intensification Streamlined Planning Process
"IZ"	Industrial Zone
"LGA"	Local Govt Act
"MDRS"	Medium Density Residential Standards
"Minister"	Minister for the Environment
"MRZ"	Medium-Density Residential Zone
"NoR"	Notice of Requirement
"NOSZ"	Natural Open Space Zone
"NPS"	National Planning Standards
"NPS-ET"	National Policy Statement – Electricity Transmission
"NPS-REG"	National Policy Statement – Renewal Energy Generation
"NPS-UD"	National Policy Statement on Urban Development
"PC92"	Plan Change 92
"QM"	Qualifying Matter
"RMA"	Resource Management Act 1991
"RMAA"	Resource Management Amendment Act 2021
"RVA"	Retirement Village Association
"the Act"	The Resource Management Act 1991
"the Council"	Western Bay of Plenty District Council
"TTOW"	Te Tiriti o Waitangi
"WBOP"	Western Bay of Plenty



**RECOMMENDATION REPORT OF THE INDEPENDENT HEARING PANEL  
TO WESTERN BAY OF PLENTY DISTRICT COUNCIL IN RELATION TO  
PLAN CHANGE 92 INTENSIFICATION PLANNING INSTRUMENT**

***Proposal Description:***

Proposed Plan Change 92 to the Western Bay of Plenty District Plan: Intensification Planning Instrument

***Independent Hearing Panel:***

Mr Greg Carlyon – Independent Hearing Commissioner, Chair

Ms Pia Bennett – Independent Hearing Commissioner

Ms Lisa Mein – Independent Hearing Commissioner

Mr Alan Withy – Independent Hearing Commissioner

***Date of Hearing:***

11<sup>th</sup> – 15<sup>th</sup> September 2023

***Hearing officially closed:***

3<sup>rd</sup> November 2023

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## INTRODUCTION

### REPORT OUTLINE

- 1.1 The content of this report is intended to satisfy the Council's obligations related to decision-making and reporting under s32AA of the RMA.
- 1.2 To that end, the report is organised into the following key sections:
  - (a) Section 2 - Context and factual background to the plan change

The section summarises the factual basis of the plan change, including an outline of the need for the IPI, the reason for applying it only to Te Puke and Ōmokoroa and the context and background of those two urban areas. It also outlines the main components of the plan change as notified. The context is important to understand the issues raised in submissions. The main themes of submissions are also described in this section, as well as a summary account of the hearing process and subsequent deliberations.
  - (b) Section 3 - Evaluation of the issues and recommendations

The second part of the report contains an assessment of the issues raised in submissions, along with references to evidence and/or statements from those submissions where relevant.
  - (c) Section 4 - Summary
- 1.3 The final section of the report highlights the key areas of contention and explains the next step in the decision on PC92.

### IHP COMMENTS TO THE PARTIES TO THE PROCEEDINGS

- 1.4 Before setting out the context of the plan change, the IHP would like to acknowledge and record our appreciation to all of the parties that took part in the proceedings, be they Council officers, lay submitters, representatives of larger organisations or expert witnesses.
- 1.5 Those who submitted on the plan change and those who attended the hearings enabled a clearer understanding of the tensions, synergies and practical issues at play in this plan change. All of the material greatly assisted us in assessing the issues and determining the recommended response. We acknowledge and appreciate the time, thought and effort that went into preparing them.

### REPORT PURPOSE

- 1.6 This report sets out our recommendation to the Council as a basis for their decision on Plan Change 92 ("PC92") to the operative District Plan.

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- 1.7 The Independent Hearing Panel (“IHP”) was appointed by the Council to hear and consider the officers’ recommendations, as well as submissions and further submissions on PC92. The IHP was appointed under s34 of the Act and makes the recommendation as to whether and which parts of PC92 should be declined, approved or approved with amendments.
- 1.8 The plan change (as notified) seeks to:
  - (a) Introduce further medium-density residential areas into the district plan, in both Te Puke and Ōmokoroa;
  - (b) Change the zoning in parts of those urban areas in line with producing well-functioning urban environments, as directed in the National Policy Statement for Urban Development (“NPS-UD”).
- 1.9 Before attending to the substantive material of the plan change, there are some procedural matters to cover, as well as an explanation as to how the report is set out.

#### The role of the IHP

- 1.10 As noted above, the role of the IHP is to make a recommendation to the Council as to decisions relating to the notified version and matters raised in submissions, further submissions and the Council hearings.
- 1.11 The authority delegated to the IHP includes all the powers necessary under the RMA to hear and make a recommendation to the Council, who then either accept the recommendation or refer it to the Minister.

#### The Intensification Planning Instrument

- 1.12 Because parts of Western Bay of Plenty are considered to constitute part of the Tauranga urban environment, the Council has been classed as a Tier 1 territorial authority and was required to notify this plan change by August 2022.
- 1.13 The plan change differs from a standard plan change to the district plan, in that it is an Intensification Planning Instrument (“IPI”). The purpose of the IPI plan change is to allow greater intensification and an increased housing supply in a manner that produces well-functioning urban environments.
- 1.14 The scope of the plan change is limited to the implementation of the NPS-UD and the Medium Density Residential Standards (“MDRS”), which were brought in by the Resource Management Amendment Act 2021 (“RMAA”).

- 1.15 This means the plan change process will only address changes to residential zone rules, zoning changes, issues such as financial contributions and subdivision, as well as related and consequential changes in other chapters, for example infrastructure, earthworks and industrial zone provisions. Further explanation of the requirements and scope of the IPI is given in Section 2.
- 1.16 Some of the provisions had immediate legal effect from the time they were publicly notified. Where those provisions differ from the final decision, those provisions fall away upon release of the decision from the Council.
- 1.17 Provisions that implement the density standards inserted by the new the RMAA include allowing up to three dwellings on a site of up to three storeys. More restrictive standards are only possible where qualifying matters ("QMs") are introduced. Because those standards are set by national legislation, they apply across the country and must be implemented.
- 1.18 In addition to those differences, there is no recourse provided to appeal the decision of the Council, except on points of law. The reason for the lack of appeal rights is to provide certainty and to allow the urgent implementation of the MDRS, which is aimed at delivering more housing (and better housing affordability) to the market.
- 1.19 However, as with all other plan changes, the IHP has carefully considered what is within scope, weighed up the relevant matters, considered the position of Council as well as all of the submissions, and made their recommendations based on the matters set out in the Resource Management Act.
- 1.20 Alongside the notification of the plan change, Council also issued a Notice of Requirement ("NoR") for land at Ōmokoroa to create an Active Recreation Reserve at the corner of Ōmokoroa Road and Prole Road. The IHP heard evidence on both PC92 and the NoR.
- 1.21 This report only addresses PC92. The IHP will issue a separate recommendation in relation to the NoR, and Council may accept or vary that recommendation.

**First test - scope of an IPI**

- 1.22 The Council is required to notify an IPI under s80F of the Act. The IPI must contain the following mandatory elements:
  - (a) Incorporate the medium density residential standards (MDRS) into all relevant residential zones; and
  - (b) Give effect to Policies 3 and 4 of the National Policy Statement on Urban Development (NPS-UD) in respect of urban environments.

- 1.23 The Act also authorises Council to include any of the following discretionary elements into its IPI:
- (c) Financial contributions;
  - (d) Provisions to enable papakāinga housing in the district;
  - (e) Creation of new residential zones;
  - (f) Provisions that are more lenient than the MDRS;
  - (g) Provisions that are less enabling than the MDRS where qualifying matters apply; and
  - (h) Related provisions that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD
- 1.24 For matters which fall within the mandatory or discretionary elements of an IPI identified in above at (a) - (h), the RMA provides for an Intensification Streamlined Planning Process (ISPP) which enables a more expeditious planning process than the usual Schedule 1 process, including the absence of appeals to the Environment Court. However, section 80G makes it clear that only those matters listed at (a) - (h) may be the subject of the ISPP process, and that only one IPI may be notified by the Council. Accordingly, an early question for the IHP is whether the sought relief falls within, or outside of, the mandatory or discretionary elements of an IPI.

#### Determining "on" the Plan Change (Clearwater)

- 1.25 Submissions on an IPI are made under clause 6 of Schedule 1 of the Act which provides<sup>1</sup>:

*Once a proposed... plan is publicly notified under clause 5, the persons described in subclauses (2) and (4) may make a submission on it to the relevant local authority.*

- 1.26 There was broad consensus that the key caselaw on whether a submission is "on" a plan change (or not) is Clearwater Resorts Limited v Christchurch City Council (Clearwater) and Palmerston North City Council v Motor Machinists (Motor Machinists)<sup>2</sup>.

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<sup>1</sup> Clause 6 applies to an IPI under clause 95(2)(i) of Schedule 1 of the Act.

<sup>2</sup> Clearwater Resorts Limited v Christchurch City Council, HC Christchurch AP34/02, 14 March 2003, and more recently upheld in Palmerston North City Council v Motor Machinists [2013] NZHC 1290.

- 1.27 Clearwater, involves a two-limb test:
- (a) Whether the submission addresses the changes to the pre-existing status quo advanced by the proposed plan change; and
  - (b) Whether there is a real risk that people affected by the plan change (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process.
- 1.28 The accepted ways of determining whether a submission meets the first Clearwater test is to:
- (a) consider the section 32 report and whether the submission raises matters that ought to be addressed in that report; or
  - (b) consider whether the management regime for a particular resource is altered by the variation.
- 1.29 In considering the first arm of the bipartite Clearwater test, the Court has referred to matters which are assessed, or should have been assessed, in the section 32 report. The legal views on this were varied. In particular, whether it is relevant only to the mandatory aspects of IPIs or whether it equally applied to the discretionary matters listed above at (c) - (h) were not agreed between counsel.
- 1.30 In the situation where no submissions were received, but information from mana whenua seeks to incorporate mandatory elements of an IPI, it is not possible to treat the information as though it were not "on" the plan change, nor would it be possible to determine that information seeking inclusion of any mandatory elements was out of scope as it had not been publicly notified as part of the IPI.
- 1.31 In our view the following principles apply to determining whether a submission is "on" a plan change:
- (a) A determination as to scope is context dependent and must be analysed in a way that is not unduly narrow. In considering whether a submission reasonably falls within the ambit of a plan change, two things must be considered: the breadth of alteration to the status quo proposed in the plan change; and whether the submission addresses that alteration.
  - (b) For relatively discrete plan changes, the ambit of the plan change (and therefore the scope for submissions to be "on" the plan change) is limited, compared to a full plan review which will have very wide ambit given the extent of change to the status quo proposed.

- (c) The purpose of a plan change must be apprehended from its provisions (which are derived from the section 32 evaluation), and not the content of its public notification.
- 1.32 We do not consider that PC92 is a plan change of narrow scope or limited reach. Rather our view is that it proposes extensive changes to the status quo of two of the district's growth areas. Its purpose (as statutorily required by the RMA) is to:
  - (a) Incorporate the Medium Density Residential Standards (MDRS) into relevant residential zones and to give effect to Policies 3 and 4 of the NPS-UD.5
  - (b) With regard to the NPS-UD:
    - (i) Policies 3 and 4 refer to: city centre zones; metropolitan centre zones; areas within a walkable catchment of rapid transit stops, city centre zones and metropolitan centre zones; and neighbourhood centre zones, local centre zones and town centre zones (or equivalent). That list applies to all of the land in Ōmokoroa and Te Puke and areas in the immediate vicinity of those centres and of rapid transit stops.
    - (ii) The RMA requires the DP to "give effect to" any NPS including the NPS-UD.
  - (c) The obligation to "incorporate the MDRS into relevant residential zones" requires consideration of all urban residential areas within the DP.
- 1.33 From our analysis of the purpose of PC92 and our study of the changes it proposes to the DP, we consider that PC92 is not a narrow plan change. It encompasses two of the growth areas within the WBOP sub-region and it alters the status quo for land use intensification in both residential and commercial areas.
- 1.34 Furthermore, with regard to b (ii) above, while the RMA requires the IPI to give effect to Policies 3 and 4 NPS-UD, we note that section 75(3) of the RMA also applies, such that PC92 must also be assessed and implemented in a way that gives effect to the balance of the NPS-UD (subject to scope). This is an important finding that, for reasons that follow, means a wider rather than narrower interpretation of the IPI needs to be applied.
- 1.35 For the purposes of our preliminary views on scope and the first limb assessment to be undertaken, it also means that the ambit of PC92 is wide and that submissions that fairly and reasonably raise matters that go to its broad purpose have a strong likelihood of satisfying this threshold and being "on" the plan change.

## SECTION 2 - CONTEXT

### THE OPERATIVE DISTRICT PLAN

- 2.1 The current Western Bay of Plenty District Plan became fully operative in 2012 (with the exception of provisions relating to Matakana Island, which became operative in 2015).

#### Background

- 2.2 Western Bay of Plenty District Council have identified two areas of their district where the medium density residential standards are appropriate: Te Puke and Ōmokoroa. Te Puke is very close to a population of 10,000 and though Ōmokoroa has far fewer people, it has been identified as an area for growth for many years.
- 2.3 Both Ōmokoroa and Te Puke could, and in the opinion of the IHP should, be considered part of the Tauranga urban environment. Indeed, it is undoubtedly due to the proximity to the high-growth city of Tauranga that WBOPDC was indicated by the Ministry for the Environment to be a Tier 1 Council. Since both settlements are within commuting distance of Tauranga (Te Puke is around 25 minutes to Tauranga in clear traffic and Ōmokoroa is around 20 minutes), it is considered likely that at least a proportion of current and future residents will travel to Tauranga for work and to access goods and services.

#### Contextual difference between Ōmokoroa and Te Puke

- 2.4 As stated above in section 1 of this recommendation, within Western Bay of Plenty District, the implementation of the Amendment Act and Policy 3 is limited to Ōmokoroa and Te Puke, as these are the only settlements within the district that meet the definition of urban environment within the NPS-UD<sup>3</sup>.
- 2.5 Council anticipates that the future population of each town will be over 10,000 and for that reason they are considered “urban environments” under the RMAA 2021. However, the Act also points out that “urban environments” are areas of land, irrespective of territorial authority or statistical boundaries that are, or are intended to be, part of a housing and labour market of at least 10,000 people.
- 2.6 However, as the IHP heard, there are distinct differences between these two settlements and the manner in which they have been planned for in the past and approached through PC92. These differences were evident in the site visit the IHP undertook on 12 September 2023. The two settlements are discussed below.

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<sup>3</sup> Ministry for the Environment, National Policy Statement on Urban Development 2020, Definition of “urban environment” means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a) is, or is intended to be, predominantly urban in character; and
- b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.



### Geo-cultural context

- 2.7 In regard to the Ōmokoroa aspects of PC92, it is acknowledged that within Tauranga Moana, the political landscape is centred around hapū having the mana - authority to deal with matters that affect them, such as this plan change.
- 2.8 In relation to the Te Puke area and proposals under PC92, the IHP understand that mana - authority to input into planning instruments is primarily exercised at an iwi authority level. We have dealt with each geographic tribal area separately.

### Ōmokoroa

- 2.9 The IHP heard through the s42A reports and evidence presented by and on behalf of the Council, that Ōmokoroa has long been recognised as a growth area in the Western Bay of Plenty sub-region<sup>4</sup>. Ōmokoroa is projected to be fully developed by 2050, with a resident population of approximately 13,000.
- 2.10 A large part of the Ōmokoroa peninsula was zoned Future Urban in 2010. The IHP understands that since that time, planning for the growth of Ōmokoroa was well underway, and that the Council had formally applied to the Minister for the Environment in 2021 to undertake a plan change under the Streamlined Planning Process (SPP), in order to fast-track the residential expansion of the Stage 3 Structure Plan area of Ōmokoroa.
- 2.11 The Council had already prepared a draft Ōmokoroa Plan Change for the Stage 3 area. However, due to introduction of the Amendment Act, that plan change was not able to progress. The new legislation required for Ōmokoroa the redrafting to apply the MDRS across the whole of the current and proposed residential zones and ensuring other provisions supported the provision of housing in accordance with the Act and NPS-UD. The SPP application was formally withdrawn in May 2022 prior to the notification of PC92 in August.
- 2.12 Through the site visit, the IHP witnessed the recent and widespread growth of Ōmokoroa, including large areas of residential expansion together with development of the main commercial centre.

### Te Puke

- 2.13 With a population of approximately 10,000, and projections to grow to 13,000 within the next 10 years<sup>5</sup>, Te Puke is the largest settlement within Western Bay of Plenty sub-region. As stated in the s42A report, Te Puke developed in the late 19th/early 20th centuries as a service town for the surrounding rural area. It is a horticultural hub within the Bay of Plenty,

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<sup>4</sup> PC92 Legal submissions on behalf of Council pp 3.6

<sup>5</sup> Te Puke Have Your Say Summary Report 2022

particularly known for its kiwifruit orchards. The IHP's observation is that of a vibrant township serving its existing population and likely the rural hinterland.

- 2.14 While acknowledged as a major settlement within WBOP, in contrast to Ōmokoroa, Te Puke has experienced incremental growth. It only has relatively discrete pockets of land zoned Future Urban in the Operative District Plan, most of which are either already under construction, or have secured resource consent. The IHP observed that the new developments are primarily for medium density residential developments of predominantly single storey dwellings on compact lots.

### MAIN THEMES OF THE NOTIFIED PLAN CHANGES

- 2.15 Since the plan change is an intensification planning instrument, all of the proposed amendments to the plan either:
- (a) enable intensification of residential development in the two urban environments; or
  - (b) were considered necessary to creating well-functioning urban environments as a consequence of the increasing intensification.
- 2.16 The majority of the revised Ōmokoroa urban area was proposed to be rezoned to medium-density residential zone ("MRZ"), including the area southwest of the rail line in the area zoned "Future Urban" in the operative plan.
- 2.17 The gully systems in the southwestern part of Ōmokoroa were rezoned to Natural Open Space Zone ("NOSZ"), in order to protect those gullies from erosion and to protect the marine environment from the effects of sedimentation. The gully system is also proposed to provide for a network for pedestrians and cycling activity through the base of the peninsula.
- 2.18 An area to the west of the curve on Ōmokoroa Road was proposed to be rezoned to Commercial zone ("CZ") and was also connected to the gully system network.
- 2.19 To the south in Ōmokoroa, areas close to the state highway were proposed to be rezoned to Industrial zone ("IZ"), with some areas around the fringes to be OSRZ.
- 2.20 In Te Puke, with the exception of areas around the state highway and railway line, the majority of the existing urban area was proposed to be rezoned to MRZ.

## SUBMISSIONS

2.21 A summary of all submissions and further submissions has been provided by the Council reporting officer at [Summary of Submissions and Further Submissions by District Plan Provision for Website updated June 2023.pdf \(westernbay.govt.nz\)](#) with records of full submissions at [District Plan Changes - Western Bay of Plenty District Council](#). Under Current: Plan Change 92 - Submissions

2.22 Council received 62 submissions and 13 further submissions on PC92 from the follows <sup>6 7</sup>:

1	Richard Hewison	37	Sylvia Oemcke
2	Lesley Blincoe	38	TDD Limited
4	Robert Hicks	39	Urban Taskforce for Tauranga
6	Tim Laing	40	Vercoe Holdings Limited
7	David Marshall	41	Waka Kotahi, NZTA (FS79)
8	Armada Properties Limited	42	Brian Goldstone
10	Blair Reeve	43	Jacqueline Field
11	Elles Pearse-Danker	44	Ken and Raewyn Keyte
12	Vortac New Zealand Limited	45	Ian Yule
13	Matthew Hardy	46	Summerset Group Holdings Limited
14	Peter Musk	47	The North Twelve Limited Partnership (FS78)
15	Western Bay of Plenty District Council	48	Warren Dohnt
16	Penny Hicks	49	Paul and Julie Prior
17	John Wade	50	Mike and Sandra Smith
18	Fire and Emergency New Zealand	51	Torrey Hilton
19	Pete Linde	52	Maxine Morris
21	Joshua Marshall	53	Liz Gore
22	Heritage New Zealand Pouhere Taonga	54	Christine Prout
23	Frank and Sandra Hodgson	55	Zealandia Trust
24	Ara Poutama Aotearoa - Dept of Corrections	56	Ōmokoroa Country Club Ltd (FS74)
25	Bay of Plenty Regional Council (FS67)	57	Kirsty Mortensen

<sup>6</sup> List of submitters shows 66 submitters as 4 reference numbers were generated but unassigned.

<sup>7</sup> The IHP chose to identify the key affected mana whenua parties in the list of submitters in recognition of the unique status that tangata whenua hold.

26	Classic Group (FS68)	58	Jace Investments & Kiwi Green New Zealand Limited (FS69)
27	David and Diana Bagley	59	Jace Orchards Limited & Kiwi Green New Zealand Limited
28	Foodstuffs North Island Limited	60	David Crawford
29	Kāinga Ora - Homes and Communities (FS70)	61	Paul and Maria van Veen
30	KiwiRail Holdings Limited (FS71)	62	Angela Yule
31	N and M Bruning	63	Dawn Mends
32	New Zealand Housing Foundation (FS73)	64	Ross List
33	Powerco (FS75)	65	Russel Prout
34	Retirement Villages Association of New Zealand Incorporated (FS76)	66	Steve Chalmers
35	Ryman Healthcare Limited (FS77)	MW	Pirirākau Hapū
36	Susan Phinn	MW	Te Kapu o Waitaha
		MW	Tapuika Iwi Authority

## HEARING

- 2.23 Twenty-four of the submitters wished to be heard in the hearing in relation to the plan change, with another four wanting to be heard on the Notice of Requirement for the Active Reserve. Council also received one body of tabled evidence for each (from Fire and Emergency NZ in relation to the plan change and from Heritage NZ in relation to the Notice of Requirement).
- 2.24 The IHP notes that further evidence and outcomes of caucusing were presented following the adjournment of the formal hearing. This material is referred to throughout this document.
- 2.25 The key themes to arise from the public process (submissions, further submissions and hearings) were the following:
- (a) Cultural and other matters of concern to mana whenua including qualifying matters and the reliance on future structure plan processes for addressing cultural effects.
  - (b) Effects on amenity – principally a request by KiwiRail to include a buffer from the railway line within which development would be subject to a qualifying matter, requiring acoustic insulation of any noise sensitive activities.
  - (c) Submissions on the proposed natural hazards provisions.

- (d) Submissions favouring changes to the financial contributions calculations.
- (e) A number of matters from Fire and Emergency New Zealand ("FENZ") on providing for firefighting in the medium-density residential areas.
- (f) Submissions on stormwater management, with submissions, in support, supporting in part or opposed.
- (g) Many submissions on the medium density residential zone provisions, including on their consistency with the MDRS and NPS-UD, amendments sought to better accommodate retirement villages, and both opposition to and support for the greater intensity introduced by the plan change.
- (h) Submissions with amendments sought to the Ōmokoroa Structure plan in relation to stormwater and transport connections.
- (i) Zoning changes.

### RECOGNISING TANGATA WHENUA

- 2.26 Throughout this report, the IHP has used the terms "tangata whenua" and "mana whenua" to distinguish between broad matters as they relate to Māori more generally, from people at place matters which is where the IHP recognises particular mana whenua groups more specifically.
- 2.27 The IHP received no submissions from tangata whenua generally or mana whenua specifically on PC92 prompting cause for concern early in the process. In light of this, and in the absence of any other material having been produced by tangata whenua/mana whenua groups, the IHP had fundamental concerns about whether it was going to be able to adequately perform its duties and functions under the Act.
- 2.28 The IHP had established the principles it deemed appropriate to underpin the process. They included a commitment to:
- a hearing procedure that is appropriate and fair.
  - avoiding unnecessary formality; and
  - recognising tikanga Māori.
- 2.29 In addition, the IHP was committed to:
- being inclusive and acknowledging the broad range of interests, capability and capacity represented in submissions.

- where practicable, using collaborative and active participation processes to enhance and/or complement the formal hearings process.
- acting in a fair and transparent manner in proceedings, which included acting in accordance with the principles of Te Tiriti o Waitangi.
- conducting an efficient process which minimised the costs and time to all parties involved in the hearing.
- providing submitters with an adequate opportunity to be heard.
- giving effect to Te Ture mō Te Reo Māori 2016/the Māori Language Act 1987, and receiving evidence written or spoken in Te Reo Māori, and
- recognising New Zealand sign language where appropriate and receive evidence in sign language if required.

2.30 The IHP did not want to neglect its obligations, specifically those that relate to the rights, interests and obligations afforded to tangata whenua, and the duty to give effect those considerations in a way that respects tikanga Māori and is compliant with the basic tenets of te tiriti principles of partnership, participation, and active protection. The pre-eminence of the strong directives in *McGuire v Hastings District Council*<sup>8</sup> therefore occupied the minds of the IHP early in the process.

#### Request for advice

2.31 In response to the concerns held, the IHP sought early legal advice on its options in regard to re-engagement with mana whenua and/or options to hear from mana whenua in relation to the plan change. The IHP wanted to explore if there was scope to receive relevant mana whenua submissions (either at the hearing or pre-hearing via re-engagement with Council staff) and/or other ways to hear from mana whenua within the plan change process. To be clear, it was not the intention of the IHP to initiate and/or undertake engagement directly with any tangata whenua or mana whenua groups, but rather, the IHP needed to better understand how (if at all) it could ensure that the perspectives of mana whenua could be recognised within the PC92 hearing process and provided for within the architectural fabric and operative outcomes that PC92 is expected to achieve.

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<sup>8</sup> *McGuire v Hastings District Council* [2000] UKPC 43, [2002] 2 NZLR 577 at [21].

2.32 From the legal advice, the IHP pulled what it considered the key enabling points, as follows:

- As an inquisitorial body, opportunity for the IHP to receive information from tangata whenua is available, but that best practice and natural justice considerations would necessitate that clear, open, and transparent processes were adopted
- The IHP has the power to regulate its own proceedings (Clause 98, Schedule 1)
- No explicit provision exists that precludes seeking to receive, or receiving information from tangata whenua
- Re-engagement with tangata whenua by Council staff is an appropriate option that might lead to tangata whenua lodging a late submission which the IHP could then accept using s37 powers to extend time-limits for submissions.

2.33 The advice that could be considered as preventing the receiving information and/or the perspectives of tangata whenua, from tangata whenua themselves, is provided as follows:

- Where no submissions have been made, no formal engagement opportunity exists for the IHP
- No explicit role or powers are conferred upon the IHP to undertake 'engagement'
- Engagement with tangata whenua is the role of Council, not an IHP

2.34 Further discussion in relation to scope considerations and providing for the voice of mana whenua is provided in Section 3.

### CONCLUDING COMMENTS ON CONTEXTUAL ISSUES

2.35 The IHP has been particularly informed by the context within which the plan change is to be applied. It notes the following:

- (a) The primary intention of the plan change is to provide for growth and intensification in line with the statutory direction.
- (b) The plan change is limited in scope to Ōmokoroa and Te Puke. The community context for these urban communities is markedly different. They are subject to existing high levels of development (against which the plan change is somewhat retrospective) and critically there is a connection to the broader Tauranga/ Western Bay environment, which cannot be ignored.
- (c) Within Te Puke, Council has a conceptual programme for a broader spatial plan, which may see substantial commercial/industrial growth and a significant increase in population. It is problematic to address the intensification issues associated with PC92 when Council

is planning a relatively immediate parallel process. While this is unsatisfactory on a number of fronts, the IHP acknowledges that the timing of the plan change was set by national direction.

- (d) Ōmokoroa is subject to current high levels of urbanisation and land development for other outcomes. This is occurring in the context of the recognition that natural resources are under significant pressure and that Māori values on the peninsula are very high. In this context, it is important that those values are maintained, protected and restored where relevant.



## SECTION 3 - THE ISSUES

### IHP APPROACH TO RECOMMENDATIONS

- 3.1 For the purposes of this section of the report, where possible, we maintain the Council approach of grouping the discussion according to the corresponding chapter of the district plan.
- 3.2 Summaries of the key issues for each section are provided, including legal submissions where relevant, and points raised in submissions and at the hearing. The discussion includes the IHP's recommendation on those issues, along with the reasons for our recommendation to accept, reject or accept in part particular submissions.
- 3.3 The intention is to address all of the issues raised in submissions and orally during the hearings, rather than to address points on a submitter-by-submitter basis. This approach is not to downplay the importance of those submissions. Input from all submitters has been extremely valuable in informing the IHP's deliberations.
- 3.4 Unsurprisingly given the focused nature of the plan change, there was a large degree of overlap between different submissions. We therefore consider it to be most effective for our recommendations to be centred on resolving the contentious issues, rather than addressing each submission point in turn.
- 3.5 Many of the matters raised in submissions resulted in a simple and straightforward recommendation from the Council reporting officer. Not wishing to repeat the material from the Council s42a report, evidence or right-of-reply, the IHP are comfortable accepting the recommendations as set out in these reports, except where directed otherwise in the discussion below. Submission points are only addressed where the IHP felt that there were still matters that needed to be resolved or where the matters required some further discussion.
- 3.6 The IHP has not addressed matters where the Council officer's discussion and recommendation needs no further elaboration, either because there were no submissions in opposition, officers adopted the proposed relief or the reasons for the officers' position in rejecting a submission were clear and unequivocal. For completeness, the following documents are provided to show the IHP's recommendations in full including all responses to submissions and changes to the Operative District Plan:
  - Attachment A – Summary of Recommendations on All Topics and Submission Points.
  - Attachment B – Recommended Changes to the District Plan Maps.
  - Attachment C – Recommended Changes to the District Plan Provisions.

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## SCOPE CONSIDERATIONS

### Providing for the voice of mana whenua

- 3.7 In Section 2, we briefly set out some of the considerations around scope of the Intensification Planning Instrument. Below, we turn to address scope in relation to the specific considerations confronting the IHP in relation to including input from mana whenua.
- 3.8 Under clause 98 of Schedule 1, the IHP has power to regulate its own proceedings. The duties of the IHP on an IPI process (as set out under clause 99 of schedule 1 RMA) are to make recommendations to the territorial authority, such recommendations must be:
- (a) related to a matter identified by the IHP or any other person during the hearing, but
  - (b) are not limited to being within the scope of submissions made on the IPI.
- 3.9 Our reading of clause 99 of schedule 1 RMA, lends the IHP to consider that there is sufficient latitude for it to consider information concerning mana whenua, whether that information exists in the form of a submission, presentation (as we were provided by Pirirākau on day 1 of the hearing), or other form of information. While this latitude may seem fairly wide-reaching, we take onboard Councils legal submissions on the point:
- ... care should be taken in terms of natural justice considerations where the IHP is making recommendations under clause 99(2)(b). While some submitters sought to describe this as a very broad power, in our submission it is not unfettered and needs to be exercised with care<sup>9</sup>.*
- 3.10 With this in mind, other than the information presented by Pirirākau on Day 1 of the hearing, and the records contained in the s32 & s42A reports, we have decided that consideration of any additional information shall be limited to information that only exists on public record.
- 3.11 Section 74 RMA sets out the matters that are to be considered by territorial authorities when making changes to the district plan. S.74(2A) RMA explicitly provides that when preparing or changing a district plan, a territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

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<sup>9</sup> Legal submissions in reply - WBOPDC at [17], Page 5

- 3.12 Clause 95(2) of Part 6 of Schedule 1 to the RMA confirms that clause 6 of Schedule 1 applies to the IPI. Clause 6 entitles the persons described in sub-clauses (2) to (4) to make a submission “on” a proposed policy statement or plan (change).
- 3.13 The meaning of that simple word “on” has been the subject of considerable judicial consideration (which we turn to below), but for present purposes we record that no party contended that submissions on PC92 did not have to satisfy this initial jurisdictional threshold to be considered. Rather, the issue was whether the established “on” jurisprudence was apt for the IPI by which PC92 was being processed.
- 3.14 Ms Stubbing, counsel for WBOPDC, provided opening submissions. Her general advice regarding “scope” was as follows:
- There was a list of submission points in the section 42A report that were identified as being potentially out of scope. From the written evidence received from submitters, we are aware that some of those points are no longer being pursued. However, we comment briefly on each of the submission points that we understand are being pursued and, in our opinion, are not “on” PC92 with reference to the Clearwater tests above.*
- 3.15 The approach by the Council witnesses has been to note where submission points are potentially out of scope but then to assist submitters and the IHP by addressing the relief sought on its merits .
- 3.16 Counsel for BOPRC, Ms Wooler, argued for a wide interpretation and says our recommendations must be related to a matter identified by the IHP or any other person during the hearing. The amendments have been identified as required .
- 3.17 The IHP accepts and embraces that interpretation (which is consistent in principle with those of Ms Stubbing on behalf of WBOPDC) and proceeds to consider all the submissions and evidence on that presumption.

## CONSULTATION

### General

- 3.18 In relation to consultation on the plan change, three submissions (Robert Hicks, Penny Hicks and Russel Prout) suggested that it was inadequate and that more should have been done to communicate the plan change to affected residents.
- 3.19 Council pointed out that, in order to meet the deadline for notification set out in the RMAA, they had limited time to run community meetings on the plan change. They did have a period of public engagement, however except where we note that consultation with mana whenua has been inadequate, the IHP is satisfied that they have fulfilled the requirements of Schedule 1 of the Act.

#### Consultation with tangata whenua

- 3.20 From the record of consultation<sup>10</sup> prior to notification, the key issues as expressed by Pirirākau are summarised as:
- (a) original area proposed for MDRZ had increased.
  - (b) proposed height limits and the potential significant adverse effects on cultural viewshafts.
  - (c) capacity of existing wastewater line.
  - (d) lack of greenspace proposed.
  - (e) co-management of reserve areas.
  - (f) cultural sites and the need for avoidance of inappropriate use and activities.
  - (g) visual impacts and changes to the character.
- 3.21 The S.32 evaluation reports consultation as being widespread yet fails to reflect a consultative process (or include any evidence of such) that recognised the unique status of tangata whenua in the context of the minimum obligations for consultation in accordance with Schedule 1 RMA.
- 3.22 The consultation provisions of Schedule 1 RMA are not discretionary, rather they are expressed as an instruction to the local authority concerned to consult the parties listed at clause 3(1)(a) - (e).
- 3.23 For the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—
- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and
  - (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and
  - (c) consults with those iwi authorities; and
  - (d) enables those iwi authorities to identify resource management issues of concern to them; and

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<sup>10</sup> Section 42a Report - Attachment C - Tangata Whenua Engagement Record. Pages 5 & 6

- (e) indicates how those issues have been or are to be addressed.
- 3.24 Despite the express statement in its s32 report<sup>11</sup> that recognises Pirirākau as mana whenua of Ōmokoroa, and the significance of Ōmokoroa to the hapū, PC92 fails to adequately indicate how the issues of Pirirākau have or will be addressed. In this vein, the Council has relied on the Structure Plan process.
- 3.25 PC92 does not adequately demonstrate (e) how the issues that Pirirākau have articulated (through engagement and in their HMP) have been or are to be addressed. We have seen no evidence that points to any agreements reached between Council and Pirirākau on the identified treatment options. The Council evidence is that the structure planning process will provide for Pirirākau.
- 3.26 The IHP has carefully considered the rights and interests of tangata whenua in the context of this plan change. Without having the status of a submitter, the IHP had to first determine its ability to consider Pirirākau with all the usual rights that go with being a submitter, or as a party with an interest greater than the general public.
- 3.27 The IHP's response to the points raised by Ms Shepherd are discussed in more detail in other areas of this report, in particular where the IHP address FINCOs and natural open space. The IHP also saw the need to address section 6(e) matters in the context of section 771 of the RMA. We have attempted to do this in Section 2 under Qualifying Matters.

## DISCRETE MATTERS

### General support for the plan

- 3.28 The s42a report for the "General Matters" in the plan noted a number of submitters (Urban Taskforce for Tauranga, Retirement Villages Association, Ōmokoroa Country Club, Waka Kotahi, Kāinga Ora & KiwiRail) supported the plan change generally, subject to changes sought in particular sections of the plan. Those matters will be addressed in the relevant sections. It is also noted that the RVA submission was supported in further submissions by Ryman and Somerset.

### Application of 'Urban Environment' to other areas of the district

- 3.29 Another submission, from Joshua Marshall, opposes Council's interpretation that only Ōmokoroa and Te Puke are 'urban environments' in the district and requests that Council also apply the MDRS to other urban areas of the district, and there should be more widespread enabling of intensification across the district.

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Paragraph 5.2.6 - Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters - s32 Evaluation Report (August 2022)

- 3.30 Council put forward its position that urban areas in the district were treated as being 'subject to their own housing and labour markets', and therefore only Te Puke and Ōmokoroa have or are likely to have markets of at least 10,000 people within the scope of the plan change.
- 3.31 The IHP takes a different view to both parties on this question. It is our view that urban areas within a commuting distance of Tauranga are effectively part of the 'urban environment' of Tauranga. Indeed, the reason for which WBOPDC was judged to be a Tier 1 Council was that it lies at the periphery of Tauranga, which is growing rapidly.
- 3.32 The direction of the NPS-UD and MDRS is to provide for intensification so that urban growth is provided for less through peripheral greenfield expansion and more through development within the existing urban area, ensuring the infrastructure is used efficiently and realising the benefits of 'well-functioning urban environments'.
- 3.33 It is noted that the townships of Katikati and Waihi Beach are a considerable distance beyond Ōmokoroa and are unlikely to attract a large number of commuters to Tauranga. The IHP do not consider them to be part of the 'housing and job market' of Tauranga and for that reason, agrees that the only areas of the district that should be subject to the MDRS and NPS-UD are Te Puke and Ōmokoroa.

#### Carbon Emissions

- 3.34 One other matter generally in relation to the plan is the issue of carbon emissions. It is disappointing that neither the Council nor Waka Kotahi have given serious attention to the impact on carbon emissions resulting from development of a large volume of additional housing, in particular in Ōmokoroa. Waka Kotahi raised it as a matter of concern in their submission and the Council view was that no action was required.
- 3.35 The NZ government is now legally bound to deliver on its carbon reduction commitments. In the NPS-UD, one of the characteristics of "well-functioning urban environments" is a reduction in carbon emissions resulting from planning decisions around urban form and development.
- 3.36 The location of Ōmokoroa, 20km from Tauranga, means that large numbers of residents will commute to the larger city. The analysis of Waka Kotahi in terms of traffic generation implies this, and the submission by Kāinga Ora acknowledges that Ōmokoroa could be seen as a part of the Tauranga urban environment. Experience from the development of a satellite town on the periphery of other big cities, in NZ and abroad, would also support that conclusion.
- 3.37 The Beca traffic model suggests that projected traffic movements to and from Ōmokoroa (not including through movements on SH2) would be around 3,700 vehicles per day. They did not supply observed traffic data currently, but since the population of the peninsula is

expected to almost triple, and there are no indications that future residents would be any less inclined to travel to Tauranga, we could conservatively estimate that at least half of the projected trips are resulting from intensification brought in by this plan change.

- 3.38 Since the majority of trips can be assumed to be to Tauranga (the distance being 20km), and that other trips will be shorter, and some longer, 1,850 additional trips x 20km (distance to Tauranga) means approximately 37,000km/day increase to VKT, in excess of 10 million additional kilometres per annum.
- 3.39 We also note that a cursory glance at the state highway between Ōmokoroa and Tauranga reveals a number of locations that would not be considered satisfactory for safe cycling, and especially not the perception of safe cycling, to enable residents of Ōmokoroa to make the trip by cycle. However, it is noted that a cycleway between Ōmokoroa and Tauranga is part implemented and being pursued.
- 3.40 In any case, the distance means that journey by cycle would likely take around an hour each way. Active transport connections between these two connected areas is therefore not considered practical.
- 3.41 There are currently 6 buses per day each way between Ōmokoroa and Tauranga, with a bus roughly every 1h 45m in each direction between 7am and 4.20pm towards Tauranga and between 7.55am and 5.10pm towards Ōmokoroa.
- 3.42 The provision of a location to be used as a Park-and-Ride is insufficient to offset the increase of thousands of VKTs per day that will result from the settlement. Therefore, charging of development contributions, targeted rates, congestion charging, subsidisation of the bus service and other economic instruments are considered appropriate to drive more economic use of private vehicles.
- 3.43 It is suggested that Council policy staff investigate, and where possible implement, actions to offset the additional emissions that this plan change will enable.

#### Planning Maps: Te Puke Zoning

- 3.44 The approach the Council has adopted for Te Puke, as set out in the reports accompanying PC92 and presented at the hearing, was to confine the rezoning to MDR only. The MDR zone applies primarily to existing zoned Residential areas and to pockets of Future Urban or Rural zoned land that either has an existing resource consent for residential development or is currently subject to a private plan change lodged prior to the Amendment Act. The additional areas were previously identified for residential expansion within the urban limits of Te Puke. In its site visit, the IHP gained an appreciation for the existing settlement and the relationship of those additional areas proposed for zoning to both the existing township and the natural landform.

- 3.45 The rationale the Council reporting officers have given for the conservative approach to intensification of Te Puke, is that the timeframes restricted its ability to carry out thorough consultation with the Te Puke community. The extent of proposed MDR within Te Puke represents only what is required to instate the MDRS provisions within the urban extent of the township.
- 3.46 At the hearing the IHP heard that Council intends to embark on a more fulsome review of the spatial extent and provisions of Te Puke through the district-wide plan review process, commencing with a spatial plan for Te Puke that will enable a more thorough analysis and understanding of the social and economic infrastructure requirements. The IHP understands the Council intends to embark on early engagement and option identification and analysis for Te Puke with targeted engagement and release of a draft Spatial Plan in the middle of 2024.

### MANA WHENUA SPECIFIC CONSIDERATIONS

- 3.47 The conspicuous lack of participation of mana whenua, and Pirirākau in particular, was an issue for the IHP. In this respect the missing voice of mana whenua and the action that was taken to remedy that is later discussed in this section.
- 3.48 The IHP notes that the engagement with mana whenua expected for the scale of impact generated by the plan change has not concluded satisfactorily. It is expected that Council will ensure mana whenua are fully engaged in the implementation of the plan change as a whole and including the associated spatial planning processes underway.

#### The relationship of Pirirākau with Ōmokoroa

- 3.49 Pirirākau, a hapū with affiliations to Ngāti Ranginui, one of the three iwi of Tauranga Moana, have longstanding associations with their tribal estate with four operating marae - Tawhitinui, Poututerangi, Tutereinga and Paparoa.
- 3.50 The Ōmokoroa peninsula area is located in the heart of the rohe of Pirirākau, It is identified in the Pirirakau Hapu Management Plan (HMP) as a significant landscape for the hapu<sup>12</sup>. The HMP includes specific mention of Ōmokoroa and explains that the relationship of Pirirākau with their rohe is expressed “by maintaining marae, retaining remnant reserves, protecting our natural environment, and keeping the identity, the customary rights, and practices of Pirirākau alive”<sup>13</sup>.

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<sup>12</sup> Pirirākau Hapu Management Plan [2017] at page 23

<sup>13</sup> Pirirākau HMP [2017] page 12



- 3.51 The HMP for Pirirākau was useful to the IHP in respect to the historical and current context for mana whenua. We recommend users of the plan and the Council to actively reference the plan in implementation and future decision-making.

- 3.52 The aspirations of Pirirākau are recorded in the HMP in the following way:

*Pirirākau seek to encourage its hapū members to retain our cultural baselines. Strengthening our traditional worldviews and respecting our past navigators. Remembering the ancestral teachings of our people so we retain our mana and fulfil our aspirations. Pirirākau are the legacy and future of a powerful whakapapa.*

- 3.53 As kaitiaki, we are the receivers of an inherent responsibility to protect manage and nurture our taonga for present and future generations in the same ways our forebears have. Equally we desire to maintain our relationship with our ancestral lands and waters. We affirm our tikanga within our rohe and within forums that affect the interests of our people.<sup>14</sup>

- 3.54 In relation to land use & development, the HMP describes the experiences of Pirirākau detailing the lack of confidence that Pirirākau have in relation to the way their values and territories are managed in this context, and specifically in relation to plan change processes.

#### Pirirākau cultural values and potential cultural amenity treatments.

- 3.55 Ultimately, Pirirākau seek restoration of people and place. The Ōmokoroa Structure Plan Urban Design Cultural Overlay report prepared by Pirirākau helpfully identifies several overlay treatments to appropriately give expression to Pirirākau values and to assist the re-establishment of Pirirākau presence within the landscape.

#### Pirirākau involvement in the Structure Planning process

- 3.56 The loss of cultural landscape is experienced by Pirirākau as a physical and spiritual severance of their relationship with this part of their tribal estate and as a form of disenfranchisement. As part of the Structure Plan process and the collection of information for the development of the cultural overlay for Ōmokoroa, a site visit excursion involving Pirirākau kaumatua took place. It was reported that the kaumatua were overwhelmed and disorientated by the rapid change and transformation of Ōmokoroa and that they felt emotionally and culturally disconnected from an environment they were traditionally familiar with.

- 3.57 They contend that through engagement on PC92 and earlier processes, that they have continuously reiterated the position that Pirirākau would support the full urbanisation of Ōmokoroa on the condition that further urbanisation not occur in other parts of the Pirirākau rohe, specifically, at Huharua, Whakamarama, Te Rangituanehu and Te Puna. The

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<sup>14</sup> Pirirākau HMP [2017] page 16

rationale given was multi-layered but appears to be centred around a ki uta ki tai philosophy and aspirations to maintain and protect an important cultural (and ecological) corridor between the coast and inland.

- 3.58 The Council assert that PC92 provides for Pirirākau through the structure plan process. This assertion seems at odds with the definition of structure plan in the operative district plan which has the following definition:

*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.*

- 3.59 The explanatory statement for the new MDRS section of the district plan, although seemingly not as focussed on infrastructure, unfortunately does not greatly assist our understanding further:

*Structure plans exist for 'greenfield' medium density development areas in Ōmokoroa (Stage 3) and Te Puke (MacLoughlin Drive South and Seddon Street East) to provide further guidance for subdivision and development in these areas. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, three waters infrastructure and reserves.*

- 3.60 A definition devoid of any specific reference to anything cultural is problematic given the apparent reliance of the Council on the structure plan process to satisfy their obligations to Pirirākau.

- 3.61 The IHP note that the area specific overlays for Ōmokoroa do not include the Pirirākau cultural overlay. With this in mind, the way the current definition is framed and the explanatory statement in relation to structure plans, implies that structure plans are explicitly intended to address key infrastructure needs and cost.

#### Pirirākau presentation

- 3.62 On behalf of Pirirākau, Ms Julie Shepherd appeared before the IHP on Day 1 of the hearing to deliver an oral presentation. It was submitted that Pirirākau has, for some 30 years, expressed the issue of urbanisation. Pirirākau acknowledge that long-term planning for growth in Ōmokoroa has occurred since the late 1970s.

- 3.63 The IHP heard that Pirirākau seeks the following:

- Ecological corridor protection, in particular for the flightpath of the kaka.
- A cultural plan that provides for resourced Pirirākau kaitiakitanga.

- A comprehensive stormwater management plan that protects and enshrines mahinga kai as a compulsory value of the NPS-FM.

- 3.64 Pirirākau also testified to changes in the landscape through progressive development over time and the effects that this development has had on their ability to remain connected to their ancestral landscapes and other taonga. Notably, the s32 Report recognises the potential for this outcome to occur as a result of urban development.

*Urban development will result in a significant modification of the environment and landscape which could further alienate Māori and particularly Tangata Whenua from their association with the land<sup>15</sup>.*

#### Mana whenua relationships with Te Puke

- 3.65 Waitaha is an iwi based in the heart of the Te Puke area, with their primary marae, Hei, located at Manoeka. The people of Waitaha are descendants of the ancestor Hei, who was a prominent member onboard the Arawa waka when it sailed to Aotearoa. Tapuika is the other primary iwi connected to the Te Puke area. The eponymous tupuna of Tapuika was Tia. Tia and Hei were twin brothers. The main marae of Tapuika located close to Te Puke township are Moko marae at Waitangi, and Makahae marae on the immediate outskirts of the Te Puke township.
- 3.66 Both iwi have achieved comprehensive settlements with the crown and as such are supported by post settlement governance entities - Te Kapu o Waitaha and Tapuika Iwi Authority. The settlements of each iwi included cultural redress which recognises the traditional, historical, cultural and spiritual associations that both iwi has with places and sites within their area of interests. Both settlements include statutory acknowledgements for specific areas and waterways of particular significance to each iwi. Included in the statutory acknowledgements and/or deeds of recognition for waterways is the Waiari stream, Kaituna river, Raparapahoe Stream, Ohineangaanga stream which are all located in close proximity to Te Puke town area.
- 3.67 Both iwi have also prepared and formally lodged iwi management plans<sup>16</sup>. The Waitaha Plan, Ko Waitaha Ahau, was lodged in 2014 and the Tapuika Environmental Management Plan 2014 - 2024. Both plans set out clear expectations in regards to when engagement by Councils is triggered. No submission was received from either iwi, but notes from engagement suggested that Tapuika and Waitaha representatives were comfortable with the direction of the plan change, and saw benefits for their iwi members as a result – mainly around the possibility of building a second and third dwelling on residential sections. It

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<sup>15</sup> Section 32 Report - Efficiency & Effectiveness of the Provisions in Achieving the Objectives. Page 18, Row 1, Column 2 et al

<sup>16</sup> The IHP understand the Waitaha IMP was lodged with the Bay of Plenty Regional Council

should also be noted that the changes introduced by the plan change were much narrower in relation to Te Puke compared with Ōmokoroa.

### QUALIFYING MATTERS

3.68 Because QMs are an important consideration in an IPI, and there are very limited appeal rights to the decision, they are addressed and considered here, rather than in Section 14A. Further discussion of submissions and Council officers' recommendations can be found in the s42A reports for Section 14A.

3.69 Two submissions addressed qualifying matters, both requesting an additional qualifying matter be added to the plan. In addition, the IHP considered the provision for s6(e) as a qualifying matter.

#### Power transmission lines as a qualifying matter

3.70 In relation to power transmission, Powerco has submitted that the implementation of the Medium density residential standards (MDRS) conflicts with the Electrical Code of Practice for Electrical Safe Distances (ECP34) as the power supply in Ōmokoroa is via overhead power supply.

3.71 The conflict may result in housing development that does not comply with ECP34, which would be a safety risk for future residents as well as a risk to continuity of power across the local network.

3.72 Powerco seek the inclusion of the overhead power lines to the Council maps, and the compliance with ECP34 as a performance standard. Because that would be less enabling of the densities set out in the Medium density residential standards, that additional setback would need to be recognised as a qualifying matter (QM).

3.73 In its submission, Powerco argues that the Enabling Housing Act, in introducing s77L, provides for electrical distribution as a QM in several ways:

- 77L(b), as a matter required to give effect to a national policy statement;
- 77L(e), as a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure; and
- 77L(j), as a matter that makes higher density residential development, as provided for by the MDRS or Policy 3 of the NPSUD, inappropriate in an area, with the satisfaction of s77L.

3.74 To address each in turn, it is Powerco's contention that power distribution to the Ōmokoroa peninsula is provided for in two national policy statements (NPSs), the NPS Renewable Energy Generation (NPSREG) and the NPS Electricity Transmission (NPSET).

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- 3.75 The NPSREG is clearly directed at providing for the harnessing of natural forms of energy (wind, solar etc) to generate electricity. Despite Powerco's contention, there is nothing to suggest that the NPS should apply to transmission or distribution.
- 3.76 Similarly, the NPSET provides for the transmission network rather than local electricity distribution. As Powerco's submission acknowledges, the national direction does not make specific reference to distribution, but instead recognises and protects the national grid as a matter of national significance. It does recognise the risks posed by third parties, and while that is very relevant to their submission point, the IHP does not accept the assertion that the direction of the NPSET applies to local distribution.
- 3.77 Powerco also asserts that the entire electrical supply network should be considered nationally significant infrastructure, and therefore be regarded a QM under s77(e).
- 3.78 Finally, the submission from Powerco argues that s77L(j) applies to the overhead powerlines in Ōmokoroa and acknowledges that this clause is subject to an assessment set out in s77L. Neither the submission nor the evidence presented at the hearing make an assessment directed by s77L.
- 3.79 S77L directs that a matter is not a QM unless the evaluation report referred to in s32:
- (a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and
  - (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
  - (c) includes a site-specific analysis that—
    - i identifies the site to which the matter relates; and
    - ii evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter;
    - iii evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics
- 3.80 While Powerco present a compelling argument that perhaps satisfies (a) and (b) of s77L (except that the argument was not set out in an assessment under s32 of the Act), no site-specific analysis has been done and no recommended amendments to the plan provided. On that basis, the changes sought and the evidence to support that change, fail to satisfy

the requirements of s77L and the overhead powerlines in the Ōmokoroa are not considered a qualifying matter.

- 3.81 The IHP agrees that the advice note recommended in the s42A report be added to the plan.

**Additional setbacks from the rail corridor for future maintenance**

- 3.82 KiwiRail has submitted on what they perceive as a need for a greater setback from the rail corridor than what is prescribed in the MDRS. In order for that increased setback to be accommodated, because that would be more restrictive than the MDRS, the rail corridor would need to be included in the plan as a qualifying matter.
- 3.83 KiwiRail argues that the setback is necessary to provide space on those properties to maintain the buildings without the need to encroach on the rail corridor. They have requested a setback of 10m to allow for scaffolding, support structures and to allow for a reasonable distance to ensure that dropped objects do not fall into the rail corridor.
- 3.84 However, the scope of this plan change is contained to Te Puke and Ōmokoroa. Through Ōmokoroa, the rail corridor is particularly wide, with the adjacent medium density residential zone (MDRZ) at least 20m from the train tracks, and in most places at least 30m. In Te Puke, the majority of the rail line is adjacent to the Industrial Zone or public road, and only Gordon St, Stock Road and King St have an area directly adjacent to the rail corridor.
- 3.85 As the scope of this plan change is limited in geographic extent, it is not considered practical or appropriate to provide a carve out for a small area of Te Puke. In addition, developers will understand that encroachment onto the rail corridor in future (even if only for maintenance activities) would require KiwiRail approval and there are health and safety regulations to protect against people or objects falling into the rail corridor.
- 3.86 Even if only the minimum setback is provided on a site adjacent to the rail corridor, scaffolding for future maintenance can be secured to the building with scaffolding wrap on the rail side to prevent items from falling into the rail corridor. This is considered the likely outcome of any health and safety assessment. Therefore we regard the inclusion of a greater setback from the Rail corridor, as per the KiwiRail request, to be unnecessary. We do however agree with the setback being reduced from 10m to 5m.

**Section 6(e) Relationship of Māori**

- 3.87 The range of 'Qualifying Matters' are set out at section 77I of the RMA and include section 6 RMA Matters of National Importance.
- 3.88 Despite the express statement in its s32 report that recognises Pirirākau as mana whenua of Ōmokoroa, and the significance of Ōmokoroa to the hapū, PC92 fails to adequately

indicate how the issues of Pirirākau have or will be addressed. In this vein, the Council has relied on the Structure Plan process.

- 3.89 In its Addendum Report (Qualifying Matters) to Section 32 Evaluation Report, Council attempts to clarify what matters are considered to be Existing Qualifying Matters ("EQM") provided for within the operative district plan, and that are to be treated as EQM for the purposes of PC92.
- 3.90 The Addendum Report provides that as a 77I(a) Qualifying Matter:
- a matter of national importance that decision makers are required to recognise and provide for under section 6(e) being the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga and section 6(f) being the protection of historic heritage from inappropriate subdivision, use, and development.*
- 3.91 As at the close of the hearing, it remained unclear whether s6(e) RMA matters had been treated appropriately by what seems to be a lumping together of s6(e) RMA with s6(f) RMA matters.
- 3.92 What is clear is that each of the s6 RMA matters are intended to be dealt with separately. This is supported by the fact that the Resource Management Bill was specifically amended before enactment to address concerns that there had previously been a lack of hierarchy and priority between different matters, so the risk of including an unprioritized list of matters was clearly recognised at the time.
- 3.93 It is against this backdrop that the IHP deemed it necessary to clarify that section 6(e) RMA considerations are not the same as section 6(f) RMA matters and to this end, recommend Council makes it explicit within the DP, including through methods such as provision linkages and referencing.

## DISCUSSION ON SUBMISSIONS

### EXTENT OF PROPOSED MEDIUM DENSITY ZONE TE PUKE

- 3.94 One submission was received on the spatial extent of Te Puke, from Armadale Properties (submission #8.1) in relation to 22 Landscape Road, which is currently zoned Rural and adjacent to a small area of residential zoned land. The submitter supports the application of the MDR zone on the residential zoned land and would like that expanded to include 22 Landscape Road. The submitter included a master plan concept for the site.
- 3.95 The Council's reporting officer considered the submission to be out of scope because PC92 only included land already zoned for residential or anticipated for urban expansion, and the rezoning sought is not an incidental or consequential extension of the proposed plan change zoning. This was confirmed in paragraphs 5.12 and 5.13 of the opening legal submissions by Ms Stubbing and we adopt that advice.

#### Change to High Density Residential

- 3.96 Two submission points, one each from Kāinga Ora (submission #29.6) and Waka Kotahi (submission point #41.2) were received seeking the identification and implementation of a 'high density residential zone', based on walkable catchments surrounding the centre of Te Puke. These submission points were supported by further submissions from KiwiRail (FS71.9) and Kāinga Ora (FS70.24) respectively.
- 3.97 The Council's reporting officer noted that there are no city centres or metropolitan areas and no existing or planned rapid transit stops within the WBOP district, therefore Policy 3(c) of the NPS-UD is not directly relevant to Te Puke. The reporting officer stated that the Council did consider higher density and walkable catchments for Te Puke but considered that the appropriate mechanism for pursuing locations for higher density may be through the upcoming spatial planning process. We agree.

#### Request to Change to Commercial or Mixed Use Zone

- 3.98 Vercoe Holdings supported in part the proposed zoning for Te Puke but sought (submission point #40.1) that the area identified for future commercial development within the subdivision resource consent be rezoned to Commercial.
- 3.99 The Council's reporting officer was of the opinion that there was insufficient justification as to why that would be the most appropriate option for the land, and considered that the types of mixed use activities sought would be better suited to a resource consent process. No representation was provided for this particular submission point at the hearing and we adopt the advice.



**SUMMARY OF KEY RECOMMENDATIONS:****Key matters and recommendations**

- 3.100 Notwithstanding that the Council deemed the submission point to be out of scope, submission point 8.1 was considered in the interests of providing information both to the submitter and the IHP. The IHP acknowledges that including the property within the MDRZ could support the ongoing growth of Te Puke as anticipated by the NPS-UD. However, given that the majority of the land at 22 Landscape Road is classified as LUC 3 (highly productive land), the NPS-HPL would also need to be considered with respect to any proposed rezoning. The IHP therefore accepts the recommendation within the s42A report to retain the existing rural zone for this land.
- 3.101 In relation to a high-density residential zone in Te Puke, subsequent to the drafting of the s42A report, Kāinga Ora advised through evidence of Ms Susannah Tait, that a high-density residential zone in Te Puke is no longer being pursued in favour of greater height within the town centre. The latter is discussed in greater detail in relation to Section 19 - Commercial Zone in paragraphs 3.268-3.278 of this recommendation. Similarly walkable catchments do not appear to be further pursued by Waka Kotahi. In this regard, the IHP defers to the officers' recommendation to retain the proposed MDR as notified.
- 3.102 With regard to the change of zone request, the IHP accepts that the MDR may enable the types of locally based commercial or mixed use activity, without requiring these sites to be zoned commercial.
- 3.103 The IHP accepts the Council Officer's position with respect to the extent of MDR in Te Puke, acknowledging that the proposed forthcoming spatial planning process will provide the appropriate vehicle for a considered and thorough review of the opportunities and constraints within and surrounding the township and therefore does not recommend any changes to the extent of MDR zoning as proposed. However, we do consider Council should advance the spatial planning process for Te Puke with some urgency.

**Planning Maps: Ōmokoroa Zoning**

- 3.104 In contrast to Te Puke, the growth of Ōmokoroa has been anticipated and planned for over the past two decades. Plan Change 92 includes the rezoning of most of the Ōmokoroa peninsula. The majority of the area subject to Plan Change 92 is currently zoned Future Urban, with the exception of a commercial zone on the northern side of Ōmokoroa Road from the curve opposite Flounder Drive intersection up past the roundabout with Settler Ave and Ridge Drive. There is a light industrial zone to the north of the commercial zone, but south of the rail line. The IHP understands that the area to the south of the rail line has been the subject of previous plan changes to create those zonings.

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- 3.105 The proposed zoning map produced by Council shows the new roundabout at the intersection of Ōmokoroa and SH2, as well as a second roundabout providing access to an extended Francis Road. The intersection of Francis Road would then be closed, with the only access to SH2 from Francis Road being via Ōmokoroa.
- 3.106 On the zoning map, the area between the current formation of Francis Road and SH2 is shown as a new area of Industrial Zone. In addition to that, most of the area south of the extension of Francis Road to Ōmokoroa Road is also proposed as Industrial Zone, with the exception of a small area of deep gully, which is proposed as a new Natural Open Space.
- 3.107 South of Ōmokoroa Road from opposite the intersection with Prole Road almost down to the SH2 intersection, there is an area of Light industrial zone. That area is proposed to be expanded slightly to the west and south, and changed to general Industrial Zone. Much of the rest of that area is proposed to be Rural residential, with Open Space zones in two areas at the periphery of the Intensification Plan Change area.
- 3.108 In evidence supporting the submission of N & M Bruning, Mr Aaron Collier argued that changes to the zoning, particularly rezoning of rural land to industrial, rural residential or open space, were out of scope for the plan change. Ms Barry-Piceno, Counsel for the Brunings, endeavoured to persuade us that her submissions and the evidence on behalf of the Brunings supported removal of the proposed open-space annotation on their land adjoining SH2, on the grounds “it is out-of-scope”<sup>17</sup>.
- 3.109 Ms Stubbing (for WBOPDC) argued the new zonings “support” the MDRS and greater intensification on the Ōmokoroa Peninsula, and therefore fall within the permissible scope of an IPI under section 80E<sup>18</sup>.
- 3.110 Ms Wooler, Counsel for BOPRC, also counters Ms Barry Piceno and Mr Collier’s opposition to Rural Residential and Open Space Zones over part of the Bruning land, saying<sup>19</sup>
- “... power to impose an industrial zone must also include the power to amend its imposition – including by alternative zoning as the case requires [and]... urban non-residential zone means any zone in an urban environment that is not a residential zone”
- 3.111 She also cites the definition of urban environment as given in Section 1 of this report.
- 3.112 Ministry for the Environment guidelines make it clear that establishing new industrial or open space zones, consequential to changes to implement the MDRS, are within scope for an intensification planning instrument (IPI).

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<sup>17</sup> Barry-Piceno, s36

<sup>18</sup> Stubbing, s4.16 & s4.18

<sup>19</sup> Wooler, Para 52

- 3.113 We therefore prefer and adopt Ms Stubbing's argument, which is consistent with that of Ms Wooler. This is discussed in greater detail under the headings of the Industrial and Natural Open Space zones respectively.

### ŌMOKOROA MDR

#### Request for High Density Residential

- 3.114 The MDR includes the identification of areas with specific minimum density requirements. In order to provide for an array of densities in Ōmokoroa, WBOPDC proposed three different overlays within the MDR zone. These range from a minimum of 15 residential units per hectare in overlay area 3A through to a minimum of 30 residential units per hectare in overlay area 3C.
- 3.115 Two submission points were received in relation to this. Kāinga Ora<sup>20</sup> was generally supportive of the extent of area identified for rezoning in Ōmokoroa, including the additional intensification provisions. However, rather than an overlay within Section 14A, Kāinga Ora are seeking to rezone the areas identified as Ōmokoroa 3C to a new 'High Density Residential Zone' (HRZ). Kāinga Ora included proposed provisions for this new zone. The Waka Kotahi submission point 41.2, discussed above in relation to Te Puke, also sought high-density residential zones within the walkable catchment of Ōmokoroa town centre in order to give effect to the intent of the NPS-UD. These submissions points were supported by further submissions from KiwiRail (FS71.9) and Kāinga Ora (FS70.24) respectively.
- 3.116 The Council's reporting officer was of the opinion that the overlay provisions for 3C, namely minimum yield requirements and a greater height limit, are appropriate, within the context of Ōmokoroa, for giving effect to Policy 3(d) of the NPS-UD.

#### Analysis and considerations

- 3.117 In her evidence on behalf of Kāinga Ora, Ms Susannah Tait, reiterated that she considered the Ōmokoroa 3C areas should be rezoned to HRZ with a consequential 'uplift' in the performance standards; in particular height, height in relation to boundary, and yield provisions. Ms Tait sets this out in detail in paragraphs 10.18 – 10.29 of her evidence in chief, concluding that an HRZ is the most efficient and effective way to give effect to the NPS-UD.
- 3.118 Mr Hextall, reporting planner, was of the opinion that the inclusion of an additional new High Density Residential Zone, as requested by Kāinga Ora, with a set of plan provisions, would create unnecessary duplication.

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<sup>20</sup> Kāinga Ora submission point #29.5

- 3.119 In light of the location and land uses within Ōmokoroa in relation to the wider district and Tauranga city, the relatively discrete areas for the 3C high density overlay and the overall response of PC92 to Policy 3(d) of the NPS-UD, the IHP accepts the Council Reporting Officer's opinion that application of an overlay is sufficient to achieve the outcomes desired in this location. We therefore reject the submission by Kāinga Ora seeking a new High Density Residential zone.
- 3.120 In relation to zone boundary changes outside the medium density residential zone, those matters are addressed in this report within the section relating to the relevant chapter in the plan.

## SECTION 4B – TRANSPORTATION, ACCESS, PARKING AND LOADING

### Vehicle crossings to Ōmokoroa Road

- 3.121 One submission was received, from Jace Investments, on the proposed non-complying activity status for vehicle crossings to Ōmokoroa Road, where written approval from the Council is not obtained. The activity status if permission is obtained would be controlled if the proposal meets all relevant standards and restricted discretionary if it does not.
- 3.122 The IHP has some sympathy for the position of the Council and the need to reduce friction on the main road of Ōmokoroa and ensure a safe and efficient transport network for the town. Notwithstanding the view of the IHP to accept Option 1 (status quo), we suggest that Council needs to address the concern associated with a third party influencing activity status for resource consent through a future plan change.
- 3.123 The other submission on the transport chapter related to on-site manoeuvring. Fire and Emergency NZ (FENZ) have submitted in support of the requirement in s4B.4.6 to provide for onsite manoeuvring where there is direct access off a strategic road for the Medium density residential area. This would align this new, higher density zone with the current rule for the general residential zone. FENZ is also seeking that a matter of discretion be added for non-compliance with that standard, which is a restricted discretionary activity under s4B.6.2.

### On-site manoeuvring for emergency vehicles

- 3.124 FENZ seek the addition of the following matter of discretion:
- (h) the ability for emergency vehicles to manoeuvre on-site effectively and safely.
- 3.125 The purpose of the on-site manoeuvring rule is to ensure that vehicles do not create a hazard by backing out onto a busy road. In this context, "on-site manoeuvring" is understood to be the ability of vehicles to make a three-point turn and exit the property facing forward. As pointed out in further submissions by The North Twelve Limited

Partnership, it is impractical to provide for the turning radii of emergency vehicles within every residential property.

- 3.126 There are other controls to ensure that emergency vehicles have access to all residential properties. In the s42a report, Mr Taunu Manihera, the reporting officer explains that the Development Code provides minimum design standards to ensure access for emergency vehicles. The Code also requires applicants to provide that access if an alternative design is proposed.
- 3.127 The IHP agrees with the officer's assessment that the proposed provisions as notified are appropriate.

#### SECTION 4C – AMENITY

- 3.128 The only submissions for this section related to the noise provisions and the need to protect sensitive activities from frequent high levels of noise and vibration.
- 3.129 KiwiRail has made a submission, supported by evidence at the hearing, that a rule should be inserted requiring any application for a noise sensitive activity within 100m of the rail corridor to be accompanied by an acoustic assessment and, based on the recommendations of that assessment, acoustic attenuation. They submit that this is in order to provide an appropriate level of indoor noise for those noise sensitive activities and protect rail operations from reverse sensitivity effects.
- 3.130 They have also submitted recommended amendments to the content of the plan, including requirements for ventilation and technical guidance relating to noise levels, as well as a definition for noise-sensitive activity, which the operative plan does not provide.
- 3.131 In their further submission in response, Kāinga Ora, NZ Housing Foundation, RVA and Ryman argued that acoustic and vibration controls should not be a qualifying matter and that acoustic insulation could only be accepted on a case-by-case basis.
- 3.132 RVA also made a primary submission against the requirement for new noise sensitive activities in the residential zone needing an acoustic design certificate to show that the building will have an appropriate indoor noise environment.
- 3.133 As the Council reporting officer has pointed out, there already exists in the plan a performance standard (4C.1.3.2(c)) requiring proposals for noise sensitive activities to ensure that internal noise levels are not exceeded, including providing alternative means of ventilation.
- 3.134 This performance standard applies for any noise sensitive activity across the district. It appears the consents team are known to waive that requirement for areas where there are no recognised noise issues, and not require the acoustic design certificate. This happens

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on a case-by-case basis, which appears to be very much in line with what RVA were seeking for the zone. It is not expected to be waived for new dwellings close to known noise emitters, such as the rail corridor.

3.135 Although the district-wide provisions would appear to address noise effects from the rail corridor, attention of noise experts has been focused on whether those provisions are in fact fit-for-purpose and how they might need to be amended to make sure that they are. Expert conferencing has delivered a result that both sides of submissions are comfortable with. The IHP is also comfortable that the draft amendments provide greater direction to ensure that rail noise is effectively mitigated. This is particularly important as the higher density provisions will create a great deal of housing that may be subject to adverse noise levels without the appropriate mitigation.

3.136 The amended provisions from Dr Chiles (on behalf of KiwiRail) and Mr Styles (on behalf of Kāinga Ora) was the following:

(iii) In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 100m of the railway designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility shall meet the following requirements:

(a) The building is to be designed, constructed and maintained to achieve an internal design level of 35 dB LAeq(1h) for bedrooms and 40 dB L Aeq(1h) for all other habitable rooms. Written certification of such compliance from a Suitably Qualified and Experienced Acoustic Consultant suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the building concerned. The design certificate shall be based on:

(1) A source level for railway noise of 70 LAeq(1h) at a distance of 12 metres from the nearest track; and

(2) The attenuation over distance being:

(i) 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; or

(ii) As modelled by a Suitably Qualified and Experienced Acoustic Consultant using a recognised computer modelling method for freight trains with diesel locomotives, having regard to factors such as barrier attenuation, the location of the dwelling relative to the orientation of the track, topographical features and any intervening structures. The design certificate shall assume railway noise to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be

deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.

- (b) For habitable rooms for a residential activity, achieves the following requirements:
  - (i) provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, with relief for equivalent volumes of spill air;
  - (ii) provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
  - (iii) does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
- (c) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (d) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in subclause (b).
- (e) The requirements of (a) to (d) to not apply where the building(s) within 100m of the railway designation boundary:
  - (i) Is in a location where the exterior façades of the bedroom(s) or habitable room(s) is at least 50m from the formed railway track and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors of those rooms to all points 3.8m directly above the formed railway track; or
  - (ii) Is in a location where it can be demonstrated by way of prediction or measurement by a Suitably Qualified and Experienced Acoustic Consultant that the rail noise level at all exterior façades of the bedrooms or habitable rooms is no more than 15 dB above the relevant internal noise levels in (a).
  - (iii) Written certification from a Suitably Qualified and Experienced Acoustics Consultant demonstrating compliance with either (e)(i) or

e(ii) as relevant shall be submitted with the building consent application for the building concerned.

- 3.137 The IHP agrees that those provisions are appropriate and will successfully address the mitigation of rail noise in the new MRZ.
- 3.138 The panel also recommends the inclusion of the following standard in the Plan:

**4C.1.4.3 Restricted Discretionary Activity – Indoor Railway Noise**

**Matters of discretion**

- (a) location of the building;
  - (b) the effects of any non-compliance with the activity specific standards;
  - (c) special topographical, building features or ground conditions which will mitigate noise impacts;
  - (d) the outcome of any consultation with KiwiRail.
- 3.139 The IHP considered whether it would be useful to provide a definition for noise-sensitive activity, as shown below, but understands that this is not required as the noise rule was drafted to mention specific activities which are sensitive to noise in line with the current definitions of these activities in the District Plan.
- “Noise sensitive activity” means any lawfully established:*
- (a) activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;
  - (b) educational activity;
  - (c) health care activity, including hospitals;
  - (d) congregation within any place of worship; and
  - (e) activity at a marae.
- 3.140 KiwiRail also submitted that dwellings within 60m of the rail designation boundary be required to mitigate vibration effects. In his evidence Dr Chiles cites many assessments of vibration showing a great deal of variability. What that evidence has not done is assess the vibration effects in Ōmokoroa and Te Puke. However, of the assessments listed, only one showed vibration levels below the recommended 0.3mm/s Vw,95 at 60m, and then only marginally.



- 3.141 Unlike noise, these effects cannot be shielded from other activities by buildings or other above-ground structures, since the vibration travels through the land.
- 3.142 In his evidence, Dr Chiles suggests that it would be pragmatic and sensible to implement the vibration controls within a standard 60m of the rail corridor, to which the IHP agrees.
- 3.143 Kāinga Ora and others submitted in opposition to a standard to require mitigation of vibration effects, arguing that it would add unnecessary cost to housing in the area. However, the provision of a safe and health indoor environment is consistent with the direction of s5 of the Act, requiring:
- the use, development, and protection of natural and physical resources in a way... which enables people and communities to provide for... their health and safety*
- 3.144 In her evidence, Ms Heppelthwaite has also provided an assessment of the efficiency and effectiveness, the costs and benefits and the risk of not acting, with which the IHP agrees.
- 3.145 The IHP therefore recommends the inclusion of the following standard in the plan. For clarity, this replaces the need for a vibration alert layer to be added as an information only layer to Council's District Plan.

***Indoor railway vibration***

- (1) *In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 60m of the railway designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall be protected from vibration arising from the nearby rail corridor.*
- (2) *Compliance with standard 1 above shall be achieved by a report submitted to the Council demonstrating compliance with the following matters:*
- (a) *the new building or alteration to an existing building is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or*
- (b) *the new building or alteration to an existing building is a single storey framed residential building with:*
- (i) *a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and*
- (ii) *vibration isolation separating the sides of the floor slab from the ground; and*
- (iii) *no rigid connections between the building and the ground.*

#### 4C.1.4.4 Restricted Discretionary Activity – Indoor Railway Vibration

##### *Matters of discretion*

- (a) *location of the building;*
- (b) *the effects of any non-compliance with the activity specific standards;*
- (c) *special topographical, building features or ground conditions which will mitigate vibration impacts;*
- (d) *the outcome of any consultation with KiwiRail.*

### SECTION 8 – NATURAL HAZARDS (INCLUDING MAPPED HAZARD LAYERS)

- 3.146 In relation to natural hazards mapping, Kāinga Ora submitted that hazards mapping should follow the Tauranga example and locate the planning maps outside the District Plan. As acknowledged by the Council, that approach is currently the subject of an Environment Court case to determine its legality. The IHP agrees with the Council's assessment that the Tauranga approach should not be followed unless or until that uncertainty has been resolved.

#### Liquefaction mapping

- 3.147 Submissions from WBOPDC, BOPRC and Kāinga Ora suggested that the liquefaction mapping had not been detailed enough. Submissions from Peter Musk, Jace Investments and North Twelve also opposed the liquefaction provisions. One submission in support was received, from FENZ.
- 3.148 Council reports that it is currently working on developing those layers further and may introduce them as part of a future plan change. IHP accepts that as the appropriate approach

#### Explanatory statement

- 3.149 A number of parties also submitted on changes to the explanatory statement to the natural hazards section. In the s42a report for Natural Hazards, Mr Clow set out the recommended changes to the explanatory statement, in line with most of those submissions, including the removal of the material relating to liquefaction. New Zealand Housing Foundation was in support of the explanatory statement as notified but did not lodge a further submission on the topic.
- 3.150 No additional matters were raised with regard to the explanatory statement in the hearing.

- 3.151 The IHP agree with the Council's proposed amendments to the explanatory statement.

#### Flood mapping

- 3.152 Two submissions were received in relation to the flood mapping. Pete Linde and Mike & Sandra Smith made submissions to remove areas identified as mapping errors. Those corrections relate to 60 Prole Road and 467B & E Ōmokoroa Road, respectively. Stormwater engineers have reviewed those properties and have recommended the flood overlay be removed from those properties.
- 3.153 In Te Puke, flood mapping was updated from showing a 2% annual exceedance probability (AEP) to a 1% AEP, meaning that the overlay was substantially larger and covered properties that had previously not been in a flood overlay.
- 3.154 Twenty submissions in opposition to the Te Puke flood maps were received, along with three further submissions. One of the submissions, by the Council itself, suggested that the flood modelling produced some errors that were still being resolved.
- 3.155 For that reason, the s42a report recommends that the proposed flood hazard maps for Te Puke be deleted. Given the uncertainty around the level of confidence in the flood maps, the IHP sees no alternative but to agree to its removal. However, it is becoming ever more pressing for Councils to deal with natural hazards in the context of emerging real effects of climate change. We would urge the Council to progress that modelling, along with the liquefaction modelling) and to introduce it via a future plan change as soon as it is available.
- 3.156 In the interim, the 2% AEP flood maps will continue to be in force for Te Puke, as for the rest of the district, apart from Ōmokoroa, where the 1% AEP will apply.

#### Other hazard matters

- 3.157 In relation to the submissions on evacuation points, mapping for Coastal Inundation and erosion for Ōmokoroa, and the submission to exclude land identified as subject to natural hazards from the MRZ, the IHP agrees with the conclusions set out by the Council reporting officer in the s42a report and endorses the recommendation for Option 1 in each of those matters.

## SECTION 11 – FINANCIAL CONTRIBUTIONS

- 3.158 Financial contributions are a fundamental issue for the IHP, and also generated significant discussion during the hearings. For that reason, exploration of the issues in submissions is covered in greater detail for this section.
- 3.159 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) recently clarified that Councils may charge financial contributions, even for permitted activities, by inserting the following new sections into the Act:

Section 77E – Local authority may make rule about financial contributions

...

- (2) A local authority may make a rule requiring a financial contribution for any class of activity other than a prohibited activity.
- (3) A rule requiring a financial contribution must specify in the relevant plan or proposed plan—
  - (a) the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and
  - (b) how the level of the financial contribution will be determined; and
  - (c) when the financial contribution will be required.
- (4) To avoid doubt, if a rule requiring a financial contribution is incorporated into a specified territorial authority's district plan under section 77G, the rule does not have immediate legal effect under section 86B when an IPI incorporating the standard is notified.
- (5) In this section and section 77T, financial contribution has the same meaning as in section 108(9).

Section 77T – Review of financial contributions provisions

Each specified territorial authority may, if it considers it appropriate to do so, include financial contributions provisions, or change its financial contributions provisions (as applicable) in the district plan, and, if it does so, may notify them in the IPI required to be notified in accordance with section 80F.

- 3.160 The addition of the requirement to identify when the financial contribution will be required (s.77E(3)(c)) reflects that financial contributions can now be imposed in respect of permitted activities and, in these circumstances, cannot be imposed as a condition of a resource consent. This has implications for PC92 which are summarised further below.
- 3.161 The financial contributions framework is layered and can easily become confusing. In addition to its function as set out in the RMA, the principles of the LGA relating to charges being fair, equitable and proportionate are appropriate guidelines for developing a formula for FINCOs. However, as observed by the Environment Court in *Remarkables Park Ltd v Queenstown Lakes District Council*, it would be inappropriate for these principles to be reflected in the District Plan.
- 3.162 Currently the only restrictions around the use of financial contributions under the RMA are that the purpose and level of contribution must be specified in the district plan. Notwithstanding both a financial contribution and development contribution (under the Local Government Act ("LGA")) can be charged for a single development, the purpose for applying both instruments must not be the same. Concerns about Councils' charging under the two regimes, especially when contributions are charged under both regimes for the same development, has been a long-standing issue. Not surprising, this issue was one raised by submitters through the PC92 process.

#### Submissions on financial contributions

- 3.163 Mr Gardner-Hopkins, acting as Project Manager for the North Twelve Limited Partnership (North Twelve), raised various legal and evidential arguments that "additional FINCOs burden on developers should not be entertained."
- 3.164 He argued against the proposals on a 'jurisdictional' and 'logical' basis particularly in relation to Te Puke. He referred to a lesser relief of including Te Puke in the FINCO Table row with Waihi Beach, and Katikati, thus keeping the FINCOs effectively unchanged for Te Puke and not disturbing the balance of WBOPDC's changes, which do not directly impact North Twelve .
- 3.165 Having carefully considered all the relevant submissions and evidence regarding the proposed financial instruments, the IHP is convinced it is within scope of submissions and addresses this issue in a separate section below, making specific recommendations regarding the existing and proposed regimes.
- 3.166 The submissions from North12 related in the main to the changes proposed to be applied in the Te Puke area. The submitter expressed particular concern with the proposals for FINCOs, challenging the veracity of the assumptions, inputs, models, and formula underpinning the development of the FINCO proposals.

3.167 North12 presented helpful submissions in respect to the framework for FINCOs, noting the strict directive requirements of section 108(2)(a) and 108(10) RMA concerning conditions of resource consents and the specificity within the provisions that is required for district plan purposes. The submitter stressed the importance of the FINCO framework, emphasising the technical and legal challenges involved in developing and updating FINCOs.

3.168 North12 submitted that FINCO provisions can only occur by the process prescribed in Schedule 1, clause 31 of the RMA and the proposals before the IHP run contrary to that prescribed approach. Instead, the submitter asserts that the approach taken by Council is unlawful, and undemocratic as it steps outside the bounds of the RMA by incorporating material that is not permissible or prescribed by the Act and further that it evades proper procedure and opportunity for examination and scrutiny.

*North12's concerns as to the lawfulness of the District Plan's FINCO regime is that it effectively incorporates by reference external material in WBOPDC's Long Term and Annual Plans, which goes outside the scope of what is permissible under the Act.*

3.169 The submitter contended that the overarching test for FINCOs was whether the Council was able to evidentially demonstrate that there is additional planned new or improved infrastructure required, over and above what was previously planned when existing FINCOs were determined. If the Council could not satisfy this test, in its submission, North12 argued that the proposed changes to FINCOs had no lawful basis<sup>21</sup>. The submitter's view is that the Council did not meet this test and accordingly the FINCO proposals have no basis.

3.170 North12 considered the proposals were legally flawed and it urged the IHP to be mindful of making a recommendation that further compounded the submitters concerns, stating:

*While it may be outside the scope of PC92 to resolve these issues, the IHP should be aware of those concerns and, if it shares those concerns, should not compound them. Put another way, the IHP should not make an existing unlawful state of affairs more unlawful<sup>22</sup>.*

3.171 The submitter suggested that a forensic examination was needed to fully understand the consequences of the FINCO provisions, and that expert conferencing should follow such examination.

3.172 Ms Stubbing for the Council argued that Council witnesses (Mr Clow on basis and rationale; Mr Manihera on infrastructure schedules; and Mr Barnett on population projections and growth proportion recovery model) established that Western Bay of Plenty District Council

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<sup>21</sup> Representations for North12, Page 2, Para 4(a), 4(b) and 4(c) of North12 representations

<sup>22</sup> Representations for North12, Page 3, Para 7

is unique because it is the only Tier 1 authority that relies solely on financial contributions imposed as a condition of consent.

- 3.173 Financial contributions are collected for the specified purpose and are done in accordance with the assessed changes to both Section 11 and the structure plans. Inputs to the formula are updated annually through the Annual or Long Term Plan processes (and are subject to the consultation requirements of the LGA). Council maintains that it is important to ensure the proposed provisions are most appropriate for the collection of the required financial contributions.
- 3.174 We accept and adopt that argument and deal with the detail of the PC92 FINCO proposal below.
- 3.175 The IHP's overarching view is that the opposition to proposals relating to FINCOs was not insurmountable. Submissions received were on the following themes:
1. Purposes of collecting FINCOs;
  2. Collection of FINCOs at building consent stage;
  3. Calculation of FINCOs and rule structure; and
  4. Retirement villages.

These topics are summarised below:

#### Purpose of FINCOs

- 3.176 The proposed plan recommended the collection of financial contributions at building consent stage, departing from the operative plan approach, where they are collected as part of the resource consent process.
- 3.177 The notified plan change included proposed changes to the criteria for the assessment of financial contributions, including amendments to the description of the infrastructure networks and ecological values that the FINCOs would protect.
- 3.178 Through the presentation at the hearing, the protection of cultural values in the Ōmokoroa peninsula were raised by Pirirākau. The potential for adverse cultural impacts is likely to increase with intensification of residential development on the peninsula and the relief sought relates to the mitigation of those impacts. The IHP therefore deliberated on the inclusion of the protection of cultural values as part of the purpose for which FINCOs are collected.

#### Collection at building consent stage

- 3.179 The notified plan change also proposed amending the provisions for the Ōmokoroa and Te Puke area such that FINCOs were collected for specific infrastructure needs (water supply and an intersection upgrade). FENZ and Waka Kotahi submitted in support of that approach.
- 3.180 As pointed out by the reporting officer in their s42a report, due to the new rules introduced by the MDRS, a second and third dwelling on the same site will no longer require resource consent. It is therefore necessary to collect contributions from those developments as part of the building consent process. This rule would apply only to one or two additional residential units on the same site and not to other activities for which FINCOs are collected.
- 3.181 Kāinga Ora pointed out in their submission that some of the provisions are effectively duplications of other provisions in the plan. In their view, the note explaining that the first unit does not pay financial contributions (as that contribution is collected as part of the subdivision consent)(11.5.3(a)(i)), as well as the clauses stating that FINCOs are assessed and imposed at building consent stage and payable prior to issue of consent (11.5.3(b)(vii) and(viii), respectively), are unnecessary and may be removed.
- 3.182 The Council reporting officer has agreed with that view and recommended that those clauses be deleted from the amended plan and we concur.

#### Calculation of FINCOs and rule structure

- 3.183 Under the operative plan, FINCOs were charged based on an expected density of around 12 dwellings per hectare. There was concern that development that exceeded 15 dwellings per hectare would put significant pressure on the existing infrastructure, which had not been designed for the higher densities. The plan therefore provided for a 'special assessment' for applications where the density was 16 dwellings/ha or greater. This allowed Council to consider the capacity of the existing infrastructure and whether an upgrade would be necessary to accommodate the increased density and to recuperate that cost through development contributions.
- 3.184 The proposed plan sought to increase that density to 15 dwellings per hectare, or up to 30 dwellings per hectare in certain parts of the Ōmokoroa Structure Plan. It proposed to also collect financial contributions based on a per hectare rate for development of one or two dwellings on the same site and for larger developments. Council included in the amendments a new calculation for FINCOs based on the new expected residential densities and anticipated requirements for infrastructure to service those areas.



- 3.185 An additional rule (11.5.4) sought to apply a flat rate of one household equivalent (“HHE”) for “One or two additional lots not for the purpose of the construction and use of residential units from sites of less than 1,400m<sup>2</sup> in the Ōmokoroa and Te Puke Medium Density Residential Zones”.
- 3.186 A range of submissions was received on the topic. Jace Investments submitted in support of a per hectare application of financial contributions, with Ōmokoroa Country Club, RVA and North Twelve Ltd submitting in opposition. FENZ submitted in support of increased financial contributions where intensification increases above the anticipated level.
- 3.187 In addition, Kāinga Ora submitted that the structure of the rules relating to financial contributions could be difficult to interpret and should be redrafted to make the rules clearer and simpler.
- 3.188 A number of submissions were also made on the definition of ‘developable area’. These submissions requested that the definition exclude local purpose stormwater, neighbourhood reserves and internal public roading.
- 3.189 The recommendation from the Reporting Officer, Mr Tony Clow, remains to apply FINCOs based on a per hectare anticipated yield. As discussed in submissions, the IHP agrees with Council’s legal position that it has the mandate to vary rules about FINCOs, as they apply to the Ōmokoroa peninsula and Te Puke.
- 3.190 In response to those submissions, Mr Clow has recommended a change to the rule structure (though not to the thresholds and formulae for calculation of FINCOs). The structure clarifies the suite of rules and removes unnecessary duplication. Mr Clow has recommended retaining the calculation on a per hectare basis, now including subdivision of lots under 1,400m<sup>2</sup>. A new table shows anticipated yields (the basis for the per hectare FINCO calculation) for the different zones.
- 3.191 Mr Clow also explained that the thresholds set in the calculation of new site area allow for 25% of the gross area to be allocated for roads, water infrastructure and reserves while still meeting the anticipated densities. Therefore, those areas have already been excluded in the calculation and to exclude them again in the definition of “developable area” would affect densities and total financial contributions and would result in a shortfall in financing of the necessary Council infrastructure.

#### Retirement Villages

- 3.192 There were also a number of submissions in relation to the proposed changes to financial contributions relating to retirement villages. RVA and Ōmokoroa Country Club opposed the application of a per hectare rate to retirement villages, arguing that they typically were lower density than ‘standard’ residential development. In the s42a report, Council argued that retirement villages were still expected to use land efficiently, and that a per hectare

calculation remained could be a valid approach for retirement villages. However, the reporting officer's recommendation was that it would be more appropriate to revert to charging 0.5 of an HHE for 1-2 bedroom units and a specific assessment for other facilities.

- 3.193 The Ōmokoroa Country Club and RVA, as well as Ryman Healthcare, also submitted against the exclusion in Rule 11.5.7 of that rule applying to retirement villages in the Medium Density Residential Zones. Submitters argued that, due to lower average occupancy of dwellings in retirement villages, there would be a lower demand on Council services and that should be reflected in the financial contributions applied to them, including in the Medium Density Residential Zone.

#### Analysis and recommendations

##### *Purpose and Formula for FINCOs*

- 3.194 The IHP considers there to be a deficiency within the formula that determines the levels of FINCOs to be charged, specifically the ecological protection FINCO. The current overarching approach to the formula has a strong focus on hard metrics such as yields and lot sizes. This is perhaps partly the reason why FINCOs have been traditionally used as a mechanism to fund infrastructure despite the opportunity to include applying contributions to things such as the protection of ecological values. However, the IHP notes there may be benefit in extending that framework to include Māori values or offsetting the full spectrum of adverse effects. It is noted that scope is not available to address this matter within these recommendations. However, the IHP would suggest consideration of these issues in any future decisions or subsequent plan changes addressing financial or development contributions.
- 3.195 The deficiency in FINCO provision is that it lacks adequate consideration of ecological values, or the services that a well-functioning environment provides to communities. Authorities have a duty to achieve integrated management. In the context of FINCOs, robust understanding of factors such as ecological deficit and how to quantify such loss, as well as quantifying the cost associated with repairing such outcomes will become more and more urgent.
- 3.196 The IHP suggests that the ecological FINCO be amended to quantify and account for ecological services impacted by intensification.
- 3.197 The IHP suggests widening the scope of the "ecological protection" purpose of financial contributions to incorporate the cultural and ecological priorities of mana whenua into the purposes of financial contributions, in order to mitigate the effects of growing urbanisation on the values of mana whenua.

- 3.198 Though we accept that there is no scope to incorporate Māori or mana whenua values as part of this IPI, we suggest that Council look into including that work in a future plan change. If Council does proceed with this suggestion in the future, the IHP suggests the following wording may assist:

11.4.3 ~~Ecological p~~Protection of ecological values

- (a) Financial contributions for protection of ecological values ~~protection~~ shall be charged on;
- subdivisions in the Rural, Rural Residential, Lifestyle, Future Urban, Residential and Medium Density Residential Zones;
  - land use consents for additional dwellings or minor dwellings
  - building consents for one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones.

*The proposed change to Rule 11.4.3 (a) has immediate legal effect under Section 86D of the RMA.*

*This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.*

- (b) Financial contributions for protection and enhancement of ecological values ~~protection and or enhancement~~ shall be a monetary contribution of \$501 + GST (2015/16) per lot or dwelling as determined by the circumstances set out hereunder, such contribution to be adjusted annually in accordance with the Consumer Price Index through Council's Annual Plan and Budget:

*Except that:*

*The ecological financial contribution shall be doubled for a subdivision or land use consent within the Park Road East Esplanade in Katikati.*

- (c) an appropriately qualified independent person acceptable to Council.

*Collection at building consent stage*

- 3.199 As pointed out by Mr Clow, there are likely to be many additional dwellings that will no longer require resource consent. In order for the financial contributions to be collected as appropriate, it is necessary to collect them as part of the building consent process. While it is possible that smaller buildings may be built without either resource consent or building consent, it is the IHP's view it is unlikely to be a large number, since building consent is required for any building over 30m<sup>2</sup> in floor area and any building that is connected to services. The IHP therefore agrees with Mr Clow's recommendation.

- 3.200 The IHP supports the view expressed by Kāinga Ora, and agreed to by Mr Clow, that the clauses that they highlighted were unnecessary duplication and could be removed.

*Calculation of FINCOs and rule structure*

- 3.201 Having reviewed the revised rule structure for financial contributions as set out in the s42a report, the IHP agrees that the new structure represents an improvement, making the rule suite easier to navigate and easier to understand. Although the rules being amended also relate to other parts of the district, the thresholds and calculations as they relate to those other areas remain unchanged.
- 3.202 After deliberations, the IHP also agrees with the officer's view that a per hectare application of FINCOs is lawful, efficient and practical. The calculation of appropriate levels of finance for infrastructure were based on the anticipated densities enabled by the plan. The per hectare calculation both reinforces the anticipated densities and ensures that sufficient development contributions have been collected to cover the cost of the necessary infrastructure. Where the anticipated densities are exceeded, the IHP agree that the special assessment is still appropriate, to ensure that there is not a shortfall between the contributions collected at the cost of the upgrade to infrastructure.
- 3.203 The IHP also agrees with Mr Clow that the thresholds for FINCOs in the plan have allowed for the allocation of space for roads, reserves and other infrastructure. The restructure of the FINCO rules has also removed reference to developable areas in Section 11. The IHP therefore agree that the reference to Section 11 in the definition of 'developable area' can now be removed.

*FINCO for Retirement Villages*

- 3.204 Following substantial discussion in the hearings and subsequent discussion, the IHP accepts that it is appropriate for retirement villages, having a lower occupancy rate per dwelling, to pay a lower level of financial contributions. The incentives remain for retirement villages to use space efficiently, in whatever zone they are located in, but the IHP is satisfied that the demand for Council services per dwelling in a retirement village is substantially lower than for a standard dwelling.
- 3.205 The IHP therefore agrees that the FINCO rate for retirement villages should be set at 0.5 household equivalents (HHE) per dwelling.

## SECTION 12 - SUBDIVISION

- 3.206 In relation to submissions on the subdivision section, the IHP supports and endorses the reporting officer's recommendations, adding only the considerations below.

### FENZ submissions

- 3.207 FENZ made a number of submissions on the subdivision section in favour of providing more generous widths for accessways. While the IHP is sympathetic to the desire by FENZ to have generous widths for access of machines in the event of a fire, applying those increased widths across every property to be developed will result in a large-scale inefficiency in terms of the use of land.
- 3.208 Furthermore, the IHP support the view of the Council reporting officer that other standards ensure that every house will be accessible to firefighting equipment, though fire appliances may need to remain at the roadside.
- 3.209 Indeed, FENZ have also submitted supporting the extension of water supply to new developments and the new Natural Open Space zone to ensure that the water supply connections are available to reach all dwellings in the peninsula.

### Water supply

- 3.210 Related to the discussion about water supply, Commissioner Bennett raised concerns in the hearing in relation to secured water supply for Ōmokoroa, highlighting BOPRC evidence that indicated groundwater was 180% overallocated. She sought a response from Council in relation to the strategy it was adopting to ensure future water take and use was sustainable. No response was provided during the hearing. The IHP notes that many of these issues will be addressed via consenting for water takes (administered by the regional Council) and that the risk of restriction sits with WBOPDC.

### Stormwater

- 3.211 Following a considerable number of submissions relating to the proposed performance standard 12.4.5.17 (which relates to stormwater management) for Ōmokoroa and Te Puke, Council officers reviewed and redrafted the provision. The IHP agrees that the redrafted performance standard from the s42a report is clearer and provides better direction, and recommends that the provision be adopted.
- 3.212 In Ōmokoroa, the stormwater system relies heavily on the gully system. For further discussion of stormwater management, also see Section 24.

#### Road connections

- 3.213 As raised in the discussion of road connections in Section 4B, there is a concern from some IHP members that the rule appears to be ultra vires (relying on the decision of a third party to determine the activity status). However, as that is a rule in the operative plan and applies across the district, it is out of scope for the IHP to address that. Therefore, we agree (notwithstanding those reservations) that the recommended approach is pragmatic and workable and will provide the desired benefits in terms of reducing side friction on the main roads.

#### Ōmokoroa Structure Plan - Francis Road Industrial zone

- 3.214 As detailed further in the discussion of the Industrial Zone, the IHP has not been convinced that all of the proposed Francis Road Industrial Zone should be zoned and developed at this time. The IHP agrees that the Council officer's recommendations on pp 67 & 68 of the Subdivision s42a report are appropriate, but note that the structure plan that it refers to needs to be amended to reflect a smaller Industrial Zone.

### PROVISIONS FOR RETIREMENT VILLAGES

#### Legal submissions

- 3.215 Mr Hinchey argued for specific and comprehensive provisions for "retirement villages". There was no direct legal challenge to that request. However, Mr Hextall in rebuttal evidence for WBoPDC identified a 'philosophical difference' between the Council Officers and the RVA and Ryman experts as to whether "specific age-based" provisions are necessary"<sup>23</sup>.
- 3.216 Mr Hinchey opined "The IHP is not tasked with choosing a philosophy. Rather, the IHP is tasked with implementing the NPS-UD and Enabling Housing Act, in light of the evidence presented to it PC92 must provide clear directions to decision-makers, and minimise the issues to be resolved at the consenting stage.
- 3.217 The RVA and Ryman team have presented extensive evidence on the ageing population, the desperate need for appropriate housing and care for older persons and the consenting challenges that retirement villages face. In that sense, a significant resource management problem affecting a large proportion of the district's older population has been identified that the planning system needs to address.

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<sup>23</sup> Legal submission of Mr Hinchey, Counsel for RVA and Ryman, **Para 50**

- 3.218 The question is what is the appropriate planning response. It is submitted that the amendments sought by Ryman and the RVA directly address the problem. In doing so, they will better achieve the NPSUD objectives, including enabling all people and the community to provide for their social, economic and cultural wellbeing and in particular the health and safety of older people. The IHP must provide specific planning provisions for retirement villages in PC92<sup>24</sup>.
- 3.219 The IHP accepts that specific provision should be made for retirement villages.
- 3.220 We conclude it is open to us to include the proposed rule in our recommendations on PC92, and deal with this matter (including an appropriate “trigger mechanism”) under a specific heading later in this report.

#### Medium Density Residential section labelling

- 3.221 The IHP has considered the issue of the duplication of zone names in the proposed plan. The use of two ‘Medium-density residential zones’ in two separate sections of the plan is potentially confusing and unnecessary, as submitted by Kāinga ora and supported by KiwiRail in further submissions.
- 3.222 The reason that the issue has arisen is that there is currently a ‘Medium-density residential zone’ in the plan. This zone applies to land in Ōmokoroa and Te Puke, as well as Katikati and Waihi Beach. The use of this zone in the Western Bay of Plenty predates the MDRS, and the zone provisions therefore do not align with the MDRS and NPS-UD.
- 3.223 A submission by RVA requests that a single MRZ be adopted and applied across the region, which would apply the rules and standards of the MDRS to Katikati and Waihi Beach as well as Ōmokoroa and Te Puke. That request was opposed by Waka Kotahi in further submissions.
- 3.224 As pointed out by Mr Hextall in the s42a report<sup>25</sup>, applying the new standards to Katikati and Waihi Beach would not be consistent with the principle of natural justice, since residents in those towns would not have anticipated the change applying to them and have not been given a reasonable opportunity to engage in the plan-making process.
- 3.225 In the 2018 census, Katikati and Waihi Beach had populations of less than 5,000 people. According to MfE guidance, they are therefore not considered to be “relevant residential zones” and there is therefore no compulsion to apply the MDRS to those towns, unless the local authority intends them to become part of an urban environment).

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<sup>24</sup> Legal submission of Mr Hinchey, Counsel for RVA and Ryman, Para 50-51

<sup>25</sup> WBOPDC Section 42A Report, Jeff Hextall, 11 August 2023, Section 14A – Part 1 – Section labelling, Explanatory Statement, Issues, Objectives and Policies, p3

- 3.226 It is the position of Council that Katikati and Waihi Beach are not considered to be 'urban environments' under the MDRS as they do not constitute current or anticipated housing and labour markets of more than 10,000 people. As discussed elsewhere, the IHP has a slightly different view, but comes to the same conclusion. In our view, those towns cannot be considered to be part of the 'urban environment' of Tauranga in the way that Ōmokoroa and Te Puke can, because they are too far away for considerable proportions of residents to commute to Tauranga regularly.
- 3.227 In relation to the use of two differing sets of provisions for the MRZ, the IHP agrees with the recommendation from Mr Hextall that the plan should contain two subsections of Chapter 14 Medium Density Residential, but that the names be amended to make the distinction clearer. The provisions of the MDRS are not to apply to Katikati and Waihi Beach.
- 3.228 This may result in only a minor change to the structure, since the two sets of provisions are completely different. The two sub-sections will both sit below the overarching Chapter 14. Beyond that however, the sub-sections will be separate from one another.

#### Explanatory Statement

- 3.229 Seven parties made 13 submissions or further submissions on the explanatory statement to Section 14A. Mr Hextall has made recommended changes based on those submissions. The IHP notes that the changes are minor and consistent with (or mostly consistent with) the changes sought in submissions.
- 3.230 The IHP accepts Mr Hextall's recommended amendments as provided in the s42A report<sup>26</sup>.

#### Significant issues

- 3.231 At notification, the position of the Council was that the significant issues for the existing medium density residential zone were equally applicable to the specific medium density residential zones in Ōmokoroa and Te Puke.
- 3.232 Following submissions from five parties, the recommendation in the s42a report is to include a new set of 'Significant issues' specific to the Ōmokoroa and Te Puke MRZ, with draft issues based on submissions as set out in the report<sup>27</sup>.

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<sup>26</sup> WBOPDC Section 42A Report, Jeff Hextall, 11 August 2023, Section 14A – Part 1 – Section labelling, Explanatory Statement, Issues, Objectives and Policies, pp7-8.

<sup>27</sup> WBOPDC Section 42A Report, Jeff Hextall, 11 August 2023, Section 14A – Part 1 – Section labelling, Explanatory Statement, Issues, Objectives and Policies, pp13-14



### Objectives

- 3.233 Council received 24 submissions on the zone objectives. Each of those submitters also made submissions on the proposed policies. Most of the changes involve only minor changes and have either been incorporated into recommended amendments or convincing reasons have been given for not adopting them. However, several of the objectives merit greater discussion, as detailed below.

#### Urban form (Objective 14A.2.1.4)

- 3.234 Submissions from RVA and Ryman maintained that the proposed objective: An urban form providing positive private and public amenity outcomes, requires considerations that would influence development in a manner that is inconsistent with the direction of the MDRS. Their submission was that Objective 5, which directs more compact urban form and higher densities, was sufficient.
- 3.235 The IHP agree with Mr Hextall's assessment that, although the NPS-UD signals that amenity values will change over time, they do not signal abandoning amenity considerations altogether. Mr Hextall refers to the relevant provisions of the RMA, NPS-UD and also to MfE guidance to argue that amenity considerations remain a relevant matter.
- 3.236 The IHP also point to the standards in the MDRS that specifically provide good public and private amenity outcomes, such as the outdoor living requirements (f.), outlook space (g.), windows to street (h.), and landscaped area (i.). Without some policy support, there would not be a framework to consider the appropriateness of applications that failed to comply with those standards.
- 3.237 Furthermore, Urban Taskforce for Tauranga and Classic Group submitted that the wording "private and public" was unnecessary in the objective. It is the IHP's judgement that, in the context of this objective, the wording helps to clarify that the plan seeks to provide both private (as in standards (f.) and (g.) above) and public (as in Standards (h.) and (i.)) amenity outcomes.
- 3.238 The IHP therefore agrees that Objective 14A.2.1.4, as notified, is appropriate.

#### Earthworks (Objective 14A.2.1.6)

- 3.239 Kāinga ora (supported in further submissions by RVA and Ryman) oppose in part this objective, because it includes a reference to "amenity values". Four other parties also oppose the objective as notified.
- 3.240 The submissions in opposition argue that the reference to amenity values in this objective could be interpreted as defending a maintenance of existing amenity over changing

amenity, as indicated in the NPS-UD. They also make the point that limitations on earthworks for the sake of amenity would affect yields and future densities which would be contrary to the goals of the NPS-UD and MDRS.

- 3.241 The IHP agrees with the recommendation of Council officer Mr Hextall that the removal of “and amenity” values in relation to earthworks was appropriate and no other changes to this provision are necessary.

#### Policies

- 3.242 In relation to the submission from Waka Kotahi (41.7) requesting a new policy aiming at reducing vehicle kilometres travelled (VKTs) per capita. We disagree with the assessment of the reporting officer that the matter is already adequately provided for in Section 4B. Although there is policy direction to that effect in Section 4B, it is the IHP’s view that part of the rationale for creating greater intensification is the expectation that reliance on private vehicles will reduce and alternative means of transport will become more viable and attractive, in particular to the residents of these higher density neighbourhoods.
- 3.243 To that end, the IHP agrees with the submission from Waka Kotahi, but in order to align with the policy direction of Section 4B amends the policy to the following:
- 3.244 Enable greater transport choice and a reduction in per capita vehicle kilometres travelled by encouraging public, active and shared transport facilities and their integration with land use in the zone.
- 3.245 As with the section objectives, submissions on the policies were largely of a minor nature, with the IHP accepting Mr Hextall’s recommendations as set out in his s42a report. The following are submission points that the IHP felt warranted a little further comment here.

#### Ōmokoroa/ SH2 intersection - overview of transport level of service

- 3.246 The current give-way intersection of Ōmokoroa with State Highway 2 is understood by all parties to be deficient and unable to support the scale of development envisaged for the peninsula. However, it is understood that all parties now agree that an “imminent” upgrade to roundabouts for that intersection, as well as for the Ōmokoroa/ Francis Road intersection, means that there will very soon be sufficient safe traffic capacity at these key intersections to provide for a moderate level of development.
- 3.247 Evidence was received from Waka Kotahi and from Beca that determined that a level of 4904 household unit equivalents (HUEs) could be supported on the Ōmokoroa peninsula before an additional upgrade, grade separation across the state highway, would become necessary. This project was noted by Waka Kotahi as being planned, but not yet consented or funded, and does not appear in the draft Government Policy Statement on Land Transport.

- 3.248 Waka Kotahi has submitted that there is an assumed base 2028 development of 3,344 HEU, which would provide for a nett capacity of 1,361 HEU in the Stage 3 residential.

Activity status

- 3.249 Waka Kotahi seeks a non-complying activity status for additional development over the threshold of 1,361 HEUs, in order to protect the safe and efficient function of the state highway. The concern is that, above that level, the volume of traffic will cause a long enough delay to result in riskier driver behaviour.
- 3.250 Waka Kotahi provided some useful maps in this regard, including a proposed future plan for the grade separation at the Ōmokoroa/ SH2 intersection<sup>28</sup>.
- 3.251 Regarding the two gateway tests for non-complying activities, policy direction could be added to say that housing development over the threshold should not go ahead until the grade separation is installed. However, on a site-by-site basis, an argument could still be made that the effect of development a few additional lots would be no more than minor, thus satisfying s104D(1)(a).
- 3.252 Apart from a perceived higher bar for non-complying activities and a greater evidential demand on applicants, there would seem to be no greater limitation on development as a non-complying activity as there would be for a restricted discretionary activity, since the adverse effects are easily defined and well-understood.
- 3.253 It is therefore reasonable that the activity status for development above the threshold be a restricted discretionary activity, but with policy direction and matters of discretion that focus on the safe and efficient function of the state highway network and the results of engagement with Waka Kotahi.
- 3.254 On the evidence of Waka Kotahi, at that point an upgrade to grade separation over State Highway 2 would become necessary to provide wait times short enough that driver frustration did not lead to increased risk taking and a deterioration in safe driver behaviour.
- 3.255 Kāinga Ora have submitted that discussion has been ongoing with Waka Kotahi and the Council, and that they accept that the safe and efficient function of the state highway is an important concern.
- 3.256 Mr Matheson argued that Waka Kotahi was inconsistent with case law in seeking non-complying-status for development beyond the “trigger” associated with construction of the intersection improvements. He sought restricted-discretionary-status as being in accord

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<sup>28</sup> [Waka Kotahi – Submitter 41 – Hearing Summary Statement – Maps 2](#)

with the accepted planning principle that "... an activity should be regulated to the least extent necessary to address the environmental effect of concern"<sup>29</sup>.

- 3.257 We find that argument preferable and recommend "trigger" provisions in the section dealing specifically with this intersection later in this report.
- 3.258 Ms Stubbing's closing submissions describe discussions which have continued between experts for Waka Kotahi, Kāinga Ora and Council, and makes the following points:
- (a) the parties have agreed that it would be appropriate for there to be a rule that requires resource consent once the maximum capacity of the SH2/ Ōmokoroa Road intersection is reached.
  - (b) The proposed rule raises a potential legal issue in terms of whether the state highway should be considered as a qualifying matter. Waka Kotahi requested the intersection improvements be included as a qualifying matter to address safety concerns.
  - (c) It is open to the IHP to consider that it has sufficient evidence (as required by section 77J) to provide for the state highway to be a qualifying matter.
  - (d) It is important that potentially affected parties have the opportunity to address qualifying matters through the IPI process. In addition to the Waka Kotahi submission requesting a new qualifying matter, the relief sought to address traffic safety issues associated with the SH2/ Ōmokoroa Road intersection attracted a number of further submissions which opposed a rule restricting development<sup>30</sup>.
- 3.259 Council's reporting officer submitted that the modelling shows that the Ōmokoroa/ SH2 intersection will operate at an acceptable level of service until around 2048, and that a restriction on residential development in the operative district plan is not necessary, given that it will be reviewed several times before capacity is reached.
- 3.260 However, as Kāinga Ora point out, there is uncertainty around traffic models and the pattern of development, and we would add uncertainty around the timelines for reviews. Kāinga Ora points out, including through legal submissions, that they are working with Waka Kotahi and Council to develop a policy approach that links development over the threshold with the intersection upgrade. In the event that development will not reach the threshold within the life of the plan, this provision will simply not be triggered, and it is quite possible that the grade separation will happen ahead of the trigger level of development set by the plan.

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<sup>29</sup> Legal submission of Mr Matheson, legal counsel for Kāinga Ora, s15

<sup>30</sup> Legal submissions of Ms Stubbing, Counsel for WBOPDC, Paras 26-35

- 3.261 The IHP accepts in part the relief sought by Kāinga Ora and recommends that the following provisions be inserted into the plan, based on their submission (purple text indicates changes):

**Objective 4B.2.1 (existing)**

- (a) 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.
- (b) 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.

**Policy 14A.2.2.19:**

*Providing for growth within the Ōmokoroa peninsula in sequence with the staged upgrade of the intersection of Ōmokoroa Road and State Highway 2, thereby ensuring that vehicular access to and from the peninsula is safe and efficient, and development in the peninsula is restricted above 4905 constructed or consented residential units until the upgrade is complete, to allow for an acceptable level of service for traffic.*

**Restricted Discretionary Activity Rule 14A.3.3(g)**

Residential subdivisions or developments of 4 or more residential units on a site within the Ōmokoroa Stage 3 Structure Plan Area following establishment of the roundabout at the intersection of State Highway 2 and Ōmokoroa Road, but prior to a total of 2680 new residential units in the Ōmokoroa Stage 3 Structure Plan Area relying solely on the Ōmokoroa/State Highway 2 intersection for connection to the wider network being constructed or granted building consent.

Advice note 1: Every four residential units in a retirement village shall be counted as one residential unit.

Advice note 2: A record of the total number of residential unit building consents that have been granted within the Ōmokoroa Stage 3 Structure Plan area is available from Council.

Advice note 3: This rule applies to residential subdivision IN ADDITION to Rule 14A.3.3(b) and Rule 14A.4.3(a).

**Matters of discretion**

- (a) Evidence of consultation with the entity with statutory responsibility for State Highway 2 and its responses to that consultation.

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- (b) The safe and efficient operation of the strategic road network.

Advice note 1: This rule applies to residential subdivision IN ADDITION to Rule 14A.3.3(b) and Rule 14A.4.3(a).

Advice note 2: this rule will cease to apply once the grade separation of the intersection is established.

- 3.262 Wording of Policy 14A.2.2.19 has been suggested by Kāinga Ora. However, this is framed in language that focuses on providing for growth. It should also contain wording that indicates a need for restriction on that growth above the threshold until the grade separation upgrade is operational.
- 3.263 In the Council right of reply, an additional objective was recommended:
- Objective 4B.2.X [new]  
A high level of land use and transport integration, including active modes and public transport, supported by a safe and efficient transport network.
- 3.264 The IHP concurs that the new objective adds clarity and recommends its adoption.

## SECTION 16 - RURAL RESIDENTIAL ZONE

### Stormwater

- 3.265 Mr Hicks made a submission opposing a blanket 15% impermeable surfacing for all lots in the Rural residential zone, pointing out that this would be very restrictive for small properties in the zone.
- 3.266 Council officer has agreed that allowance should be made for small lots and considered using a 30% impermeable area or a fixed 450m<sup>2</sup> area for those lots under 3000m<sup>2</sup>.
- 3.267 The IHP agrees that the fixed 450m<sup>2</sup> is both practical and addresses inequities between properties on either side of the 3000m<sup>2</sup> threshold.

### Wastewater connection

- 3.268 In relation to the relief sought by Mr Robert Hicks (4.10) on allowing other wastewater options for dwellings in the Rural Residential Zone, the IHP agrees with the recommendation of the reporting officer. While the intent of the recommended amendment is clear, the IHP recommends the following changes:

#### **16.4.2 - Subdivision and Development (See also Section 12)**

##### **c. Ōmokoroa**

*i. The land to be subdivided shall be served by a Council reticulated sewerage scheme where a newly created lot is further than unless there is no connection available within 100m from of an existing Council reticulated sewerage scheme, in which case any on-site effluent treatment must be designed and operated in accordance with the Bay of Plenty On-Site Effluent Treatment Regional Plan; and...*

**SECTIONS 19 & 20 - COMMERCIAL AND COMMERCIAL TRANSITION ZONES**

- 3.269 Kāinga Ora, through the planning evidence of Ms Tait, supported by the economic evidence of Mr Osbourne, sought to increase the height in the Te Puke Commercial Zone from 12.5m to 24.5m. In her opinion this height adjustment will increase the feasibility of development in the centres, which is the most efficient location for development, including residential development, to occur. The IHP notes this request for additional height in the Commercial zone deviates from Kāinga Ora's original submission, which was seeking a High Density Zone for Te Puke. The latter is no longer being pursued for Te Puke.
- 3.270 Ms Tait elaborated on this in paragraphs 10.2 – 10.7 of her evidence, where she considered that the Ōmokoroa and Te Puke centres are a "NPS Town Centre Zone equivalent". This has not been disputed by Council reporting officers, who consider that Policy 3(d) of the NPS-UD is relevant for Plan Change 92 as there are equivalent town centre zones in Ōmokoroa and Te Puke. While both Kāinga Ora and the Council appear to be in agreement that Policy 3(d) is relevant, in Ms Tait's opinion, the Council has failed to determine the commensurate levels of building heights and densities, as required by the NPS-UD, and apply these to the centre and surrounding land.
- 3.271 Mr Osbourne, on behalf of Kāinga Ora, appears to consider that PC92 is not enabling enough development opportunity through constraining height, particularly around Te Puke centre, as that has a population of approximately double that of Ōmokoroa. At paragraph 24 of his evidence, he states that the zone height of 12.5m in Te Puke places a significant constraint on the ability for residential activities to be located within the Town Centre. At paragraph 26, he suggests that in order to give effect to Policy 3(d), the heights and building densities within and around commercial centres (including town centres) need to be considered as part of this plan change process. At paragraph 28 he goes on to state that without the increase in height, the Te Puke Town Centre would essentially have the same enablement as the residential zone which is contrary to the objectives and purpose of the NPS-UD.
- 3.272 Both Ms Price and in particular Mr Hextall, for the Council, address the request for an increase in building height in their rebuttal evidence. Leaving issues of scope aside, at paragraphs 150-151 of his rebuttal evidence, Mr Hextall notes the Council has commenced the Te Puke Spatial Plan project, with a community-led engagement process planned for the last quarter of 2023. It is likely this will result in an additional plan change to the District Plan. While at paragraph 155, Mr Hextall appears to consider there is merit in enabling more intensive development within urban centres, he concludes at paragraph 157 that he does not support the proposed changes for Te Puke, because he considers it more appropriate that this be addressed through the Te Puke Spatial Plan project and any subsequent plan change(s).



- 3.273 Ms Stubbing, in her opening submissions for the Council, was of the view that PC92 did not alter the status quo for the Commercial Zone as it relates to Te Puke. In her view, the changes sought by Kāinga Ora, if approved, would be to permit a planning instrument to be amended without real opportunity for participation by those potentially affected.
- 3.274 In her reply submissions, Ms Stubbing reiterated that position, stating that even if Mr Matheson was correct in his view that increase in building heights could be considered “on the plan”, natural justice considerations are important. In her view, there are a number of parties Kāinga Ora failed to consider in their request to increase the building heights and those potentially affected parties should be allowed the opportunity to participate in terms of what is appropriate for the town centre.
- 3.275 Mr Matheson for Kāinga Ora contradicted Ms Stubbing’s view that higher height limits and greater intensification in Te Puke’s town Centre was out-of-scope. Ms Stubbing argued that because greater density in the town centre was not specifically included within PC92 as notified, they were out-of-scope due to natural justice considerations, the general public not having had the opportunity to consider the greater heights and make submissions. She also pointed out that a spatial plan was being prepared and any changes coming out of that spatial planning process would be introduced later. Mr Matheson argued for a wider interpretation relying on s80 and Clause 99, saying the IHP should recommend greater height and intensification provisions in the town centre<sup>31</sup>.

#### Analysis and Considerations

- 3.276 The IHP has considered this request in light of:
- (i) whether the request is “on the plan” and the IHP has scope to recommend changes;
  - (ii) the natural justice aspects of the request given it was made through evidence, rather than in a submission;
  - (iii) whether not increasing the height of the Te Puke Commercial zone would prejudice development potential within the town centre in advance of a spatial plan and subsequent plan change.
- 3.277 There were no submissions to PC92 seeking additional height to the Commercial Zone in Te Puke prior to the request set out in the evidence of the planning and economic witnesses for Kāinga Ora. Notwithstanding that Mr Matheson, representing Kāinga Ora, argued that the request to increase the height is “on the Plan Change”, based on the IPI as defined by s80E. Mr Matheson argued for a wider interpretation relying on s80 and Clause 99, saying the IHP should recommend greater height and intensification provisions in the town centre (Matheson, s2.e). Furthermore, in Mr Matheson’s view, s80G(1)(a) makes it

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<sup>31</sup> Legal submission of Mr Matheson, legal counsel for Kāinga Ora, s2.e

clear that the Council must notify the IPI once and do it properly, as opposed to subsequent plan changes as is the Council's preference.

#### Conclusion

- 3.278 The IHP finds it may be within our powers to recommend changes to the Town Centre provisions. However, the IHP therefore accepts and adopts the argument of the Council, with respect to points (i) and (ii) above, concluding that, given there were no submissions seeking that increase in height and therefore no opportunity for submitters to support or oppose Kāinga Ora's request, we have no jurisdiction to recommend such increased height provisions in Te Puke town centre.
- 3.279 We have considered the argument put forward by Mr Matheson as to whether not increasing the height would prejudice development potential. We find we agree with the Council reporting officers that the operative District Plan height limit offers some flexibility to develop up to 3-4 storeys within the existing centre and that the appropriate instrument to address additional height within Te Puke town centre is the forthcoming Spatial Plan.

#### Community Corrections activities

- 3.280 Ara Poutama (Corrections) - requests that "community corrections activities" be inserted into the permitted activity list in the operative Commercial Zone. There were no changes proposed to the permitted activity list within the Commercial Zone as part of PC92, and therefore the plan change did not alter the status quo for activities within the Commercial Zone. However, given that there were some changes proposed within the Commercial Zone as it relates to Ōmokoroa, the status quo was changed to a greater extent for Ōmokoroa than Te Puke.
- 3.281 This matter was addressed in the section 42A report and the reply evidence of Ms Price, who considers the activity is already provided for within the operative provisions in the Plan and no further changes are required to address this submitter's concerns. (Stubbing, Paras 5.16 – 5.18).

#### Retirement Villages - Relief sought by RVA/Ryman

- 3.282 The Council reporting team considers that provision for the ageing population, including by way of retirement villages (but not only), does not necessitate specific age-based objectives and policies. PC92 attempts to provide for a variety of different responses to providing housing, noting that all residential developments containing 4+ units come within the restricted discretionary framework and that this includes retirement villages.
- 3.283 Retirement villages are a subset of multi-unit residential activity and therefore are provided for within the MDRS as "four or more" residential units. PC92 gives effect to this MDRS directive by providing for retirement villages (with four or more residential units) in this

category. While the submitters may not consider that providing for retirement villages in this way goes far enough toward recognition of the bespoke built form characteristics, way of life for residents and/or features provided by retirement villages and/or aged-care facilities, by itself would achieve compliance with the obligations that exist with respect to the MDRS.

- 3.284 Council witness Tony Clow explains that the definition of retirement village is a matter that is contemplated by the National Planning Standards for introduction into district plans by 2026. In the IHPs mind, there is some benefit to revisiting this issue with RVA/Ryman closer to that 2026 timeframe. The IHP expand on this further below when we address the retirement village planning framework relief sought by RVA/Ryman.
- 3.285 The IHP have given careful thought to the specific relief sought by the submitters (R&R) involving an entire planning framework specifically for retirement villages. The inclusion of any planning provision that involves providing a particular group of people, which may be regarded as seeking a form of priority based on the status of that group of people, for instance, elderly people with a preference for retirement village living, requires careful examination. The tests that the IHP applied in our deliberations were: (1). what is the resource management principle that underpins the provision and what is the issue the provision serves to address. (2). does the Act preclude such provision. (3). would accepting the provision result in the creation of a priority for the particular group or end-user. Put another way, does the provision turn off the status of the activity and turn on the status of an applicant, and (4). has the proper procedure been followed for its inclusion (if it were accepted).
- 3.286 In the end, the IHP take the view that, procedurally, an entire framework is not appropriate to incorporate into the district plan by way of an IPI and therefore it does not form part of the IHP's recommendations to retain or accept such. Underpinning our recommendation is the strong view that the public should have an opportunity to articulate their views on adding what is effectively a whole new framework to the DP and that is best achieved via the next review of the DP. The IHP also found that the provision ought to be subjected to the full ambit of plan making processes and legal tests to ensure the creation of a prioritised right does not inadvertently become a consequential product of any decision, particularly one made in the context of an IPI.
- 3.287 That said, the IHP sees merit in the concept and has recommended that parts of the RVA/Ryman relief form part of the PC92 provisions and outcomes. As the IHP sees it, recommending some incremental steps towards a framework such as that sought by RVA/Ryman is appropriate to do by way of this IPI and a positive solution to going part-way to tackling a fundamental aspect of the RVA/Ryman relief and wider objective for a national consistent planning approach. RVA/Ryman representatives should not be overly disappointed with this outcome. The IHP wish to make it very clear that it sees significant merit in bespoke frameworks, and in particular where the architecture of such frameworks

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is supported by quality evidence-based information such as the RVA/Ryman case was. However, we emphasise that there must also be procedurally robust processes followed and we don't consider the IPI is capable of satisfying those aspects simply due to the intent and purpose that an IPI has which is largely about achieving more expeditious and enabling outcomes. In and of itself, if not done well, an IPI presents planning risk.

## SECTION 21 - INDUSTRIAL ZONE

- 3.289 The Industrial zone is an existing zone in the Operative District Plan that provides for industrial and ancillary activities in a number of settlements throughout WBOP District. In the context of PC92 there is further land proposed to be rezoned to Industrial in Ōmokoroa but no changes proposed for Te Puke.
- 3.290 The structure plan for Ōmokoroa shows a proposed Industrial zone on the southwestern side of Francis Road with a medium-density residential zone on the northeastern side. In line with the Structure Plan PC92 proposes an extensive area to be zoned Industrial on the south-western side of Francis Road and on some areas of land owned by Norm and Maureen Bruning adjacent to existing Industrial zoned land.
- 3.291 As notified, there were some limitations put on the industrial zone by way of existing applicable performance standards from the industrial zone and general sections. However, the IHP is of the view that these existing standards were not adequate with respect to matters such as noise, dust or traffic. The structure plan for Ōmokoroa would also allow for development of that industrial zone to access Francis Road along most of its length.

### Consultation - Submissions

- 3.292 A small number of submissions and one further submission were received in relation to the proposed extent of Industrial Zone in addition to specific submission points relating to rules within the zone. Two of the submission points were in support of the application of the zone to their landholdings:
- 3.293 Foodstuffs North Island Limited (submission #28.1) supports the Industrial zone as it relates to their landholding at 492 Ōmokoroa Road.
- 3.294 Norm and Maureen Bruning (submission #31.1) also support the retention of Industrial zone over part of their land as shown on the planning maps. The IHP notes that Mr and Mrs Bruning also submitted for removal of the new Natural Open Space zone and replacement with the Industrial zone (submission #31.3).
- 3.295 Other submissions opposed the industrial zone, many of those making specific reference to the issue of conflicting land uses on Francis Road. These are as follows:
- 3.296 Robert Hicks (submission #4.8) has pointed out that locating Industrial opposite medium density residential is both uncommon and inconsistent with best practice urban development. In his view, while a physical buffer of plantings has been included in the structure plan, this would not address noise or traffic effects on the residents across the road.

- 3.297 Penny Hicks (submission #16.2) opposes the Industrial zone adjacent to the MDR zone along Francis Road, citing poor planning practice together with concerns about amenity, traffic, noise, pollution and safety. She suggests relocating the industrial zone or mitigating its impacts through a linear park on the residential side of Francis Road and a single point of entry to the Industrial zone from the Ōmokoroa Road end to minimise conflicts with residential land uses.
- 3.298 David and Diana Bagley (submission #27.1) and Susan Phinn (submission #36.1), oppose the extent of the Industrial zone on the south-western side of Francis Road. Similar to Ms Hicks, they cite traffic and pollution as key factors. The relief sought is to expand the area of industrial land along the southern side of Ōmokoroa Road to encompass the retail shop and yards developed by ITM. They do not explicitly state what alternative zoning is sought for the land on the southwestern side of Francis Road
- 3.299 Sylvia Oemcke (submission #37.1) similarly opposes the Industrial zone opposite MDR on Francis Road, specifically on 21 and 51 Francis Road, as this will generate adverse effects on ecological and water quality values as well as create traffic, noise pollution and safety concerns for existing and future residents. She seeks that these 21 and 51 Francis Road retain their Rural Residential zoning, offering instead that 467, 467A and 425 Ōmokoroa Road be rezoned Industrial. This is supported by BOPRC (FS #67.36), who also seek specific setbacks from watercourses or wetlands for buildings within the Industrial zone.
- 3.300 Ian Yule (submission #45.1) opposes the proposed additional Industrial Zones within Ōmokoroa. It is not explicitly stated what alternative zoning is being sought.
- 3.301 Angela Yule (submission #62.1) opposes the proposed additional Industrial Zone on the south-western side of Francis Road. Her submission includes a marked up map, which suggests new alternative areas on Ōmokoroa Road located at 476, 474, 468, 454 and 452 Ōmokoroa Road and 7 Prole Road (extrapolated from map provided in support of the submission). It is not explicitly stated what alternative zoning is being sought for the Industrial Zone at the south-western side of Francis Road.
- 3.302 Christine Prout (54.1) opposes the proposed Industrial Zone on the south-western side of Francis Road. Relief sought is the rezoning to Industrial of new areas on the south east side of Ōmokoroa that is currently "rural land" or additional land on Ōmokoroa Road instead. She also requests that the proposed Francis Road Industrial Zone area is changed to "future commercial" and recreational open space.
- 3.303 Russell Prout (65.2) opposes the proposed Industrial Zone on the south-western side of Francis Road. It is not explicitly stated what alternative zoning is being sought.
- 3.304 The section 42A report does not recommend any changes to the proposed Industrial zone boundaries as notified.

- 3.305 The IHP heard evidence from Mr Matthew Norwell on behalf of Foodstuffs North Island Limited in support of the Industrial zone on their landholding at 492 Ōmokoroa Road, which is located opposite existing industrial zoned land. In his opinion the proposed industrial zone over this site will support a number of components of a well-functioning urban environment including:
- Enabling an increase in land that is available for industrial business sectors;
  - Promoting good accessibility between housing, jobs, community services and open spaces by enabling more people to work in accessible locations, which also supports a reduction in greenhouse gas emissions through reduced car dependence;
  - Supporting the competitive operation of land and development markets by providing a broad enabling zone framework and providing flexibility for the market to take up those opportunities; and
  - Being resilient through the likely current and future effects of climate change through flooding and promoting a compact and efficient urban form.
- 3.306 There was general agreement between the Council and the submitter that this site retain the proposed Industrial zoning and that was not in dispute by any other parties.
- 3.307 The section 42A report gives consideration to the submission by Sylvia Oemcke with respect to the impact of Industrial zones on ecology especially the Waipapa river. This was supported by a further submission by BOPRC seeking a 10m setback of all buildings, structures and impervious surfaces from permanent watercourses and wetlands. The Council's reporting officer notes that the extent of the Natural Open Space zone has been reviewed and increased in the vicinity of the Waipapa river, which creates an increased buffer between potential industrial activities and the watercourse. However, it is acknowledged that PC92 does not include a setback to address the interface of the Natural Open Space zone with the Industrial zone. Accordingly, the Council's reporting officer recommends a new rule in 21.4.1.b – Yards and Setbacks of Minimum 10m where a property adjoins a Natural Open Space zone.
- 3.308 The s42A report also responds to a primary submission point by BOPRC (submission #25.22) to add a specific reference to "treatment" within rule 21.6.4(b).
- 3.309 The recommended amendments to 21.4.1(b) and 21.6.4(b) appear to be acceptable to the submitters and therefore the IHP agrees with those amendments as outlined in purple and underline below:

### Section 21.4 Activity Performance Standards

#### 21.4.1 b. Yards and Setbacks

*All buildings/structures*

*Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.*

*Minimum 10m where a property adjoins a Natural Open Space Zone.*

#### 21.6.4(b) Matters of Discretion for Restricted Discretionary Activities in Stormwater Management Reserves in Ōmokoroa Stage 3

*In the Ōmokoroa Stage 3 Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, treatment, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.*

### Outstanding Issues at time of Hearing

#### *Bruning Land*

- 3.310 The IHP heard evidence from Mr Aaron Collier on behalf of the Brunings (submitter 31), whose site has a split zoning under the operative District Plan of Industrial and Future Urban zones. While the Brunings requested retention of the area proposed to be rezoned Industrial, Mr Collier recommends the IHP decline the rezoning of land in favour of retaining Future Urban zoning over their land. In his opinion the Industrial zone is not a relevant Residential zone under section 77G and Policy 3 of the NPS-UD because it does not provide for any residential housing.

#### *Francis Road*

- 3.311 While an array of additional parameters are recommended within the s42A report for addressing interface issues between the zones, the location specific issue of incompatible land use having Industrial zone opposite MDR zone along Francis Road was still outstanding at the time of the hearing.

### Analysis and Considerations

- 3.312 The IHP notes there is not a demonstrated demand or drive for industrial activity within Ōmokoroa. This sits alongside the view of many submitters (particularly on Francis Road) who raised the range of issues identified above.



- 3.313 The IHP considers there is significant potential for conflict between the industrial and residential land uses. It was not satisfied during the hearing that the conflicts could be adequately mitigated in favour of the broader Ōmokoroa community.
- 3.314 In particular, the pinch point within the Industrial Zone at the location of the Challenge Ōmokoroa service station would more than likely require industrial traffic to both enter and exit Francis Road, generating conflict and potentially significant risks to the community.
- 3.315 On this basis, and having heard the views of submitters, the IHP has formed a view that the Industrial Zone advanced by Council to the west of Ōmokoroa Road be reduced in scale to encompass only the area from Ōmokoroa Road to the existing intersection of Francis Road and State Highway 2.
- 3.316 Additionally, the entry and exit to the Industrial Zone shall only occur from the Ōmokoroa/Francis Road roundabout. This allows almost complete separation of industrial and residential traffic, the ability to appropriately buffer the Industrial Zone from urban communities without creating severance issues and is at a scale commensurate with the activities needed to support the Ōmokoroa community and surrounding area.
- 3.317 The remainder of the zone proposed by Council to the west of Ōmokoroa Road (specifically, the land to the west of the existing Francis Road intersection with State Highway 2 including Challenge Ōmokoroa service station) shall remain Future Urban Zone. This does not preclude a future plan change process which fully considers the impacts and issues associated with expanded industrial activity. The IHP notes the definition of 'industry' in the district plan as being very coarse. It effectively allows for a range of industrial use from heavy industrial through to those activities that are likely to be compatible with the Ōmokoroa community. The IHP does not have scope to address that definition, but suggests Council addresses this matter in future plan change processes. It is the view of the IHP that Council cannot rely on the view expressed by Council officers (at the hearing) that incompatibly heavy industrial activity is unlikely to occur.
- 3.318 The IHP supports the creation of a buffer on Francis Road for the purposes of separating the Industrial Zone for amenity purposes, particularly in relation to visual, noise and safety effects. There is a clear expectation that a bund and associated landscaping is established and maintained to address the effects identified prior to development for industrial purposes. For clarity, the IHP's recommendation to revert the land to the west of existing Francis Road intersection back to future urban would mean that the buffer would no longer be required along that portion of Francis Road.
- 3.319 It is important to the IHP that the establishment of an expanded Industrial Zone in Ōmokoroa is subservient to and provides for the needs and interests of the Medium-density Residential Zone.

- 3.320 The IHP note that this recommendation to revert some of the proposed Industrial Zone back to Future Urban and reducing the portion of Francis Road subject to the buffer, would require a number of consequential amendments. This includes revising the Planning Maps, Appendix 7 and rules within Section 12 – Subdivision and Section 15 – Future Urban. With regard to the latter, the IHP sees merit in retaining the proposed changes that generalised the Future Urban explanatory statement, issues, objectives and policies to apply to all relevant locations of the District but see it as necessary to revert to the operative rules specific for Ōmokoroa for access and stormwater management.
- 3.321 For the Bruning land, the Industrial Zoning is recommended to be as shown on the map entitled “Plan Change 92 – Zone Amendments – Lot 3 DPS 28670 – Natural Open Space to Industrial, Natural Open Space to Rural-Residential, Rural-Residential to Natural Open Space” dated 11/08/2023. This map is included in Attachment F – Supporting Maps under the heading of Plan Change 92 Rebuttal Evidence on Council’s Plan Change 92 webpage.

## SECTION 24 - NATURAL OPEN SPACE ZONE

- 3.322 As stated in the s42A report, the Natural Open Space zone is a proposed new zone and section within the District Plan, applied to land within Ōmokoroa deemed as generally unsuitable for urban development due to constraints associated with topography and natural hazards.
- 3.323 The land included within the Natural Open Space zone comprises the gully system throughout the undeveloped part of Ōmokoroa. This is primarily zoned Future Urban. While much of this was identified in the Stage 3 Structure Plan, there are some areas zoned for Natural Open Space that were previously identified as Rural Residential, Industrial, or that are included within the NZTA designation for the proposed interchange and associated works.
- 3.324 The Natural Open Space zoned land as proposed generally aligns with and has been informed by the Ōmokoroa Gully Reserves Concept Plan, prepared by Boffa Miskell Ltd to inform the Structure Plan Stage 3 and included as Appendix 10 to PC 92. The Stage 3 concept plan identifies natural open space for the gully systems throughout the western part of what is known as the Stage 3 area. Notably, this does not include the gully systems on the eastern side of Ōmokoroa Road, nor does it include the gully systems within the area proposed by Waka Kotahi for the future interchange.
- 3.325 As stated within the concept plan, the stormwater management is the primary purpose of the gully reserve network, but it will also have value for open space recreation, pedestrian connectivity and habitat restoration. The IHP understands from the s32 and s42A reports that the land within the zone will primarily have stormwater management and/or coastal inundation functions but will also provide open space, natural character, ecological corridors, cultural values and potential public recreation opportunities.

### Consultation - Submissions

- 3.326 A small number of submissions and further submissions were received in relation to the Natural Open Space Zone as follows:
- 3.327 Norm and Maureen Bruning (submission #31.4) opposed the Natural Open Space zone (new section 24) and consider this should only relate to land that is already Council reserve or has been designated for reserve purposes. They noted the zone also conflicts with land within the existing NZTA designation (D181). Their submission was supported by Waka Kotahi (FS 79.2) who seeks the zone be removed from land within the footprint of designation D181.

- 3.328 Peter Linde (submission # 19.20, 19.31, 19.32 and 19.33) supported in part Section 24, but requested text changes to the Explanatory Statement, Significant Issues, Objectives and Policies to more accurately reflect the purpose of the Natural Open Space zone without unduly setting barriers and limitations to what can be considered appropriate use and activity within it. Jace Investments [FS 69.26] supported the submission to amend policies 24.2.2. BOPRC [FS 67.32] opposed the relief sought to Policy 24.2.2 seeking to retain 24.2.2.1 as notified and redraft 24.2.2.3 to confine to matters that can be controlled through district plan rules. Mr Linde (submission #19.34, 19.35, 19.36, 19.37) also supported in part, but requested specific wording changes to triggers for RD activities 24.3.3(a)(i) and deletion of 24.3.3(a)(iii) and sought wording changes to Matters of Discretion 24.5.2 and 24.5.3, but opposed 24.3.5 and sought its deletion.
- 3.329 In its own submission BOPRC (submission #25.46, 25.47, 25.48) supported in part the intent of policy 24.2.2.3, RD activities 24.3.3(a)(iv) and Matters of Discretion 24.5.2(b) but suggested redrafting to confine matters to obstruction, modification and diversion of overland flow paths and flood plains, which can be controlled through district planning rules.
- 3.330 Robert Hicks (submission #4.11) opposed Restricted Discretionary Activities within a floodable area and sought removal of 24.3.3. This was supported by Jace Investments [FS 69.27], in particular in relation to relaxing the earthworks limits.
- 3.331 Jace Investments and Kiwi Green NZ Ltd (submission #58.8) and Jace Orchards and Kiwi Green NZ Ltd (submission #59.1) opposed 24.3.5 non-complying activities and sought its deletion, instead making non-compliance with the structure plan a discretionary activity.

#### Points of Agreement

- 3.332 The s42A report outlines proposed text amendments to the provisions of the new Natural Open Space zone, in response to submissions. This includes greater clarity to the explanatory statement setting out the purpose of the zone, significant issues, objectives and policies, to better reflect the intent and function of the zone. Amendments to the activity list and matters of discretion are also proposed to both provide greater clarity and more practical provisions for existing rural land uses.
- 3.333 The provisions as recommended to be amended within the s42A report, have been largely agreed by submitters, with the exception of further amendments being sought by BOPRC as detailed below.

### Outstanding Issues at time of Hearing

#### *Bruning Land*

- 3.334 Mr and Mrs Bruning (submitter 31) remain opposed to inclusion of the Natural Open Space zone over part of their land. In their view the Natural Open Space zone unfairly removes their property development rights. Under the Operative District Plan, the Bruning's land is zoned a mix of Industrial and Future Urban . Their landholding is also affected by two designations, including the Waka Kotahi SH2 designation (D181) and the Ōmokoroa Stormwater Management Reserve (D234). The relief sought is to retain the existing zoning.

#### *Waka Kotahi*

- 3.335 In its submission to PC92, Waka Kotahi (submitter 41) noted that PC92 introduces the Natural Open Space zoning to much of its D181 designation, replacing Rural zoning under the Operative District Plan. Waka Kotahi raised the concern that the Natural Open Space zone is incompatible with the urban infrastructure of a grade-separated interchange and may hinder the agency in its ability to construct the intersection. The relief sought was to retain the Rural zone.
- 3.336 The Natural Open Space zone is one of the key outstanding areas of concern to BOPRC (submitter 25). While BOPRC are generally supportive of the zone within PC92, in particular as the best mechanism to give effect to the directions of the NPS-FM, and to protect the values and extent of the streams and wetlands within Ōmokoroa, evidence from Keith Hamill (Environmental Scientist) and Nathan Te Pairi (Planner) seeks further amendments to Policy 24.2.2.3 and Matters of Discretion 24.5.2 . \
- 3.337 The amendments being sought to Policy 24.2.2.3 are to emphasise the ecological aspects of the zone through the inclusion of direct reference to "freshwater and coastal ecology" and "wetlands and streams", which in turn the BOPRC officers consider better given effect to the NPS-FM, policies 3, 6 and 7 in particular. BOPRC also seeks addition of "hydrological" to the matters of discretion in 24.5.2.
- 3.338 From an ecological perspective, the evidence of Mr Hamill supports extending areas zoned as Natural Open Space to apply to waterbodies and wetland ecosystems on specific sites, noting that BOPRC supports proposed extensions of the Natural Open Space zones are proposed by Council officers in response to submissions.

### Analysis and Considerations

#### *Cultural considerations*

- 3.339 The Ōmokoroa Structure Plan Urban Design Cultural Overlay, prepared for the Ōmokoroa Structure Plan Stage 3, forms Appendix 6 to PC92. The intention of this was to reclaim and reinstate a Pirirākau cultural presence into Ōmokoroa. Retention and restoration of the gully systems are considered important for the practical application of cultural value and for strengthening the connection of Pirirākau to their Turangawaewae. The cultural overlay report outlines how the cultural values could be translated into practical amenity treatments including using the natural gully systems as passive reserves, opportunities for pedestrian and cycle connections, and restoring the natural environment, including indigenous vegetation.
- 3.340 While Pirirākau did not lodge a submission on PC92, as discussed elsewhere in this recommendation, the hapū holds mana whenua status over Ōmokoroa. The IHP heard in Ms Shephard's verbal presentation, on behalf of Pirirākau, that these gullies, or Awatere, have an important stormwater function and Pirirākau seeks protection of the gully system. Ms Shepherd considered that to date the gully systems have not been managed as intended, so Pirirākau seeks a comprehensive stormwater management plan that protects and enshrines mahinga kai as a compulsory value of the NPSFM.

#### **Appropriateness of Natural Open Space Zone**

- 3.341 Mr Collier, on behalf of the Brunings, is of the opinion that, by including matters ordinarily included in a standard 1st Schedule Plan Change process, PC92 goes beyond what Parliament intended when it required Council to adopt medium density residential standards (MDRS) necessary to fulfil the Council's obligations as a Tier 1 Council under the NPS-UD .
- 3.342 In Mr Collier's opinion, the Industrial, Open Space and Rural Residential zones are not relevant Residential zones under Section 77G and Policy 3 of the NPS-UD, because they do not provide for any residential dwellings .
- 3.343 Legal submissions by Ms Barry Piceno on behalf of Mr and Mrs Bruning support Mr Collier's thesis and contend that the ...Open Space zoning is not a relevant residential urban zone and is not consequential on a MDRS and that the IPI plan change process does not allow the Council to include a new open space zone .
- 3.344 Mr Collier does note at paragraph 5.14 of his evidence that Section 80E(1) provides for related provision (including new zones) to be included, but only in instances where these support or are consequential on medium density residential standards or policy 3 outcomes.

- 3.345 In his analysis, at paragraph 6.10 of his evidence he considers that Section 80E (b)(iii)(A) and (B) clearly set out that there must be a causal nexus between the outcomes of achieving MDRS or Policy 3.
- 3.346 Ms Stubbing in her opening legal submissions for the Council, was of the view that the circumstances in Ōmokoroa are unique in terms of the background and setting for the IPI. She submits that Section 80E(1)(b)(iii) allows Council to “amend or include ...zones, that support or are consequential on the MDRS or policies 3, 4 and 5 of the NPS-UD”. In her view, because there is no case law on the meaning of “support” or “consequential” in section 80E, using the ordinary meaning of these terms, the new zonings do “support” the MDRS and the greater intensification on the Ōmokoroa peninsula. Therefore, she considers the Natural Open Space zone falls within the permissible scope of an IPI under section 80E of the RMA.
- 3.347 Mr Hextall, as Council’s reporting officer, is also of the opinion that the evidence of Mr Collier takes a narrow interpretation of the scope of the IPI. In his opinion, there is a rational relationship between supporting zones that, combined with the new medium-density residential zone, overall contribute to a well-functioning urban environment.
- 3.348 Ms Stubbing goes on to state at paragraph 4.13 that section 80E should be interpreted broadly and the list of “related provisions” specifically includes stormwater management, which is identified as a key purpose of the Natural Open Space zone.
- 3.349 At paragraph 4.17 Ms Stubbing draws reference to page 125 of the section 32 report noting the proposed Natural Open Space zone is described as being the “green lungs” to the urbanisation, zoned to “provide appropriate identification and direction to the areas of constrained land and considering their role in supporting the urbanisation of the area primarily through having a storm water management function, coastal interface role and potential public recreation capabilities”.
- 3.350 At paragraph 4.18 Ms Stubbing submits that the proposed Natural Open Space zone is a key support for, and complementary to the new MDR zone, because it provides storm water management, recreational opportunities and a buffer between other zones and the coast.

#### Impact of Designation

- 3.351 The witnesses on behalf of Waka Kotahi primarily focused on the transport requirements for Ōmokoroa rather than the underlying zoning. Consequently, very little additional evidence was provided at the hearing by Waka Kotahi regarding the extent of the future designation or the Natural Open Space zone.

- 3.352 The IHP heard from the Brunings that Waka Kotahi is currently in the process of widening their designation over more of their land. However, to date no Notice of Requirement has been sought.

#### Ecological function of the Natural Open Space zone

- 3.353 Mr Hextall, as Council's reporting officer, and the witnesses for BOPRC appear to agree that the Natural Open Space zone has an array of functions including stormwater and coastal inundation management functions as well as providing ecological corridors. Amendments recommended within the s42A report to the explanatory statement include direct reference to geotechnical and ecological matters.
- 3.354 Mr Te Pairi considers the inclusion of freshwater and coastal ecology and wetlands and streams is supported by the identification of ecological features in the gully systems. He also is of the view that these changes would give effect to the NPS-FM. However, Mr Hextall considers the further amendments requested by BOPRC to not have as direct relationship with objective 2 as those set out within the s42A report.
- 3.355 With respect to the addition of hydrology within the matters of discretion, Mr Hextall considers the addition of this term is not required in the context to the District Council provision.

#### Conclusion - New Natural Open Space zone

- 3.356 In relation to the creation of the new zone, the IHP is of the view the proposed Natural Open Space zone is both appropriate and supports the application of the MDRS. We agree with the Council that residential zones, or indeed any urban zones, cannot be viewed in isolation of other appropriate supporting zones. We therefore find that by identifying and protecting the gully systems for stormwater management and open space, this supports the intensification anticipated within Ōmokoroa and helps contribute to a well-functioning urban environment as defined by the NPS-UD.
- 3.357 The IHP finds that the labelling is consistent with the National Planning Standards, which describe a Natural Open Space zone as "areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone".
- 3.358 The IHP also notes that the Natural Open Space zone appears consistent with the cultural values as highlighted by Pirirākau and helps to give effect to the protection of the gully system sought by the hapū.
- 3.359 The IHP prefers the view of BOPRC that, by virtue of their function as stormwater reserves, the Natural Open Space zone protects freshwater ecological corridors and enables implementation of the direction of the NPS-FM and should be recognised as such.



- 3.360 However, we agree with Mr Hextall that inclusion of “hydrological” in matters of discretion is unnecessary to enable WBOPDC to fulfil its functions in relation to stormwater reserves.
- 3.361 The IHP therefore accepts in part the relief sought by BOPRC, and recommends that the following provisions replace the proposed policy 24.2.2(3)

*24.2.2 Policies*

3. *Control activities to avoid adverse effects on freshwater and coastal ecology and the functioning of the stormwater system, including streams, wetlands, the natural gully network and the coastal interface, and promote improvement of these areas by providing for development that supports restoration of the values of these areas.*

**Application of the zone in relation to land within designation D181**

- 3.362 In relation to the Bruning's land, Mr Hextall advised that given the extent of the proposed alteration to the existing designation on the Bruning's land, the IHP may consider it is unnecessary to rezone that land until such time as there is greater certainty as to the impact of the proposed changes to the existing designations, any residual land and what would be the appropriate zoning of that land.
- 3.363 The IHP is of the view that leaving land as Future Urban in the context of a plan change for the whole of the Ōmokoroa peninsula is not best practice resource management planning. However, we accept that there are somewhat unique circumstances with respect to the land within the SH2 designation, and more particularly the Brunings land. The IHP also accepts the submission of Waka Kotahi that the Natural Open Space zone is somewhat at odds with the intention to use that land for transport infrastructure. Application of the Natural Open Space zone could also be viewed as downzoning the land from urban, to effectively sterilise the land from development. Therefore, while we consider it would be better practice to apply an urban zoning to the Bruning's land, we accept that the somewhat unique circumstances require a more bespoke approach and therefore consider that the part of this land which was proposed as Natural Open Space zone, including as modified through the Council officer's recommendations regarding boundary changes, should remain as Future urban zone for the time being. This will require changes to the Planning Maps as well as to the Structure Plan.

## SECTION 4 - SUMMARY

- 4.1 There exists a level of disappointment among the IHP in relation to the way in which tangata whenua matters were dealt with from the outset for PC92. In this regard, the IHP considered it necessary to reiterate its strongly held views concerning the rights and interests of tangata whenua, and mana whenua values and concerns.
- 4.2 In summary, the IHP express that the starting point must be from the position that recognises that in Aotearoa, New Zealand, tangata whenua have rights protected by Te Tiriti o Waitangi and that consequently the RMA accords tangata whenua with a special status distinct from that of interest groups, and members of the public. Perhaps more important is the need for Council and Council processes (such as PC92) to be responsive to tangata whenua. The outcomes of engagement need to be reflected within the planning provisions. Being able to demonstrably point to the way in which a process has recognised and provided for tangata whenua beyond a set of meeting notes would be an achievement that is reflective of a more meaningful, robust process and would assist Council both strategically and relationally.
- 4.3 The IHP has made a series of recommendations in regard to PC92. These recommendations are concluded within the statutory direction that required WBOPDC to address intensification within the urban communities of Ōmokoroa and Te Puke. This was a requirement set by national direction as WBOPDC is a Tier 1 Council.
- 4.4 The IHP addressed a number of reasonably complex issues, but considered the key matters requiring deep analysis to include:
- (a) financial contributions
  - (b) extent of the industrial zoning
  - (c) recognition of the broad range of values provided for with respect to the remaining Open Space
  - (d) addressing sensitivity for residential communities potentially impacted by other land uses, e.g. transport corridors, industrial land use etc.
  - (e) ensuring safety in the context of intensified residential land use adjacent to the state highway network and rail corridor. In this context, avoiding reverse sensitivity associated with pre-existing activities was an important consideration.
  - (f) future recognition and provision for Māori rights and interests within financial policy and operational frameworks.
  - (g) acknowledging the relationship between PC92 and the subsidiary Notice of Requirement for the Ōmokoroa Active Reserve.

- 4.5 In most circumstances, the IHP has adopted the recommendations of reporting officers for WBOPDC. This is on the basis that the IHP supports the broad direction of PC92 with its associated constraints, in the light of the framework in which recommendations are made. Where the IHP holds a different view (as identified as the key areas in 4.2, above), its analysis and position is set out within the body of the document.
- 4.6 The decision is supported by an amended version of the operative district plan.
- 4.7 The IHP acknowledges the significant body of work produced by reporting officers for WBOPDC, the contribution of submitters and the considered expert evidence of independent witnesses for the submitter parties.
- 4.8 The work of the IHP is provided as a series of recommendations to Western Bay of Plenty Councillors, who will make a decision in relation to the plan change in accordance with s101 of the RMA.



Greg Carlyon



Pia Bennett



Lisa Mein



Alan Withy

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## GENERAL MATTERS

### TOPIC 1 – WHOLE OF PLAN CHANGE

#### RECOMMENDATION

That Option 2 be accepted.

Retain Plan Change 92 as notified subject to recommended amendments in other parts of the Section 42A Report in response to the submitters' specific requests.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
39	1	Urban Taskforce for Tauranga
34	1	Retirement Villages Association
56	1	Ōmokoroa Country Club
41	1	Waka Kotahi
29	1	Kāinga Ora
29	2	Kāinga Ora
FS 71	3	KiwiRail

### TOPIC 2 – URBAN ENVIRONMENTS UNDER THE NPS-UD

#### RECOMMENDATION

That Option 1 be accepted.

Retain Plan Change 92 as proposed with an assessment against Policy 3 of the NPS-UD limited to Ōmokoroa and Te Puke.

The following submissions are therefore:

#### REJECTED

Submission	Point Number	Name
21	1	Joshua Marshall

### TOPIC 3 – CONSULTATION

#### RECOMMENDATION

That Option 1 be accepted.

Continue to proceed with the Plan Change process as set out in the RMA.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
65	1	Russel Prout

**REJECTED**

Submission	Point Number	Name
16	4	Penny Hicks
4	12	Robert Hicks

**TOPIC 4 – SUPPORT FOR OTHER SUBMISSIONS****RECOMMENDATION**

That Option 2 be accepted.

Accept in part the support for other submissions.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
46	1	Summerset Group Holdings
35	1	Ryman Healthcare

**OMOKOROA ZONING MAPS****TOPIC 1 – PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE –  
INCLUDING REQUESTS FOR ALTERNATIVE ZONINGS****RECOMMENDATION**

That Option 1 be accepted.

Retain proposed Medium Density Residential Zone as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
38	1	TDD Limited
42	1	Brian Goldstone

**ACCEPTED IN PART**

Submission	Point Number	Name
1	1	Richard Hewison
16	1	Penny Hicks
4	4	Robert Hicks

4	5	Robert Hicks
4	6	Robert Hicks
16	3	Penny Hicks

**REJECTED**

Submission	Point Number	Name
45	2	Ian Yule
62	2	Angela Yule
27	2	David & Diana Bagley
36	2	Susan Phinn

## **TOPIC 2 – PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE – REQUEST FOR AREAS IDENTIFIED AS 3C TO BE CHANGED TO HIGH DENSITY RESIDENTIAL ZONE**

**RECOMMENDATION**

That Option 1 be accepted.

Retain proposed Medium Density Residential Zone as notified for areas identified as 3C.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
29	5	Kāinga Ora - Homes and Communities
FS 71	9	KiwiRail
41	2	Waka Kotahi
FS 70	24	Kāinga Ora - Homes and Communities

## **TOPIC 3 – PROPOSED ŌMOKOROA MIXED USE RESIDENTIAL PRECINCT – REQUEST FOR BOUNDARY CHANGES AND ADDITIONAL AREAS**

**RECOMMENDATION**

That Option 1 be accepted:

Retain overlay as notified for Ōmokoroa Mixed Use Residential Precinct.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
19	4	Pete Linde
59	29	Jace Orchards Limited and Kiwi Green

TOPIC 4 – PROPOSED RURAL-RESIDENTIAL ZONE – REQUESTS FOR ALTERNATIVE ZONINGS

That Option 3 be accepted.  
Retain proposed new Rural-Residential zonings as notified except for 425 Ōmokoroa Road (Lot 1 DPS 65152) rezone entire site to Medium Density Residential with site specific residential development yield standards.

This requires that the District Plan be amended in the following ways:

Amend the District Plan Maps to show the entirety of 425 Ōmokoroa Road (Lot 1 DPS 65152) as Medium Density Residential.

Amend the “Area Specific Overlays” map in the explanatory statement of Section 14A – Ōmokoroa and Te Puke Medium Density Residential to identify Lot 1 DPS 65152 and identify it as 3A.

Amend Rule 14A.4.2.a (Residential Unit Yield) and Rule 14A.4.3.c (Subdivision Standards – Yield Requirements) to provide exceptions that the maximum number of residential units and related residential lots for that part of Lot 1 DPS 65152 within Ōmokoroa Stage A shall be four with a minimum lot size of 800m2 gross area and an average lot size of no less than 1000m2 gross.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
FS 79	3	Waka Kotahi NZTA
13	1	Mathew Hardy

REJECTED

Submission	Point Number	Name
31	2	N&M Bruning

TOPIC 5 – PROPOSED INDUSTRIAL ZONE – INCLUDING REQUESTS TO CHANGE INDUSTRIAL ZONE BOUNDARIES AND FOR ALTERNATIVE ZONINGS

RECOMMENDATION

That Option 2 be accepted.  
Retain proposed Industrial Zone boundaries as notified, except remove the Industrial Zone on the south-western side of the current Francis Road (rezone to future urban).

That Option 3 be accepted (in part).

For the other proposed Industrial Zone boundaries which are to be retained as notified include more explicit parameters for development along the Francis Road interface with the proposed Medium Density Residential Zone.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
31	1	N&M Bruning

#### ACCEPTED IN PART

Submission	Point Number	Name
28	1	Foodstuffs North Island Limited
37	1	Sylvia Oemcke
27	1	David & Diana Bagley
45	1	Ian Yule
62	1	Angela Yule
65	2	Russell Prout
54	1	Christine Prout
16	2	Penny Hicks
36	1	Susan Phinn

## TOPIC 6 – PROPOSED NATURAL OPEN SPACE ZONE – INCLUDING REQUESTS FOR BOUNDARY CHANGES AND ALTERNATIVE ZONINGS

#### RECOMMENDATION

That Option 2 be accepted.

Retain proposed Natural Open Space Zone but modify boundaries to better reflect specific area characteristics and in response to other specific requests for parts of the Natural Open Space Zone to be changed to alternative zonings. These alternative zonings include Medium Density Residential, Rural-Residential, Commercial and Industrial.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
FS67	37	Bay of Plenty Regional Council
61	4	Paul and Maria van Veen

#### ACCEPTED IN PART

Submission	Point Number	Name
31	3	N & M Bruning
59	2	Jace Orchards Limited and Kiwi Green New Zealand Limited

58	7, 28 & 29	Jace Investments and Kiwi Green New Zealand Limited
19	28	Pete Linde
16	5	Penny Hicks
4	1	Robert Hicks
25	2	Bay of Plenty Regional Council
25	4	Bay of Plenty Regional Council
FS67	38	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
50	7	Mike & Sandra Smith
41	5	Waka Kotahi The New Zealand Transport Agency
FS79	1	Waka Kotahi The New Zealand Transport Agency
31	3	N&M Bruning

**TE PUKE ZONING MAPS****TOPIC 1 – PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE – REQUEST FOR ADDITIONAL AREA****RECOMMENDATION**

That Option 1 be accepted.

Retain the existing Rural Zone for this land (22 Landscape Road) as notified.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
8	1	Armada Properties

## TOPIC 2 – PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE – REQUEST FOR AREAS TO BE CHANGED TO HIGH DENSITY RESIDENTIAL ZONE

### RECOMMENDATION

That Option 1 be accepted.

Retain proposed Medium Density Residential Zone as notified.

The following submissions are therefore:

### REJECTED

Submission	Point Number	Name
29	6	Kāinga Ora
41	2	Waka Kotahi
FS 70	24	Kāinga Ora
FS 71	9	KiwiRail

## TOPIC 3 – MEDIUM DENSITY RESIDENTIAL ZONE – REQUEST TO CHANGE TO COMMERCIAL ZONE OR MIXED USE ZONE

### RECOMMENDATION

That Option 1 be accepted.

Retain proposed Medium Density Zone as notified at the 'Zest' site.

The following submissions are therefore:

### REJECTED

Submission	Point Number	Name
40	1	Veroe Holdings

## SECTION 1 – PLAN OVERVIEW

### RECOMMENDATION

That Section 1 – Plan Overview be retained as notified.

## SECTION 4A – GENERAL

### RECOMMENDATION

That Section 4A– General be retained as notified.



## SECTION 4B – TRANSPORTATION, ACCESS, PARKING AND LOADING

### TOPIC 1 – RULE 4B.3.4(A)(II) NON-COMPLYING ACTIVITY STATUS FOR VEHICLE CROSSINGS TO ŌMOKOROA ROAD

#### RECOMMENDATION

That Option 1 be accepted.

Status quo – Retain existing District Plan Rule 4B.3.4(a)(ii).

The following submission is therefore:

#### REJECTED

Submission	Point Number	Name
58	13	Jace Investments and Kiwi Green New Zealand

### TOPIC 2 – RULE 4B.4.6 – ON-SITE MANOEUVRING

#### RECOMMENDATION

That Option 1 be accepted.

Retain proposed changes to District Plan Rule 4B.4.6 which exempt dwellings in Medium Density Residential Zones from on-site maneuvering requirements.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
18	1	Fire and Emergency New Zealand
FS 78	18	The North Twelve Limited Partnership

#### ACCEPTED IN PART

Submission	Point Number	Name
18	2	Fire and Emergency New Zealand

#### REJECTED

Submission	Point Number	Name
18	3	Fire and Emergency New Zealand

## SECTION 4C – AMENITY

### TOPIC 1 – ACTIVITY PERFORMANCE STANDARD 4C.1.3.2 (C) – NOISE SENSITIVITY

#### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 4C.1.3.2(c)(i) as notified.

The following submissions are therefore:

#### REJECTED

Submission	Point Number	Name
34	6	Retirement Villages Association
FS 70	20	Kāinga Ora

### TOPIC 2 – INDOOR RAILWAY NOISE AND VIBRATION

#### RECOMMENDATION

That Option 2 be accepted (in part).

Insert indoor railway noise and vibration rules and matters of discretion subject to wording changes recommended in Council's right of right reply and further changes by the panel.

Do not insert definition of "noise sensitive activity" as the specific activities sensitive to noise and vibration have been drafted into these rules.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
30	4	KiwiRail
30	5	KiwiRail
30	6	KiwiRail

#### REJECTED

Submission	Point Number	Name
FS 68	2	Classic Group
FS 70	15	Kāinga Ora
FS 70	16	Kāinga Ora
FS 73	4	New Zealand Housing Foundation
FS 73	5	New Zealand Housing Foundation
FS 73	6	New Zealand Housing Foundation

FS 76	2	Retirement Villages Association
FS 76	3	Retirement Villages Association
FS 76	4	Retirement Villages Association
FS 77	2	Ryman Healthcare
FS 77	3	Ryman Healthcare
FS 77	4	Ryman Healthcare

## SECTION 4D – SIGNS

### RECOMMENDATION

That Section 4D– Signs be retained as notified.

## ECOLOGICAL AND LANDSCAPE FEATURES

### TOPIC 1 – SIGNIFICANT ECOLOGICAL FEATURE U14/135 MANGAWHAI BAY INLET

### RECOMMENDATION

That Option 3 be accepted.

Reduce the size of Significant Ecological Feature U14/135 but not to the extent requested. This includes removing one further area as recommended in Council's evidence. The revised ecological feature is shown as the yellow line in Figure 1B: Primary Areas of Ecological Significance and on the map entitled 467E Ōmokoroa Road – Recommended Significant Ecological Feature Change.

The following submission is therefore

### ACCEPTED IN PART

Submission	Point Number	Name
50	3	Mike and Sandra Smith

### TOPIC 2 – TAURANGA HARBOUR LANDSCAPE MANAGEMENT AREA (S8/S8A)

### RECOMMENDATION

That Option 1 be accepted.

Retain operative District Plan Tauranga Harbour Landscape Management Area (S8/S8A) and associated provisions in Section 6 – Landscape as assessed previously.

The following submission is therefore:

**REJECTED**

Submission	Point Number	Name
25	23	Bay of Plenty Regional Council

**SECTION 8 – NATURAL HAZARDS AND PLANNING MAPS****TOPIC 1 – LOCATING NATURAL HAZARDS MAPS OUTSIDE OF THE DISTRICT PLAN****RECOMMENDATION**

That Option 1 be accepted.

Locate the proposed natural hazard maps within the District Plan (except in response to specific recommendations in the topics to follow).

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
29	3	Kainga Ora

**TOPIC 2 – NATURAL HAZARDS EXPLANATORY STATEMENT****RECOMMENDATION**

That Option 2 be accepted.

Amend the explanatory statement to clarify that the natural hazards maps shown in the Non District plan layers of the ePlan do not form part of the District Plan.

That Option 3 be accepted.

Amend the explanatory statement in response to recommendations in other topics to delete the proposed liquefaction maps and provisions and proposed Te Puke flood maps.

The following submissions are therefore

**ACCEPTED**

Submission	Point Number	Name
15	2	Western Bay of Plenty District Council
26	5	Classic Group

32	5	New Zealand Housing Foundation
39	4	Urban Task Force
FS 67	39	Bay of Plenty Regional Council
FS 70	1	Kāinga Ora

**ACCEPTED IN PART**

Submission	Point Number	Name
32	5	New Zealand Housing Foundation

**TOPIC 3 – LIQUEFACTION MAPS – ŌMOKOROA AND TE PUKE****RECOMMENDATION**

That Option 2 be accepted.

Delete the proposed liquefaction maps for Ōmokoroa and Te Puke.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
15	15	Western Bay of Plenty District Council
25	35	Bay of Plenty Regional Council
70	7	Kainga Ora
70	8	Kainga Ora

**TOPIC 4 – LIQUEFACTION PROVISIONS – ŌMOKOROA & TE PUKE****RECOMMENDATION**

That Option 2 be accepted.

Delete the proposed liquefaction provisions.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
14	2	Peter Musk
15	3, 4, 5, 6, 7	Western Bay of Plenty District Council
25	36, 37, 38, 39	Bay of Plenty Regional Council
29	8	Kāinga Ora
58	18	Jace Investments and Kiwi Green New Zealand
FS 67	40, 41, 42, 43, 44	Bay of Plenty Regional Council
FS 70	1, 2, 3, 4, 9, 10, 11	Kāinga Ora

**ACCEPTED IN PART**

Submission	Point Number	Name
47	1, 2, 3	The North Twelve Limited Partnership
18	4	Fire and Emergency New Zealand

**TOPIC 5 – FLOODING MAPS – ŌMOKOROA****RECOMMENDATION**

That Option 2 be accepted.

Delete the proposed flooding maps from 60 Prole Road and 467B & E Ōmokoroa Road as requested in submissions.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
50	8	Mike and Sandra Smith
19	5	Pete Linde

**ACCEPTED IN PART**

Submission	Point Number	Name
25	32	Bay of Plenty Regional Council

**TOPIC 6 – FLOODING MAPS – TE PUKE****RECOMMENDATION**

That Option 4 be accepted.

Delete the proposed flooding maps for Te Puke and retain the operative flooding maps.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
10	1	Blair Reeve
23	1	Frank Hodgson
44	1	Ken and Raewyn Keyte
63	1	Dawn Mends
66	1	Steve Chalmers
7	1	David Marshall
12	1	Vortac New Zealand Limited
43	1	Jac Field
48	1, 2, 3	Warren Dohnt

49	1	Paul and Julie Prior
51	1	Torrey Hilton
52	1	Maxine Morris
55	1	Zealandia Trust
57	1	Kirsty Mortensen
60	1	David Crawford
64	1	Ross List
FS 72	1	Prem Gill

**REJECTED**

Submission	Point Number	Name
25	32	Bay of Plenty Regional Council
15	14	Western Bay of Plenty District Council
FS 67	46, 47	Bay of Plenty Regional Council

## TOPIC 7 – SECTION 8 – MATTERS OF DISCRETION FOR SAFE EVACUATION ROUTES

**RECOMMENDATION**

That Option 1 be accepted.

No changes to the matters of discretion for floodable areas in Rule 8.5.1.3.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
25	40, 41	Bay of Plenty Regional Council

## TOPIC 8 – COASTAL INUNDATION MAPS – ŌMOKOROĀ

**RECOMMENDATION**

That Option 1 be accepted.

Retain proposed coastal inundation maps for Ōmōkoroā as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
25	33	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
32	3	New Zealand Housing Foundation

## TOPIC 9 – COASTAL EROSION MAPS – ŌMOKOROA

### RECOMMENDATION

That Option 1 be accepted.  
Retain proposed coastal erosion maps as notified.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
25	34	Bay of Plenty Regional Council

## TOPIC 10 – REQUEST TO EXCLUDE LAND FROM THE MEDIUM DENSITY RESIDENTIAL ZONE WHICH IS SUBJECT TO NATURAL HAZARDS

### RECOMMENDATION

That Option 1 be accepted.  
Retain proposed Medium Density Residential Zones as notified.

The following submissions are therefore

### REJECTED

Submission	Point Number	Name
14	4	Peter Musk

## SECTION 9 – HAZARDOUS SUBSTANCES

### RECOMMENDATION

That Section 9 – Hazardous Substances be retained as notified.

## SECTION 10 – INFRASTRUCTURE, NETWORK UTILITIES AND DESIGNATIONS

## TOPIC 1 – RULE 10.4 (R) – SETBACKS FOR PUBLIC TRAILS

### RECOMMENDATION

That Option 1 be accepted.  
Retain operative Rule 10.4(r).



The following submission is therefore:

#### REJECTED

Submission	Point Number	Name
19	10	Pete Linde

## SECTION 11 – FINANCIAL CONTRIBUTIONS

### TOPIC 1 – RULE 11.4.2 – COUNCIL’S INFRASTRUCTURE NETWORK TO WHICH FINANCIAL CONTRIBUTIONS APPLY

#### RECOMMENDATION

That Option 1 be accepted.

Retain proposed changes showing that financial contributions will now be taken through the building consent process for one or two additional units in the Ōmokoroa and Te Puke Medium Density Residential Zone.

The following submissions are therefore

#### ACCEPTED

Submission	Point Number	Name
18	5	Fire and Emergency New Zealand

### TOPIC 2 – RULE 11.5.3 – ONE OR TWO PERMITTED ADDITIONAL RESIDENTIAL UNITS ON A SITE

#### RECOMMENDATION

That Option 3 be accepted.

Improve the readability of Rule 11.5.3 by deleting wording already in other rules including that the first unit does not pay and that financial contributions are assessed and imposed through building consent and payable prior to the issue of that consent.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
29	9	Kāinga Ora
41	8	Waka Kotahi
FS 74	10	Ōmokoroa Country Club

### TOPIC 3 – RULES 11.5.4, 11.5.5 AND 11.5.7 – SUBDIVISION, AND FOUR OR MORE RESIDENTIAL UNITS ON A SITE INCLUDING WITHIN RETIREMENT VILLAGES – CONSIDERATION OF A PER HECTARE CHARGE

#### RECOMMENDATION

That Options 4 (in part) and 5 be accepted.

Delete Rules 11.5.4 and 11.5.5 to revert to existing rules (11.5.2) including removing roads, reserves and accessways from the developable area and allowing a special assessment. Amend Rule 11.5.7 to reinstate 0.5 of an HHE for retirement village dwellings and independent apartments and a specific assessment for other facilities.

That further editorial changes are made to Rule 11.5.2 as recommended in Council's right of reply.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
15	8	Western Bay of Plenty District Council
15	9	Western Bay of Plenty District Council
15	10	Western Bay of Plenty District Council
26	1	Classic Group
29	11	Kāinga Ora
34	7	Retirement Villages Association
34	8	Retirement Villages Association
39	2	Urban Taskforce
40	2	Vercoe Holdings
42	2	Brian Goldstone
47	4	The North Twelve Limited Partnership
56	3	Ōmokoroa Country Club
58	19	Jace Investments and Kiwi Green New Zealand
FS 70	5	Kāinga Ora
FS 70	6	Kāinga Ora
FS 74	1	Ōmokoroa Country Club
FS 74	4	Ōmokoroa Country Club
FS 74	11	Ōmokoroa Country Club
FS 74	19	Ōmokoroa Country Club
FS 74	29	Ōmokoroa Country Club
FS 74	36	Ōmokoroa Country Club
FS 76	5	Retirement Villages Association
FS 77	5	Ryman Healthcare
FS 78	2	The North Twelve Limited Partnership

FS 78	11	The North Twelve Limited Partnership
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**REJECTED**

Submission	Point Number	Name
29	10	Kāinga Ora

**SECTION 12 – SUBDIVISION AND DEVELOPMENT****TOPIC 1 – 12.2.1 OBJECTIVES, 12.2.2 – POLICIES AND 12.3.5 – MATTERS OF DISCRETION****RECOMMENDATION**

That Option 3 be accepted.

Change the existing objectives and policies in response to recommended changes to proposed Rule 12.4.5.17 (Stormwater in Ōmokoroa and Te Puke urban zones) to better provide for the implementation of Catchment Management Plan objectives, methods and options as part of subdivision and development.

That further changes are made as recommended in Council's right of reply. This includes a new Objective 8 and Policy 10 in relation to the effects of stormwater discharge instead of changing existing Objective 6 and Policy 7 which apply beyond Omokoroa and Te Puke. The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
19	2	Pete Linde
19	21	Pete Linde
19	22	Pete Linde
26	6	Classic Group
25	14	Bay of Plenty Regional Council
25	15	Bay of Plenty Regional Council
25	43	Bay of Plenty Regional Council

**TOPIC 2 – RULE 12.3.7 – INFORMATION REQUIREMENTS –  
SUBDIVISION PLAN**

**RECOMMENDATION**

That Option 1 be accepted.  
Retain the information requirements for subdivision plans in Rule 12.3.7 as notified.

The following submission is therefore:

**REJECTED**

Submission	Point Number	Name
25	17	Bay of Plenty Regional Council

**TOPIC 3 – RULE 12.3.8 – INFORMATION REQUIREMENTS –  
SUBDIVISION PLAN – REQUEST FOR NEW RULE REGARDING  
ŌMOKOROA STAGE 3 CATCHMENT MANAGEMENT PLAN**

**RECOMMENDATION**

That Option 1 be accepted.  
No changes to the existing information requirements for subdivision applications in Rule 12.3.8.

The following submission is therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
25	15	Bay of Plenty Regional Council

**TOPIC 4 – RULE 12.3.10.1(B) – INFORMATION REQUIREMENTS –  
DETAILED CONTOUR PLAN**

**RECOMMENDATION**

That Option 2 be accepted.  
Delete the requirement for a detailed contour plan from Rule 12.3.10.1(b).

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
26	9	Classic Group
39	5	Urban Taskforce for Tauranga
40	4	Vercoe Holdings Limited
42	3	Brian Goldstone

### **TOPIC 5 – RULE 12.4.1(G) – SITE SUITABILITY – CONNECTING TO RETICULATED WATER, WASTEWATER AND STORMWATER INFRASTRUCTURE AND FORMED AND SEALED ROADING**

**RECOMMENDATION**

That Option 1 be accepted.

Retain the addition of Medium Density Residential Zones to Rule 12.4.1(g) as notified.

The following submission is therefore:

**ACCEPTED**

Submission	Point Number	Name
18	6	Fire and Emergency New Zealand

### **TOPIC 6 – RULE 12.4.1(J) – SITE SUITABILITY – CONTROLLED EARTHWORKS IN THE ŌMOKOROA STAGE 2 AND 3 STRUCTURE PLAN AREAS**

**RECOMMENDATION**

That Option 1 be accepted.

Retain Rule 12.4.1(j) to confirm it applies to Ōmokoroa Stages 2 and 3 as notified.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
26	10	Classic Group
39	6	Urban Taskforce for Tauranga
40	5	Vercoe Holdings
FS 76	6	Retirement Villages Association
FS 76	7	Retirement Villages Association
FS 76	8	Retirement Villages Association

FS 77	6	Ryman Healthcare
FS 77	7	Ryman Healthcare
FS 77	8	Ryman Healthcare

## TOPIC 7 – RULES 12.4.3.2 AND 12.4.3.3 – EXTENSION OF SERVICES

### RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.3.2 and 12.4.3.3 as notified to add the Medium Density Residential and Natural Open Space Zones to the requirements for extension of services.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
18	8	Fire and Emergency New Zealand

### REJECTED

Submission	Point Number	Name
18	7	Fire and Emergency New Zealand

## TOPIC 8 – RULES 12.4.4.2 (TABLE 1) AND 12.4.4.4(E)(V) – ROAD RESERVE AND PAVEMENT WIDTHS FOR PRIVATEWAYS

### RECOMMENDATION

That Option 1 be accepted.

Retain proposed changes to Rule 12.4.4.2 (Table 1: Urban Roads) and Rule 12.4.4.4(e)(v) to confirm that the existing privateway widths and reductions for urban zones apply to the Medium Density Residential Zone.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
FS 69	1	Jace Investments
FS 76	9	Retirement Villages Association
FS 76	10	Retirement Villages Association
FS 77	9	Ryman Healthcare
FS 77	10	Ryman Healthcare
FS 78	12	The North Twelve Limited Partnership

**REJECTED**

Submission	Point Number	Name
18	12	Fire and Emergency New Zealand
18	9	Fire and Emergency New Zealand

## **TOPIC 9 – RULE 12.4.4.4(C) – ACCESS ONTO ŌMOKOROA ROAD AND PROLE ROAD**

**RECOMMENDATION**

That Option 2 be accepted.

Make changes to Rule 12.4.4.4(c) in response to supported submissions, to the effect that it:

- Clarifies access points to Ōmokoroa Road shown on the Approved Ōmokoroa Town Centre Masterplan are appropriate.
- Clarifies that existing access to Prole Road and Francis Road only needs to be closed where alternative access has been provided.
- Includes Francis Road and restricts direct access from residential and industrial activities, to promote an acceptable interface between the land use activities.
- Includes additional notes to guide decisions on activities which require temporary or permanent access to Ōmokoroa, Prole or Francis Road. The notes also identify a change in activity status if written approval is not obtained from the Western Bay of Plenty District Council.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
4	1	Robert Hicks
11	2	Elles Pearse-Danker
29	12	Kāinga Ora
58	11	Jace Investments and Kiwi Green New Zealand

**ACCEPTED IN PART**

Submission	Point Number	Name
FS 68	29	Classic Group
FS 74	12	Ōmokoroa Country Club

## TOPIC 10 – RULES 12.4.5.1 AND 12.4.5.3 – STORMWATER SYSTEMS TO BE PROVIDED AND EXTENDED

### RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.5.1 and 12.4.5.3 as proposed.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
26	11	Classic Group
39	7	Urban Taskforce for Tauranga
FS 67	2	Bay of Plenty Regional Council

## TOPIC 11 – RULE 12.4.5.17 – STORMWATER IN ŌMOKOROA AND TE PUKE IN THE MEDIUM DENSITY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES

### RECOMMENDATION

That Option 2 be accepted.

Amend proposed Rule 12.4.5.17 so that it:

- Requires subdivision and development to comply with the relevant *Catchment Management Plan* for Ōmokoroa or Te Puke and demonstrate compliance through a site-specific *Stormwater Management Plan*.
- Announces key expectations relating to stormwater management methodology.
- Includes an update to the design storm events which require management, and the attenuation requirement.
- Clarifies the terms *Catchment Management Plan* and *Stormwater Management Plan* for clarity.

That a further change is made to (a) (relating to stormwater attenuation) to add reference to people, property and buildings as recommended in Council's evidence.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
25	6	Bay of Plenty Regional Council
25	8	Bay of Plenty Regional Council



25	16	Bay of Plenty Regional Council
26	13	Classic Group
26	14	Classic Group
39	9	Urban Taskforce for Tauranga
39	10	Urban Taskforce for Tauranga
40	6	Vercoe Holdings Limited
42	4	Brian Goldstone
47	5	The North Twelve Partnership
FS67	4	Bay of Plenty Regional Council
FS67	5	Bay of Plenty Regional Council
FS67	6	Bay of Plenty Regional Council
FS67	7	Bay of Plenty Regional Council
FS67	8	Bay of Plenty Regional Council
FS67	9	Bay of Plenty Regional Council
FS67	10	Bay of Plenty Regional Council
FS69	3	Jace Investments and Kiwi Green New Zealand Limited
FS69	2	Jace Investments and Kiwi Green New Zealand Limited

**ACCEPTED IN PART**

Submission	Point Number	Name
25	9	Bay of Plenty Regional Council
25	11	Bay of Plenty Regional Council
25	12	Bay of Plenty Regional Council
25	15	Bay of Plenty Regional Council
29	13	Kāinga Ora
47	6	The North Twelve Limited Partnership
47	7	The North Twelve Limited Partnership
47	8	The North Twelve Limited Partnership
FS67	3	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
58	14	JACE Investments and Kiwi Green New Zealand Limited

**TOPIC 12 – RULE 12.4.6.3 – WASTEWATER****RECOMMENDATION**

That Option 1 be accepted.

Retain Rule 12.4.6.3 as proposed.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
11	3	Elles Pearse-Danker

**REJECTED**

Submission	Point Number	Name
29	14	Kāinga Ora

**TOPIC 13 – RULES 12.4.7.1 AND 12.4.7.2 – WATER SUPPLY****RECOMMENDATION**

That Option 1 be accepted.

Retain Rules 12.4.7.1 and 12.4.7.2 as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
18	11	Fire and Emergency New Zealand

**REJECTED**

Submission	Point Number	Name
18	12	Fire and Emergency New Zealand

**TOPIC 14 – RULE 12.4.11.2 – ŌMOKOROA STRUCTURE PLAN –  
STREETSCAPE****RECOMMENDATION**

That Option 2 be accepted.

Amend Rule 12.4.11.2 by:

- Clarifying that Rule 12.4.11(a) which requires planting of canopy trees applies only to new (not existing) roads.

- Adding a new sub-clause (iii) to Rule 12.4.11.2(b) in order to require subdivision and development to plant maple trees within Ōmokoroa Road, if planting is proposed as part of a resource consent
- Deleting Rule 12.4.11.2(c) to remove the general rule requirement for maple trees to be planted on Ōmokoroa Road as this is now replaced with a new sub-clause (iii).

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
29	15	Kāinga Ora
58	15	Jace Investments and Kiwi Green New Zealand
FS 76	11	Retirement Villages Association
FS 77	11	Ryman Healthcare
FS 67	11	Bay of Plenty Regional Council

#### REJECTED

Submission	Point Number	Name
25	19	Bay of Plenty Regional Council

## TOPIC 15 – RULE 12.4.11.5(B) – ŌMOKOROA STRUCTURE PLAN – ROADING

#### RECOMMENDATION

That Option 2 be accepted.

Makes changes to Rule 12.4.11.5(b) by deleting sub-clauses (iii) and (iv) which restrict direct access to Prole and Ōmokoroa Road.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
11	4	Elles Pearse-Danker
29	16	Kāinga Ora
59	3	Jace Investments and Kiwi Green New Zealand
FS 69	5	Jace Investments
FS 70	25	Kāinga Ora
FS 74	33	Ōmokoroa Country Club

#### REJECTED

Submission	Point Number	Name
19	7	Pete Linde
41	3	Waka Kotahi
FS 69	9	Jace Investments

## TOPIC 16 – RULE 12.4.11.5(C) – ŌMOKOROA STRUCTURE PLAN – ACTIVITY STATUS FOR NON-COMPLIANCE

### RECOMMENDATION

That Option 3 be accepted.

Amend Rule 12.4.11.5(c) so it assigns a discretionary activity status to subdivision and development which does not comply with the Ōmokoroa structure plan.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
FS 67	12	Bay of Plenty Regional Council
FS 67	13	Bay of Plenty Regional Council
FS 67	14	Bay of Plenty Regional Council
FS 67	15	Bay of Plenty Regional Council
FS 69	7	Jace Investments

### REJECTED

Submission	Point Number	Name
18	13	Fire and Emergency New Zealand
19	14	Pete Linde
25	2	Bay of Plenty Regional Council
26	15	Classic Group
29	17	Kāinga Ora
58	16	Jace Investments and Kiwi Green New Zealand
FS 69	8	Jace Investments
FS 69	9	Jace Investments

## TOPIC 17 – RULE 12.4.11.6(A) – ŌMOKOROA STRUCTURE PLAN – REIMBURSEMENT FOR PROVISION OF INFRASTRUCTURE

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 12.4.11.6 (a) as notified which only allows developers to be reimbursed for the costs of providing completed infrastructure shown on the Ōmokoroa Structure Plan.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
19	8	Pete Linde
19	13	Pete Linde
26	16	Classic Group
26	17	Classic Group
58	17	Jace Investments and Kiwi Green New Zealand

**TOPIC 18 – RULE 12.4.11 – ŌMOKOROA STRUCTURE PLAN –  
REQUEST FOR NEW RULE TO ENSURE COMPLIANCE WITH THE  
ŌMOKOROA STAGE 3 CATCHMENT MANAGEMENT PLAN**

**RECOMMENDATION**

That Option 1 be accepted.

Do not add new rules in 12.4.11 to require subdivision within Stage 3 of the Ōmokoroa Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan.

The following submission is therefore:

**ACCEPTED**

Submission	Point Number	Name
25	14	Bay of Plenty Regional Council

**TOPIC 19 – RULE 12.4.11 – ŌMOKOROA STRUCTURE PLAN –  
REQUEST FOR NEW RULE FOR INTEGRATED MANAGEMENT FOR  
STORMWATER, EARTHWORKS AND SUBDIVISION**

**RECOMMENDATION**

That Option 1 be accepted.

Do not make changes to the proposed rules for the purpose of requiring integrated management by way of joint regional and district resource consent applications for subdivision, development, stormwater discharge and earthworks.

The following submission is therefore:

**REJECTED**

Submission	Point Number	Name
25	13	Bay of Plenty Regional Council

## TOPIC 20 – 12.4.11 – ŌMOKOROA STRUCTURE PLAN – REQUEST FOR NEW RULE TO PROTECT RAILWAY INFRASTRUCTURE FROM STABILITY AND FLOODING

### RECOMMENDATION

That Option 1 be accepted.

Do not include a new rule requiring a hydraulic assessment to be provided for any subdivision or development within stormwater sub-catchment N1.

The following submission is therefore:

### REJECTED

Submission	Point Number	Name
25	18	Bay of Plenty Regional Council

## TOPIC 21 – ŌMOKOROA STRUCTURE PLAN – RECOMMENDED NEW RULE FOR FRANCIS ROAD INDUSTRIAL ZONE

### RECOMMENDATION

That Option 2 be accepted.

Add a new rule which includes pre-requisites for the development of the Francis Road Industrial Zone. This includes closure of Francis Road, the link road between Ōmokoroa Road and Francis Road being in accordance with the Francis Road Structure Plan Area Typical 25m Cross-section, and being serviced by sewerage, water and stormwater infrastructure.

That a further change be made to provide an alternative option prior to Francis Road being closed. This being the use of a legal mechanism to ensure that there is no access into the Industrial Zone from the existing Francis Road intersection with State Highway 2. This is consequential to the recommendation on industrial zoning.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
16	2	Penny Hicks
27	1	David & Diana Bagley
36	1	Susan Phinn
37	1	Sylvia Oemcke
45	1	Ian Yule
54	1	Christine Prout
62	1	Angela Yule
65	2	Russell Prout

**TOPIC 22 – RULE 12.4.14 AND 12.4.14.1 – TE PUKE STRUCTURE PLAN****RECOMMENDATION**

That Option 1 be accepted.

Retain Rules 12.4.14 and 12.4.14.1 as notified.

The following submission is therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
47	9	The North Twelve Limited Partnership

**Rejected**

Submission	Point Number	Name
25	27	Bay of Plenty Regional Council

**TOPIC 23 – RULE 12.4.14 AND 12.4.14.1 – TE PUKE STRUCTURE PLAN****RECOMMENDATION**

That Option 1 be accepted.

Retain Rules 12.4.14 and 12.4.14.1 as notified.

The following submission is therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
47	9	The North Twelve Limited Partnership

**TOPIC 24 – RULE 12.4.14.2 – TE PUKE STRUCTURE PLAN – STREETSCAPE****RECOMMENDATION**

That Option 2 be accepted.

Make a minor change to proposed Rule 12.4.14.2 to clarify that the requirement for canopy street trees only applies to new roads.

The following submission is therefore:

**ACCEPTED**

Submission	Point Number	Name
29	18	Kāinga Ora

## **TOPIC 25 – RULE 12.4.14.3 – TE PUKE STRUCTURE PLAN – PROVISION OF INFRASTRUCTURE IN GENERAL PROXIMITY OF THE LOCATIONS SHOWN ON THE STRUCTURE PLAN**

### **RECOMMENDATION**

That Option 1 be accepted.

No changes to proposed Rule 12.4.14.3.

The following submissions are therefore:

### **ACCEPTED**

Submission	Point Number	Name
18	14	Fire and Emergency New Zealand

### **REJECTED**

Submission	Point Number	Name
29	19	Kāinga Ora

## **SECTION 13 – RESIDENTIAL**

### **RECOMMENDATION**

That Section 13 – Residential be retained as notified.

## **SECTION 14 – MEDIUM DENSITY RESIDENTIAL**

### **RECOMMENDATION**

That Section 14 – Medium Density Residential be retained as notified, except for consequential changes resulting from the recommendation regarding labelling below.

## **SECTION 14A – OMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL – PART 1 – LABELLING, EXPLANATORY STATEMENT, ISSUES, OBJECTIVES & POLICIES**

## **TOPIC 1 – SECTION LABELLING AND APPLICABILITY**

### **RECOMMENDATION**

That Option 3 be accepted.

One Medium Density Residential Zone with two sub-sections retained as proposed but change titles to be clearer to read as: s14 Medium Density Residential; 14A Ōmokoroa and



Te Puke Medium Density Residential; 14B Waihi Beach and Katikati Medium Density Residential. Subsequential renumbering.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
FS 79	6	Waka Kotahi

#### ACCEPTED IN PART

Submission	Point Number	Name
29	1	Kāinga Ora – Homes and Communities
29	4	Kāinga Ora – Homes and Communities
FS73	3	KiwiRail

#### REJECTED

Submission	Point Number	Name
34	9	Retirement Villages Association
34	10	Retirement Villages Association

## TOPIC 2 – EXPLANATORY STATEMENT

#### RECOMMENDATION

That Option 3 be accepted.

Amend explanatory statement wording in part.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
26	19	Classic Group
39	11	Urban Task Force for Tauranga
26	20	Classic Group
39	12	Urban Task Force for Tauranga
40	7	Vercoe Holdings
26	21	Classic Group
39	13	Urban Task Force for Tauranga
40	8	Vercoe Holdings
42	5	Brian Goldstone
29	1	Kāinga Ora
29	22	Kāinga Ora

#### ACCEPTED IN PART

Submission	Point Number	Name
34	11	Retirement Villages Association of New Zealand
FS 7	13	KiwiRail

### TOPIC 3 – EXPLANATORY STATEMENT – AREA SPECIFIC OVERLAYS MAP

#### RECOMMENDATION

That Option 3 be accepted (in part).

The Ōmokoroa Medium Density Residential – Area Specific Overlays Map as notified be retained. This is except for the recommended change on the Ōmokoroa Zoning Maps (Topic 4) and consequential changes in response to other recommendation on zoning maps.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
47	13	North Twelve Limited Partnership

#### REJECTED

Submission	Point Number	Name
61	5	Paul and Maria van Veen
19	26	Pete Linde

### TOPIC 4 – SIGNIFICANT ISSUES

#### RECOMMENDATION

That Option 2 be accepted:

Include specific 'Significant Issues' for the Ōmokoroa and Te Puke Medium Density Zone area.

That a further change is made to Significant issue 6 as recommended in Council's evidence regarding water quality and quantity effects and flood risk on the receiving environment.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
26	21	Classic Group
39	13	Urban Task Force for Tauranga
40	8	Vercoe Holdings
42	5	Brian Goldstone
29	4	Kāinga Ora

#### ACCEPTED IN PART

The submission from the Bay of Plenty Regional with regard to Significant issue 6 (it is unclear which specific submission point or points were made on this).

## TOPIC 5 – RULE 14A.4.2.1 – OBJECTIVES

### RECOMMENDATIONS

That Option 3 be accepted.

Amend proposed District Plan objectives as requested in part.

That a change to Objective 7 is made as recommended in Council's evidence relating to management of flooding risk and effects of the receiving environment.

That a further objective is added on the diverse and changing residential needs of communities as recommended in Council's right of reply.

That a further objective is added regarding a high level of land use and transport integration as recommended in Council's right of reply.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
29	24	Kāinga Ora
41	3	Waka Kotahi
47	17	North Twelve Limited Partnership
FS 74	5	Ōmokoroa Country Club
FS 76	17	Retirement Villages Association of New Zealand
FS 77	17	Ryman Healthcare Ltd
47	19	North Twelve Limited Partnership
58	21	Jace Investments and Kiwi Green New Zealand Limited

### ACCEPTED IN PART

Submission	Point Number	Name
34	14	Retirement Villages Association of New Zealand
47	16	North Twelve Limited Partnership
47	18	North Twelve Limited Partnership

### ACCEPTED IN PART

The submission from the Bay of Plenty Regional with regard to Objective 7 (it is unclear which specific submission point or points were made on this).

### REJECTED

Submission	Point Number	Name
29	23	Kāinga Ora
39	14	Urban Task Force for Tauranga
26	22	Classic Group
34	15	Retirement Villages Association of New Zealand
FS 76	16	Retirement Villages Association of New Zealand

FS 77	16	Ryman Healthcare Ltd
40	9	Vercoe Holdings Ltd
39	15	Urban Task Force for Tauranga
42	6	Brian Goldstone
FS 76	18-21	Retirement Villages Association of New Zealand
FS 77	18-21	Ryman Healthcare Ltd
26	23	Classic Group
34	16	Retirement Villages Association of New Zealand
29	25	Kāinga Ora
FS 71	6	KiwiRail

## TOPIC 6 – RULE 14A.4.2.2 – POLICIES

### RECOMMENDATION

That Option 3 be accepted.

Amend proposed District Plan policies as requested in part.

That a minor editorial change is made to Policy 15 as recommended in Council's right of reply.

That a further objective is added regarding development in sequence with the staged upgrade of the intersection of Ōmokoroa Road and State Highway 2 as recommended in Council's right of reply.

That a further objective is added regarding greater transport choice, greater transport choice and a reduction in per capita vehicle kilometres travelled.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
18	17	Fire and Emergency New Zealand
19	23	Pete Linde
19	24	Pete Linde
29	26	Kāinga Ora
47	26	The North Twelve Limited Partnership
FS 76	22	Retirement Villages Association of New Zealand Incorporated
FS 77	22	Ryman Healthcare Ltd
24	5	Ara Poutama Aotearoa the Department of Corrections
18	18	Fire and Emergency New Zealand
FS 67	17	Bay of Plenty Regional Council

FS 67	20	Bay of Plenty Regional Council
FS 74	6	Ōmokoroa Country Club
FS 67	18	Bay of Plenty Regional Council
FS 67	19	Bay of Plenty Regional Council
47	27	The North Twelve Limited Partnership
24	7	Ara Poutama Aotearoa the Department of Corrections
29	29	Kāinga Ora
47	30	The North Twelve Limited Partnership
25	42	Bay of Plenty Regional Council
FS 67	22	Bay of Plenty Regional Council
FS 67	23	Bay of Plenty Regional Council
FS 67	24	Bay of Plenty Regional Council
29	33	Kāinga Ora
58	24	Jace Investments and Kiwi Green New Zealand Limited
FS 76	13	Retirement Villages Association
FS 77	13	Ryman Healthcare
41	7	Waka Kotahi NZTA
41	3	Waka Kotahi NZTA

**ACCEPTED IN PART**

Submission	Point Number	Name
47	25	The North Twelve Limited Partnership
34	22	Retirement Villages Association of New Zealand Incorporated
26	24	Classic Group
39	16	Urban Task Force for Tauranga
47	28	The North Twelve Limited Partnership
FS 74	22	Ōmokoroa Country Club
56	5,6	Ōmokoroa Country Club
47	29	The North Twelve Limited Partnership
24	8	Ara Poutama Aotearoa Department of Corrections
FS 74	23	Ōmokoroa Country Club
FS 74	24	Ōmokoroa Country Club
47	29	The North Twelve Limited Partnership
39	17	Urban Task Force for Tauranga
29	30	Kāinga Ora
58	22	Jace Investments and Kiwi Green
58	23	Jace Investments and Kiwi Green New Zealand Limited
29	34	Kāinga Ora
FS 71	7	KiwiRail
FS 70	22	Kāinga Ora

FS 76	23-26	Retirement Villages Association of New Zealand Incorporated
FS 77	23-26	Ryman Healthcare
FS 74	7	Ōmokoroa Country Club

**REJECTED**

Submission	Point Number	Name
25	43	Bay of Plenty Regional Council
FS 67	21	Bay of Plenty Regional Council
29	27	Kāinga Ora
34	23	Retirement Villages Association
34	24	Retirement Villages Association
FS 74	21	Ōmokoroa Country Club
29	27	Kāinga Ora
34	25	Retirement Villages Association
34	26	Retirement Villages Association
74	13	Ōmokoroa Country Club
34	27	Retirement Villages Association
47	32	The North Twelve Limited Partnership
39	18	Urban Task Force for Tauranga
26	25	Classic Group
40	10	Vercoe Holdings Ltd
42	7	Brian Goldstone
FS 69	10	Jace Investments
47	33	The North Twelve Limited Partnership
29	31	Kāinga Ora
34	28	Retirement Villages Association
29	32	Kāinga Ora
34	29	Retirement Villages Association
39	19	Urban Task Force for Tauranga
42	8	Brian Goldstone
40	11	Vercoe Holdings
26	26	Classic Group
29	35	Kāinga Ora
18	19	Fire and Emergency New Zealand
34	22	Retirement Villages Association
34	30	Retirement Villages Association
56	7	Ōmokoroa Country Club
FS 74	20	Ōmokoroa Country Club

## SECTION 14A – OMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL – PART 2 – DEFINITIONS, ACTIVITY LISTS & ACTIVITY PERFORMANCE STANDARDS

### TOPIC 1 – DEFINITIONS – INCORPORATING THE MDRS

#### RECOMMENDATION

That Option 1 be accepted.

As proposed – All definitions are contained within Section 3 – Definitions and an “except that” note is provided for each duplicated definition to explain that it has a different meaning in the Medium Density Residential Zones of Ōmokoroa and Te Puke.

The following submissions are therefore:

#### REJECTED

Submission	Point Number	Name
29	7	Kāinga Ora
FS 71	5	Kiwirail

### TOPIC 2 – DEFINITIONS – QUALIFYING MATTER

#### RECOMMENDATION

That Option 1 be accepted.

Add the definition of qualifying matter as requested in the Western Bay of Plenty District Council’s submission, except as modified by the following recommendation.

That Option 4 also be accepted.

Add further wording to reflect the relief sought by KiwiRail in relation to setbacks and controls for noise and vibration.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
FS 71	1	Kiwirail
FS 79	4	Waka Kotahi

#### ACCEPTED IN PART

Submission	Point Number	Name
15	1	Western Bay of Plenty District Council

FS 78	9	The North Twelve Limited Partnership
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**REJECTED**

Submission	Point Number	Name
FS 67	45	Bay of Plenty Regional Council
FS 73	7	New Zealand Housing Foundation
FS 75	1	Powerco

### TOPIC 3 – DEFINITIONS – RESIDENTIAL UNIT, RESIDENTIAL ACTIVITY, RETIREMENT VILLAGE, RETIREMENT VILLAGE DWELLING AND RETIREMENT VILLAGE INDEPENDENT APARTMENT

**RECOMMENDATION**

That Option 1 is accepted.

Retain the definitions of residential unit, residential activity, retirement village, retirement village dwelling and retirement village independent apartment.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
24	3, 4	Ara Poutama
56	2	Ōmokoroa Country Club

**REJECTED**

Submission	Point Number	Name
24	2	Ara Poutama
34	2, 3, 4, 5	Retirement Villages Association
FS 74	16, 17, 18	Ōmokoroa Country Club
FS 76	1	Retirement Villages Association
FS 77	1	Ryman Healthcare

### TOPIC 4 – RULE 14A.3.1 – PERMITTED ACTIVITIES

**RECOMMENDATION**

That Option 3 is accepted.

Amend Rule 14A.3.1 (g) (maximum gross floor area for non-residential activities in the Ōmokoroa Mixed Use Residential Precinct) so it is clear that it applies “per activity”.

The following submissions are therefore:



**ACCEPTED**

Submission	Point Number	Name
24	9	Ara Poutama
24	10	Ara Poutama
29	38	Kāinga Ora

**ACCEPTED IN PART**

Submission	Point Number	Name
47	34	The North Twelve Limited Partnership

**REJECTED**

Submission	Point Number	Name
29	37	Kāinga Ora

**TOPIC 5 – RULE 14A.3.2 – CONTROLLED ACTIVITIES****RECOMMENDATION**

That Option 1 be accepted.

Retain Rule 14A.3.1(b) (controlled activities) as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	35	The North Twelve Limited Partnership

**REJECTED**

Submission	Point Number	Name
29	39	Kāinga Ora

**TOPIC 6 – RULE 14A.3.3 – RESTRICTED DISCRETIONARY ACTIVITIES****RECOMMENDATION**

That Option 1 be accepted.

Retain Rule 14A.3.3 (restricted discretionary activities) as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	36	The North Twelve Limited Partnership
FS 70	21	Kāinga Ora

**REJECTED**

Submission	Point Number	Name
26	27	Classic Group
34	31	Retirement Villages Association
34	32	Retirement Villages Association
39	2	Urban Task Force
40	12	Vercoe Holdings
FS 74	8, 25, 26, 30, 32	Ōmokoroa Country Club

## **TOPIC 7 – RULES 14A.3.4 AND 14A.3.5 – DISCRETIONARY & NON-COMPLYING ACTIVITIES**

**RECOMMENDATION**

That Option 2 be accepted.

Clarify the intention of discretionary subdivision under Rule 14A.3.4(i) and delete the non-complying activity status for subdivision under Rule 14A.3.5(a).

That Option 3 also be accepted.

Amend Rule 14A.3.4 to make emergency services activities a discretionary activity and add associated definition as recommended in Council's evidence.

That Option 4 (request for a non-complying activity status) be accepted in part by instead amending Rule 14A.3.3 to provide a restricted discretionary activity status for subdivision and development in the Ōmokoroa Stage 3 Structure Plan to manage traffic effects on the State Highway 2 intersection.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
18	20	Fire and Emergency New Zealand
47	37, 38, 39	The North Twelve Limited Partnership

**ACCEPTED IN PART**

Submission	Point Number	Name
41	3	Waka Kotahi
FS 69	5	Jace Investments
FS 70	25	Kāinga Ora
FS 74	33	Ōmokoroa Country Club

## TOPIC 8 – RULE 14A.4.1 – DENSITY STANDARDS – GENERAL

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 14A.4.1 as proposed (except where recommended in other topics).

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
56	8	Ōmokoroa Country Club
29	21	Kāinga Ora
FS71	8	KiwiRail

### ACCEPTED IN PART

Submission	Point Number	Name
8	2	Armada Properties Ltd
56	5	Ōmokoroa Country Club
FS 76	12	Retirement Villages Association
FS 77	12	Ryman Healthcare

### REJECTED

Submission	Point Number	Name
29	36	Kāinga Ora
76	14	Retirement Villages Association
77	14	Ryman Healthcare

## TOPIC 9 – RULE 14A.4.1 (A) – DENSITY STANDARDS – NUMBER OF RESIDENTIAL UNITS

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 14A.4.1(a) (number of residential units per site) as notified subject to a note clarifying that this rule applies to papakainga.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
34	33	Retirement Villages Association
47	40	The North Twelve Limited Partnership

**ACCEPTED**

The submission from Kainga Ora with regard to the note about papakainga (it is unclear which specific submission point or points were made on this).

**REJECTED**

Submission	Point Number	Name
2	1	Lesley Blincoe
17	1	John Wade
53	1	Liz Gore

## **TOPIC 10 – RULE 14A.4.1(B) – DENSITY STANDARDS – BUILDING AND STRUCTURE HEIGHT**

**RECOMMENDATION**

That Rule 14A.4.1(b) (building and structure height) be amended to allow a height limit of 22m and a maximum of six stories in Ōmokoroa 3C and the Omokoroa Mixed Use Residential Precinct as recommended in Council's evidence and right of reply.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
34	34	Retirement Villages Association
47	41	The North Twelve Limited Partnership
FS 69	11, 12, 13	Jace Investments

**ACCEPTED IN PART**

The submission from Kainga Ora with regard to increasing the height limit (it is unclear which specific submission point or points were made on this).

**REJECTED**

Submission	Point Number	Name
2	2	Lesley Blincoe
4	3	Robert Hicks
16	6	Penny Hicks
61	2, 3	Paul and Maria van Veen

## **TOPIC 11 – RULE 14A.4.1(C) – DENSITY STANDARDS – HEIGHT IN RELATION TO BOUNDARY**

**RECOMMENDATION**

That Option 1 be accepted

Retain Rule 14A.4.1(c) (height in relation to boundary) as notified.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
47	42	The North Twelve Limited Partnership
FS 69	13	Jace investments

#### ACCEPTED IN PART

Submission	Point Number	Name
34	35	Retirement Villages Association

#### REJECTED

Submission	Point Number	Name
14	3	Peter Musk
32	8	New Zealand Housing Foundation

## TOPIC 12 – RULE 14A.4.1(D) – DENSITY STANDARDS – SETBACKS

#### RECOMMENDATION

That Option 3 be accepted.

Amend Rule 14A.4.1(d)(ii)(e) so that written approval does not apply to front yards, subject to a further editorial change as recommended in Council's evidence.

That Option 6 be accepted.

Amend the definition of front boundary to exclude access lots and private ways as being considered part of the road boundary (and delete associated diagram). This is subject to further editorial changes made as recommended in Council's right of reply including consequential changes to the related definition of front yard.

That Rule 14A.4.1(d)(ii)(b) be amended to reduce the railway setback from 10m to 5m and remove wording which limits the setback to sites created through subdivision consent approved after 1 January 2010 as recommended in Council's right of reply.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
15	11	Western Bay of Plenty District Council
26	2	Classic Group
FS 74	2	Ōmokoroa Country Club
FS 76	27	Retirement Villages Association
FS 77	27	Ryman Healthcare
FS 78	3	The North Twelve Limited Partnership

**ACCEPTED IN PART**

Submission	Point Number	Name
30	1	Kiwirail
30	2	Kiwirail
FS 71	11	Kiwirail
34	36	Retirement Villages Association
47	43	The North Twelve Limited Partnership
FS 70	12	Kāinga Ora
FS 70	13	Kāinga Ora
FS 73	2	New Zealand Housing Foundation

**REJECTED**

Submission	Point Number	Name
18	21	Fire and Emergency New Zealand
29	40	Kāinga Ora
32	9	New Zealand Housing Foundation
FS 70	18	Kāinga Ora
FS 74	3	Ōmokoroa Country Club

**TOPIC 13 – RULE 14A.4.1(E) – DENSITY STANDARDS – BUILDING COVERAGE****RECOMMENDATION**

That Option 2 be accepted.

Amend Rule 14A.4.1(e) to increase building coverage (to 60%) in Ōmokoroa 3C.

That Option 3 be accepted (in part).

Update the diagram to say, “residential unit/s”. The same amendments are also to be made to the same diagram in other parts of Section 14A.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
34	37	Retirement Villages Association
47	44	The North Twelve Limited Partnership

**ACCEPTED IN PART**

Submission	Point Number	Name
29	41	Kāinga Ora
FS 70	17	Kāinga Ora
FS78	1	The North Twelve Limited Partnership

**REJECTED**

Submission	Point Number	Name
32	4	New Zealand Housing Foundation

## TOPIC 14 – RULE 14A.4.1(F) – DENSITY STANDARDS – OUTDOOR LIVING SPACE

### RECOMMENDATION

That Option 3 be accepted (in part).

Amend Rule 14A.4.1(f) to allow communal outdoor living spaces in retirement villages to count towards meeting the standard.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
FS 76	28	Retirement Villages Association
FS 77	28	Ryman Healthcare

### ACCEPTED IN PART

Submission	Point Number	Name
34	38	Retirement Villages Association
47	45	The North Twelve Limited Partnership

### REJECTED

Submission	Point Number	Name
18	22	Fire and Emergency New Zealand

## TOPIC 15 – RULE 14A.4.1(G) – DENSITY STANDARDS – OUTLOOK SPACE (PER UNIT)

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 14A.4.2(g) (outlook space) as notified.

The following submissions are therefore

### ACCEPTED

Submission	Point Number	Name
47	46	The North Twelve Limited Partnership

### REJECTED

Submission	Point Number	Name
34	39	Retirement Villages Association

## TOPIC 16 – RULE 14A.4.1(H) – DENSITY STANDARDS – WINDOWS TO STREET

### RECOMMENDATION

That Option 3 be accepted.

Retain Rule 14A.4.2(h) (windows to street) as notified.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
47	46	The North Twelve Limited Partnership

#### REJECTED

Submission	Point Number	Name
26	28	Classic Group
34	40	Retirement Villages Association

## TOPIC 17 – RULE 14A.4.1(i) – DENSITY STANDARDS – LANDSCAPED AREA

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 14A.4.1(i) as notified.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
47	48	The North Twelve Limited Partnership

#### REJECTED

Submission	Point Number	Name
34	41	Retirement Villages Association

## TOPIC 18 – RULE 14A.4.2 – OTHER STANDARDS – GENERAL

### RECOMMENDATION

That Option 1 be accepted.

Retain the other standards in Rule 14A.4.2 as notified.

The following submissions are therefore:

#### REJECTED

Submission	Point Number	Name
34	42	Retirement Villages Association



## TOPIC 19 – RULE 14A.4.2(A) – OTHER STANDARDS – RESIDENTIAL UNIT YIELD

### RECOMMENDATION

That Option 1 be accepted.

Retain Rule 14A.4.2(a) (residential unit yield) as notified.

That Option 4 be accepted.

Amend the definition of “developable area” to remove the note saying that the Natural Open Space Zone is unsuitable for the construction of residential units.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
19	19	Pete Linde
32	10	New Zealand Housing Foundation
FS 69	15	Jace Investments
FS 69	16	Jace Investments

### ACCEPTED IN PART

Submission	Point Number	Name
FS 74	14	Ōmokoroa Country Club

### REJECTED

Submission	Point Number	Name
29	42	Kāinga Ora
47	49	The North Twelve Limited Partnership
61	1	Paul and Maria Van Veen
FS 73	1	New Zealand Housing Foundation

## TOPIC 20 – RULE 14A.4.2(B) – OTHER STANDARDS – RESIDENTIAL UNIT TYPOLOGY

### RECOMMENDATION

That Option 2 be accepted.

Delete Rule 14A.4.2(b) (residential unit typology).

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
26	29	Classic Group
29	43	Kāinga Ora
39	21	Urban Task Force
40	13	Vercoe Holdings
42	9	Brian Goldstone
47	50	The North Twelve Limited Partnership
FS 69	17, 18	Jace Investments

**REJECTED**

Submission	Point Number	Name
32	11	New Zealand Housing Foundation
FS 74	34	Ōmokoroa Country Club

## TOPIC 21 – RULE 14A.4.2(D) – OTHER STANDARDS – IMPERVIOUS SURFACES

**RECOMMENDATION**

That Option 2 be accepted.

Amend Rule 14A.4.2(d) to remove the definition of net site area being used.

That Option 5 be accepted in part.

Amend the definition of impervious surfaces to remove “soil layers engineered to be impervious such as compacted clay” as recommended in Council’s evidence.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
25	45	Bay of Plenty Regional Council
FS 67	1, 25, 26, 27, 28, 29	Bay of Plenty Regional Council

**ACCEPTED IN PART**

Submission	Point Number	Name
26	3	Classic Group
39	3	Urban Taskforce for Tauranga
40	3	Vercoe Holdings Limited
FS 78	4	The North Twelve Limited Partnership
FS 78	5	The North Twelve Limited Partnership

**REJECTED**

Submission	Point Number	Name
19	15	Pete Linde
19	16	Pete Linde

25	31	Bay of Plenty Regional Council
26	4, 30	Classic Group
39	22	Urban Task Force
40	4	Vercoe Holdings
42	10	Brian Goldstone
47	51	The North Twelve Limited Partnership
FS 78	6	The North Twelve Limited Partnership
FS 78	7, 8	The North Twelve Limited Partnership

## TOPIC 22 – RULE 14A.4.2(E) – OTHER STANDARDS – VEHICLE CROSSING AND ACCESS

### RECOMMENDATION

That Option 2 be accepted.

Amend Rule 14A.4.2(e) to allow vehicle crossings to cover 50% of the front boundary.

That a minor amendment be made to confirm that a vehicle crossing shall not exceed either the 5.4m width or 50% of the front boundary as recommended in Council's evidence.

That the associated diagram be amended as a result of the recommendations above. The same amendments are also to be made to the same diagram in other parts of Section 14A.

That a note be added to exempt retirement villages from meeting this standard as recommended in Council's right of reply.

The following submissions are therefore

### ACCEPTED

Submission	Point Number	Name
26	31	Classic Group
FS 76	29	Retirement Villages Association
FS 77	29	Ryman Healthcare

### ACCEPTED

Submission	Point Number	Name
34	42	Retirement Villages Association

### REJECTED

Submission	Point Number	Name
18	23	Fire and Emergency New Zealand
29	44	Kāinga Ora

## TOPIC 23 – RULE 14A.4.2(F) – OTHER STANDARDS – STREETSCAPE

### RECOMMENDATION

That Option 3 be accepted.

Amend Rule 14A.4.2(f) to clarify that garage and other building width is to be measured at the façade of the dwelling.

That rest homes be exempted from being “other buildings” as recommended in Council’s right of reply.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
26	32	Classic Group
29	45	Kāinga Ora
34	42	Retirement Villages Association
47	52	The North Twelve Limited Partnership

## TOPIC 24 – RULE 14A.4.2(G) – OTHER STANDARDS – EARTHWORKS

### RECOMMENDATION

That Option 3 be accepted.

Delete Rule 14A.4.2(g) for earthworks. This requires a consequential change in Rule 12.4.1 – Site Suitability (controlled earthworks) to remove a cross reference back to Section 14A.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
8	3	Armada Properties Limited
26	33	Classic Group
39	23	Urban Task Force
40	15	Vercoe Holdings
42	11	Brian Goldstone
58	25	Jace Investments and Kiwi Green New Zealand
FS 68	3, 4, 5, 6	Classic Group
FS 69	19	Jace Investments and Kiwi Green New Zealand

### ACCEPTED IN PART

Submission	Point Number	Name
29	46	Kāinga Ora
47	53	The North Twelve Limited Partnership

**TOPIC 25 – RULE 14A.4.2(H) – OTHER STANDARDS – HEIGHT OF FENCES, WALLS AND RETAINING WALLS**

**RECOMMENDATION**

That Option 1 be accepted.  
Retain Rule 14A.4.2 (h) (heights for fences, walls and retaining walls) as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	54	The North Twelve Limited Partnership

**TOPIC 26 – RULE 14A.4.2(J) – OTHER STANDARDS – ACCOMMODATION FACILITIES**

**RECOMMENDATION**

That Option 1 be accepted.  
Retain Rule 14A.4.2(j) (accommodation facilities) as notified.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
29	47	Kāinga Ora
FS 69	20	Jace Investments

**TOPIC 27 – RULE 14A.4.2 (K) – OTHER STANDARDS – HOME ENTERPRISES**

**RECOMMENDATION**

That Option 2 be accepted.  
Amend Rule 14A.4.2(k) to allow home enterprises to occur in more than one unit of a multi-unit and/or apartment building.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
29	48	Kāinga Ora

## TOPIC 28 – RULES 14A.4.2(L)–(Y) – OTHER STANDARDS – REFERENCES TO OTHER SECTIONS

### RECOMMENDATION

That Option 2 be accepted.

Retain cross references to other sections of the District Plan as notified and add a new reference to Section 12 – Subdivision and Development.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
15	12	Western Bay of Plenty District Council
18	24, 25	Fire and Emergency New Zealand
22	1	Heritage New Zealand Pouhere Taonga

## TOPIC 29 – REQUEST FOR NEW RULE – OTHER STANDARDS – OVERHEAD ELECTRICITY LINES

### RECOMMENDATION

That Option 3 be accepted.

Add non-statutory maps of overhead electricity lines to the District Plan and advice notes (in Sections 10 and 14A) informing readers of the New Zealand Electrical Code of Practice for Electrical Safe Distances.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
33	1	Powerco
FS 70	91	Kāinga Ora

## TOPIC 30 – RULE 14A.4.3 – SUBDIVISION STANDARDS

### RECOMMENDATION

That Option 3 be accepted.

Amend Rules 14A.4.3(b)–(c) to reduce the shape factor from 10 x 15m to 8m x 15m.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
29	49, 51	Kāinga Ora
47	55, 56	The North Twelve Limited Partnership
FS 68	7	Classic Group
FS 69	21	Jace Investments

**ACCEPTED IN PART**

Submission	Point Number	Name
FS 69	22	Jace Investments

**REJECTED**

Submission	Point Number	Name
29	50	Kāinga Ora
29	52	Kāinga Ora
47	57	The North Twelve Limited Partnership

**TOPIC 31 – RULE 14A.5 – NOTIFICATION****RECOMMENDATION**

That Option 1 be accepted.

Retain Rule 14A.5 (notification requirements as notified).

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	58	The North Twelve Limited Partnership
FS 71	10	Kiwirail

**REJECTED**

Submission	Point Number	Name
26	34	Classic Group
26	35	Classic Group
29	53	Kāinga Ora
29	54	Kāinga Ora
32	12	New Zealand Housing Foundation
34	43	Retirement Villages Association
39	24	Urban Task Force
39	25	Urban Task Force
56	9	Ōmokoroa Country Club
58	27	Jace Investments and Kiwi Green New Zealand
FS 74	27	Ōmokoroa Country Club
FS 76	30	Retirement Villages Association
FS 77	30	Ryman Healthcare

## SECTION 14A – OMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL – PART 3 – MATTERS OF CONTROL AND MATTERS OF DISCRETION

### TOPIC 1 – MATTERS OF CONTROL 14A.6.1 – SUBDIVISION FOR THE PURPOSE OF THE CONSTRUCTION AND USE OF RESIDENTIAL UNITS

#### RECOMMENDATION

That Option 2 be accepted.

Retain proposed matters of control as notified except amend 14A.6.1.h (remove reference to amenity along footpaths) and 14A.6.1.i (add “as much as practicable” with respect to lot designs being orientated towards the sun) and delete 14A.6.1.f (relating to extension of services to other properties).

That additional matters of control be included for earthworks relating to design and layout being sensitive to natural landform and topography, minimising the need for retaining walls, whether earthworks and retaining walls will cause a loss of privacy, cultural values associated with the existing natural landform, and the extent to which any resource consent/s have already addressed such matters.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
26	37	Classic Group
39	27	Urban Taskforce for Tauranga

#### ACCEPTED IN PART

Submission	Point Number	Name
26	36	Classic Group
26	38	Classic Group
39	26	Urban Taskforce for Tauranga
39	28	Urban Taskforce for Tauranga
40	16	Vercoe Holdings
42	12	Brian Goldstone
47	59	North Twelve Limited Partnership

#### REJECTED

Submission	Point Number	Name
18	26	Fire and Emergency New Zealand



## TOPIC 2 – MATTERS OF DISCRETION 14A.7.1 – GENERAL, OBJECTIVES AND POLICIES, ACTIVITY PERFORMANCE STANDARDS, RELEVANT STRUCTURE PLAN AND URBAN DESIGN

### RECOMMENDATION

That a revised Option 3 be accepted.

Amend 14A.7.1 in part in alignment with the Joint Witness Statement dated 1 August 2023 as applicable.

That a new matter of discretion (for four or more units on a site) be added under the heading “Other” and reading “Positive effects of the proposed activity” as recommended in Council’s right of reply.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
14	1	Peter Musk
18	27 & 30	Fire and Emergency New Zealand
29	55	Kāinga Ora
47	60	The North Twelve Limited Partnership
FS 69	29	Jace Investments
FS 74	15	Ōmokoroa Country Club
FS 74	9, 31, 35	Ōmokoroa Country Club
FS 76	31, 32, 35, 36, 46	Retirement Villages Association
FS 77	31, 32, 35, 36, 46	Ryman Healthcare

### REJECTED

Submission	Point Number	Name
26	39	Classic Group
34	44	Retirement Villages Association
39	29	Urban Taskforce for Tauranga
40	17	Vercoe Holdings
42	13	Brian Goldstone
56	10	Ōmokoroa Country Club
FS 69	23	Jace Investments
FS 74	28	Ōmokoroa Country Club
FS 76	34	Retirement Villages Association
FS 76	37	Retirement Villages Association
FS 77	34	Ryman Healthcare
FS 77	37	Ryman Healthcare

### TOPIC 3 – RULE 14A.7.2 – NON-COMPLIANCE WITH BUILDING AND STRUCTURE HEIGHT

#### RECOMMENDATION

That Option 1 be accepted.

Retain non-compliance with building / structure height matters of discretion as notified.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
47	61	The North Twelve Limited Partnership
FS 76	38	Retirement Villages Association
FS 77	38	Ryman Healthcare

#### REJECTED

Submission	Point Number	Name
29	56	Kāinga Ora

### TOPIC 4 – RULE 14A.7.3 – NON-COMPLIANCE WITH HEIGHT IN RELATION TO BOUNDARY

#### RECOMMENDATION

That Option 2 (as amended) be accepted.

Retain non-compliance with height in relation to boundary matters of discretion as notified but include an additional matter for “Any unusual site characteristics that may justify a height to boundary infringement”.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
47	62	The North Twelve Limited Partnership
FS 76	38	Retirement Villages Association
FS 77	38	Ryman Healthcare

#### ACCEPTED IN PART

Submission	Point Number	Name
32	13	New Zealand Housing Foundation
FS 76	39	Retirement Villages Association
FS 77	39	Ryman Healthcare

#### REJECTED

Submission	Point Number	Name
29	56	Kāinga Ora

## TOPIC 5 – RULE 14A.7.A – NON-COMPLIANCE WITH SETBACKS

### RECOMMENDATION

That a combination of Options 2 and 3 be accepted.

Retain non-compliance with setbacks matters of discretion as notified, except delete one matter (residential unit design enabling a visual connection between the unit and the road) and replace with a new matter (whether non-compliance is internalised within the development and provides a more efficient use of land and improved amenity outcomes).

That a further matter of discretion is added in relation to non-compliance with setbacks from the rail corridor as recommend in Council's evidence.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
19	18	Pete Linde
30	3	KiwiRail
47	63	The North Twelve Limited Partnership

### REJECTED

Submission	Point Number	Name
18	28	Fire and Emergency New Zealand
FS 70	14	Kāinga Ora
FS 73	3	New Zealand Housing Foundation
FS 76	41	Retirement Villages Association
FS 77	41	Ryman Healthcare

## TOPIC 6 – RULE 14A.7.5 – NON-COMPLIANCE WITH BUILDING COVERAGE

### RECOMMENDATION

That Option 2 (amended) be accepted.

Option 2 – Retain non-compliance with setbacks matters of discretion as notified but delete matters related to other performance standards and amend .....reference to "additional storey" to more clearly address the issue related to the performance standard.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
29	58	Kāinga Ora
47	65	The North Twelve Limited Partnership

**ACCEPTED IN PART**

Submission	Point Number	Name
29	58	Kāinga Ora
FS 76	42	Retirement Villages Association
FS 77	42	Ryman Healthcare

**TOPIC 7 – RULE 14A.7.6 – NON-COMPLIANCE WITH OUTDOOR LIVING SPACE (PER UNIT)****RECOMMENDATION**

That Option 1 be accepted (in part).

Retain proposed matters of discretion for non-compliance with outdoor living space (per unit) as notified except for the addition of a new matter of discretion relating to internalising the potential adverse effects of a development as recommended in Council's right of reply.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
47	66	The North Twelve Limited Partnership

**ACCEPTED IN PART**

The submission from the Retirement Villages Association with regard to internalising adverse effects (it is unclear which specific submission point or points were made on this).

**TOPIC 8 – RULE 14A.7.7 – NON-COMPLIANCE WITH OUTLOOK SPACE (PER UNIT)****RECOMMENDATION**

That Option 1 be accepted (in part).

Retain proposed matters of discretion for non-compliance with outlook living space (per unit) as notified except for the addition of a new matter of discretion relating to internalising the potential adverse effects of a development as recommended in Council's right of reply.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
47	67	The North Twelve Limited Partnership

**ACCEPTED IN PART**

The submission from the Retirement Villages Association with regard to internalising adverse effects (it is unclear which specific submission point or points were made on this).

## **TOPIC 9 – RULE 14A.7.8 – NON-COMPLIANCE WITH WINDOWS TO STREET**

**RECOMMENDATION**

That Option 1 be accepted.

Retain proposed matters of discretion for non-compliance with windows to street as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	68	The North Twelve Limited Partnership

## **TOPIC 10 – RULE 14A.7.9 – NON-COMPLIANCE WITH LANDSCAPED AREA**

**RECOMMENDATION**

That Option 2 be accepted (in part).

Retain non-compliance with setbacks matters of discretion as notified except delete 14A.7.9(e).

That a new matter of discretion is added relating to internalising the potential adverse effects of a development as recommended in Council's right of reply.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
29	58	Kāinga Ora
FS 76	43	Retirement Villages Association
FS 77	43	Ryman Healthcare

**ACCEPTED IN PART**

Submission	Point Number	Name
47	69	The North Twelve Limited Partnership

**ACCEPTED IN PART**

The submission from the Retirement Villages Association with regard to internalising adverse effects (it is unclear which specific submission point or points were made on this).

## **TOPIC 11 – RULE 14A.7.10 – NON-COMPLIANCE WITH RESIDENTIAL UNIT YIELD**

**RECOMMENDATION**

That Option 2 be accepted.

Retain non-compliance with residential unit yield matters of discretion as notified but delete clauses 14A.7.10(e), (i), (j), (k), (l) and (m).

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
29	60	Kāinga Ora

**ACCEPTED IN PART**

Submission	Point Number	Name
47	70	The North Twelve Limited Partnership

## **TOPIC 12 – RULE 14A.7.11 – NON-COMPLIANCE WITH RESIDENTIAL UNIT TYPOLOGY**

**RECOMMENDATION**

That Option 1 be accepted.

Delete whole sub-section and all proposed matters of discretion for non-compliance with Residential Unit Typology as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
26	40	Classic Group
39	30	Urban Taskforce for Tauranga
40	18	Veroe Holdings

42	14	Brian Goldstone
47	71	The North Twelve Limited Partnership

**ACCEPTED IN PART**

Submission	Point Number	Name
29	61	Kāinga Ora

### TOPIC 13 – RULE 14.A.7.12 – NON-COMPLIANCE WITH MINIMUM STOREY REQUIREMENT IN THE ŌMOKOROA MIXED USE RESIDENTIAL PRECINCT

**RECOMMENDATION**

That Option 2 be accepted.

Retain proposed matters of discretion for non-compliance with the minimum storey requirement in the OMURP as notified except delete 14A.7.12.b

The following submission is therefore:

**ACCEPTED**

Submission	Point Number	Name
29	62	Kāinga Ora

### TOPIC 14 – RULE 14A.7.13 – NON-COMPLIANCE WITH IMPERVIOUS SURFACES

**RECOMMENDATION**

That Option 3 be accepted.

Retain proposed matters of discretion for non-compliance with Impervious Surfaces as notified except delete clauses 14A.7.13. b–e, & f and amend wording of (a) to read “whether a site can hold, treat, and drain stormwater to the required standard”.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
19	17	Pete Linde

**ACCEPTED IN PART**

Submission	Point Number	Name
26	41	Classic Group
39	31	Urban Taskforce for Tauranga
40	19	Vercoe Holdings
42	15	Brian Goldstone
47	72	The North Twelve Limited Partnership
FS 67	30	Bay of Plenty Regional Council
FS 67	31	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
25	44	Bay of Plenty Regional Council

## **TOPIC 15 – RULE 14A.7.14 – NON-COMPLIANCE WITH VEHICLE CROSSINGS AND ACCESS**

**RECOMMENDATION**

That Option 1 be accepted (in part).

Retain proposed matters of discretion for non-compliance with vehicle crossing and access as notified. This is except for an amendment to (c) (any need for extra width for alternative housing typologies) to confirm that alternative housing typologies include multi-unit developments within one site as recommended in Council's right of reply.

The following submissions are therefore:

**ACCEPTED IN PART**

The submission from the Retirement Villages Association with regard to multi-unit developments (it is unclear which specific submission point or points were made on this).

**REJECTED**

Submission	Point Number	Name
18	29	Fire and Emergency New Zealand

## **TOPIC 16– RULE 14A.7.15 – NON-COMPLIANCE WITH STREETSCAPE**

**RECOMMENDATION**

That Option 1 be accepted.

Retain proposed matters of discretion for non-compliance with streetscape as notified.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	73	The North Twelve Limited Partnership



## TOPIC 17– RULE 14A.7.16 – NON-COMPLIANCE WITH EARTHWORKS

### RECOMMENDATION

That Option 1 be accepted.

Delete whole sub-section and all proposed matters of discretion for non-compliance with earthworks as notified.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
26	42	Classic Group
39	22	Urban Taskforce for Tauranga
40	20	Vercoe Holdings
42	16	Brian Goldstone

### ACCEPTED IN PART

Submission	Point Number	Name
29	63	Kāinga Ora
47	74	The North Twelve Limited Partnership
FS 76	44	Retirement Villages Association
FS 77	44	Ryman Healthcare

### REJECTED

Submission	Point Number	Name
58	26	Jace Investments and Kiwi Green New Zealand

## TOPIC 18 – RULE 14A.7.17 – NON-COMPLIANCE WITH HEIGHT OF FENCES, WALLS AND RETAINING WALLS

### RECOMMENDATION

That Option 1 be accepted.

Delete proposed matters of discretion for non-compliance with streetscape as notified.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
47	75	The North Twelve Limited Partnership

## TOPIC 19 – RULE 14.A.7.19 – DISCRETIONARY AND NON-COMPLYING ACTIVITIES –GENERAL

### RECOMMENDATION

That Option 2 be accepted.

Retain proposed matters of assessment for discretionary and non-complying activities as notified except remove repetition and unnecessary references.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
26	43	Classic Group
39	33	Urban Taskforce for Tauranga

## SECTION 15 – FUTURE URBAN

### RECOMMENDATION

That Section 15 – Future Urban be retained as notified, except where changes are required as a consequential amendment to the recommendations to retain some of the Future Urban Zone in Omokoroa.

## SECTION 16 – RURAL RESIDENTIAL

### TOPIC 1 – RULE 16.4.2 (C) – SUBDIVISION – MINIMUM LOT SIZE

### RECOMMENDATION

That Option 3 be accepted.

Retain minimum lot size of 2000m<sup>2</sup> as notified for the Ōmokoroa Stage 3 Structure Plan Area but include additional criteria for assessment of proposed lots of less than 2000m<sup>2</sup>. This requires that Section 16 be amended to provide for, as a discretionary activity, the creation of lots between 1500m<sup>2</sup> and 2000m<sup>2</sup>. Matters relate to effects on the visual landscape, significant ecological features and public amenity values, how additional lots are able to be adequately serviced, and how stormwater management is being achieved in accordance with the Ōmokoroa Peninsula Stormwater Management Plan.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
6	1	Tim Laing
50	1	Mike & Sandra Smith

**TOPIC 2 – RULE 16.4.1 (D) – IMPERMEABLE SURFACE LIMITS****RECOMMENDATION**

That Option 3 be accepted.

Fixed impermeable surface limit of 450m<sup>2</sup> for lots under 3000m<sup>2</sup>.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
4	9	Robert Hicks

**TOPIC 3 – RULE 16.4.2(C)(I) – ON-SITE EFFLUENT TREATMENT****RECOMMENDATION**

That Option 3 be accepted.

Retain current and proposed provision which requires that all land to be subdivided shall be served by a Council reticulated sewerage scheme but provide for exceptions where the management of wastewater is by an efficient onsite wastewater treatment system.

That a further change is made to replace the words “unless there is no connection available within 100m of an existing Council reticulated sewerage scheme” with “where a newly created lot is further than 100m of an existing Council reticulated sewerage scheme”.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
4	10	Robert Hicks

**TOPIC 4 – OTHER PERFORMANCE STANDARDS – REVERSE SENSITIVITY****RECOMMENDATION**

That Option 1 be accepted.

Retain existing provisions which do not manage reverse sensitivity effects on use of the State Highway.

The following submissions are therefore:

**REJECTED**

Submission	Point Number	Name
41	6	Waka Kotahi
FS 71	5	KiwiRail

## SECTIONS 19 AND 20 – COMMERCIAL AND COMMERCIAL TRANSITION

### TOPIC 1 – POLICIES (19.2.2 AND 20.2.2) OF COMMERCIAL AND COMMERCIAL TRANSITION ZONES

#### RECOMMENDATION

That Option 1 be accepted.

Status quo – no changes to the policies in 19.2.2 and 20.2.2.

The following submissions are therefore:

#### REJECTED

Submission	Point Number	Name
34	45	Retirement Villages Association
34	49	Retirement Villages Association

### TOPIC 2 – RULES 19.3.1 AND 20.3.1 – PERMITTED ACTIVITIES IN THE COMMERCIAL AND COMMERCIAL TRANSITION ZONES

#### RECOMMENDATION

That Option 4 be accepted.

Amend Rule 19.3.1(j) (permitted accommodation facilities) in the Commercial Zone by deleting the words “provided that retirement villages are excluded from locating within the Commercial Zone at Ōmokoroa Structure Plan Area 3”.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
24	11	Ara Poutama
24	12	Ara Poutama
34	46	Retirement Villages Association
34	50	Retirement Villages Association

#### REJECTED

Submission	Point Number	Name
24	1	Ara Poutama

### TOPIC 3 – RULES 19.3.3 AND 20.3.3 – RESTRICTED DISCRETIONARY ACTIVITIES AND MATTERS OF DISCRETION OF THE COMMERCIAL AND COMMERCIAL TRANSITION ZONES

#### RECOMMENDATION

That Option 1 be accepted.

Retain the restricted discretionary activity lists in Rules 19.3.3 and 20.3.3 and matters of discretion in 19.7 and 20.6 as notified.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
58	4	Jace Investments and Kiwi Green New Zealand

#### REJECTED

Submission	Point Number	Name
34	47	Retirement Villages Association
34	48	Retirement Villages Association
34	50	Retirement Villages Association
34	51	Retirement Villages Association
34	52	Retirement Villages Association

### TOPIC 4 – RULE 19.4.1(A)(III) – ACTIVITY PERFORMANCE STANDARDS – BUILDING HEIGHT IN THE COMMERCIAL ZONE

#### RECOMMENDATION

That Option 3 be accepted.

Amend Rule 19.4.1(a)(iii) with alternative wording (to that requested by the submitter).

That further amendments are made as recommended in Council's evidence including in relation to screening.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
58	6	Jace Investments and Kiwi Green New Zealand

## TOPIC 5 – RULE 19.5 – DEVELOPMENT OF COMMERCIAL AREA MASTER PLAN FOR THE ŌMOKOROA STAGE 3 COMMERCIAL ZONE

### RECOMMENDATION

That Option 3 be accepted.

Amend Rule 19.5 (explanatory note) to change non-compliance from a non-complying to discretionary activity. Also amend Matter of Discretion 19.7.4 to include “The ability for the effects of additional stormwater to be mitigated and the capacity of the local stormwater reticulation system to cope with any increase in stormwater discharge”.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
58	3	Jace Investments and Kiwi Green New Zealand

### REJECTED

Submission	Point Number	Name
58	2	Jace Investments and Kiwi Green New Zealand

## TOPIC 6 – RULE 19.6.2(C) – SUBDIVISION IN THE COMMERCIAL ZONE

### RECOMMENDATION

That Option 2 be accepted (with respect to discretionary activity status).

Amend Rule 19.6.2(c) (matters of control) to make subdivision in the commercial area of Ōmokoroa Stage 3 a discretionary activity for failing to comply with the Ōmokoroa Stage 3 Structure Plan.

The following submission is therefore:

### ACCEPTED

Submission	Point Number	Name
58	5	Jace Investments and Kiwi Green New Zealand

## TOPIC 7 – RULE 19.7.2(A) – MATTERS OF DISCRETION – ŌMOKOROA STAGE 3 STRUCTURE PLAN AREA (RELATING TO THE COMMERCIAL ZONE)

### RECOMMENDATION

That Option 3 be accepted.

Delete Rule 19.7.2(a) as there are no longer any stormwater management reserves or private conservation areas in the Ōmokoroa Stage 3 Commercial Zone.

The following submissions are therefore:

#### ACCEPTED

Submission	Point Number	Name
FS 76	45	Retirement Villages Association of New Zealand Incorporated
FS 77	45	Ryman Healthcare Limited

#### REJECTED

Submission	Point Number	Name
25	21	Bay of Plenty Regional Council

## SECTION 21 – INDUSTRIAL

### TOPIC 1 – RULE 21.3.1 – PERMITTED ACTIVITIES

#### RECOMMENDATION

That Option 1 be accepted.

Status quo – No changes to existing list of permitted activities in Rule 21.3.1.

The following submissions are therefore:

#### ACCEPTED IN PART

Submission	Point Number	Name
24	13	Ara Poutama

#### REJECTED

Submission	Point Number	Name
24	1	Ara Poutama

### TOPIC 2 – RULE 21.4.1 (B) – SETBACKS FROM WATERCOURSES / ECOLOGICAL AREAS IN THE FRANCIS ROAD PROPOSED INDUSTRIAL ZONE

#### RECOMMENDATION

That Option 3 be accepted.

Add a new requirement for buildings/structures in Industrial Zones to be set back 10m from the Natural Open Space Zone.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
37	1	Sylvia Oemcke
FS 67	36	Bay of Plenty Regional Council

**TOPIC 3 – RULE 21.6.4(B) – MATTERS OF DISCRETION FOR  
RESTRICTED DISCRETIONARY ACTIVITIES IN STORMWATER  
MANAGEMENT RESERVES IN ŌMOKOROA STAGE 3****RECOMMENDATION**

That Option 2 be accepted.

Amend Rule 21.6.4(b) to include a reference to “treatment”.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
25	22	Bay of Plenty Regional Council

**SECTION 24 – NATURAL OPEN SPACE****TOPIC 1 – EXPLANATORY STATEMENT, SIGNIFICANT ISSUES,  
OBJECTIVES & POLICIES****RECOMMENDATION**

That Option 3 be accepted.

Modify explanatory statement, significant issues and policies in part to better reflect the intent of the zone and functions of a District council.

That further amendments are made to Policy 3 as requested by the Bay of Plenty Regional Council to add references to avoiding adverse effects on freshwater and coastal ecology including streams and wetlands. This requested wording is shown in Council’s right of reply.

The following submissions are therefore:



**ACCEPTED IN PART**

Submission	Point Number	Name
19	20	Pete Linde
19	31	Pete Linde
19	32	Pete Linde
19	33	Pete Linde
25	46	Bay of Plenty Regional Council
FS 69	19	Jace Investments
FS 69	25	Jace Investments
FS 69	26	Jace Investments
FS 67	32	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
31	4	N and M Bruning
FS 79	2	Waka Kotahi

## TOPIC 2 – PLAN PROVISIONS – ACTIVITY LISTS, MATTERS OF DISCRETION AND OTHER METHODS

**RECOMMENDATION**

That Option 3 – be accepted.

Amend some activity list provisions and matters of discretion to provide greater clarity and more practical provisions in regard to providing for existing uses, land disturbance and vegetation clearance, and District council functions. Also add additional other methods including joint management plans with affected landowners, the Bay of Plenty Regional Natural Resources Plan and The Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
4	11	Robert Hicks
19	34	Pete Linde
19	35	Pete Linde
19	36	Pete Linde
19	37	Pete Linde
25	47	Bay of Plenty Regional Council
25	48	Bay of Plenty Regional Council
58	8	Jace Investments and Kiwi Green New Zealand
59	1	Jace Orchards and Kiwi Green New Zealand
FS 69	19	Jace Investments
FS 69	27	Jace Investments

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APPENDIX 7 – STRUCTURE PLANS

TOPIC 1 – TE PUKE ROADING

RECOMMENDATION

That Option 2 be accepted.  
Retain the Te Puke Structure Plan but update the roading infrastructure project cost estimates to current values within the corresponding infrastructure schedule/s.

**Te Puke Structure Plan – Roding & Walkway / Cycleway Infrastructure map**

There are no changes for the Te Puke Structure Plan – Roding & Walkway / Cycleway Infrastructure map.

**Te Puke Structure Plan – Infrastructure Schedules**

Changes for Te Puke Infrastructure Schedules are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans.

- Update the costs within the Te Puke: Urban Roding Infrastructure Schedule to reflect current cost estimates.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
47	10	The North Twelve Limited Partnership

TOPIC 2 – ŌMOKOROA ROADING

RECOMMENDATION

That Option 2 be accepted.  
Amend the Ōmokoroa Structure Plan and/or Infrastructure Schedules for roading in response to supported submissions, to update project cost estimates to current values, and/or to correct omissions for either the structure plan or infrastructure schedules for critical infrastructure.

**Ōmokoroa Structure Plan – Roding & Walkway / Cycleway Infrastructure map**

Changes for the Ōmokoroa Structure Plan – Roding & Walkway / Cycleway Infrastructure map are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans.

- Change the Francis Road corridor from 20m to 25m and include a corresponding cross-section within Appendix 7

- Delete the developer funded structure plan road as it applies to 75, 83, 85, 101, 105, 113, 121 and 133 Prole Road from Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map.
- Add new roads RC3-2.1 and RD3-2.2 to the Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map for the purpose of cycle and pedestrian connectivity.
- Add a new developer funded road to the Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map, which provides road access to and within 118A and 118B Prole Road.

### **Ōmokoroa Structure Plan – Infrastructure Schedule**

Changes for Ōmokoroa Infrastructure Schedules are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the below Ōmokoroa Structure Plan schedules to reflect current cost estimates.
  - (a) Transportation (Stages 1, 2 and 3)
  - (b) Remaining Stages 2 and 3 Urbanisation Projects and
  - (c) Ōmokoroa: New Stage 3 Projects
- Add new roads RC3-2.1 and RD3-2.2 to the Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map for the purpose of cycle and pedestrian connectivity.
- Update the costs within the below Ōmokoroa Structure Plan schedules to reflect the 25m wide Francis Road transport corridor.
  - (a) Ōmokoroa: New Stage 3 Projects

That the structure plan map is further amended as recommended in Council's evidence so that the location of the roundabout serving 60 Prole Road matches the current detailed engineering design, and make consequential changes to roading alignment.

Further amend the structure plan map for Ōmokoroa Three Waters in Appendix 7 as recommended in Council's evidence to make consequential changes as a result of relocating the roundabout serving 60 Prole Road.

The following submissions are therefore:

### **ACCEPTED**

Submission	Point Number	Name
4	7	Robert Hicks
4	8	Robert Hicks
11	1	Elles Pearse-Danker
50	2	Mike and Sandra Smith
56	11	Ōmokoroa Country Club
FS69	28	Jace Investments
58	1	Jace Investments and Kiwi Green New Zealand

**ACCEPTED IN PART**

Submission	Point Number	Name
19	25	Pete Linde

**REJECTED**

Submission	Point Number	Name
19	29	Pete Linde
58	10	Jace Investments and Kiwi Green New Zealand
58	12	Jace Investments and Kiwi Green New Zealand

**TOPIC 3 – TE PUKE WALKWAYS/CYCLEWAYS****RECOMMENDATION**

That Option 2 be accepted.

Retain the Te Puke Structure Plan for walkways/cycleways as proposed but update walkway/cycleway project cost estimates to current values within the corresponding infrastructure schedules.

**Te Puke Structure Plan – Roading & Walkway / Cycleway Infrastructure map**

There are no changes for the Te Puke Structure Plan – Roading & Walkway / Cycleway Infrastructure map

**Te Puke Structure Plan – Infrastructure Schedules**

Changes for Te Puke Infrastructure Schedules are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Te Puke: Urban Roading Infrastructure Schedule to reflect current cost estimates.

There are no submissions to accept or reject:

**TOPIC 4 – ŌMOKOROA WALKWAYS/CYCLEWAYS****RECOMMENDATION**

That Option 2 be accepted.

Amend the Ōmokoroa Structure Plan and/or Infrastructure Schedules for walkways/cycleways in response to supported submissions, to update project cost estimates to current values, and/or to correct omissions for either the structure plan or infrastructure schedules for critical infrastructure.

**Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map**

Changes for the Ōmokoroa Structure Plan – Roading & Walkway / Cycleway Infrastructure map are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans:

- Adjust the alignment of the walkway/cycleway as it relates to 476E Ōmokoroa Road.
- Further adjust the alignment of the walkway/cycleway as it relates to 476E Ōmokoroa Road as recommended in Council's right of reply.

**Ōmokoroa Structure Plan – Infrastructure Schedule**

Changes for Ōmokoroa Infrastructure Schedules are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the following Ōmokoroa Structure Plan – Ōmokoroa Structure Plan schedules to reflect current estimates and allow for the cost of walkways/cycleways within Stage 3 of the structure plan.
  - (a) Transportation (Stages 1, 2 and 3)
  - (b) Ōmokoroa Stages Two and Three: Pedestrian and Cycleway Projects

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
50	5	Mike and Sandra Smith

**ACCEPTED IN PART**

Submission	Point Number	Name
19	9	Pete Linde

**REJECTED**

Submission	Point Number	Name
50	6	Mike and Sandra Smith

**TOPIC 5 – TE PUKE STORMWATER****RECOMMENDATION**

That Option 2 be accepted.

Retain the Te Puke Structure Plan as proposed but update the stormwater infrastructure project cost estimates to current values within the corresponding infrastructure schedule/s and reinstate funding for pond 8 for the purpose of additional stormwater management in Te Puke Area 3, if it is assessed additional management is required for this urban catchment.

**Te Puke Structure Plan – Three Waters Infrastructure Map**

There are no Changes for the Te Puke Structure Plan – Three Waters Infrastructure Map.

**Te Puke Structure Plan – Infrastructure Schedules**

Changes for Te Puke Infrastructure Schedule (table entitled Te Puke: New Stormwater Area) are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Te Puke: New Stormwater Area Infrastructure Schedule to reflect today's estimates.
- Reinstate SW Pond 8 funding within the Te Puke: New Stormwater Area Infrastructure Schedule with a note advising that funding may be allocated to an extension of pond 9 if this has wider structure plan benefit **(subject to change if further information received on the need for pond 9 extension)**.

The following submissions are therefore:

**ACCEPTED IN PART**

Submission	Point Number	Name
47	12	The North Twelve Limited Partnership

**TOPIC 6 – ŌMOKOROA STORMWATER****RECOMMENDATION**

That Option 2 be accepted.

Amend the Ōmokoroa Plan and/or Infrastructure Schedules for stormwater in response to supported submissions, to update project cost estimates to current values, and/or to correct omissions for either the structure plan or infrastructure schedules for critical infrastructure.

**Ōmokoroa Structure Plan – Three Waters Infrastructure Map**

Changes for Ōmokoroa are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans:

- Alter the location and annotation shape of engineered stormwater wetlands N1, N1a, W1, W2a and W2b so that they avoid natural freshwater features, dwellings and future infrastructure whilst ensuring they are in a functional position.
- In addition, alter the location of engineered stormwater wetland E1 (renamed E1a) for the same reasons, but also include an alternative option (annotated E1b), as this reflects alternative outcomes associated with the State Highway interchange.
- Replace the term “pond” with “wetland” on the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.
- Delete stormwater reticulation FP-N1a from the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.
- Update the shape of the stormwater pond layer shown over 75 Kaylene Place (Lot 2 DP557551) to align with the boundary of 77 Kaylene Place (Lot 1 DP557551).

**Ōmokoroa Structure Plan – Infrastructure Schedule**

Changes for Ōmokoroa Infrastructure Schedule (table entitled Ōmokoroa: Stormwater) are described as follows with the updated infrastructure schedule showing in Appendix 7 – Structure Plans.:

- Add new infrastructure schedule Ōmokoroa Stormwater: Stage 2 and Stage 3 New Ponds/Wetlands
- Update the costs within the Ōmokoroa: Stormwater Infrastructure Schedule to reflect today's cost estimate.
- Delete stormwater reticulation FP-N1a from the Ōmokoroa: Stormwater Infrastructure Schedule.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
4	2	Robert Hicks
15	13	Western Bay of Plenty District Council
25	7	Bay of Plenty Regional Council
25	25	Bay of Plenty Regional Council
32	2	New Zealand Housing Foundation
56	4	Ōmokoroa Country Club
FS 67	34	Bay of Plenty Regional Council
FS 69	4	Jace Investments

**ACCEPTED IN PART**

Submission	Point Number	Name
19	25	Pete Linde
19	29	Pete Linde
19	12	Pete Linde
25	1	Bay of Plenty Regional Council
25	3	Bay of Plenty Regional Council
25	5	Bay of Plenty Regional Council
25	10	Bay of Plenty Regional Council
FS 67	35	Bay of Plenty Regional Council

**REJECTED**

Submission	Point Number	Name
25	23	Bay of Plenty Regional Council

**REJECT IN PART**

Submission	Point Number	Name
FS 67	35	Bay of Plenty Regional Council

TOPIC 7 – TE PUKE WASTEWATER

RECOMMENDATION

That Option 2 be accepted.  
Amend the Te Puke Structure Plan and/or Infrastructure Schedules for wastewater to update project cost estimates to current values, and/or to correct omissions for either the structure plan or infrastructure schedules for critical infrastructure.

**Te Puke Structure Plan – Three Waters Infrastructure Map**

Changes for the Te Puke Structure Plan – Three Waters Infrastructure Map are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans:

- Add WWIB to the Te Puke Structure Plan – Three Waters Infrastructure Map.
- That projects WWINT-1 and WWINT-2 are deleted from the structure plan as recommended in Council’s evidence.

**Te Puke Structure Plan – Infrastructure Schedules**

Changes for Te Puke Infrastructure Schedule (table entitled Te Puke: New Wastewater Supply) are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Te Puke: New Wastewater Supply Infrastructure Schedule to reflect today’s estimates.
- Add WWIB to the Te Puke: New Wastewater Supply Infrastructure Schedule
- That projects WWINT-1 and WWINT-2 are deleted from the infrastructure schedule.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
47	10	The North Twelve Limited Partnership

TOPIC 8 – ŌMOKOROA WASTEWATER

RECOMMENDATION

That Option 2 be accepted.  
Amend the Ōmokoroa Structure Plan and/or Infrastructure Schedules for wastewater in response to supported submissions, to update project cost estimates to current values, and/or to correct omissions for either the structure plan or infrastructure schedules for critical infrastructure.

**Ōmokoroa Structure Plan – Three Waters Infrastructure Map**

Changes for the Ōmokoroa Structure Plan – Three Waters Infrastructure are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans:



- Add WW-Dev and WW-PS to the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.
- Add WW8 label to the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.

#### **Ōmokoroa Structure Plan – Infrastructure Schedule**

Changes for Ōmokoroa Infrastructure Schedule (table entitled Ōmokoroa: Wastewater) are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Ōmokoroa: Wastewater Infrastructure Schedule to reflect today's cost estimate.

The following submissions are therefore:

#### **ACCEPTED**

Submission	Point Number	Name
19	30	Pete Linde
26	18	Classic Group

#### **ACCEPTED IN PART**

Submission	Point Number	Name
58	9	Jace Investments and Kiwi Green New Zealand

#### **REJECTED**

Submission	Point Number	Name
19	6	Pete Linde

## **TOPIC 9 – TE PUKE WATER SUPPLY**

#### **RECOMMENDATION**

That Option 2 be accepted.

Retain the Te Puke Structure Plan but update the water infrastructure project cost estimates to current values within the corresponding infrastructure schedule/s.

#### **Te Puke Structure Plan – Three Waters Infrastructure Map**

There are no Changes for the Te Puke Structure Plan – Three Waters Infrastructure Map.

#### **Te Puke Structure Plan – Infrastructure Schedules**

Changes for Te Puke Infrastructure Schedule (table entitled Te Puke: New Wastewater Supply) are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Te Puke: New Water Supply Infrastructure Schedule to reflect today's estimates.

The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
47	10	The North Twelve Limited Partnership

**TOPIC 10 – ŌMOKOROA WATER SUPPLY****RECOMMENDATION**

That Option 2 be accepted.

Retain the Ōmokoroa Structure Plan for water as proposed but update infrastructure project cost estimates to current values within the infrastructure schedules.

**Ōmokoroa Structure Plan – Three Waters Infrastructure Map**

There are no changes for the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.

**Ōmokoroa Structure Plan – Infrastructure Schedule**

Changes for Ōmokoroa Infrastructure Schedule (table entitled Ōmokoroa: Water) are described as follows with the updated infrastructure schedule shown in Appendix 7 – Structure Plans:

- Update the costs within the Ōmokoroa: Water Infrastructure Schedule to reflect today's cost estimate.

There are no submissions to accept or reject.

**TOPIC 11 – OTHER MATTERS****RECOMMENDATION**

That Option 2 be accepted.

Retain the Te Puke Structure Plan and Infrastructure Schedules, retain the Ōmokoroa Infrastructure Schedules, but amend the Ōmokoroa Structure Plan (Concept Plan) in response to supported submissions.

**Ōmokoroa Structure Plan – Concept Plan**

Changes for the Ōmokoroa Structure Plan – Concept Plan are described as follows with the updated structure plan shown in Appendix 7 – Structure Plans:

- Delete the layer entitled "Waka Kotahi NZ Transport Agency possible interchange alignment and buffer layer" from the Ōmokoroa Structure Plan – Concept Plan.
- Other consequential amendments due to other recommendations.

**Ōmokoroa Structure Plan – Three Waters Infrastructure Map**

There are no changes for the Ōmokoroa Structure Plan – Three Waters Infrastructure Map.

**Ōmokoroa Structure Plan – Infrastructure Schedule**

There are no changes for the Ōmokoroa Structure Plan – Infrastructure Schedule.

**Te Puke Structure Plan – Three Waters Infrastructure Map**

There are no Changes for the Te Puke Structure Plan – Three Waters Infrastructure Map.

**Te Puke Structure Plan – Infrastructure Schedules**

There are no changes for the Te Puke Structure Plan – Infrastructure Schedule.

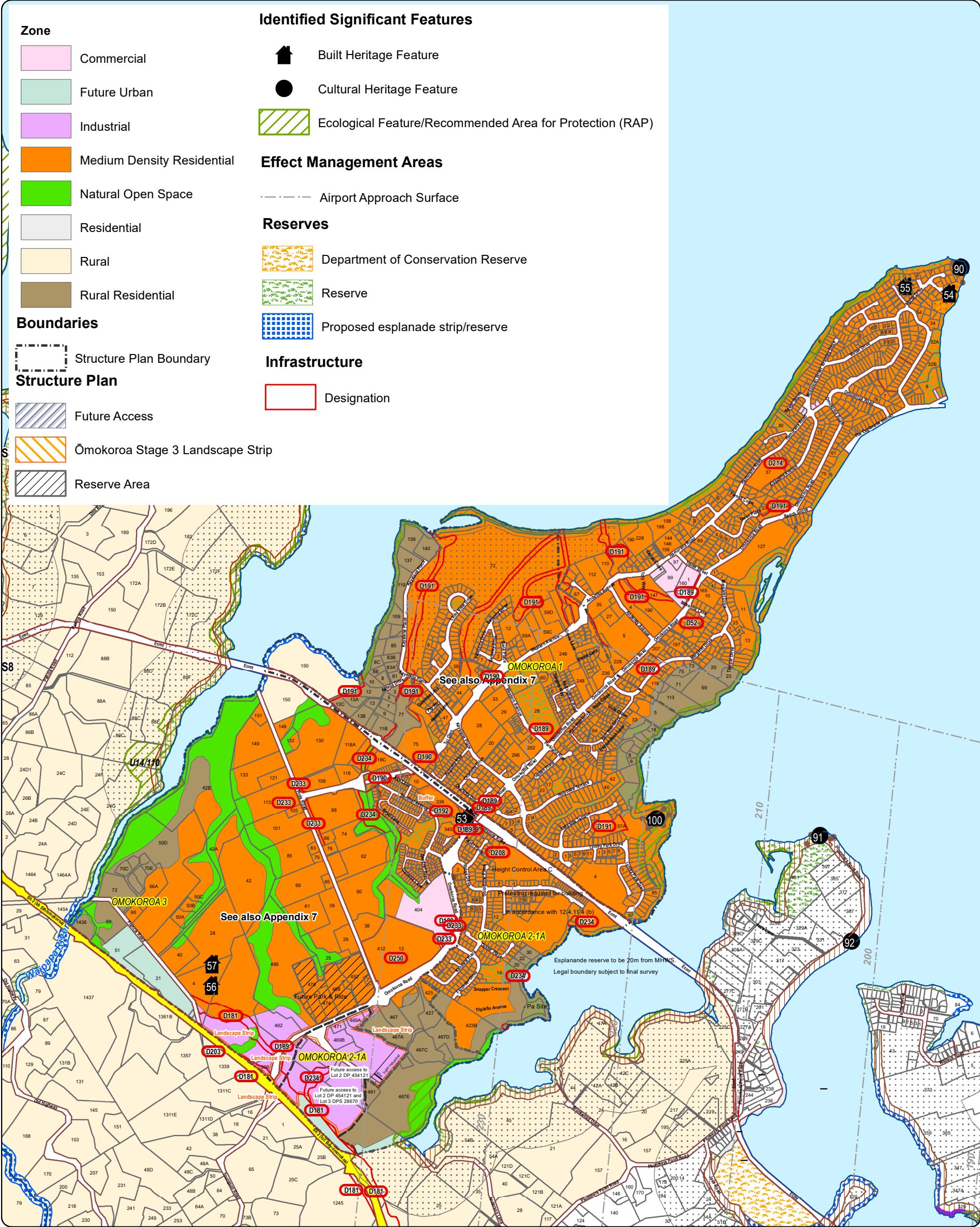
The following submissions are therefore:

**ACCEPTED**

Submission	Point Number	Name
25	26	Bay of Plenty Regional Council
25	28	Bay of Plenty Regional Council
59	1	Jace Orchards and Kiwi Green New Zealand
59	4	Jace Orchards and Kiwi Green New Zealand

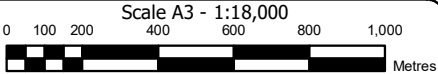
**REJECTED**

Submission	Point Number	Name
19	11	Pete Linde
19	27	Pete Linde
41	4	Waka Kotahi
50	4	Mike and Sandra Smith
67	33	Bay of Plenty Regional Council
FS79	5	Waka Kotahi

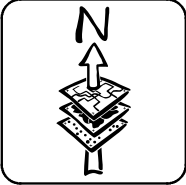


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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
Date: 25/01/2024  
Operator: mlb  
Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Plan Change 92 - Zoning Map



OMOKOROA  
PLAN CHANGE 92  
ZONING MAP - JANUARY 2024







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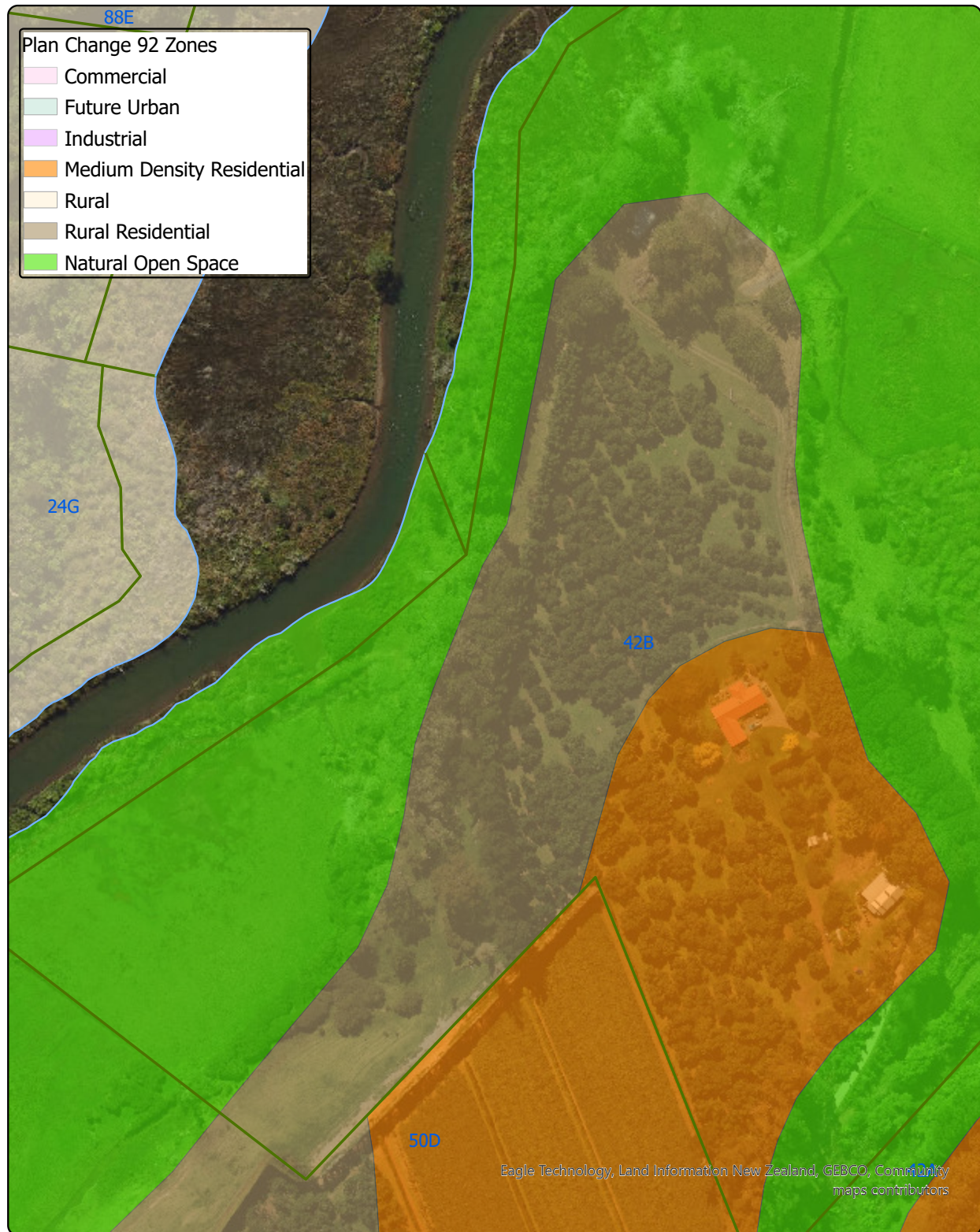
Western  
Bay of Plenty  
District Council

For our  
people

Plan Change 92  
District Plan Zones - January 2024  
42A Francis Road







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 Operator: mlb  
 Map: E:\Shape\DistrictPlan\PC92\NOSZ change maps.aprx

Scale A4 - 1:2,000

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District Council

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**Plan Change 92**  
**District Plan Zones - January 2024**  
**42B Francis Road**







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 Operator: mlb  
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**Plan Change 92**  
**District Plan Zones - January 2024**  
**50A and 50C Francis Road**







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 Operator: mlb  
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 Metres



For our people

Plan Change 92  
 District Plan Zones - January 2024  
 51 and 69 Francis Road, and 1436 SH 2







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 Operator: mlb  
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 District Council

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**Plan Change 92**  
**District Plan Zones - January 2024**  
**60 Prole Road**







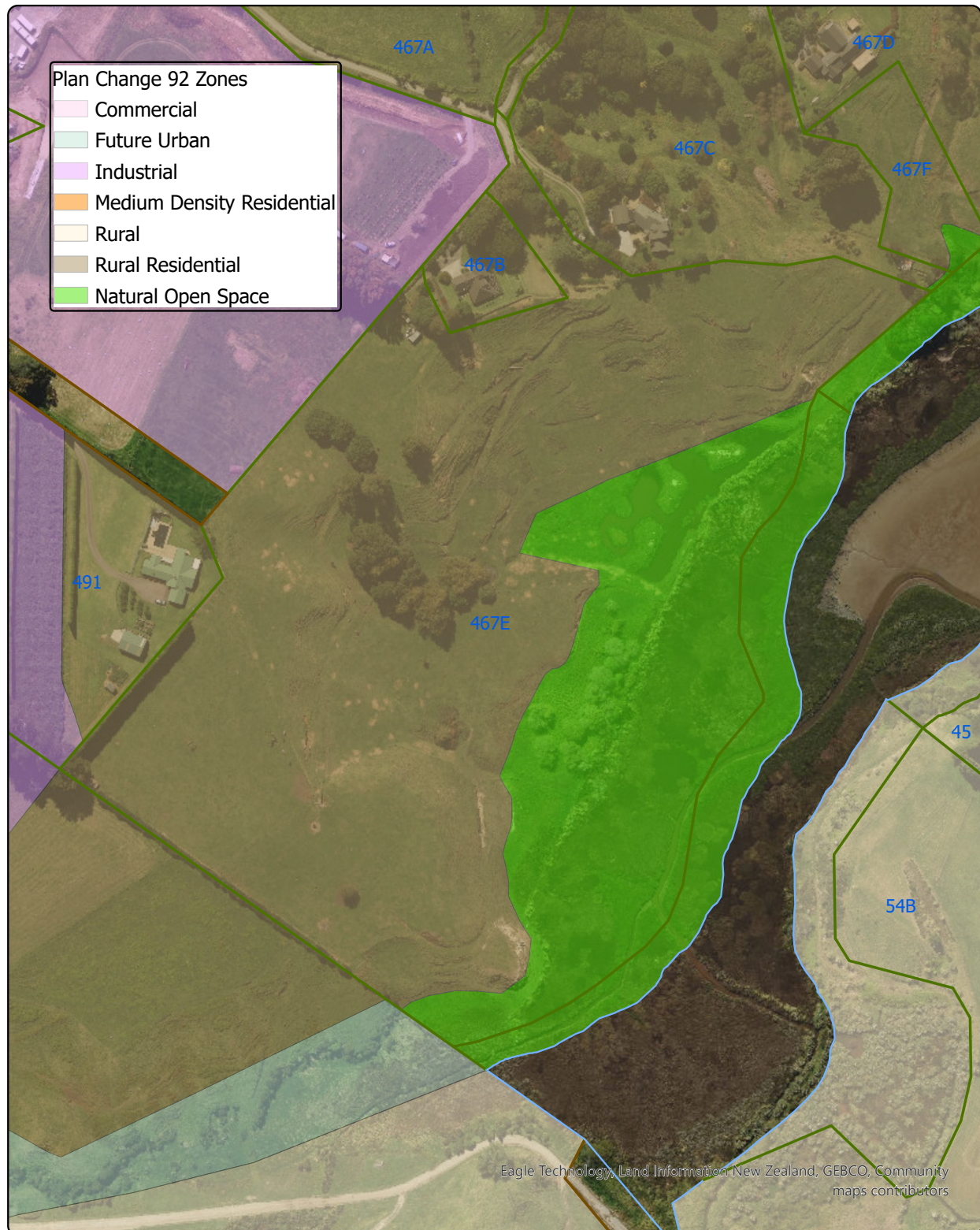
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**Plan Change 92**  
**District Plan Zones - January 2024**  
**69 Prole Road**







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District Council

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**Plan Change 92**  
**District Plan Zones - January 2024**  
**367E Ōmokoroa Road**







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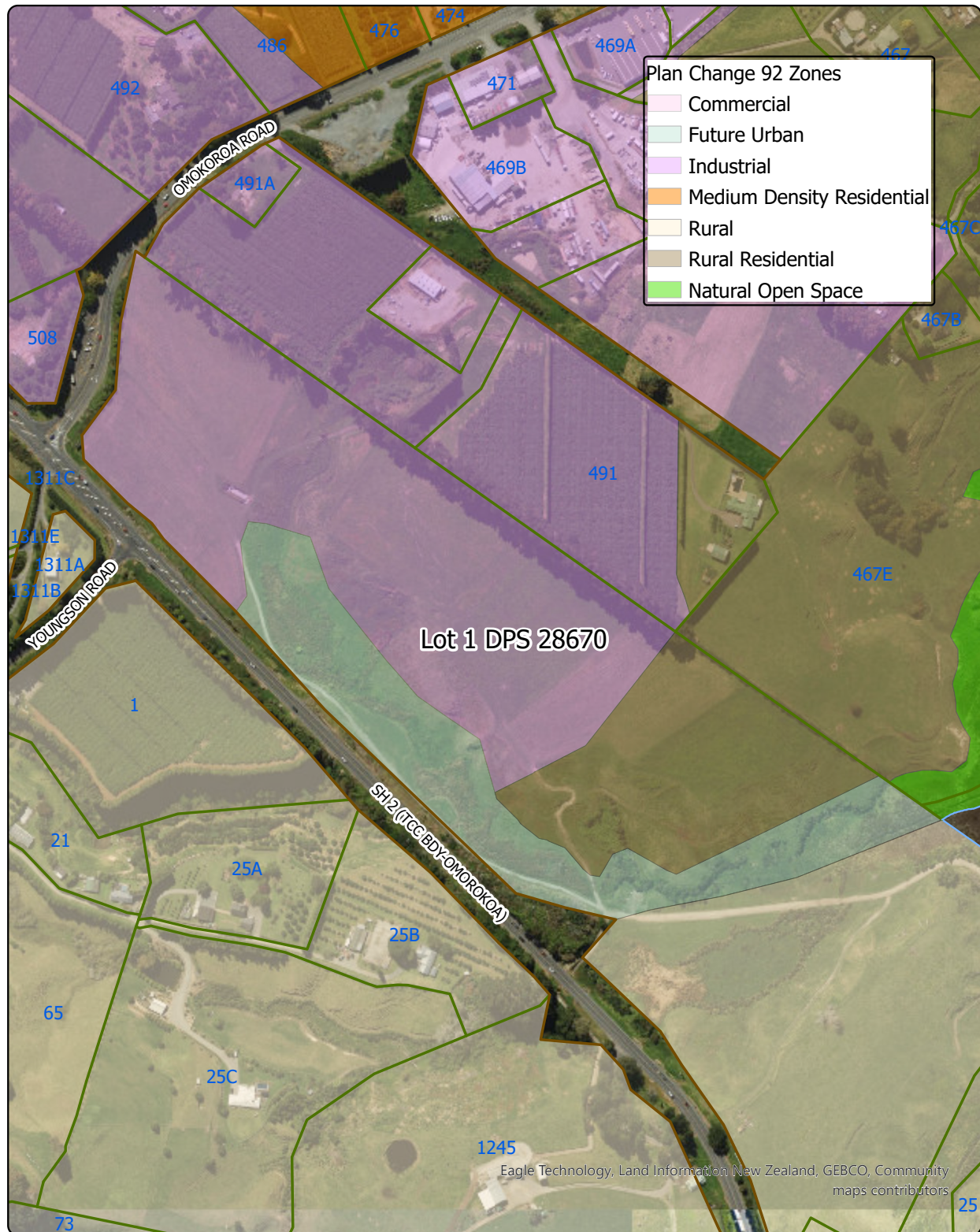
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**Plan Change 92**  
**District Plan Zones - January 2024**  
**404 Ōmokoroa Road**







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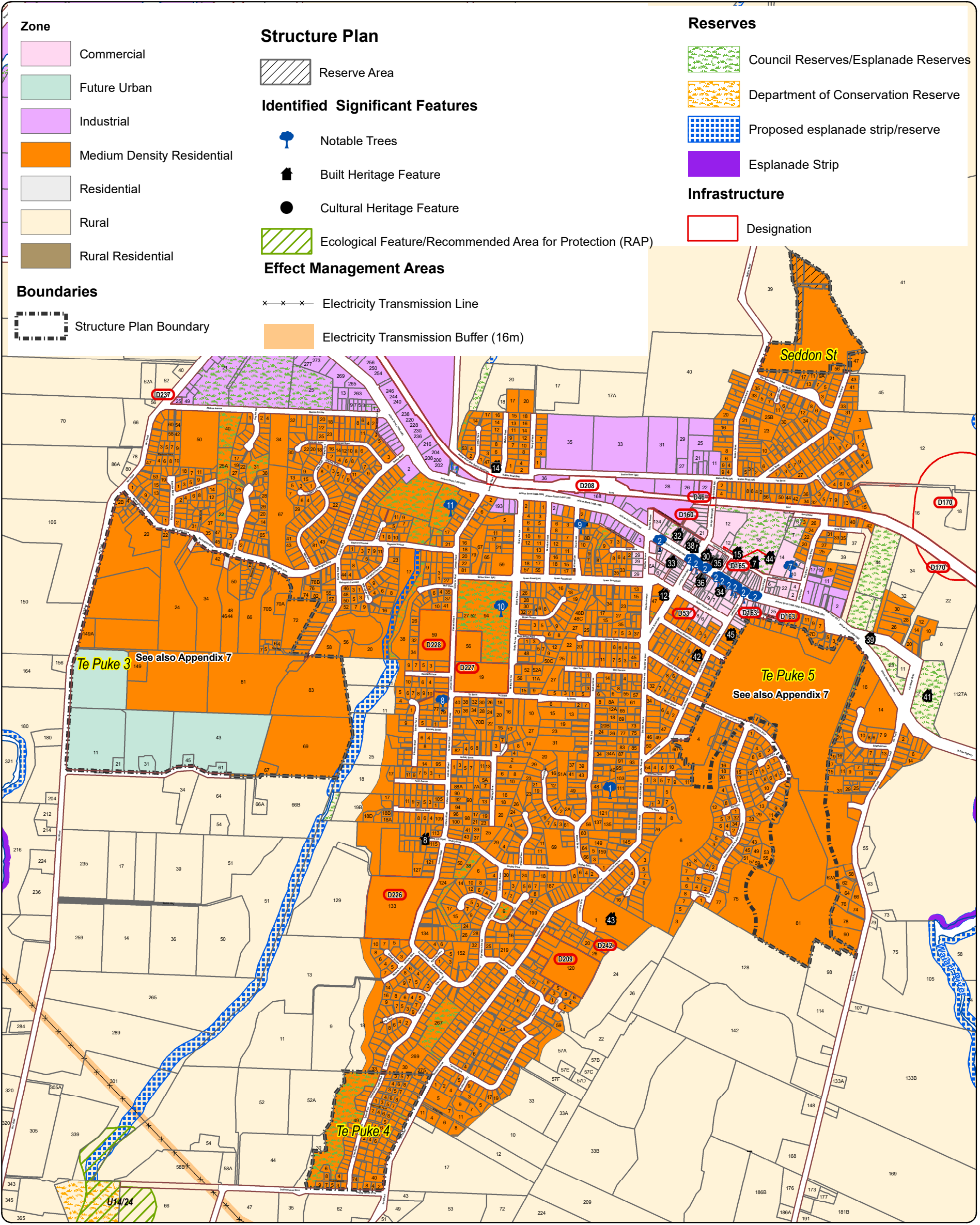
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**Plan Change 92**  
**District Plan Zones - January 2024**  
**Lot 1 DPS 28670**

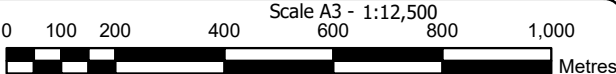




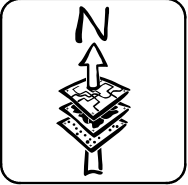


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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
Date: 12/08/2022  
Operator: mlb  
Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Plan Change 92 - Zoning



TE PUKE  
PLAN CHANGE 92  
ZONING MAP







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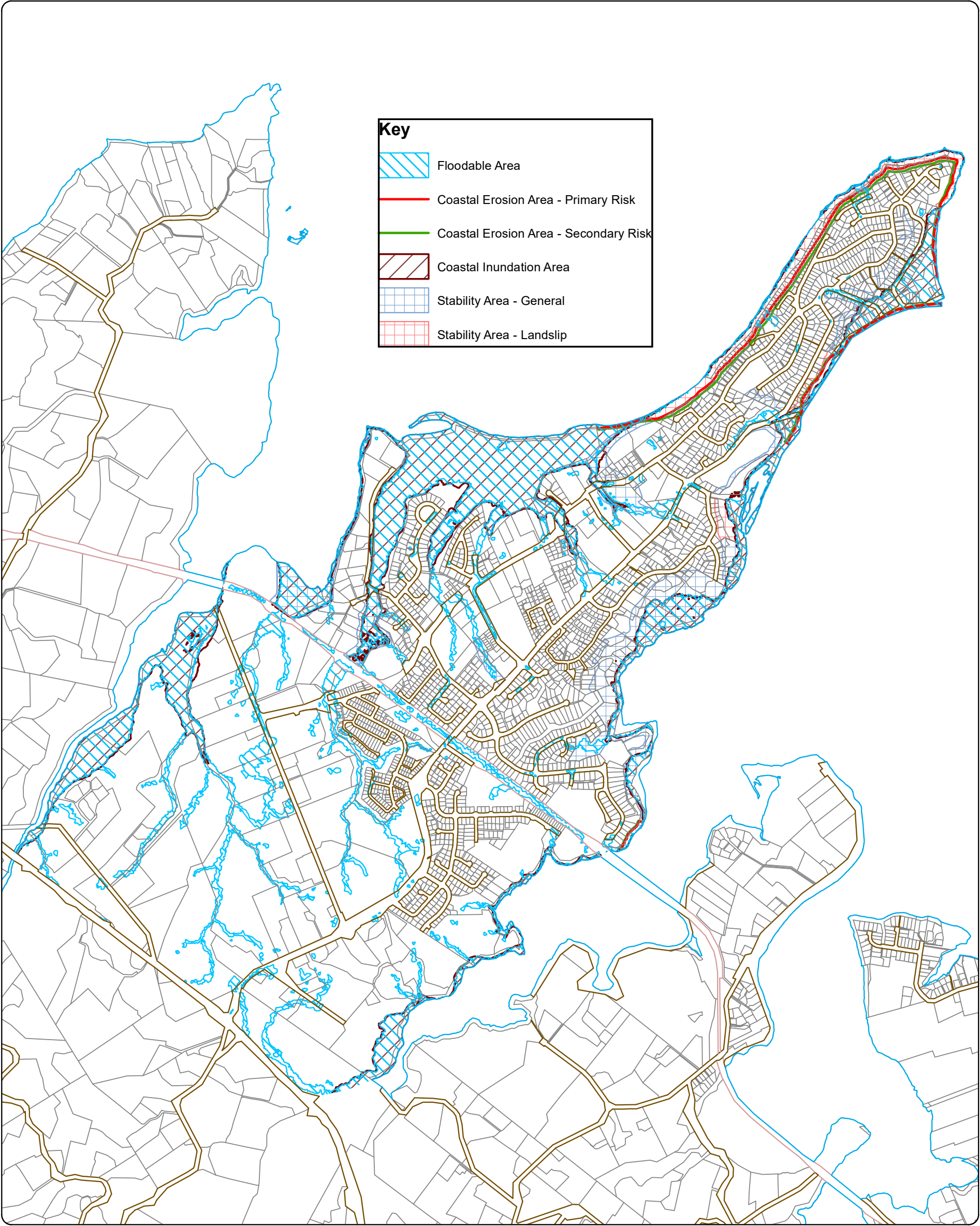
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**467E Ōmokoroa Road**  
**- Recommended Significant Ecological Feature Change**







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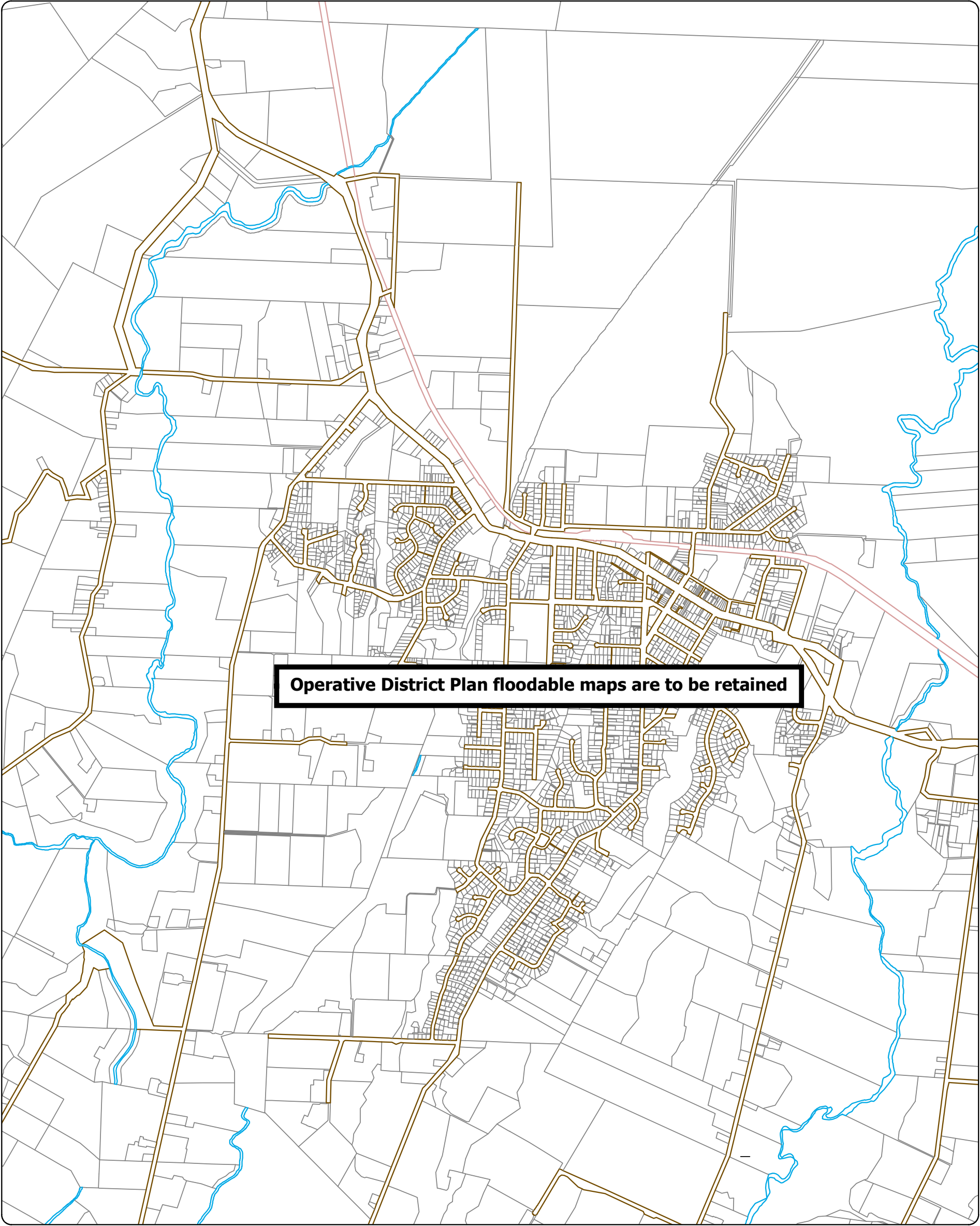
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Date: 25/01/2024  
Operator: mlb  
Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Natural Hazards Map -



ŌMOKOROA  
NATURAL HAZARDS MAP  
JANUARY 2024



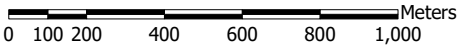




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Date: 25/01/2024  
Operator: mlb  
Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Natural Hazards Map -

Scale A3 - 1:17,500



**Western  
Bay of Plenty**  
District Council

**TE PUKE  
NATURAL HAZARDS MAP  
JANUARY 2024**



## Section contents

### Plan Overview

- 1.1 The District Plan and the Resource Management Act 1991 (RMA)
- 1.2 Planning Philosophy
- 1.3 District Plan Structure
- 1.4 How to use the District Plan
- 1.5 Section 32 Analysis Documents
- 1.6 Cross Boundary Issues
- 1.7 Monitoring and Review

## District Plan Overview

### 1.1 The District Plan and the Resource Management Act 1991 (RMA)

- 1.1.1 The Western Bay of Plenty District Plan comprises this document and a separate volume of maps. It has been prepared by the Western Bay of Plenty District Council to meet its obligations under the provisions of the Resource Management Act 1991 (*RMA*).
- 1.1.2 The Plan relates to the whole *District* and contains relevant objectives, policies and methods (including rules) for addressing the resource management issues of the *District* for the next 10 years.

### 1.2 Planning Philosophy

- 1.2.1 The Plan states the significant resource management issues of the *District* and by way of stated objectives, what the *Council* wishes to achieve in addressing these issues. How these objectives are to be achieved are guided by policies and implemented by rules and other methods referred to in the District Plan (see Section 1.3). *Council* recognises that ultimately it is the actions of individuals that enable sustainable management to be achieved. In this regard sustainable development is defined as 'development that meets the needs of present and future generations without compromising the ability of future generations to meet the needs of the *District* and their own needs'.
- 1.2.2 As far as practicable the District Plan is based on the control of off-site effects. These are the effects that an activity may have on the immediate environment or the wider community. Any effects confined within the site are considered to be the concern of that landowner and/or occupier and generally are not directly addressed in the District Plan unless the activity fundamentally affects the sustainable management of natural and/or physical resources.
- 1.2.3 *Council* wishes to minimise unnecessary regulation while still ensuring that environmental standards are not compromised. The importance of clarity and certainty is recognised by the *Council* and accordingly zoning techniques and activity lists are utilised in the District Plan. Zoning recognises that it is appropriate to have different environmental standards for different parts of the *District*. Activity lists are intended to be generic in nature (rather than activity specific) and are based on the grouping of activities with similar effects. Applications for activities which are not provided for can still be considered (unless they are listed as a Prohibited Activity) by way of resource consents for Non-Complying Activities.

### 1.3 District Plan Structure

- 1.3.1 The District Plan comprises text and maps. The text is divided into sections with each comprised of the following
  - a. Explanatory Statement - this gives the reasons why the stated objectives and policies and associated methods have been adopted. It also helps explain the linkages between issues, objectives, policies and methods.
  - b. Significant Issues - these are the main resource management issues of the *District* with regard to the particular topic. They identify a need for intervention so that *Council* can promote the sustainable management of natural and physical resources. To this extent they usually state negative effects of activities which need to be addressed and resolved.

## Section 1 – Plan Overview

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- c. Objectives - these are the intended resource management outcomes. They identify what is trying to be achieved in addressing the issues and as such they embody the environmental results expected.
- d. Policies - these are the means by which the objectives will be achieved and clarify what effects will be addressed to achieve the objective.
- e. Rules - these are one method used to give effect to policy. They specify the type of activities catered for and the standards that need to be met.

They include provision for the following types of activities:

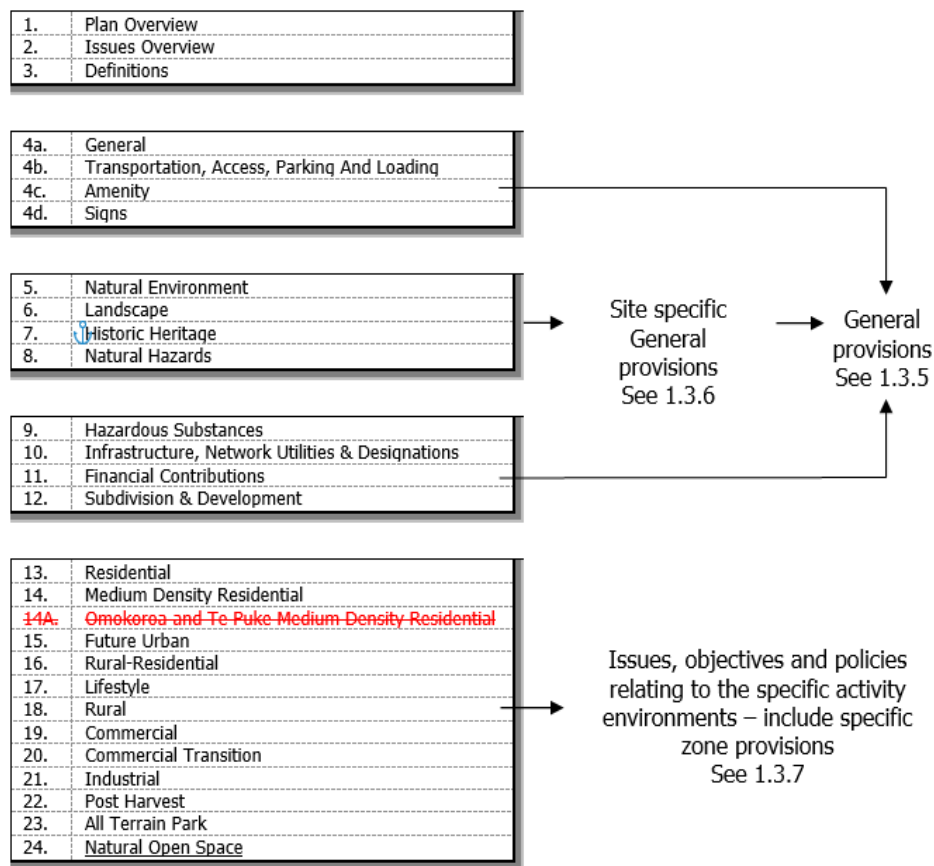
- i. Permitted Activities - these are the activities that can proceed as of right subject to complying with the relevant stated activity performance standards. A resource consent is not required.
- ii. Controlled Activities - these are activities for which the *Council* seeks to exercise some control and a resource consent is required. The extent of control and any relevant assessment criteria for these are contained in the relevant activity performance standards. The approval of affected persons is not necessary unless it is specifically required in the relevant District Plan rules. *Council* cannot refuse consent to a Controlled Activity but can impose conditions in respect of those matters of control that are specified in the District Plan.
- iii. Restricted Discretionary Activities - these require a resource consent and must comply with any relevant standards and terms specified in the District Plan.  
  
In addition, those matters to which *Council's* discretion is restricted are specified in the District Plan. Only with respect to those matters of discretion, applications may be declined or if granted consent, conditions may be imposed.
- iv. Discretionary Activities - these require a resource consent and must comply with any standards and terms specified in the District Plan. Applications may be declined or if consent is granted, conditions may be imposed. Subject to assessment in terms of the relevant sections of the *RMA*, *Council's* discretion is not restricted to matters specified in the District Plan.
- v. Non-Complying Activities - these require a resource consent and include any activity not specifically provided for in this District Plan (with the exception of those provided by regional plans or regional resource consents). Subject to assessment in terms of the relevant sections of the *RMA*, *Council* may decline consent or grant consent subject to conditions.
- vi. Prohibited Activities - these are activities specified in the District Plan as being prohibited. No application can be made for a Prohibited Activity.
- vii. Activity Performance Standards - these are included in each section and provide standards to be complied with and criteria against which applications for resource consent are to be assessed. They are direct means through which adverse environmental effects are avoided, remedied or mitigated.
- viii. Other methods - these are methods, other than rules, that are to be administered outside of the District Plan. These include techniques such as education, *Council* providing a service (through the *Annual Plan*) or methods administered by other agencies. The other methods listed throughout the District Plan are those known at the time of notification of the District Plan. These may be subject to change through the *Annual Plan* and *LTP* and other non *RMA* processes.

1.3.2 The maps show the location of the zones and the various features referred to in the schedules. They are contained in a separate volume. They also contain the *structure plans* for the different growth areas. Appendix 7 contains additional *structure plan* information such as infrastructure schedules, cross sections, and any particular requirements for that area.

1.3.3 Layout of the District Plan

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- 1.3.4 Sections 1 to 3 provide an overview of the District Plan and include an explanation of the District Plan structure, an overview of significant issues, and definitions. Words that are specifically defined in the District Plan are identified in the general text by being italicized.
- 1.3.5 Sections 4 to 12 contain general provisions which are potentially relevant to activities throughout the whole *District*, regardless of the zoning of land. While the issues, objectives and policies contained in these general sections are common across the *District*, the methods may be zone specific.
- 1.3.6 Sections 5 to 8 contain site specific general provisions. They apply only to land that is specifically identified on the Planning Maps or referred to in the respective zone.
- 1.3.7 Sections 13 to ~~23~~24 incorporate issues, objectives and policies that relate to specific activity environments and include specific zone provisions. Resource management issues should not be viewed in isolation. There is considerable overlapping of issues and accordingly to obtain a fuller understanding of an issue and how it is to be addressed it may be necessary to examine more than one District Plan section.

## 1.4 How to use the District Plan

- 1.4.1 The zoning of a particular property can be established from the Planning Maps. The maps also indicate whether any of the site specific general provisions relate to that property. Other site specific requirements will be contained within the respective zone rules, or may be included in Appendix 7 Structure Plans.
- 1.4.2 The respective zone sections of the District Plan set out the specific controls for activities on land in each zone. In some situations it is desirable to also look at the provisions of the specific activity environment as well as the zone (e.g. if a proposed industrial activity was being investigated in a Rural Zone it would be appropriate to consider both the specific Rural Zone provisions and the Industrial Zone provisions). If the map shows specific indicators associated with the site (e.g. a natural hazard, historic heritage site) then the District Plan section(s) relevant to those matters should be referred to for any additional controls (Sections 5 to 8)

## Section 1 – Plan Overview

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- 1.4.3 The other general provisions in Sections 4 to 12 should also be referred to, as appropriate, depending upon the nature of the proposed *development*.
- 1.4.4 For the structure of each section and a definition of its components, see 1.3.1.

## 1.4 Section 32 Analysis Documents

- 1.5.1 Before adopting any objective, policy or rule the *Council* must consider and evaluate alternatives, costs and benefits in order to determine whether the provisions proposed to be adopted are the most appropriate. This is known as a Section 32 Analysis and is a statutory requirement under Section 32 of the *RMA*.
- 1.5.2 A Section 32 report has been completed for each of the main sections of the District Plan. While these are not part of the District Plan they support and complement it by providing a more in-depth discussion of the resource management issues identified. A number of supplementary technical reports have been referenced in these Section 32 reports and have contributed to providing a full analysis of the adopted objectives, policies and methods contained within the District Plan.

## 1.5 Cross Boundary Issues

- 1.6.1 Cross boundary issues involve the integrated management of natural and physical resources across Council boundaries.
- Addressing these issues will involve ongoing consultation and co-operation with other resource management agencies to ensure consistency of approach to significant resource management issues. This will involve the facilitation of joint actions to deal with cross boundary issues, consultation, liaison, and information sharing between agencies.
- 1.6.2 The western boundary of the *District* adjoins the Kaimai Mamaku Forest Park. This is a significant ecological, cultural and recreational resource administered by the Department of Conservation.
- 1.6.3 The most significant boundary is with Tauranga City. This is reflected in the use of joint studies and regular contact on common issues, and the preparation of the SmartGrowth Strategy (see Section 2).
- 1.6.4 Using similar approaches to other districts is another means of addressing cross-boundary issues and includes landscape assessments, coastal hazards, and significant ecological areas. This is also reflected in the role of the *Regional Council* where it has coordinated a number of workshops on region-wide issues.
- 1.6.5 The above approaches will continue to be used in the future along with the option of joint hearings.

## 1.6 Monitoring and Review

- 1.7.1 *Council* is obligated under the *RMA* to monitor the effectiveness of its District Plan, the implementation and performance of resource consents, the exercise of any transferred/delegated powers, and the state of the environment in relation to the *Council's* duties and responsibilities.
- 1.7.2 Monitoring will be undertaken on the key issues facing the *District*. Regular reports will be produced to document trends. The significance of the issue will determine the timing of data collection and the production of reports. *Council* produces an Annual Monitoring Report.
- 1.7.3 *Council* recognises that aspects of monitoring involve cross boundary issues and will co-ordinate with other agencies such as the *Regional Council* and the Department of Conservation to facilitate maximisation of resources.
- 1.7.4 *Council* recognises that the monitoring methodology has to take into account rapidly changing data capture capability necessitating a flexible approach to the process.
- 1.7.5 Reviews of the District Plan (or parts of it) will be based on any divergence identified in the comparison of trends with respect to the District Plan's objectives and policies



## Section Contents

### 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:

- a. *Places of assembly*, including club *buildings/structures*; *Accommodation facilities*, including for Park workers; *Education facilities*;
- b. *Infrastructure*, including carpark, toilets, access tracks and *signs*;
- c. Park works depot;
- d. Park information/visitors *buildings/structures*;
- e. Observation towers;
- f. *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.

## Section 3 - Definitions

Operative: 16-Jun-2012

**"Approved Ōmokoroa Town Centre Master Plan"** means the town centre master plan approved pursuant to resource consent RC11997L dated 10 May 2021 or otherwise approved by subsequent resource consent.

**Note:** Refer to Appendix 7 for the Ōmokoroa Town Centre Concept Master Plan.

**"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)

Except that:

**"Building"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) or in Sections 3-12 as applicable to the Ōmokoroa and Te Puke Medium Density Residential Zones means a temporary or permanent movable or immovable physical *construction* that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

**"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.

## Section 3 - Definitions

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**"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.

Except that:

**"Building Coverage"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the percentage of the *net site area* covered by the building footprint.

**"Building Footprint"** within the definition of "*building coverage*" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of *buildings* at ground floor level together with the area of any section of any of those *buildings* that extends out beyond the ground floor level limits of the *building* and overhangs the ground. ~~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 –

- a. 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
- b. 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.

**"Comprehensive Mixed Use Development"** means a comprehensively planned and designed *development* with a mixture of commercial and residential activities within a two storey or multi-storey purpose built *building*.

**"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*.



## Section 3 - Definitions

Operative: 16-Jun-2012

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

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

Except that:

**“Construction”** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the construction and conversion, and additions and alterations to an existing building.

**“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.

**“Developable Area”** when used in ~~Section 11 (Financial Contributions)~~ and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means all land zoned Medium Density Residential except for the following:

- a. Road reserves of Ōmokoroa Road, Prole Road and Francis Road (including its extension to Ōmokoroa Road); Identified structure plan link road between Prole Road and Francis Road;
- b. Identified structure plan active reserve.
- c. As part of a resource consent, areas identified as unsuitable for the construction of a residential unit by a suitably qualified and experienced:
  - i. geotechnical engineer or equivalent, or
  - ii. stormwater engineer or equivalent due to the land having stormwater management as its primary function,
  - iii. or natural hazards engineer or equivalent due to the land being subject to one or more natural hazards.

~~**Note:** Other areas in Ōmokoroa unsuitable for the construction of residential units have already been excluded through the creation of a Natural Open Space Zone.~~

**“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.

## Section 3 - Definitions

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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*.

Except that:

“**Dwelling**” when used in Sections 3-12 shall instead mean the definition of “*residential unit*” for the Ōmokoroa and Te Puke Medium Density Residential Zones.

“**Dwelling envelope**” means the area of land (m<sup>2</sup>) 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:

- a. *Buildings/structures* associated with the *dwelling* (e.g. garage, driveway and garden shed).
- b. The minimum *yard* requirements associated with the *dwelling* and *buildings/structures* associated with the
- c. *dwelling*.
- d. 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.

“**Emergency Services Activities**” when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, but excluding health care facilities and hospitals.”

“**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.

## Section 3 - Definitions

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**"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 wetlands".

**"Front Boundary"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) ~~and within the definition of "Front Yard" means the road boundary (including the boundary of any structure plan road or designated road or paper road, all of the following:~~

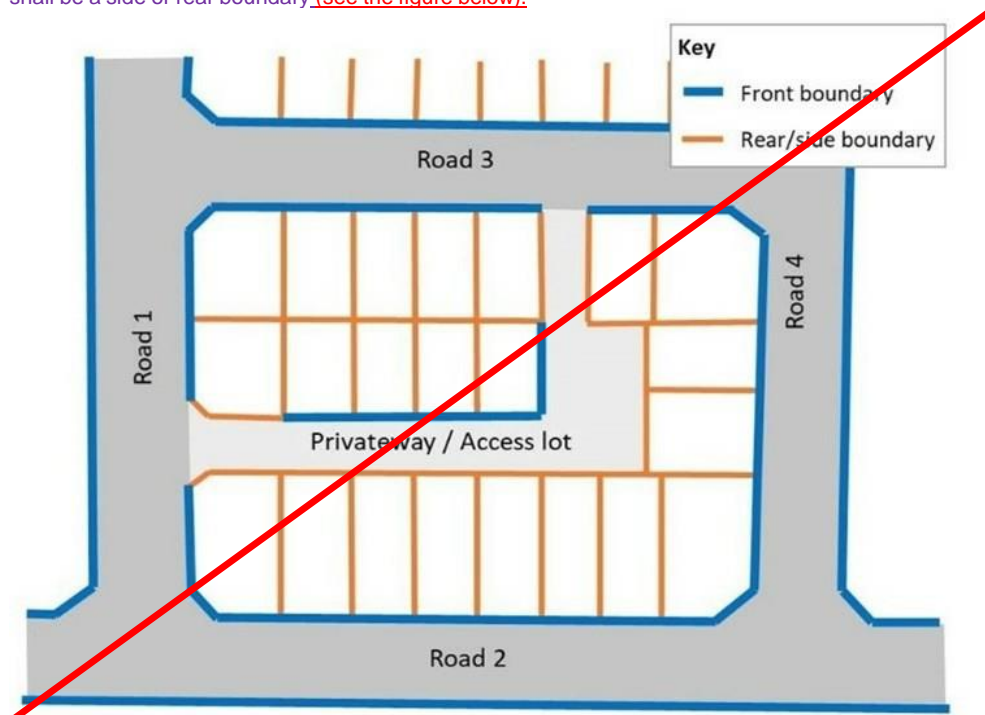
~~Road boundary (including the boundary of any structure plan road or designated road or paper road);~~

~~Privateway boundary (for a privateway that serves three or more sites);~~

~~Access lot boundary (for an access lot that serves three or more sites);~~

Except that:

~~Where a site has a road boundary, any other boundary of that site which is adjacent to any privateway or access lot shall be a side or rear boundary (see the figure below).~~



## Section 3 - Definitions

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

- a. Walkway;
- b. 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-“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.

Except that:

**“Ground Level”** when used in the standards for *height* and *height in relation to boundary* in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means:

- a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);
- b. if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;
- c. if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

**“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;

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

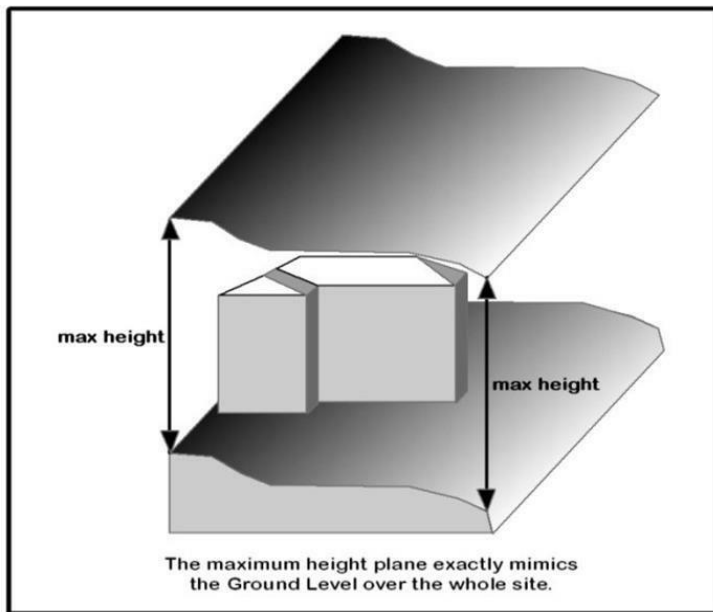
**“Hedge”** means a fence or boundary made up of contiguous plantings of dense bushes or shrubs.

**“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 1m<sup>2</sup> in area and projecting more than 2m above maximum permitted height shall be included in the calculation of height. See the figure below.

## Section 3 - Definitions

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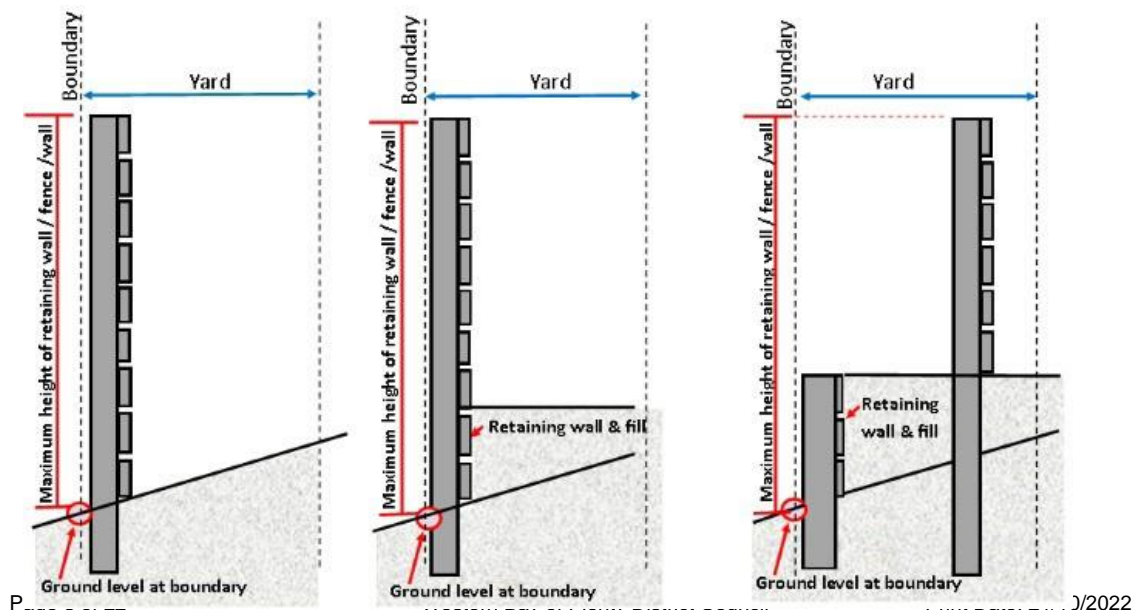


Except that:

**“Height”** when used in the standards for *building and structure* height and *height in relation to boundary* in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the vertical distance between a specified reference point and the highest part of any feature, *structure* or *building* above that point.

Note: The specified reference point is *ground level*.

**“Height”** when used in the standards for fences, *walls* and retaining walls in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the vertical distance between the *ground level* at the relevant boundary and the highest part of any fence, *wall* or retaining wall above that point to be measured from the external envelope of the fence, *wall* or retaining wall. 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. See the figure below.



**"Height in Relation to Boundary"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the *height* of a *structure, building* or feature, relative to its distance from either the boundary of: (a) a site; or (b) another specified reference point.

**"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, or in the case of the Ōmokoroa and Te Puke Medium Density Residential Zones which is carried out only by people who reside permanently on the subject site.

Provided that:

"Home Enterprise" does not include *kennels/catteries*, beekeeping or *medical or scientific facilities* in the Residential Zone or Medium Density 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 offal 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 <sup>3</sup> per day
Waste Water	0.5m <sup>3</sup> 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 0.6m<sup>3</sup>/day.

Waste water is calculated as 0.85 of the water usage equating to 0.5m<sup>3</sup>.

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*.

**"Impervious Surfaces"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area with a surface which prevents the infiltration of rainfall into the ground and includes:

- a. Roofs (whether fixed or retractable);
- b. Paved areas including paths, driveways, and sealed/compacted metal parking areas;
- c. Patios
- d. Swimming pools; and
- e. ~~Soil layers engineered to be impervious such as compacted clay.~~

For the purposes of this definition impervious surfaces excludes:

- a. Any natural surface;

## Section 3 - Definitions

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- b. Grass and bush areas;
- c. Gardens and other vegetated areas
- d. Porous or permeable paving and living roofs
- e. Permeable artificial surfaces, fields or lawns
- f. Slatted decks; and
- g. Stormwater management devices.

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

## Section 3 - Definitions

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- i. Mushroom farming; Intensive livestock farming;
- ii. Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors); Piggeries;
- iii. Aquaculture Rabbit farming; Mustelid farming;

Excluded from this definition are:

- a. 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;
- b. The keeping of not more than 25 poultry birds;
- c. Extensive pig farming;
- d. The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within
- e. 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.

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

**“L<sub>Amax</sub>”** means the highest noise level that is allowed to occur from a single noise event.

**“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.

**“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.



## Section 3 - Definitions

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**“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/m<sup>2</sup>).

**“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:

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

**“Minor Dwelling”** means a *dwelling* of not more than 60m<sup>2</sup> *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.

Except that:

## Section 3 - Definitions

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**"Minor Dwelling"** when used in Sections 3-12 shall not be applicable to the Ōmokoroa and Te Puke Medium Density Residential Zones. See *"residential unit"* definition..

**"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*.

**"Net Site Area"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of *"building coverage"* when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of the *site*, but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

**"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.

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**“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.

**“Outdoor Living Space”** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

**“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*.

**“Qualifying matter”** means one or more of the following:

- [Ecological features listed in Appendix 1 \(Schedule of Identified Significant Ecological Features\) and identified on the District Plan Maps.](#)
- [Natural features and landscapes listed in Appendix 2 \(Schedule of Identified Significant Ecological Features\) and identified on the District Plan Maps.](#)
- [Cultural and built heritage features listed in Appendix 3 \(Schedule of Identified Significant Historic Heritage Features\) and identified on the District Plan Maps.](#)
- [Proposed Esplanade Reserves, Esplanade Strips and Access Strips identified in Appendix 4 \(Schedule of Proposed Esplanade Reserves and Strips\) and identified on the District Plan Maps.](#)
- [Designations listed in Appendix 5 – Schedule of Designations and identified on the District Plan Maps.](#)
- [Reserves identified on the District Plan Maps.](#)
- [Stability Areas – Landslip and General identified on the District Plan Maps.](#)
- [Floodable Areas identified on the District Plan Maps.](#)
- [Coastal Inundation Areas identified on the District Plan Maps.](#)
- [Coastal Erosion Areas – Primary Risk and Secondary Risk identified on the District Plan Maps.](#)
- ~~[Land within 10m of a railway corridor or designation for railway purposes \(for sites created by way of an application for subdivision consent approved after 1 January 2010\).](#)~~
- [Land within the following distances of a railway corridor or designation for railway purposes:](#)
  - [5m for the purpose of setbacks.](#)
  - [60m for the purpose of indoor railway vibration.](#)
  - [100m for the purpose of indoor railway noise.](#)
- [Lot 601 DP 560118 and Lot 603 DP 560118 \(Harbour Ridge\) for new sites created from these which adjoin the esplanade reserve \(directly south of the railway line in Ōmokoroa\).](#)

**“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.

**“Residential Activity”** within the definition of “*residential unit*” when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the use of land and *building(s)* for people’s living accommodation.

## Section 3 - Definitions

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**"Residential Unit"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) or when *"dwelling"* shall instead mean *"residential unit"* as described in the definition of *"dwelling"* means a *building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities. To be used for a residential activity exclusively by one household means the residential unit is to be self contained.*

Note:

Within Section 11 (Financial Contributions) and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) any use of the term *"residential unit"* shall also mean *"retirement village dwelling"* and *"retirement village independent apartment"*.

**"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.

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**“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 Roads	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

## Section 3 - Definitions

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“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*.

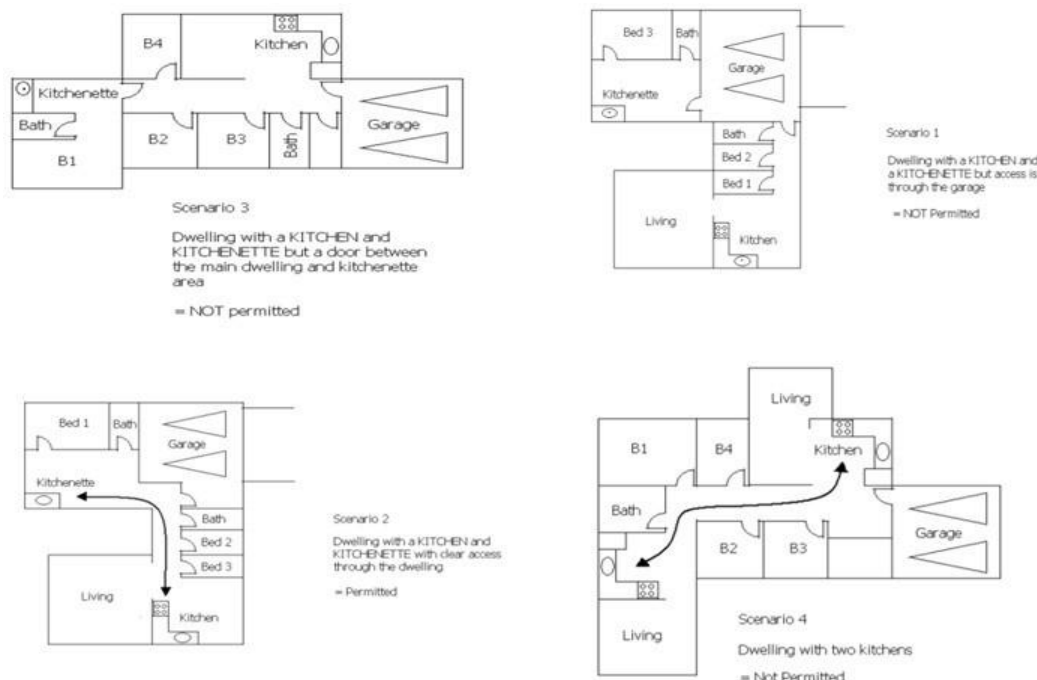
“Seasonal Worker Accommodation” is specific to *post harvest facilities* and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached *buildings* (lodges, *dwellings*, relocatable modular *structures*, caravans, mobile homes and 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:



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**"Sensitive Activity(ies) - Te Puna Springs"**: means activities within 30m of the boundary adjoining rural zoned land as shown on the Te Puna Springs *Structure Plan* and which are sensitive to noise, spray and odour and which have the potential to generate *reverse sensitivity* effects. This is limited to residential *dwelling*s, *accommodation facilities*, outdoor *places of assembly*, outdoor cafés/restaurants, outdoor garden centres/nurseries, *education facilities* and *medical or scientific facilities*.

**"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.

**"Showhome"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means a *building* that is constructed to be used as a *residential unit* but which is not occupied by a household and is used to display and advertise that type of *residential unit* and may include relocatable *signs*.

**"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.

**"Site"** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means:

- a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- b. an area of land which comprises two or more adjoining legally defined *allotments* in such a way that the *allotments* cannot be dealt with separately without the prior consent of the *Council*; or
- c. the land comprised in a single *allotment* or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the *Council*; or



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- d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit *development* or cross lease.

**“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 20m<sup>2</sup>;
- c. provides for any parking of motor 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 100m<sup>2</sup> in *gross floor area* and not exceeding the maximum *height* permitted activity standards for the zone in which they are located.

**"Urban Growth Areas"** means Waihi Beach (including Athenree, Bowentown and Island View), Katikati, Omokoroa and Te Puke.

**"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.

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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.

Except that:

~~**Front Yard** when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area of land between the front boundary and a line parallel thereto, extending across the full width of the lot.~~

**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 4A - General

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## Section Contents

### General

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  - 4A.1 Activities Not Specifically Provided For
  - 4A.2 Temporary Activities
  - 4A.3 Activities on the Surface of Water
  - 4A.4 Status of Roads
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  - 4A.6 Information Required with Applications
  - 4A.7 Consent of Affected Parties – Controlled Activities

### 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.

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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	LAe	LAm
Monday to Saturday and Public Holidays	9am to 10pm	70dB	75dB
Sunday	10am to 6pm	70dB	75dB
At all other times		40dB	65dB

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- 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, Medium Density Residential 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*

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- b. 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.

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## 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:



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- 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;

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- 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 maneuvering 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;

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- 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 4B – Transportation Access and Parking

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## Section Contents

### Transportation, Access, Parking & Loading

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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

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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.

## Section 4B – Transportation Access and Parking

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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 loading provisions within the Katikati and Waihi Beach town centres, as identified on the District Plan Maps, for the following activities:
  - i. Business activities including *retailing* shops;
  - ii. 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:

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

**4B.3.3 Discretionary Activities**

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

**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 Roothing Hierarchy (refer to Roothing Hierarchy Map below)****a. Strategic Roads**

(i)	<i>Motorway</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 Jelicoe Street
		Waihi Beach Road
		Athenree / Steele / Emerton Roads
		Omokoroa 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
		Omokoroa Road (Tralee to The Esplanade)
		Tralee Street
		Hamurana Road

## Section 4B – Transportation Access and Parking

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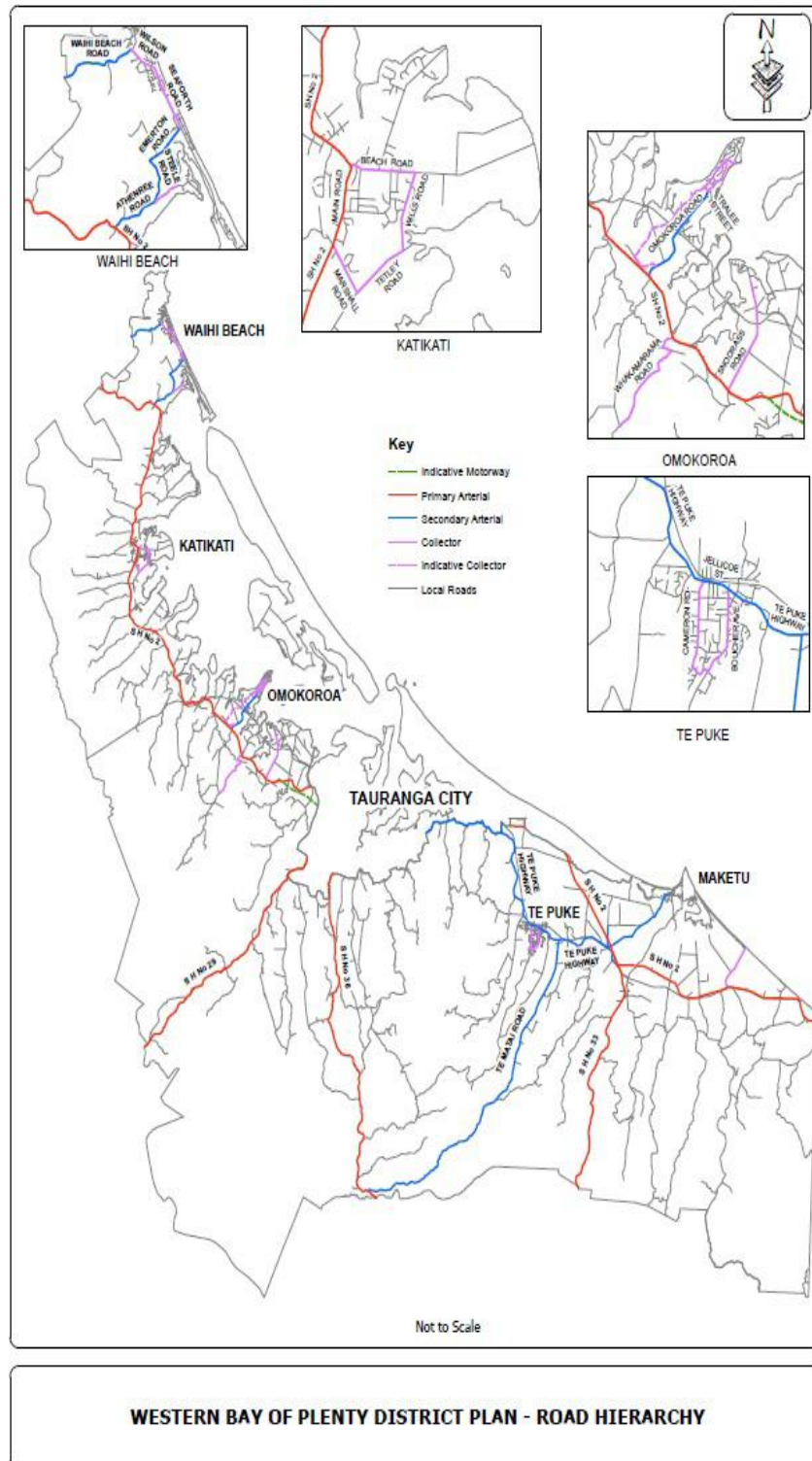
		Francis Road (Omokoroa to Hamurana Road)
		Barrett Road
		Old Highway (Barrett to Whakamarama Road)
		Whakamarama Road (Old Highway to Youngson Road)
		Snodgrass Road (SH2 to Newham Road)
		Cameron Road
		Boucher Ave (SH2 to Cameron Road)
		Pukehina Beach Road
(ii)	<i>Local Roads</i>	
(iii)	<i>Service Lanes</i>	



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## Roading Hierarchy Map



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**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 Rounding 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.

- c. 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:
  - i. Where the property does not already have an existing entrance; or
  - ii. Where there is an existing entrance and the purpose of the *building* increases the use of the entrance; or

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iii. Where there is an existing complying entrance and it is intended that the *building* be served by any other entrance;

- 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.
- 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:

- i. 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.
- ii. 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, Medium Density Residential, Rural- Residential, Natural Open Space, 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, Medium Density Residential, Rural-Residential or Natural Open Space Zone 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:**

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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 and Medium Density 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).

Activity	Specific Requirements
<b>Residential Activities</b>	
<i>Dwellings</i> (being one household unit).	Where car parking spaces 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 <sup>2</sup> - Between 55m <sup>2</sup> and 85m <sup>2</sup> - 85m <sup>2</sup> or greater <b>Explanatory note:</b> The sizes above are measured by <i>gross floor area</i> .	<b>Explanatory Note:</b> Where more than one car park is provided, one may be stacked provided it does not interfere with shared access.
<i>Retirement Villages/Rest Homes</i> .	
<b>Accommodation Facilities</b>	
Boarding houses, Hostels, Hotel Accommodation	
Motels, Lodges, Camping Grounds, Caravan Parks.	
<b>Places of Assembly</b>	
Clubrooms, <i>Restaurants</i> , Brasserie, Café, Hotels, Taverns exclusive of accommodation.	
Recreational and Community Activities with no <i>buildings</i> .	
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 with respect to bicycle parking assessed in relation to the specific activity.
<b>Education Facilities</b>	
Pre-schools, Kindergartens, Childcare Centres, Primary	

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and Intermediate Schools, Educational Institutions with less than 50 pupils.	
Secondary Schools, and Educational Institutions with 50 or more pupils.	
<b>Business Activities</b>	
<i>Retailing</i> shops (including drive-in retail facilities and banks).	
<i>Home Enterprises</i> in the Residential, Rural, Rural Residential and Future Urban Zones.	
Administrative, Commercial and Professional <i>Offices</i> not in a residential building.	
Motor Vehicle and Agricultural Implement sales yards.	
Medical Centres and Veterinary Clinics.	
Service Stations and Premises for Assembly, or Repair of Motor Vehicles.	
Warehouses, <i>Depots</i> , <i>Building and Construction Wholesales</i> (with no retail component) and Storage Facilities (indoor and outdoor), Auction Rooms.	
<i>Building and Construction Retailers</i> or Retailers and Wholesalers combined.	
<i>Commercial Services</i> , Hire Centres, Dry Cleaning Depots, Repair Services, Trademan's Workshops.	
Industrial Uses.	
Packhouses, Coolstores.	
<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.
<i>Works and Network Utilities</i> .	
<b>Notes:</b> All parking and loading spaces are maneuvering 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 dwellings and network utilities 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.  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.	

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

*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 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 loading areas for their common use.
- ii. Where it can be shown that the 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 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 loading area as a joint area where the demand for 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

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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 loading area.

Or

**b. 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:

- a. Part of any manoeuvring area or access lane, or road.
- b. Any screening required by the District Plan.
- c. 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.

- d. Parking spaces shall not occupy loading spaces nor loading spaces occupy parking spaces.
- e. 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~~ and Natural Open Space 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 *dwelling*s 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**

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*Council* shall exercise control over the following:

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

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- 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 car parks 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

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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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### Amenity

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4C.3	Lighting and Welding
4C.5	Screening

## Amenity

### 4C. Amenity

#### Explanatory Statement

Amenity values have been defined by the *RMA* as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Activities can be offensive to amenity either because of the nature of the activity or the sensitivity of the surrounding environment. However the acceptable levels of amenity within the *District* will vary according to each zone and the activities that are provided for within that zone. Generally a higher level of amenity is afforded to the Residential ~~Zone~~ and Medium Density Residential Zones than to the Industrial Zone while the amenity of the Rural Zone provides for the effects generated by rural production activities which may be considered inappropriate in other zones.

The activities that *Council* seek to manage for amenity purposes are noise and vibration, storage and disposal of solid waste, lighting and welding, offensive odours, *effluent aerosols*, spray drift and screening. The thresholds for these activities have been set to provide a level of amenity which is appropriate in each zone. Activities that may impact on the amenity of the zone are best located in a more appropriate zone.

### 4C.1 Noise and Vibration

#### Explanatory Statement

*Council's* aim is to maintain a reasonable balance between the objective of maintaining a high quality living environment free from unreasonable noise and the need to recognise that permitted and lawfully established activities in the Rural and Industrial Zones may have associated noise levels that are acceptable as part of the principal activity such as *farming*.

In some areas the loading/unloading of materials at night and the movement onsite of vehicles 24 hours a day is an issue for adjoining landowners. The noise levels of the District Plan are intended to control this type of adverse effect.

Vibration from activities has not been an issue in the *District*. In many cases *Council* can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.

*Reverse sensitivity* is a matter that requires management throughout the *District*. This is done in a number of ways.

The Post Harvest Zone and the Tara Road Rural Residential Zone each have specific buffer provisions, as does the Cameron Quarry site which is located at Otamarakau within the Rural Zone. In the latter case, a *Quarry Effects Management Area (QEMA)* has been identified on the District Planning maps over land surrounding the site.

#### 4C.1.1 Significant Issues

1. The potential for the operation of non-residential activities within residential areas to generate noise which detracts from existing amenity.
2. The potential for the operation of non-rural activities in rural and isolated natural environment areas to generate noise which detracts from existing amenity.

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3. The potential for activities within one zone to generate noise which detracts from the existing amenity of nearby zones.
4. The perception of the rural area as being a quiet environment does not reflect the realities of the Rural Zone as a productive working environment and increases the potential for *reverse sensitivity* issues.
5. The potential for noise emissions within the Industrial Zone to adversely affect the health and safety of people within and adjacent to that zone.

**4C.1.2 Objective and Policies****4C.1.2.1 Objective**

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

**4C.1.2.2 Policies**

1. Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.
2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. *construction* works, military training exercises).
3. Have regard to any relevant New Zealand legislation, standards, guidelines and codes of practice, in the assessment of applications for resource consents.

**4C.1.3 Activity Performance Standards**

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 Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non- compliance.

**4C.1.3.1 Construction Noise**

*Construction* noise shall not exceed the noise limits in, and shall be measured and assessed in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.

**4C.1.3.2 Noise Limits**

a. **Noise limits for activities in Residential, Medium Density Residential, Rural-Residential, Future Urban, Rural, Lifestyle and Lifestyle-Natural Open Space Zones**

- i. All activities located within these zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural, Lifestyle or Rural-Residential Zone, or at any point within the boundary of any property within a Residential, ~~or Medium Density Residential~~, Future Urban or Natural Open Space Zone (other than the site of the activity);

Time Period		Sound Level Not to be Exceeded	
Day	Hours	L <sub>Aeq</sub>	L <sub>Amax</sub>
Monday to Saturday	7am to 10pm	50dB	N/A
Sunday	7am to 6pm	50dB	N/A

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At all other times and on public holidays	40dB	65dB
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- ii. Any new *dwelling* to be erected or the addition of *habitable space* to an existing *dwelling* within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that with respect to the night time noise levels permitted within the Post Harvest Zone, internal noise levels do not exceed *LAeq*(15min) 30dB in bedroom and *LAeq*(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned 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.

- iii. Any new *dwelling* to be erected, or the addition of *habitable space* to an existing *dwelling*, within 300m of any existing or approved frost protection fan(s) on a title separate to that of the subject site and in different ownership shall be designed and constructed so as to ensure that, with respect to noise emitted by any existing or approved frost protection fan(s), internal noise levels do not exceed *LAeq*(15min) 30dB in any bedroom and *LAeq*(15min) 40dB in other habitable rooms.

Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned 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.

For the purposes of this rule:

*Dwelling* includes *minor dwelling*.

Existing means any frost protection fan which was both physically and lawfully established on a site prior to lodgement of a building consent application for the *dwelling* concerned.

Approved means any frost protection fan that is not existing but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or written certification of compliance with noise limits has been provided to *Council* in accordance with Rule 4C.1.3.6 b.); prior to lodgement of a building consent application for the *dwelling* concerned.

#### Explanatory Notes:

To achieve the required internal noise levels for *dwellings* and the addition of *habitable space* to existing *dwellings* under this rule, consideration will need to be given to the permitted noise limits in Rule 4C.1.3.6 and to the actual noise limits that any existing or approved frost protection fan(s) are able to emit in accordance with their lawful establishment and/or approval.

#### b. Noise limits for activities in Industrial and Commercial Zones

- i. All activities located within Industrial and Commercial Zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural Zone or Rural- Residential Zone, nor at any point within the boundary of any property within a Residential, ~~or Medium Density Residential~~, Future Urban or Natural Open Space Zone:

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Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAmaz
Monday to Saturday	6am to 10pm	55dB	N/A
Sunday and Public Holidays	9am to 6pm	55dB	N/A
At all other times		45dB	70dB

## Ōmokoroa Light Industrial Zone

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAmaz
Monday to Friday	7am to 8pm	55dB	N/A
Saturday, Sunday and Public Holidays	9am to 6pm	55dB	N/A
At all other times		45dB	65dB

- ii. All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the boundary of any other property within an Industrial Zone:

Time Period	Sound Level Not to be Exceeded	
	LAeq	LAmaz
Daytime 7am-10pm	65dB	N/A
Night time 10pm-7am	65dB	85dB

## c. Noise sensitivity

- i. For potentially noise-sensitive activities such as commercial *offices, places of assembly, veterinary facilities, medical or scientific facilities and dwellings and accommodation facilities, and education facilities in the Ōmokoroa Mixed Use Residential Precinct*, an acoustic design certificate shall be provided at the time of building consent demonstrating the *building* has been designed so that the internal noise limits set out in the following table are not exceeded;
- ii. Where windows and doors must be closed in order to meet the internal noise standards, an alternative means of ventilation shall be provided which meets all relevant requirements of the Building Code.

	Sound Level Not to be Exceeded	
	Daytime period	Night time period
	LAeq	LAeq
Offices not accessory to any industry, storage or warehousing	45dB	N/A
Residential units (habitable spaces)	45dB	30dB

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~~iii. In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 50m of the centreline of a railway track, which contains a dwelling, accommodation facility, education facility, place of assembly, or medical or scientific facility shall meet the following requirements:~~

~~(a) The building is to be designed, constructed and maintained to achieve an internal design level of 35 dBL<sub>Aeq(1h)</sub> for bedrooms and 40 dBL<sub>Aeq(1h)</sub> for all other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the building concerned.~~

~~(b) Where the windows of the building are required to be closed to achieve compliance with the aforementioned 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.~~

iii. In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 50m, 100m of the railway track designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall meet the following requirements:

(a) The building is to be designed, constructed and maintained to achieve an internal design level of 35 dB L<sub>Aeq(1h)</sub> for bedrooms and 40 dB L<sub>Aeq(1h)</sub> for all other habitable rooms. Written certification of such compliance from a Suitably Qualified and Experienced Acoustic Consultant shall be submitted with the building consent application for the building concerned. The design certificate shall be based on:

1) A source level for railway noise of 70 L<sub>Aeq(1h)</sub> at a distance of 12 metres from the nearest track; and

2) The attenuation over distance being:

i. 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; or

ii. As modelled by a Suitably Qualified and Experienced Acoustic Consultant using a recognised computer modelling method for freight trains with diesel locomotives, having regard to factors such as barrier attenuation, the location of the dwelling relative to the orientation of the track, topographical features and any intervening structures. The design certificate shall assume railway noise to be 70 L<sub>Aeq(1h)</sub> at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.

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- (b) For habitable rooms for a residential activity, achieves the following requirements:
- i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, with relief for equivalent volumes of spill air;
  - ii. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and
  - iii. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).
- (c) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (d) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in subclause (b).
- (e) The requirements of (a) to (d) do not apply where the building(s) within ~~50m~~ 100m of the railway ~~track~~ designation boundary:
- i. Is in a location where the exterior façades of the bedroom(s) or habitable room(s) is at least 50m from the formed railway track and there is ~~has~~ a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors of those rooms to all points 3.8m directly above the formed railway track; or
  - ii. Is in a location where it can be demonstrated by way of prediction or measurement by an Suitably Qualified and Experienced Acoustic Consultant that the rail noise level at all exterior façades of the bedrooms or habitable rooms is no more than 15 dB above the relevant internal noise levels in (a).
  - iii. Written certification from a Suitably Qualified and Experienced Acoustics Consultant demonstrating compliance with either (e)(i) or e(ii) as relevant shall be submitted with the building consent application for the building concerned.

**d. Acoustic certification**

The following provisions shall apply to Industrial Zoned sites that are either:

- i. within 100m of a *dwelling* in the Rural Zone that existed as at December 2005; or
- ii. within 200m of a *dwelling* within the Rangiora Business Park that existed as



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at December 2005;

- iii. those *lots* within the Te Puke West Industrial Zone that are within 50m of Manoeka Road as indicated on the Te Puke West *Structure Plan*;
- iv. those *lots* within the Comvita Campus *Structure Plan* area that are zoned Industrial and located within 50m of Wilson Road South as indicated on the Comvita Campus *Structure Plan*.

Prior to commencement of activities on the site or building consent being approved an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be required by the *Council*.

The report shall outline the range of activities, their potential noise levels and any noise mitigation/management measures which will be implemented to ensure compliance with the relevant noise performance standards.

**Noise limits for activities in the Post Harvest Zone**

All activities located within the Post Harvest Zone shall be conducted so as to ensure that noise from the zone shall not exceed the following noise limits within the notional boundary of any *dwelling* in a Rural Zone or at any point within the boundary of any property within a Residential, Medium Density Residential, Rural- Residential, or Future Urban Zone:

Time Period	Sound Level Not To Be Exceeded	
	<i>LAeq</i>	<i>L<sub>Amax</sub></i>
Daytime 7am – 10pm	55dB	N/A
Night time 10pm – 7am	45dB	65dB

Provided that:

- v. Night time levels may exceed *LAeq* 45dB where it is demonstrated that a noise level not exceeding *LAeq* (15min) 30dB ('the internal level') can be achieved within all bedroom and *LAeq* (15min) 40dB in other habitable rooms of any *dwelling* (existing as at 7 February 2009), located in any of the zones specified above. Before the externally measured *LAeq* 45dB noise limit can be exceeded, any necessary mitigation measures shall be installed in the *dwelling(s)* concerned and compliance with the internal level shall be certified by a suitably qualified and experienced acoustic engineer;
- vi. Any new *dwelling* or any addition of *habitable space* to an existing *dwelling* to be erected in a Rural, Lifestyle, Rural Residential, Residential, Medium Density Residential or Future Urban Zone within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that the internal noise levels do not exceed *LAeq*(15min) 30dB in bedrooms and *LAeq*(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* or alteration concerned. Where the windows of the *dwelling* 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.

**e. Noise limits for activities in the All Terrain Park Zone**

- i. All activities in the All Terrain Park (the Park) (except for those involving gunshot noise) shall be conducted so as to ensure that noise shall not

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exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* existing at 7 February 2009 located outside the zone.

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	Lamax
Monday to Sunday	7am to 10pm	50dB	N/a
At all other times and Christmas Day, Good Friday and Easter Sunday	7am to 6pm	40dB	65dB

- ii. Firing from any shooting range shall be only within the hours of 7am to 10pm and shall be so conducted as to ensure that gunshot noise does not exceed a composite noise rating (CNR) of 90 at any point within the *notional boundary* of any *dwelling* in regard to the properties in private ownership to the east of the subject site in a Rural Zone:

$$\text{CNR} = Y - 25 + 10 \log (N) + 10 \log (R);$$

Where: CNR=composite noise rating; Y=dB linear peak level of the burst;

N=number of single shots or bursts per day;

R=number of rounds, or detonations, (acoustic events) per burst.

- iii. Noise shall be measured and assessed in accordance with NZS6801:2008 and NZS6802:2008. Adjustments for special audible characteristics shall not apply to the assessment of gunshot noise.

f. **Written approval**

- i. The noise levels set out in 4C.1.3.2 a. – f. above may be exceeded where the written approval is provided by all owners or occupiers of those properties or *dwelling*s affected by the non-compliance.

**4C.1.3.3 Exemptions from Noise Limits**

a. **Exemptions from noise limits for short-term activities**

Subject to Rule 4C.1.5 the noise limits in Rule 4C.1.3.2 shall not apply to temporary or short-term activities as listed below, provided that the best practicable option pursuant to Section 16 of the *RMA* and manufacturers specifications for machinery, shall be adopted to ensure noise received off-site is reasonable.

The exemptions do not apply to long-term activities, and in the case of residential activities apply to domestic activities rather than commercial or business activities carried out from residential premises.

b. **Exemptions for residential activities in all zones**

- i. Warning Devices used by Emergency Services;
- ii. Short-term domestic activities e.g. lawn mowing.

c. **Exemptions for rural activities in Rural Zones**

- i. Warning Devices used by Emergency Services;
- ii. Activities required for primary production activities, including agricultural and horticultural vehicles and equipment; aircraft used for agricultural and horticultural purposes; and portable equipment (excluding portable sawmills and frost protection fans and audible bird scaring devices) associated with agricultural and horticultural activities such as: spraying, harvesting, etc;
- iii. Livestock.

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- d. **Other exemptions**
- i. Noise from *construction*, maintenance and demolition (see Rule 4C.1.3.1);
  - ii. *Temporary Military Training Activity*;
  - iii. Temporary Activities (see Rule 4A.2.3.1 b. iv).
- e. **Noise from traffic on public roads that are legally formed and maintained is exempt from the zone rules of the District Plan**
- Explanatory Note:**  
Some roads may have specific conditions imposed by resource consent or designation.
- f. **Exemptions for roadside cabinets housing telecommunication equipment**
- Noise from roadside *cabinets* housing telecommunication equipment is subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. Such noise is not subject to rules in this District Plan.

**4C.1.3.4 Noise Measurement and Assessment**

- a. For the purposes of Rule 4C.1.3.2, subject to the express provisions of these rules, sound levels should be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound;
- b. The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

**Explanatory note:**

*Council* may require any Discretionary or Non-Complying resource consent application in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall comply with the District Plan noise levels for the site. *Council* shall consider the noise insulation methods associated with the use of generators, fans, blowers, refrigeration equipment, forklifts, outdoor loading operations, and any activity that operates between 7.00pm and 7.00am.

**4C.1.3.5 Audible Bird Scaring Devices – Performance Standard for Permitted Activity**

Audible bird scaring devices shall be a Permitted Activity subject to compliance with the following performance standards.

An audible bird scaring device:

- a. Shall only be operated from half an hour before sunrise to half an hour after sunset.
- b. Shall be set to operate at no greater frequency than 12 times in any period of one hour, that is 12 single discharges or four groups of three discharges.
- c. Shall not be operated for any continuous period exceeding two seconds.
- d. Shall only be operated when the horticultural crop is at risk from bird damage.
- e. Shall not exceed 65dB ASEL at the *notional boundary* of any Rural, Rural Residential, Future Urban or Lifestyle *dwelling* or at the boundary of any Residential or Medium Density Residential Zone (excluding any *dwelling/s* located on the same site as the device is being operated).
- f. Where those persons who experience noise levels over 65dB ASEL as described in e. above, have provided written approval to *Council* then the activity shall be permitted.

Use of any audible bird scaring device not in compliance with the above performance standards shall fall to be considered as a Restricted Discretionary Activity.

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**4C.1.3.6 Frost Protection Fans – Performance Standard for Permitted Activity**

Frost protection fans (including portable non-fixed type) shall be a Permitted Activity subject to compliance with the following performance standards. Any frost protection fan(s) (including portable non-fixed type) that fail to meet these performance standards shall be a Restricted Discretionary Activity.

**a. Noise limits**

Noise from the operation of a frost protection fan or fans shall not exceed 55dB *LAeq* or 65dB *L<sub>Amax</sub>* when measured:

Rural and lifestyle zones

- i. At the *notional boundary* of any *dwelling* in the Rural or Lifestyle Zone that is or will be located on a title separate to that of the subject site and in different ownership; and

was existing or approved prior to the date that certification is provided to the *Council* in accordance with b, below;

- ii. At any point at or within the boundary of a property in the Rural or Lifestyle Zone that:

is located on a title separate to that of the subject site and in different ownership; and

did not have an existing or approved *dwelling* prior to the date that certification is provided to the *Council* in accordance with b below;

Other zones

- iii. At any point at or within the boundary of any property within a Residential, Rural-Residential, Medium Density Residential or Future Urban Zone.

For the purposes of i. and ii. above:

*Dwelling* includes *minor dwelling*.

Existing means any *dwelling* both physically and lawfully established on a site.

Approved means any *dwelling* that is not existing but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or building consent has been granted.

**b. Certification that noise limits are met**

Evidence of the ability to meet a. above shall be provided to *Council* prior to the installation of the frost protection fan(s) and shall include:

- i. Certification from an appropriately qualified and experienced acoustic engineer that the noise limits in a. above will be met; and
- ii. A plan showing the location, and Global Positioning System co-ordinates, of the frost protection fan(s) to which the certification applies.

**c. Operating times for frost protection**

When a frost protection fan is in operation for frost protection the frost protection fan must not start up until the air at canopy height drops to 2°C, and shall cease operation when the rising temperature reaches 4°C at canopy height.

**d. Operating times for maintenance and testing**

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When a frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing outside these hours may only take place for urgent unforeseen maintenance purposes or for testing operational readiness.

Except that:

e. Written approval for exceeding noise limits

Noise from the operation of a frost protection fan or fans may exceed the noise levels described in a. above, if:

i. The noise to be produced by the operation of the frost protection fan(s) is assessed and determined by an appropriately qualified and experienced acoustic engineer.

The assessment shall include:

- the noise levels to be produced by the operation of the frost protection fan(s);
- identification of the non-compliances with the noise levels specified in a. above;
- a plan showing the location, and the Global Positioning System co-ordinates, of the frost protection fan(s) to which the assessment applies;

and

ii. The written approval of the owners of the land, and owners and occupiers of the *dwelling(s)* to which the non-compliances apply have provided their written approval for the non-compliances identified in the assessment provided in i. above.

and

iii. The information in i. and ii. above is provided to *Council* prior to the installation of the frost protection fan(s).

**Explanatory Notes:**

Fan Type - The distance required to achieve 55dB *LAeq* and 65dB *L<sub>Amax</sub>* will vary depending on the noise performance of the frost protection fan(s).

For portable frost protection fans, determination and/or certification of noise to be emitted must take into account the full range of possible operating locations for the device.

**4C.1.3.6 Indoor Railway Vibration**

1. In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 60m of the railway designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall be protected from vibration arising from the nearby rail corridor.
2. Compliance with standard 1 above shall be achieved by a report submitted to the council demonstrating compliance with the following matters:
  - (a) the new building or alteration to an existing building is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s *v<sub>w</sub>*,95 or
  - (b) the new building or alteration to an existing building is a single storey framed residential building with:

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- i. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and
- ii. vibration isolation separating the sides of the floor slab from the ground; and
- iii. no rigid connections between the building and the ground.

**4C.1.4 Matters of Discretion****4C.1.4.1 Restricted Discretionary Activity – Audible Bird Scaring Devices**

*Council* shall restrict its discretion to the noise levels and the consequential affect on amenity of the neighbouring properties. Notification of the application is not required. For the purposes of identifying affected persons, written approval shall be required from persons who will experience noise levels above 65dBA *SEL* (excluding a residential *dwelling* on the same property as the audible bird scaring device). Should any written approvals not be obtained from an affected person(s) notice will be served on those persons.

**4C.1.4.2 Restricted Discretionary Activity - Frost Protection Fans**

*Council* shall restrict its discretion to the following:

- a. The level of noise that is to be emitted from the frost protection fan(s).
- b. The effect of noise on the owners of land, and owners and occupiers of  *dwellings* who will be affected by noise levels over 55dB LAeq and/or 65dB LAm<sub>ax</sub>.
- c. The hours of operation, duration and frequency of use of the frost protection fan(s).
- d. The best practicable option for preventing or minimising adverse effects associated noise emissions. This may include, but is not limited to consideration of alternative options for frost protection, effectiveness of those alternative options, affordability, cumulative effects of existing frost protection fans in the vicinity, effects on established land uses, and proposed mitigation.
- e. The operational requirements of the frost protection fan(s).

**4C.1.4.3 Restricted Discretionary Activity – Indoor Railway Noise**

*Council's* discretion is restricted to the following matters:

- a. location of the building;
- b. the effects of any non-compliance with the activity specific standards;
- c. special topographical, building features or ground conditions which will mitigate noise impacts;
- d. the outcome of any consultation with KiwiRail.

**4C.1.4.4 Restricted Discretionary Activity – Indoor Railway Vibration**

*Council's* discretion is restricted to the following matters:

- a. location of the building
- b. the effects of any non-compliance with the activity specific standards
- c. special topographical, building features or ground conditions which will mitigate vibration impacts
- d. the outcome of any consultation with KiwiRail

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**4C.1.5 Other Methods**

- a. Application of other statutory powers

Notwithstanding the foregoing clauses the *Council* reserves the right to use its more general statutory and regulatory powers (e.g. under relevant resource management, environmental, and health legislation and *Council's* own bylaws) to exercise appropriate control over noise in the environment.

- b. Vibration

Where significant vibration effects are experienced *Council* may deal with the matter as a nuisance under the Health Act.

**4C.2 Storage and Disposal of Solid Waste****Explanatory Statement**

*Council* wishes to more effectively manage the private storage and disposal of solid waste as an adjunct to its Solid Waste Management Strategy.

Provision is made to enable onsite storage and disposal of non-toxic or non-hazardous solid wastes without resource consent, subject to meeting performance standards designed to mitigate any potential adverse effects.

The disposal of *hazardous substances* unless properly managed can cause major adverse environmental effects. Accordingly provision is made to dispose of such materials at authorised facilities only.

**4C.2.1 Significant Issue**

The potential for the storage and disposal of solid wastes to generate adverse environmental effects including, for example:

- a. Effects on the amenity values of the surrounding area;
- b. Effects on the *transportation network* and other *infrastructure and network utilities*; and
- c. Effects on the safety of road users and vehicle accessways.

**4C.2.2 Objective and Policies****4C.2.2.1 Objective**

Protecting the environment from the adverse effects of the storage and disposal of solid wastes.

**4C.2.2.2 Policy**

1. Ensure the management of solid waste storage and disposal so as to avoid or minimise adverse environmental effects.
2. To encourage waste minimisation and disposal of waste only to an authorised landfill.
3. Manage the adverse effects of *cleanfill* activities on the *transportation network, infrastructure and network utilities*, safety and convenience of road and access users, and on the amenity of residential activities and other *sensitive sites*.

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**4C.2.3 Activity Lists****4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones****a. Permitted Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- i. *Cleanfill* material originating from off the disposal site where the total volume of material does not exceed 1,000m<sup>3</sup> within any 12 month period;
- ii. *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m<sup>3</sup> but not greater than 5,000m<sup>3</sup> within any 12 month period subject to meeting both (a) and (b) below or obtaining written approval under c. below;
  - a. Vehicle access to the site, and the *cleanfill* disposal area, being located no less than 300m from:
    - any existing or consented *dwelling, minor dwelling, accommodation facility or education facility* on a separate site in different ownership to the disposal site;
    - any identified building site assessed as part of an approved subdivision consent in accordance with Rule 12.4.1.b. on a separate site in different ownership to the disposal site;
    - the boundary of any *sensitive site* in different ownership to the disposal site.
  - b. Vehicle access to the disposal site not being via an accessway, right of way / *privateway*, access lot, private road, roadway over *Māori Land*, or any other shared driveway.
  - c. Where all owners and occupiers of land affected by a and b provide written approval to the *Council*.
- iii. *Cleanfill* material originating from the same site on which it is to be disposed;
- iv. Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

**b. Restricted Discretionary Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- i. *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m<sup>3</sup> but not greater than 5,000m<sup>3</sup> and which does not qualify as a permitted activity under Rule 4C.2.3.1 a. ii.
- ii. *Cleanfill* material originating from off the disposal site where the total volume of material exceeds 5,000m<sup>3</sup> within any 12 month period.



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**c. Discretionary Activities**

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

**Explanatory Notes:**

- i. These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3.ay.).
- ii. The volume of *cleanfill* material is calculated as a solid measure when the material is compacted in place on the disposal site.
- iii. Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.
- iv. The term "consented" within Rule 4C.2.3.1 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.

**4C.2.3.2 All Other Zones (Residential, Medium Density, Commercial, Commercial Transition, Industrial, Post Harvest, All Terrain Park)****a. Permitted Activities**

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- i. *Cleanfill* material whether originating from the site on which it is disposed or not;
- ii. Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

**b. Discretionary Activities**

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

**Explanatory Notes:**

- i. These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3.ay.).
- ii. Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.

**4C.2.4 Activity Performance Standards****4C.2.4.1 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. Unless specified otherwise, any Permitted or Controlled Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

**a. Screening**

All stand alone or ancillary outdoor solid waste storage and disposal areas shall be screened from adjacent Residential, Medium Density Residential, Future Urban, Rural-Residential, Lifestyle and Rural Zones, recreation reserves and the public road.

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Screening shall be as required in Section 4C.5

Except that:

Mineral exploration, mining and *quarrying* activities will be exempt from this rule as the visual mitigation of these activities shall be in accordance with Rule 18.5.9 g.

The disposal of *cleanfill* materials permitted under Rules 4C.2.3.1 a. i. and ii. shall be exempt from this screening rule (4C.2.4.1 a.).

**b. Wind mitigation**

All solid waste material shall be stored and disposed of in a manner that ensures it will not be blown beyond the boundaries of the site.

**c. Disposal of hazardous substance**

The disposal of *hazardous substances* (excluding from *dwelling*s) shall be to authorised landfills that have been specifically approved to receive *hazardous substances* or to approved industry collectors such as AgRecovery or in accordance with the provisions of NZS 8409:2004 Management of Agrichemicals Appendix S 5.1.

**d. Processing of cleanfill material sourced off site**

All *cleanfill* material sourced from off the site shall be ready for disposal without the need for mechanical crushing and/or screening on the site where it is to be disposed.

**4C.2.5 Matters of Discretion**

**4C.2.5.1 Restricted Discretionary Activities**

Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:

- a. Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.
- b. Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.
- c. Effects of traffic movements on the safety, efficiency and maintenance of the *transportation network*.
- d. Effects on *infrastructure and network utilities*.
- e. Effects on the State Highway Network and the views of Waka Kotahi NZ Transport Agency.
- f. The requirement for financial contributions for *capacity consumption* and pavement consumption as assessed in accordance with Section 11.
- g. Measures to avoid, remedy or mitigate adverse effects in matters identified a. to f.

**4C.3 Lighting and Welding**

**Explanatory Statement**

Lighting and welding can have adverse effects on visual and amenity values. In particular the residential and rural environments should be protected from adverse lighting and welding effects. In addition, lighting can also create traffic safety issues, which should be avoided. Objectives, policies and rules are required to ensure that appropriate limits are applied to Permitted Activities and that appropriate assessment criteria are included for resource consent applications.

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**4C.3.1 Significant Issues**

1. Indiscriminate lighting can have an adverse effect on adjacent properties, particularly in residential and rural areas, and on the safety of traffic movement on public roads.
2. The extension of leisure activities into the evening hours and the presence of more commercial and industrial activities in residential and rural areas has increased the demand for outdoor lighting and the potential for adverse effects on adjacent properties.

**4C.3.2 Objective and Policy****4C.3.2.1 Objective**

An environment free from the adverse effects of intrusive lighting and welding.

**4C.3.2.2 Policy**

Ensure that floodlights, security lights and welding do not detract from the amenity values of other properties, or compromise traffic safety.

**4C.3.3 Activity Performance Standards**

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 Activity or Controlled Activity, which does not meet the performance standards, shall be deemed a Restricted Discretionary Activity and will be assessed in accordance with the Restricted Discretionary Assessment Criteria.

**4C.3.3.1 Spill Light: Day Time Standards**

- a. A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 10*lux*, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Rural, Lifestyle, Rural Residential, Future Urban, Residential, Medium Density Residential or ~~Residential~~ Natural Open Space.
- b. A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 100*lux*, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Commercial or Industrial.

**4C.3.3.2 Spill Light: Night Time Standards**

- a. A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 5*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Rural, Lifestyle, Rural-Residential ~~or~~, Future Urban or Natural Open Space.
- b. A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 5*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Residential or Medium Density Residential.
- c. A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 25*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Commercial or Industrial.
- d. A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 35*lux* measured horizontally or vertically at any point on or

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directly above a street kerb line.

**Explanatory Note**

Added *illuminance* means that added by the use of the artificial lighting in question above the background lighting level in the absence of that artificial lighting. In circumstances where measurements of any added *illuminance* cannot be made due to the fact that the owner will not turn off artificial lighting, measurements may be made in areas of a similar nature which are not affected by the artificial light. The result of these measurements may be used for the purposes of determining the effect of the artificial light.

**4C.3.3.3 Glare: Day Time Standards**

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table:

Description		
Size of Area	Controlling dimension (Refer Fig 5.1 of AS 4282)	Maximum Intensity *
Large	>75m	7,500 cd
Medium	>25m <75m	7,500 cd
Small	<25m	2,500 cd

\*Only Level 1 control *luminaries* are to be used (refer AS4282 Table 2.2. Note 1)

This table is adapted from Table 2.2 Australian Standard AS4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AAS 4284 – 1997 can be used to determine the luminous intensity.

**4C.3.3.4 Glare: Night Time Standards**

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table;

Conditions	Recommended maximum values		
	In Commercial or Industrial zones or at a boundary of Commercial, Industrial, Residential or Industrial and Medium Density Residential zones	Urban and Residential and Medium Density Residential zones	Rural, Lifestyle, Rural Residential, Future Urban, All Terrain Park and Post Harvest zones
Limits apply in all directions where views of bright surfaces of <i>luminaires</i> are likely to be troublesome to residents, from positions where such views are likely to be maintained, i.e. not where momentary or short term viewing is involved.	2,500 cd	1,000 cd	500 cd

This table is adapted from Table 2.1 Australian standard AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AS 4282 – 1997 shall be used to determine the luminous intensity.

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**4C.3.3.5 Artificial Lighting**

The maximum *illuminance* of any artificial light shall be 150*lux* measured at any point on the site in a horizontal or vertical plane at ground level and shall comply with the following criteria;

- a. the light source (lamp) shall be shielded in such a manner that all light emitted by the *luminaire* is projected below the horizontal plane running through the lowest point of the *luminaire* from where the light is emitted;

Or

the light source shall be shielded in such a manner that the highest point of the light emitting surface of the *luminaire* is lower than the light source (lamp) and the upward wasted light output ratio (UWLOR) does not exceed 4%;

And

- b. The light source shall comply with the latest revision of AS/NZS 1158 where applicable, e.g. car parks and public areas.

**4C.3.3.6 Street Light Exemption**

Street lighting approved by a local authority or a requiring authority shall be exempt from the provisions of Rule 4C.3.3.1 to Rule 4C.3.3.5.

**4C.3.4 Matters of Discretion****4C.3.4.1 Restricted Discretionary Activity Criteria**

Where an application is deemed to be a Restricted Discretionary Activity in accordance with Rule 4C.3.3, the application shall be considered in relation to the following criteria:

- a. The extent of adverse effects generated by the lighting activity.
- b. The surrounding land uses and anticipated future land uses provided for within the zone.
- c. The potential mitigation measures and alternative lighting methods.

## **4C.4 Offensive Odours, Effluent Aerosols and Spray Drift Explanatory Statement**

Under the *RMA* responsibility for controlling discharges to air lies with the *Regional Council*, particularly as air quality is not a matter confined to local authority boundaries. The *Regional Council's* Air Plan will be the key method for addressing concerns related to odour and spray drift. Complaints about such activities should be directed to the *Regional Council* in the first instance.

However, the interrelationship between land use and air quality means that there are issues which need to be addressed under the District Plan.

*Council* wishes to protect residents in Residential, Medium Density Residential, Rural- Residential, Lifestyle and Rural Zones from offensive odours and *effluent aerosols* that may be produced from activities such as oxidation ponds and *intensive farming*.

Activities with such effects can degrade the amenity values of the environment. *Council* may also have to protect the activity itself from more intensive and closer activities and the potential for complaints. The issue of conflicts caused by spray drift is addressed through information sheets attached to Land Information Memoranda in the Rural Zone.

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**4C.4.1 Significant Issues**

1. The potential for odours generated by industrial and *intensive farming activities* to adversely impact on existing amenity.
2. The potential for agrichemical spray drift to adversely impact on the amenity of adjoining or neighbouring properties.
3. The management of the air resource under the *RMA* is the primary responsibility of the *Regional Council*, however *Council* has responsibility for the control of the adverse effects of land use activities and there is potential for overlapping regulation of this resource. In order to provide for the sustainable management of the resource *Council* needs to ensure that it complements rather than duplicates the role of the *Regional Council* and other agencies such as the Ministry of Health who may have legislative responsibilities in relation to this resource.

**4C.4.2 Objective and Policy****4C.4.2.1 Objective**

Minimisation of the adverse environmental effects on amenity of activities which generate odours, *effluent aerosols* and spray drift.

**4C.4.2.2 Policy**

Activities which generate odours, effluent or chemical aerosols should not adversely affect the amenity of neighbouring properties or the environment generally.

**4C.4.3 Matters of Discretion**

These matters of discretion shall only apply to those activities which have been listed as Discretionary Activities within their relevant zone.

**4C.4.3.1 Discretionary Activities – Rural Zones and Industrial Zones**

- a. *Council* shall consider each application on its merits having regard to (but not restricted to) the current, recognised New Zealand Guidelines and Industry Codes of Practice such as pig farming, poultry farming and the utilisation of sewage and effluent on land.
  - b. *Council* shall also consider the following information supplied by the applicant:
    - i. An assessment of the effects of the proposal and alternatives for:
      - raw materials to be used;
      - methods of waste handling and disposal;
      - process plant and *buildings*;
      - instrumentation and control systems;
      - ancillary plant *buildings*;
      - odor treatment;
      - containment measures to reduce wind dispersal.
    - ii. Description of local topographical, meteorological and land use data;
  - c. As a condition of consent *Council* may require an annual monitoring report from the applicant that monitors and reports on complaints.
  - d. Future activities about the site
- When considering proposals for activities or to rezone land from Rural to Future Urban or Residential, *Council* shall protect the lawfully established existing land uses in the locality and the separation distances that are required by adopted Codes of Practice to

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avoid, remedy or mitigate the adverse effects of odour and *effluent aerosols* from such uses.

## e. Certification

*Council* may require any Discretionary or Non-Complying resource consent applications in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall mitigate any potential odour problems.

*Council* shall consider odour management associated with human and animal effluent, activities involving animal and fish or parts thereof, fertiliser, paint varnish and chemical manufacture including the cleaning of containers, and solid waste storage and disposal.

## 4C.4.4 Other Methods

- a. Land Information Memoranda, other education and information tools as (and if) suitable for improving the communities knowledge and awareness of sensitivities to the types of effects possibly generated from these activities.
- b. The *Regional Council's* Regional Air Plan.

## 4C.5 Screening

## Explanatory Statement

The adverse visual impacts from activities can be reduced and mitigated by the use of planting, mounding and fencing. Such measures can assist in maintaining the amenity values and character of an area whilst allowing a degree of flexibility in the location of certain activities.

## 4C.5.1 Significant Issue

The potential for activities adjacent to residential areas and the main entrances to towns to create adverse visual effects.

## 4C.5.2 Objective and Policy

## 4C.5.2.1 Objective

Avoidance or mitigation of the potential adverse visual effects of activities situated in prominent locations or adjacent to residential areas.

## 4C.5.2.2 Policy

Ensure appropriate landscaping and screening is established in conjunction with activities so as to minimise potential adverse visual impact.

## 4C.5.3 Activity Performance Standards

## 4C.5.3.1 General

The following performance standards shall be used as a guide for all Discretionary and Non-Complying Activities. ~~At In Ōmokoroa Stage 2~~, such screening is additional to the 10m buffer landscaping required about Industrial Zones.

- a. Screening shall be by either:
  - i. A solid *wall* of not less than 2m in *height*, or
  - ii. Landscape planting to a minimum depth of 3m and a minimum height of not less than 2m (the screen must be a minimum of 1.2m high at time of planting, but must have achieved a height of 2m within 2 years), or

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- iii. A permeable fence (i.e. trellis or chain mesh) in conjunction with planting (i.e. vines and creepers) which will fully screen the site.  
  
Such screening is to be maintained in good order at all times and maintenance planting shall be undertaken in the current or next planting season to achieve this.
- b. Where an activity proposes landscape planting as a form of screening a landscape plan shall be submitted for *Council's* consideration. In considering an application *Council* shall have regard to the following:
  - i. Landscaping must have a minimum width of 3m exclusive of site access for pedestrians and vehicles at the frontage including provision for sight lines;
  - ii. There must be a variety of vegetation both in size and character having considered:
    - The character of the *building/structure* or activity on site;
    - The character of adjacent properties;
    - The scale of any parking areas to be screened;
    - Potential shadowing in winter of adjacent residential, medium density residential, rural-residential or rural properties or *public reserves*;
    - Underground and overground services;
    - Suitability of the species to the location;
    - Suitability of the species to the maintenance and watering plan;
    - Effects on the safety and efficiency of the roading network.
  - iii. The proposed landscape plan is to be certified by an appropriately qualified person as being an appropriate screening and one that will be hardy;
  - iv. *Council* shall apply a bond for three years to ensure the establishment and maintenance of the landscaping. The bond shall be directly related to the actual capital and labour costs of the work.

**4C.5.3.2 Screening in Industrial and Commercial Zones**

The following landscape areas and requirements will be implemented either at the time of subdivision or *development* as the case may require.

- a. Unless otherwise required by a rule in the District Plan any activity which has a common boundary with a Residential, Medium Density Residential, Rural- Residential, Future Urban or Rural Zone, or a public reserve shall be screened by landscape planting to a minimum depth of 3m and a minimum height of not less than 2m. The screen must be a minimum of 1.2m high at the time of planting and be capable of achieving a height of 2m within two years.
- b. Unless otherwise required by a rule in the District Plan any activity in an Industrial Zone adjoining Jellicoe Street north of the Ohineangaanga Stream bridge to Collins Lane; or State Highway 2 adjoining Wilson Road North, Maketu, shall be screened by landscape planting to a minimum depth of 3m and a minimum height of not less than 2m.
- c. **Katikati Industrial Zone**
  - i. Where a property adjoins the State Highway, a 10m *yard* is required to be vested in *Council* along the State Highway boundary. Within this 10m *yard*, a 5m landscape strip is to be provided. A landscape plan for the landscape strip must be submitted to *Council* for consideration in accordance with the requirements in Rule 4C.5.3.1. The 5m landscape strip shall be in the half of the *yard* which is furthest away from the *road reserve*;



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- ii. The 5m of *yard* closest to the *road reserve* shall be kept clear of any landscaping other than grass lawn, paving or other flat surfacing.
- iii. The landscape strip shall be planted and established by the landowner prior to vesting in *Council*, and *Council* will be responsible for ongoing maintenance of the entire 10m *yard* (landscape strip and remaining 5m of flat area), to be paid for through a targeted rate on the Katikati Industrial Area.

Provided that:

Notwithstanding paragraph c. of the definition of “Yard” in the District Plan, the following activities are not permitted in the 10m *yard* required under this Rule:

- the parking of vehicles;
- barbeques;
- playground equipment;
- *signs*.

Except that:

The above rule will not apply to the section of the State Highway from Marshall Road to Phillip Walter Drive where landscape screening shall be a minimum depth of 3m and a minimum height of 2m.

**d. Ōmokoroa Industrial Zone**

- i. A 10m minimum width landscape strip shall be provided along the perimeter of the Industrial Zone or adjacent to Ōmokoroa, Hamurana and Francis Road as shown on District Plan Maps U65 and U66. The landscape strip is to be at least 10m wide and densely planted and maintained with evergreen plants, with a minimum height of 1.2m at the time of planting and 8m at maturity;

To avoid doubt:

- The 10m landscape strip on the Zone boundary is not included in the 50m measurement of the Ōmokoroa Light Industrial Zone (see also Map U66).
- The landscape strip shall be occupied and used only for the purposes of landscaping and screening and shall not be occupied by or used for any *building or structure, signage, infrastructure*, public road, *privateway*, vehicle parking or manoeuvring, nor by any type of storage whether temporary or permanent.
- ii. *Lots* adjoining the spine road leading east off the first intersection along Ōmokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1 a. ii. and iii., and 4C.5.3.1 b.
- iii. Use or *development* of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted with respect to the *lot* being used or developed.
- iv. For the boundary with the ROW serving 467 B, C, D and E Ōmokoroa Road, the *yard* shall consist of
  - a close boarded timber fence (minimum of 1.8m high and of consistent design for the length of the ROW) on the Industrial Zone side of the boundary, and to be maintained in good order.

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- A minimum 5m depth of planting on the Industrial Zone side of the fence, as measured from the boundary with the ROW. A landscape plan shall be submitted for *Council's* consideration in accordance with 4C.5.3.1 a. ii., and 4C.5.3.1 b.

Except that for where the ROW bisects the Industrial Zone, the parts of the ROW between the fence and the formed ROW shall be landscaped with amenity and screening planting that achieves 3m in depth and 2m in height and shall be indicated in the landscape plan.

- v. Use or *development* (excluding *earthworks*) of Lot 3 DPS 28670 for industrial purposes shall occur only after landscape planting described in i. above adjacent the Stormwater and Private Conservation Reserve adjacent State Highway 2 has reached a height of 3m.

**e. Te Puke West Industrial Zone**

- i. At the time of subdivision or comprehensive site redevelopment of land in the Te Puke Industrial Area, a 10m corridor adjacent the Te Puke Highway/Jellicoe Street will be vested in *Council* for provision of a landscape strip in keeping with the Te Puke West Industrial Area Landscape Concept. This landscape strip is to be vested in *Council* for ongoing maintenance. Where a property adjoins the Te Puke Highway, the landscape strip may be provided in the 10m yard.
- ii. The landscaping required for each stage of the Te Puke West Industrial Zone is to be as shown on the Te Puke West Structure Plan contained in Appendix 7.
- iii. At the time of subdivision or *development* of land within Stage 1 of the Te Puke West Industrial Zone (as shown on the Staging Plan contained in Appendix 7), a 10m wide corridor adjacent to the Te Puke Highway shall be vested in *Council* so as to provide for a landscape strip consistent with the Te Puke West Structure Plan in Appendix 7. This landscape strip shall constitute the 10m yard adjoining the Te Puke Highway.
- iv. Any subdivision or *development* of land shall provide landscape plans and planting species, at the time of subdivision of *development* in accordance with the Te Puke West Structure Plan in Appendix 7 for the particular area of land to be developed. Such planting shall be established by the developer and where on land to be vested in *Council* shall be subject to a maintenance bond to ensure successful establishment of the plantings concerned.
- v. Provision shall be made for a wire mesh or other physical barrier at least 1.2m but no greater than 2m in *height* to be erected at the time of subdivision and thereafter maintained so as to prevent encroachment of any industrial activity into any esplanade or landscape strip area identified in the Te Puke West Structure Plan contained in Appendix 7.

**f. Te Puna Industrial Zone**

- i. Any subdivision or *development* of land within the zone shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system in accordance with the Te Puna Rural Business Park Structure Plan in Appendix 7;
- ii. The area of the planted land around the zone boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/*wetland* as shown in the Te Puna Rural Business Park Structure Plan shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the zone.

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The plantings and the stormwater ponds and the overland flow path/*wetland* shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction;

- iii. Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*.
- iv. Landscape plans for the zone boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/*wetland* shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/*wetland* shall be prepared in consultation with Pirirakau.
- v. Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new *building* over 100m<sup>2</sup>. To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The plan shall specifically identify the plant species. The plan shall also include a landscape maintenance programme for three years.

## g. Comvita Campus Structure Plan

- i. Any subdivision or *development* of land within the Comvita Campus *Structure Plan* area shall incorporate amenity screen landscaping in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

Except that:

For new or replacement landscaping along the boundary adjoining the State Highway, within 9 metres of the carriageway, species must be of a type that the trunk diameter shall not exceed 100mm at maturity.

- ii. Prior to any *building/structure* being established a landscape plan shall be prepared by a suitably qualified landscape architect and be provided to the consent authority for approval. The landscape plan shall be assessed by the consent authority in accordance with the requirements of Rule 4C.5.3.1 b.
- iii. For i. and ii. above, where the existing shelterbelt is retained for screening, it shall be lowered and maintained at a height of 6m.

## h. Te Puna Springs Structure Plan

- i. Any subdivision or *development* of land within the zone shall be designed, approved and developed in general accordance with the Te Puna Springs *Structure Plan* and Landscape cross-section in Appendix 7.
- ii. Landscape plans shall be prepared by a suitably qualified landscape designer/architect and provided to the *Council* for approval.

## 4C.5.3.3 Screening in the Post Harvest Zone

- a. All existing screening shall be retained on site, and if replaced, shall be by screening of a similar height and scale.
- b. A landscape strip shall be provided on all road frontages in accordance with 4C.5.3.1 a. ii. and 4C.5.3.1 b.
- c. Shelterbelt planting comprising tree species which will attain a minimum height of 8m at maturity shall be provided on the remaining boundaries.

Provided that:

Screening may be reduced in height, or located other than on the boundary, or may not

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be required at all where the written approval of the owner(s) of the immediately adjoining land is obtained.

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### Signs

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### Signs

#### 4D. Signs

##### Explanatory Statement

A significant proportion of the Western Bay of Plenty District's rural area is intensively developed for the production of horticultural crops. Much of the area developed for horticulture adjoins or is in close proximity to the four State Highways which traverse the *District*, in particular State Highway 2. Associated with this is the desire of many landowners to sell produce direct from their property to the public. The *District* is also growing in popularity as a holiday and tourist destination. Associated with this is a growth in the provision of activities to cater for demand. These activities are dependent on attracting the travelling public onto their site. A usual means of doing so is by the provision of *signs*.

*Signs* do have an impact on the visual amenity of the *District* and can have an affect on traffic safety. This can be both positive and negative.

The provisions in the District Plan are designed to meet the needs of the community whilst avoiding or mitigating adverse environmental effects such as on traffic safety and visual amenity.

Traffic safety is to be enhanced by providing for advance warning *signs* and through the provision of community and group signboards which will reduce the need for a proliferation of individual *signs*. Similarly, through a reduction in the need for individual *signs* it is intended that over time visual amenity, particularly in rural areas will improve. Advance warning *signs* are for traffic safety reasons, and on major roads they may be provided for on the *road reserve* subject to approval by Waka Kotahi NZ Transport Agency and *Council* as appropriate.

#### 4D.1 Significant Issues

1. The size, type, colour, number and location of *signs* can have an adverse effect on traffic safety, the efficiency of the roading network, and visual amenity.
2. Activities attracting people to a property can have an adverse effect on traffic safety especially if the activity and entry to the property are not clearly indicated.

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## 4D.2 Objectives and Policies

### 4D.2.1 Objectives

1. Maintenance and enhancement of the visual amenity of the *District* from the adverse effects of *signs* while recognising the different sensitivities of different locations.
2. Avoidance of the adverse effects of *signs* on the safe and efficient operation of roads within the *District*.
3. Mitigation of the adverse effects on traffic safety of activities which attract people to the site where the activities are taking place.

### 4D.2.2 Policies

1. *Signs* should be of a size, type, colour, number and/or location as to maintain and enhance the visual amenity of the respective zone.
2. *Signs* visible from roads should be positioned and designed so that the *signs* do not distract motorists or otherwise impair their ability to drive safely.
3. *Signs* should be positioned and designed so as to clearly indicate where an activity is.

## 4D.3 Activity Lists - Zone Specific

**Note:**

In addition to the zone specific activities listed below under 4D.3 there are a number of *District* wide activities listed in 4D.4 which apply within all zones.

### 4D.3.1 Rural, Future Urban and Post Harvest Zones

#### 4D.3.1.1 Permitted Activities

The following Low Intensity *Signs* in the Rural and Future Urban Zone; and The following Low or Medium Intensity *Signs* in the Post Harvest Zone

- a. In conjunction with Permitted Activities
  - i. *Signs* up to a maximum cumulative area of 3m<sup>2</sup> per *lot* for the purposes of advertising the services offered or the sale of goods/produce manufactured or grown on the *lot* (*stalls*) on which the *signs* are to be located.
  - ii. *Signs* stating the occupants name, profession, occupation, trade or property name (where these are Permitted Activities on the property).
- b. Off Site Advance Warning *Signs* for activities located on roads other than Strategic Roads:
  - i. Limited to one each side of the subject site with an area of no more than 1m<sup>2</sup> per *sign* and located between 200m and 500m distance from the site;
  - ii. Wording shall be generic in nature or use international symbols rather than incorporating specific names or logos (e.g. arts and crafts 250m) unless otherwise provided for in a resource consent.

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**4D.3.1.2 Non-Complying Activities**

Medium and High Intensity *Signs* in the Rural and Future Urban Zones; and High Intensity *Signs* in the Post Harvest Zone.

**4D.3.2 Residential, Medium Density Residential, Lifestyle and Rural Residential and Natural Open Space Zones****4D.3.2.1 Permitted Activities**

The following Low Intensity *Signs*

- a. A *sign* stating occupant's name, occupation, or property name limited to a maximum area of 0.5m<sup>2</sup>.

**4D.3.2.2 Non-Complying Activities**

Medium and High Intensity *Signs*

**4D.3.3 Commercial and Industrial Zones (except Te Puna Business Park and Ōmokoroa)****4D.3.3.1 Permitted Activities**

The following Low or Medium Intensity *Signs*

Except as provided for in Rule 4D.3.4.1 a., on any site *signs* shall not exceed any combination of the following:

- a. One freestanding *sign* not exceeding 10m in *height*, and up to 2m in width.
- b. One freestanding *sign* not exceeding 3m in *height* and 2m in width for every 30 linear metres of road frontage.
- c. *Signs*, whether painted or attached, covering up to 30% of each *wall* of the *building*, within the profile of the *building*.

Except that:

- d. Where a boundary of a Commercial or Industrial Zoned property adjoins or faces (ie. across a street from) an existing or proposed reserve or a zone that is not commercial or industrial, *signs* on that property boundary shall be limited to a maximum area of 6m<sup>2</sup>.
- e. Where a boundary of a Commercial or Industrial Zoned property adjoins a Strategic Road, *signs* shall be limited to:
  - i. The physical confines of the *walls* of the *building* if the *sign* is located on or attached to a *building*;
  - ii. One freestanding *sign* (single or double sided) up to a maximum of 9m in *height* and a maximum of 3m in width;
  - iii. On site traffic directional *signs* up to a maximum area of 0.5m<sup>2</sup> each.

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**4D.3.3.2 Discretionary Activities**High Intensity *Signs***4D.3.4 Te Puna Business Park****4D.3.4.1 Permitted Activities**The following Low or Medium Intensity *Signs*

- a. At the entrance of each road or access onto Te Puna Station Road, one composite *sign* shall be permitted, advertising the combined activities within the zone and shall be limited to a maximum of 9m in *height* and a maximum of 3m in width and a total area for each *sign* of 18m<sup>2</sup>.
- b. In conjunction with each activity, *signs* on each site shall be limited to one freestanding *sign* (single or double-sided) up to a maximum of 5m in *height* and a maximum *sign* area of 6m<sup>2</sup>.

**4D.3.4.2 Discretionary Activities**High Intensity *Signs***4D.3.5 Ōmokoroa Commercial and Industrial Zones****4D.3.5.1 Permitted Activities**The following Low or Medium Intensity *Signs*

- a. *Signs* on industrial or commercial frontages along Ōmokoroa, Hamurana, and Francis Roads and other new roads providing access to residential areas shall be limited to:
  - i. No more than one 1m<sup>2</sup> directional traffic and/or pedestrian *sign* up to a maximum area of 1m<sup>2</sup> per *lot*;
  - ii. A single freestanding business *sign* per site (single or double sided) up to a maximum dimension of 3m x 1.2m (*height* x width) located at the vehicular entrance to the site – perpendicular to the roadway; and
  - iii. A single *sign* for each business on the site mounted to the *building* façade of the businesses principal *building* to a maximum dimension of 3m x 1.2m (in any orientation) and no higher than 4.5m above *ground level*;
  - iv. Non-fixed (sandwich) board *signs* are not permitted.

**4D.3.5.2 Discretionary Activities**High Intensity *Signs***4D.3.6 All Terrain Park Zone****4D.3.6.1 Permitted Activities**The following Low or Medium Intensity *Signs*

- a. Any *signs* erected in association with the All Terrain Park that are visible from the State



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Highway, shall be no greater than 5m in *height* and 3m in width (single or double sided), shall be no greater than eight in total, and shall comply with the following:

- i. There shall be one *sign* located either side of Whataroa Road at its intersection with State Highway 36, for the purposes of identifying the main entrance to the site;
- ii. All *signs* shall be related to activities on the All Terrain Park;
- iii. Any *sign* erected that is visible from the State Highway shall be designed and constructed in accordance with Land Transport New Zealand Road Traffic Standard 7: Advertising Signs and Road Safety; as at October 2007.
- b. *Signs* erected in association with the All Terrain Park and erected within the All Terrain Park Zone that are not visible from a Strategic or District Road or from a title located outside of the All Terrain Park Zone, and which have obtained written approval from *Council's* Reserves Manager

**4D.3.6.2 Non-Complying Activities**

High Intensity *Signs*

**4D.4 Activity Lists – District Wide****4D.4.1 Permitted Activities****4D.4.1.1 Temporary Signs (all zones)****a. Signs for community activities and events**

*Signs* advertising community activities or events provided such *signs* are not larger than 3m<sup>2</sup> in area, and are displayed no longer than three months prior to the date of the activity or event. All such *signs* are to be removed within five working days after the date of the event or activity.

**b. Electoral Signs**

*Signs* related to elections provided such *signs* are not larger than 3m<sup>2</sup> in area.

**c. Signs advertising sale of land or buildings**

*Signs* advertising the sale of land and/or *buildings* provided such *signs* are located on the property to which they relate.

The purpose of such *signs* is to advertise the fact that the property on which they stand is for sale. *Signs* of a more general nature promoting real estate companies, agents or similar are not permitted.

**4D.4.1.2 Official Signs (all zones)****4D.4.1.3 Internal Signs**

*Signs* on any site provided they are not visible from a Strategic Road, District Road or any other title not part of the site.

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**4D.4.1.4 Health and Safety Signs**

*Signs* warning of health and safety hazards which do not exceed 0.6m<sup>2</sup> in area and are erected by a requiring authority or in association with an activity for which a resource consent has been granted, or in association with an activity which is listed as being permitted or any activity which has been lawfully established.

Despite Rule 4D.5.1.2, health and safety *signs* may be located in the *road reserve* in association with the activity to which they relate.

**4D.4.2 Discretionary Activities****4D.4.2.1 In conjunction with land use activities for which a resource consent has been granted and any associated *sign(s)* are not listed as a Permitted Activity.**

- a. *Signs* located on or attached to a *building* limited to the physical confines of the *walls* of the *building*.
- b. One freestanding *sign* (single or double sided) up to a maximum of 5m in *height* and a maximum of 3m in width, except where there are dual entrances that are required as a condition of a resource consent in which case a freestanding single sided *sign* shall be permitted at each entrance up to a maximum of 5m in *height* and a maximum of 3m in width each.
- c. On site traffic directional *signs* up to a maximum area of 0.5m<sup>2</sup> each.

**4D.4.2.2 Community Signboards**

- a. **Communities adjoining State Highways or the Te Puke Highway (Katikati, Te Puke and Paengaroa)**
  - i. One signboard with an area up to a maximum of 12m<sup>2</sup> at each entrance point to the township concerned;
  - ii. Subject matter shall be limited to the town logo and tourist related activities established by way of resource consent. Advertising is not permitted for other individual commercial businesses.
- b. **Communities located off State Highways (Ōmokoroa, Athenree, Maketu etc)**
  - i. Advance warning *signs*

*One sign located adjacent to the State Highway on either side of the intersection. Each sign shall not exceed 3m<sup>2</sup> in area and shall be located between 200m and 500m from the intersection. Sign content shall be limited to the community's name/logo, directional information and a generic message as to key facilities available which would be of interest to the travelling public.*
  - ii. Community signboard

A single *sign structure* not exceeding 12m<sup>2</sup> in area located within or adjacent to the *District road reserve* at a convenient and safe distance from the State Highway intersection. *Sign* content may along with the community logo and advertising for tourist related activities and attractions also include commercial advertising for non- tourist related business.
- c. **The Council shall be responsible for establishing and administering community signboards within the road reserve.**

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**4D.4.2.3 Group Signboards**

This rule applies to *signs* located in the vicinity of intersections with State Highways or the Te Puke Highway where two or more lawfully established activities are located along *District* side roads.

**a. Advance warning Signs**

Two *signs* in total (not per activity), one either side of the intersection at a distance between 200m to 500m from the intersection. The maximum area per *sign* is 2m<sup>2</sup>. *Sign* content shall be limited to a generic description of goods, tourist attractions/services available and directional information.

**b. Group signboards**

A single *structure* not exceeding 6m<sup>2</sup> in area located within or adjacent to the *road reserve* between 200m and 500m from the intersection with the State Highway or Te Puke Highway.

*Sign* content may along with advertising for tourist attractions, tourist oriented services, the sale of locally grown produce and locally produced arts and crafts also include commercial advertising for non-tourist related businesses.

The *Council* shall be responsible for establishing and administering group signboards within the *road reserve*.

**4D.4.3 Non-Complying Activities**

- a. The erection, placement or display of any *sign* which relates to goods, services, places of interest, facilities or other activities which are not located on the site on which the *sign* is located (excludes community and group signboards and advance warning *signs* as specified in Rule 4D.4.2).

Except that:

*Signs* in the vicinity of the Te Puke Highway/Bell Road intersection relating to the Papamoa shopping centre shall be Discretionary Activities subject to any such *signs* being in accordance with 4D.4.2.2 b.

- b. *Signs* or other advertising mediums erected or otherwise displayed when viewed from a public place or private property, that contains words, images, models or other items, that are sexually explicit, lewd or otherwise offensive, in any zone.

Offensive is defined for the purposes of this rule as likely to cause a serious offence to ordinary members of the public who may view such object.

**4D.5 Activity Performance Standards****4D.5.1 General**

The following performance standards shall be met by all Permitted Activities and shall be used as a guide for all other activities. Any Permitted Activities that do not meet the performance standards shall be treated as Discretionary Activities.

**4D.5.1.1 Calculation of Sign Areas**

*Signs* may be single sided, double sided or "v" shaped (provided that the internal angle of the "v" does not exceed 90°) and their area calculated from one face only. Where the lettering is on a *wall* or fence the area of the *sign* is that enclosed by a line drawn around the perimeter of the *sign* lettering and associated artwork.

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**4D.5.1.2 Location of Signs**

- a. Except where specifically provided for, no *sign* shall be located within a legal *road reserve* nor on land other than that occupied by the activity to which the *sign* relates.
- b. *Yard* requirements relating to *buildings/structures* shall not apply.
- c. *Signs* shall be sited such that they do not restrict visibility to and from intersections and property accesses.

**4D.5.1.3 Sign Height**

Except where otherwise stated by a rule within this Section, the maximum *height* of any *sign* not the subject of separate resource consent shall be the same as that applying to *buildings/structures* within the zone in which the property concerned is located.

**4D.5.1.4 Subject Matter**

The subject matter of any *sign* shall be specific to the lawfully established activity to which it relates.

**4D.5.1.5 Design**

*Signs* shall not conflict with the colour combinations or shape of traffic *signs*.

**4D.5.1.6 Illumination of Signs**

The following performance standards shall be met by all:

*Medium Intensity Signs* in the Commercial and Industrial Zone; and *Medium Intensity Signs* in the Post Harvest and All Terrain Park Zones

- a. Shall be constructed to comply with the following levels of *luminance*:

Daytime: 25 *lux* Night-time: 10 *lux*

**Explanatory Note:**

*Luminance* levels shall be measured vertically or horizontally anywhere along the affected site boundary in accordance with professional illumination engineering practice or any relevant New Zealand standard.

- b. With the exception of neon and side emitting fibre optic *signs*, no light source used for the *sign* shall be visible from any adjoining site including roads and reserves.

**4D.6 Matters of Discretion**

- a. The extent to which the nature and scale of any sign(s) is compatible with the surrounding environment.
- b. The impact of any sign(s) on the amenity values of adjoining Residential and Medium Density Residential Zoned land and the surrounding environment.
- c. The effect of any sign(s) on the open space character of recreation land
- d. The extent to which the sign is obtrusively visible from outside the site or zone.

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- e. The extent to which the sign is likely to give rise to a distraction to motorists and pedestrians, or create situations which are hazardous and dangerous to road users.
- f. The extent to which any sign(s) creates visual clutter, particularly along major strategic and arterial roads.
- g. The opportunity for sign to enhance local amenity values and character.
- h. The extent to which sign is compatible with the scale and style of an identified historic heritage building.

## 4D.7 Other Methods

- 4D.7.1 Waka Kotahi NZ Transport Agency has its own bylaws that regulates the placement of *signs* on State Highway reserve.
- 4D.7.2 *Signs* on *District road reserve* are controlled by the Traffic Regulations and administered by the Western Bay of Plenty District Council.
- 4D.7.3 Off site advance warning *signs* may be located on State Highway, Regional and *District arterial road reserves* for traffic safety purposes. They shall be erected by (and upon request to) Waka Kotahi NZ Transport Agency and *Council* as appropriate in accordance with the requirements specified in their respective bylaws.
- 4D.7.4 Council will develop design guidelines for signs.

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### Natural Hazards

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## Natural Hazards

### 8. Natural Hazards Explanatory Statement

#### Introduction

The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life, property, *infrastructure* or other aspects of the environment. These natural hazards include coastal erosion, coastal inundation, flooding from extreme rainfall, land instability, earthquake, liquefaction, tsunami and volcanic eruption.

This section imposes controls on subdivision and land use to manage natural hazard risk in accordance with *Council's* statutory responsibilities. In many cases, proposed activities can proceed in locations which are susceptible to natural hazards subject to appropriate mitigation measures. For example, relocatable *buildings* in coastal erosion areas, minimum floor levels in coastal inundation and floodable areas and specific foundation design in land instability and liquefaction areas. However, where mitigation is not feasible, avoidance will be required.

This section also recognises that in situations where the District Plan Maps may not be accurate it would be unreasonable to impose restrictions on subdivision and land use. Rules within this section allow evidence to be provided to *Council* to demonstrate that land is not susceptible to natural hazards. Such evidence is generally used to avoid unnecessary conditions on resource consents but in some instances can be used to show that an activity is permitted.

#### Natural Hazard Maps

It is important to note that the District Plan Maps do not identify all of the natural hazards that may affect land in the *District*. The District Plan Maps currently only identify coastal erosion, coastal inundation, flooding and land instability ~~and liquefaction~~ because these are the natural hazards managed through this section's rules. The District Plan Maps also only identify these natural hazards in some of the locations that may be susceptible to them. The existing level of information held on the District Plan Maps is explained in more detail under the specific headings further below.

*Council* is in the process of completing susceptibility mapping and risk assessment for all natural hazards across the whole of the *District* to meet the requirements of the Regional Policy Statement. This work is taking into account at least a 100-year timeframe including the effects of climate change such as sea level rise and more extreme rainfall and will be used to update the District Plan in due course. In the meantime, all completed maps ~~(including coastal erosion, coastal inundation, flooding, liquefaction and tsunami maps that do not form part of the District Plan)~~ are publicly available on the Non District Plan Layers of this ePlan. This information should be used to fully understand what natural hazards are identified within an area.

All technical reports associated with the natural hazard maps held by *Council* are available on *Council's* website.

**Coastal Erosion**

Coastal erosion is the loss of land suddenly or over time due to coastal processes such as waves and tidal currents. The District Plan Maps identify coastal erosion areas at Waihi Beach, Pukehina and Ōmokoroa. These areas are divided into primary risk and secondary risk showing the possible extent of coastal erosion in the years 2065 and 2115 (for Waihi Beach and Pukehina) and in the years 2080 and 2130 (for Ōmokoroa). These maps take into account the future effects of sea level rise. There is also a Coastal Erosion Area – Rural shown on the District Plan Maps in rural zoned areas adjoining the open coastline e.g. Matakana Island, Maketu and east of Pukehina.

**Coastal Inundation**

Coastal inundation is flooding from the sea from a storm event. The District Plan Maps identify coastal inundation areas at Waihi Beach, Pukehina and Ōmokoroa. For Waihi Beach and Pukehina, these are based on a 1% AEP (1-in-100-year) event happening in the year 2115 including the future effects of sea level rise. For Ōmokoroa, these are based on a 1% AEP (1-in-100-year) event happening in the year 2130 including the future effects of sea level rise.

**Flooding**

Heavy rain is a common feature of the Bay of Plenty Region. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. The District Plan Maps identify floodable areas within a number of urban areas including parts of Waihi Beach, Katikati, Ōmokoroa, other settlements along the Tauranga Harbour, Te Puke, Paengaroa, Maketu, Little Waihi and Pukehina. These urban flood maps are generally based on a 2% AEP (1-in-50-year) event happening in the current day i.e. no climate change. Except, for Ōmokoroa and Te Puke, these are based on a 1% AEP (1-in-100-year) event happening in the year 2130 including the future effects of climate change (sea level rise and heavier rainfall). The District Plan Maps also identify floodable areas in many rural locations.

**Land Instability**

Land instability is the potential for land to slip when saturated from rainfall. The main area of known land instability is in the Minden. This area and other potentially unstable areas (including within Tanners Point, Ōmokoroa and Maketu) have been identified on the District Plan Maps.

**Liquefaction**

Liquefaction can occur when some saturated soils (typically silts and sands) lose strength and stiffness (temporarily behaving as a liquid rather than a solid) in response to earthquake shaking. The District Plan Maps do not currently show liquefaction. However, using the maps that are available to Council and the public, liquefaction risk will be addressed using Section 106 of the RMA (for subdivision) and the Building Act 2004.

~~The District Plan Maps currently only identify liquefaction within Ōmokoroa and Te Puke. These maps generally show that "Liquefaction Damage is Possible" in lower lying areas, that "Liquefaction Damage is Unlikely" in Ōmokoroa's elevated areas and that the "Liquefaction Category is Undetermined" in Te Puke's elevated areas. "Liquefaction Damage is Possible" means a probability of more than 15 percent that liquefaction-induced ground damage will be minor to moderate in a 0.2% AEP (1-in-500-year) earthquake shaking event. "Liquefaction Damage is Unlikely" means a probability of more than 85 percent that liquefaction-induced ground damage will be none to minor in a 0.2% AEP (1-in-500-year) earthquake shaking event. The study took into account the effects of sea level rise in the lower lying areas. "Liquefaction Category is Undetermined" means there is not enough information to determine the appropriate category with the required level of confidence.~~

**Earthquake, Tsunami and Volcanic Eruption**

The District adjoins the Taupo Volcanic Zone and is therefore considered to be susceptible to earthquakes and volcanic eruptions originating from outside the District. The District is also susceptible to tsunami. These natural hazards are not shown on the District Plan Maps because there are limitations in terms of addressing these through the District Plan rules. Notwithstanding these limitations, much is achievable in terms of public education and preparedness through other methods such as emergency management plans.

The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life, property or other aspects of the environment. The principal hazards affecting the District

are coastal erosion and coastal inundation (temporary flooding from storm surge), tsunami, land instability, flooding, earthquake, and volcanic eruption.

While acknowledging the Council's statutory responsibilities, this section recognises the constraints imposed by the nature of some potential hazards affecting the District as well as the limitations of the level of existing information.

Areas considered most at risk from coastal erosion and coastal inundation are those already developed for urban purposes and which adjoin the open coastline e.g. Waihi Beach (including Bowentown) and Pukehina. These stretches of coastline have been the subject of a detailed study commissioned by Council to identify land at risk to these coastal hazards over 0-50 and 50-100 years. The study findings are reflected on the District Plan Maps through the identification of 'Coastal Erosion Areas' and 'Coastal Inundation Areas'. The Coastal Erosion Areas have been divided into primary risk and secondary risk based on 0-50 year and 50-100 year risk timeframes with more restrictive rules applying in the primary risk area. The Coastal Inundation Areas have not been divided into risk timeframes because the same restrictions apply within both. There is also a 'Coastal Erosion Area – Rural' in place for rural zoned areas adjoining the open coastline e.g. Matakana Island, Maketu and east of Pukehina.

The main area of known land instability is in the Minden where there exists land with the potential to slip when saturated. These and other potentially unstable areas have been identified on the District Planning Maps.

Heavy rain is a common feature of the Bay of Plenty Region and this may increase with global climate change. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. Within established urban areas land known to be susceptible to flooding exists in parts of Waihi Beach, Katikati, Te Puke and Pukehina. Again, such land has been identified on the Planning Maps.

Land identified on the Planning Maps as being at risk from the foregoing hazards is subject to various controls on development either through District Plan rules or other methods outside the District Plan. In many cases because of the quality of existing information such identification is very 'broad brush' and where more detailed study of specific areas eliminates land from the identified potential hazard then otherwise complying development will be able to proceed through the resource or building consent processes without additional restriction (e.g. consent or Section 74 Building Act 2004 notices). Nevertheless there are some areas where Council has good information on the level of hazard risk and in these areas it is considered appropriate to control the intensification of development.

The Western Bay of Plenty adjoins the Taupo Volcanic Zone and is therefore considered to be subject to a high risk from earthquakes as well as at risk from volcanic eruptions originating from outside the District. Notwithstanding the limitations of addressing these potential natural hazards through the District Plan, much is achievable in terms of public education and preparedness through other methods such as emergency management plans.

## 8.1 Significant Issues

1. The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life or the natural or built environment. The principal hazards affecting the District are coastal erosion, coastal inundation, tsunami flooding, land instability, flooding earthquake, earthquake liquefaction, tsunami and volcanic eruption.
2. Areas actually or potentially under threat from such susceptible to natural hazards such as coastal erosion, coastal inundation, flooding, land instability, liquefaction and flooding tsunami can be identified in advance. Specific areas more at risk than others from some hazards such as earthquakes and volcanic eruptions are more difficult to identify in advance and the potential effects of the hazards themselves so widespread and devastating that avoidance or control through the District Plan is not realistically possible.
3. Some areas now known to be at risk from actual or potential hazards have already been developed for urban purposes.
4. Some natural hazard avoidance, remedial, or mitigation measures have the potential to adversely impact on natural character and on significant ecological values existing within the coastal and other environments.



## 8.2 Objectives and Policies

### 8.2.1 Objectives

1. Objectives Minimisation of the risk of natural hazards to human life and the natural and built environment.
2. Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the *District*.

### 8.2.2 Policies

1. Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.
2. Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.
3. Enable the development or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated.
4. Ensure that new subdivision, land use activities or other *development* is located and designed so as to avoid the need for further hazard protection works.
5. Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.
6. Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).
7. Encourage the conservation and enhancement of natural features such as sand dunes and *wetlands* which have the capacity to protect existing developed land.
8. Prevent the use of concrete and block work foundations, floors and *walls* in the Coastal Erosion Areas.

## 8.3 Activity Lists

The following rules apply to those activities which are located within Natural Hazard Features identified on the District Planning Maps.

### Explanatory Note:

For the purpose of interpretation, the Coastal Erosion Area – Rural means land adjoining the open coastline, zoned Rural and within 100m of *MHWS*, and this description shall take priority over the District Planning Maps with regard to location.

### 8.3.1 Permitted Activities

- a. All Identified Natural Hazards
  - i. *Buildings/Structures* within an *Approved Building Site – Natural Hazards*.
- b. Stability Areas – Minden
  - i. *Buildings/Structures* within Stability Area - Minden C.

## c. Floodable Areas

i. *Buildings/Structures* where evidence establishes:

- A *building/structure* will be located clear of the floodable area irrespective of the extent of the floodable area shown by the Planning Maps; or
- A *building/structure* will not be affected by the floodable area.

**Explanatory Note**

Suitable evidence may include, but is not limited to, aerial photographs, site inspections from *Council* engineers, and engineering assessments from a suitably qualified person.

## ii. Support poles associated with electricity lines.

iii. Uninhabited farm *buildings/structures* including, but not limited to, pump sheds, implement sheds and storage sheds, provided that the property owner(s) enter into an agreement with Council confirming that they:

- acknowledge the *building/structure* is subject to the risk of inundation from flooding;
- accept the risks of any damage to the *building/structure* and/or its contents arising from that hazard; and
- undertake not to take any action (legal or otherwise) against *Council* in relation to any damage to the *building/structure* and/or its contents as a result of the location of the *building/structure* within the Floodable Area.

## d. Coastal Inundation Areas

## i. Support poles associated with electricity lines

~~e. Liquefaction Damage is Unlikely – Ōmokereia~~~~i. Buildings/Structures~~**8.3.2 Controlled Activities**

## a. All Identified Natural Hazards

- i. Updates to cross lease flat plans which incorporate consented building developments
- ii. Conversion of cross lease titles to freehold titles where each cross lease title has at least one lawfully established *dwelling*

## b. Stability Areas – Minden

- i. Subdivision where all of the proposed *privateways* and building sites are within Stability Area - Minden C

**8.3.3 Restricted Discretionary Activities**

## a. Coastal Erosion Area – Secondary Risk

- i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*
  - b. Coastal Erosion Areas
    - i. Subdivision of titles which are partially identified within the Coastal Erosion Area where;
      - there will be no increase in the number of titles located (wholly or partially) within the Coastal Erosion Area and;
      - all approved building sites are located outside of the Coastal Erosion Area.

Explanatory note:  
For the purpose of this rule, subdivision excludes;

      - Minor boundary adjustments (an adjustment of boundary between two adjoining *lots* which will not increase the risk or potential risk to existing *buildings/structures* or future *buildings/structures* from coastal erosion or coastal inundation) (see 12.3.3 for boundary adjustment rules)
      - Updates to cross lease flat plans which incorporate consented building developments as provided for in Rule 8.3.2.a.i.
      - Conversion of titles from cross lease to freehold as provided for in Rule 8.3.2.a.ii.
  - c. Floodable Areas and Coastal Inundation Areas
    - i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*
    - ii. *Earthworks* over 5m<sup>3</sup> except for:
      - *Maintenance*, operation, upgrade and development of above ground lineal *network utility structures* and underground *network utilities* where the ground is reinstated to the same contour as existed immediately prior to the works being undertaken
      - *Public trails* where the finished surface is not more than 200mm above the pre-existing *ground level*/contour and where any other ground within the surrounding area that has been disturbed is reinstated to the same contour as existed immediately prior to the works being undertaken
      - *Maintenance* of existing stopbanks and drains (including the clearing of drains) carried out by or on behalf of the *Council, Regional Council* or the Waihi Drainage Society provided that the clearing of a *drain* only involves removal of excess material required to maintain the function of the *drain* and does not deepen, widen, realign or otherwise modify the *drain*

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- iii. Closed board fences, retaining walls, raised gardens, concrete and block walls
- d. Stability Areas – Minden (A, B1, B2 & U)
  - i. *Buildings/Structures not within an Approved Building Site – Natural Hazards*
  - ii. Subdivision, except as provided for in 8.3.2.a.i. - ii.
  - iii. Filling, excavation and other *development*
  - iv. Vegetation removal
  - v. Disposal of stormwater and wastewater
- e. ~~Liquefaction Damage is Possible or Liquefaction Category is Undetermined – Omokoroa and Te Puke~~
  - i. ~~Buildings (not within an Approved Building Site – Natural Hazards) for the following purposes:~~
    - ~~Residential units~~
    - ~~Garages~~
    - ~~Sheds which require building consent~~
    - ~~Retirement villages~~
    - ~~Rest homes~~
    - ~~Accommodation facilities~~
    - ~~Education facilities~~
    - ~~Home enterprises~~
    - ~~Places of assembly~~
    - ~~Hospitals~~
    - ~~Activities listed in Section 19.3 – Commercial Activities listed in Section 21.3 – Industrial~~
  - ii. ~~Subdivision~~
  - iii. ~~Infrastructure which provides essential services to households or the wider community specifically water supply, wastewater, stormwater, roads, telecommunication, electricity generation, gas and liquid fuels~~

#### 8.3.4 Discretionary Activities

- a. Coastal Erosion Areas – Primary Risk and Rural
  - i. *Buildings/Structures not within an Approved Building Site – Natural Hazards*
  - ii. *Construction of new public roads*
  - iii. *Reticulated Infrastructure*
  - iv. Coastal and river protection works including groynes and sea walls
  - v. Swimming pools
- b. Coastal Erosion Area – Access Yard
  - i. *Buildings/Structures*
- c. Floodable Areas and Coastal Inundation Areas
  - i. Subdivision
- d. Stability Areas – Landslip and General

- i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*
- ii. Subdivision
- iii. Construction of new roads
- iv. *Reticulated Infrastructure*

### 8.3.5 Prohibited Activities

- a. Coastal Erosion Areas
  - i. More than one *dwelling* (whether a *dwelling* or *minor dwelling*)
  - ii. *Education facilities* for more than four persons
  - iii. *Accommodation facilities* for more than four persons
  - iv. Fixed (i.e. non-portable) solid waste management facilities including sanitary landfills and the disposal of *hazardous substances* (public or private)
  - v. Subdivision of titles which are wholly identified within the Coastal Erosion Area and subdivision of titles which are partially identified within the Coastal Erosion Area but which do not qualify as Restricted Discretionary Activities under Rule 8.3.3.b.

Explanatory note:

For the purpose of this rule, subdivision excludes;

- Minor boundary adjustments (an adjustment of boundary between two adjoining *lots* which will not increase the risk or potential risk to existing *buildings/structures* or future *buildings/structures* from coastal erosion or inundation) (see 12.3.3 for boundary adjustment rules)
- Updates to cross lease flat plans which incorporate consented building developments as provided for in Rule 8.3.2.a.i.
- Conversion of titles from cross lease to freehold as provided for in Rule 8.3.2.a.ii.

## 8.4 Matters of Control

### 8.4.1 Controlled Activities – Subdivision and Buildings within Stability Area - Minden C

*Council* reserves control over the following matters

- a. Protecting each *lot* and surrounding *lots* from instability or erosion by:
  - i. Managing *earthworks* within the site.
  - ii. Controlling the location and formation of building sites, roads, accessways, tracks or *priveways* within the subdivision.

- iii. Controlling the location and type of wastewater and stormwater treatment and disposal systems.
- iv. Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter.
- v. Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate.  
  
The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates.
- vi. Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;
- b. Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to *buildings/structures* from instability and flooding are avoided.
- c. For subdivision and *development* in the Minden Stability Areas regard shall be had to the stability information requirements in Rule 8.6.

#### 8.4.2 **Controlled Activities – Updates to cross lease flat plans and conversion of cross lease titles to freehold titles**

*Council* reserves control over the following matters:

- a. The relevant provisions of Section 12 – Subdivision and Development.
- b. The subdivision activity performance standards and matters of control which apply to controlled activity subdivisions within the applicable zone.

### 8.5 **Matters of Discretion**

#### 8.5.1 **Restricted Discretionary Activities**

##### 8.5.1.1 **Coastal Erosion Area – Secondary Risk**

- a. Extent to which the *building/structure* is relocatable, taking into account the design, location and materials of the *building/structure*, access to remove the *building/structure*, and the ability to rehabilitate the site including the removal of all parts of *buildings/structures* and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.
- b. Avoidance of the use of concrete and block wall foundations, walls and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.
- c. Buildings/structures should be located as far away from the hazard as possible.
- d. Any new information or assessment undertaken by a suitably qualified person/s which confirms that the land is not in fact subject to the natural hazard concerned.
- e. The potential environmental effects of or likely to result from the proposal.

**8.5.1.2 Coastal Erosion Areas**

- a. The extent to which the subdivision (new title boundaries and new building sites) affects the ability of any new or existing buildings/structures within the Coastal Erosion Area to be relocated.

**8.5.1.3 Floodable Areas and Coastal Inundation Areas**

- a. The effect of the proposed activity (including its location and design) on the capacity of ponding areas and function of overland flow paths.
- b. The appropriate minimum finished floor level of the proposed *building/structure*.

**Explanatory Notes:**

This is the combination of the flood/coastal inundation level plus an additional freeboard height as stipulated in *Council's* Development Code. *Council can provide specific flood/coastal inundation levels and minimum floor levels to assist with preparing applications.*

*Council* will consider granting consent for sheds and garages (used for non-habitable purposes) without meeting minimum finished floor levels provided the owner of the property and *building* enters into an agreement with *Council* confirming the owner:

- acknowledges that the *building* is subject to the risk of inundation from flooding or coastal inundation;
  - accepts the risks of any damage to the *building* and/or its contents arising from that hazard; and
  - undertakes not to take any action (legal or otherwise) against *Council* in relation to the issue of a resource consent without imposing the required minimum finished floor levels.
- ~~*Council can provide specific flood levels for all Coastal Inundation Areas and for some but not all of the Floodable Areas.*~~
- For Waihi Beach Floodable Areas (Planning Maps A03 and U01-U04) this shall be based on the 2% AEP (inclusive of climate change).

- c. Verifiable new information which demonstrates that the subject site is not in fact ~~under threat from~~ susceptible to the identified hazard.

**8.5.1.4 Stability Areas – Minden A, B1, B2 & U**

*Council* shall have regard to the following matters in addition to 8.4.1:

- a. Subdivision shall be accompanied by a geotechnical report prepared by a suitably qualified person showing a building site capable of being approved and confirming as a minimum that:
- i. *Earthworks* required in forming each building site and access roads and/or *private ways* in the subdivision shall avoid or mitigate adverse effects on the stability of the land within the site and will have no adverse effects on the stability of adjacent land.
  - ii. Each building site will be required to be set back an appropriate distance, as recommended by a geotechnical engineer, from any terraces or steep slopes to the extent that there are no adverse effects on the stability of the land or any adjacent land.

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- iii. Stormwater and wastewater systems can be constructed and operated within each lot with no adverse effects on the stability of the adjacent land.
- iv. For subdivision and development in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.

#### ~~8.5.1.5 Liquefaction Damage is Possible or Liquefaction Category is Undetermined - Ōmokeroa and Te Puke~~

- ~~a. The extent to which the assessment has been carried out in accordance with the information requirements within 8.6.2.~~
- ~~b. Whether the proposal achieves a low level of natural hazard risk for buildings, lifeline utilities and health and safety as required by the Regional Policy Statement.~~
- ~~c. The identification of suitable building foundations, suitable building sites and appropriate development setbacks from waterways/waterbodies, sloping ground or free faces.~~
- ~~d. The use of ground improvement techniques such as perimeter treatment and area-wide densification (compaction).~~
- ~~e. The extent to which lifeline infrastructure providing essential services to households or the wider community is avoided within areas known to be susceptible to possible liquefaction or lateral spread.~~
- ~~f. The design of infrastructure to ensure it is readily repairable should liquefaction damage occur, including placing below ground infrastructure at relatively shallow depths.~~
- ~~g. For pipe networks, the use of ductile materials (such as flexible couplings and polyethylene pipe) and pressurized systems (as opposed to gravity systems) to mitigate the effects of global and differential settlement.~~
- ~~h. Detailing of utility connections with buildings to reduce damage and to facilitate the ease and speed of repair in the case of differential settlement of buildings relative to the surrounding ground.~~
- ~~i. The timing, location, scale and nature of earthworks and how these may affect liquefaction risk.~~
- ~~j. Any verifiable information which confirms that the property should be categorised as "Liquefaction Damage is Unlikely".~~

#### 8.5.2 Discretionary/Non Complying Activities

The matters in 8.4.1 and 8.5.1 and the following matters shall be used as a guide for assessing Discretionary Activities and Non-Complying Activities:

- a. Stability Areas
  - i. The design, location and materials of the *building/structure*
  - ii. The extent to which the proposal addresses any identified natural hazard.
  - iii. Any verifiable information which confirms that the property is in fact not under any threat from the hazard.
  - iv. For subdivision and *development* in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.



- b. Coastal Erosion Areas – Primary Risk and Rural
- i. Extent to which the *building/structure* is relocatable, taking into account the design, location and materials of the *building/structure*, access to remove the *building/structure*, and the ability to rehabilitate the site including the removal of all parts of *buildings/structures* and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.
  - ii. Avoidance of the use of concrete and block wall foundations, *walls* and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.
  - iii. The degree to which the ability of buildings or structures to be relocated is affected.
  - iv. The extent to which the proposal addresses any identified natural hazard and the degree to which the physical risk to *buildings/structures* from coastal erosion can be avoided or mitigated.
  - v. Additions and alterations to existing *buildings/structures* should be landward of the existing *building/structure*.
  - vi. New *buildings/structures* or significant redevelopment of existing *buildings/structures* should be situated as far back from the toe of the foredunes as practicable. The most recent measurements of the toe of the foredune are available from *Council*.
  - vii. Imposition of consent conditions requiring that where the toe of the foredune comes within a distance of a *building/structure* which may put it at immediate risk (minimum of 8m), the *building/structure* is to be relocated a sufficient distance back from the toe of the foredune to mitigate that risk. The distances specified in the conditions will depend on the latest scientific information available to *Council*.
  - viii. The impact that the proposal will have on the natural character of the coastal environment, recognising the ecological values of the dune area, and dune restoration.
  - ix. Registration of an encumbrance instrument on the title to address any of the matters above.
  - x. Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.
- c. Floodable Areas and Coastal Inundation Areas
- i. The effect of the proposed subdivision (including, but not limited to any building site, *building/structure* or earthworks) on the capacity of ponding areas and function of overland flow paths.
  - ii. The provision of finished site levels to mitigate adverse effects associated with inundation. For Waihi Beach (Planning Maps A03 and U01-U04) the flood level shall be based on the 2% AEP (inclusive of climate change).
  - iii. In the case of Floodable Areas, any verifiable new information which demonstrates that the subject site is not in fact ~~under threat from~~ susceptible to flooding.

## 8.6 **Stability Information Requirements – The Minden Lifestyle Structure Plan Area**

### 8.6.1 **Stability - The Minden Lifestyle Structure Plan Area**

The Minden Lifestyle *Structure Plan* area is divided into five stability risk areas i.e. A, B1, B2, C and U Stability Areas (see Planning Maps). The following provisions set out a description of each stability area followed by the stability requirements applying to *development* in that area.

#### a. **Stability Area A Description**

'An area in which processes or factors have been identified which indicate that past or active erosion or mass movement is evident or is likely to occur and which presents or may present an identifiable hazard to *buildings/structures* within the delineated area'.

Area A may be summarised as land subject to or likely to be subject to instability.

#### **Stability Assessment**

*Buildings/structures*, subdivision or other *development* including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *building/structure* will not become damaged by land slippage arising on or off the site.

A **stability analysis** shall include:

- i. Topographical Survey (if not already available);
- ii. Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or continuous recovery core drilling;
- iii. Definition of the density, effective stress shear strength parameters, residual shear strength parameters and the sensitivity of the soil in each stratum in which sliding is possible;
- iv. Definition of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;
- v. Analysis of possible mechanisms of failure, relevant to the specific geomorphology of the site using effective stresses;
- vi. A professional opinion as to the stability of the ground.

Even with a thorough stability analysis, complete avoidance of all risk cannot be obtained and no guarantee of safety expected.

#### b. **Stability Area B1 Description**

'Area B1 is land where mass movement is evident or where the slope gradient is such that instability or erosion could occur, particularly if developed'. Area B1 may be summarised as land potentially subject to instability.

#### **Stability Assessment**

*Buildings/structures*, subdivision or other *development* including excavation, filling,

removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' as outlined in 8.6.a. demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *structure* will not become damaged by land slippage on or off the site.

Restrictions on and requirements for subdivision, *buildings/structures* or other *development* are the same as for Area A but it shall be sufficient to demonstrate that the risks of instability and damage are at an acceptable level.

c. **Stability Area B2 Description**

'Area B2 is land where the slope gradient is such that instability is not considered likely to occur, and no mass movement is evident, but is similar to land where instability and erosion has occurred elsewhere in the Western Bay of Plenty in similar materials due to cutting and/or filling and/or on site disposal of stormwater'. The risk of instability or erosion is greater in areas delineated B1 than B2.

Area B2 may be summarised as land potentially subject to instability but less so if there is no onsite disposal of sewage or stormwater concentration, no significant vegetation removal, no significant cutting or filling.

**Stability Assessment**

*Buildings/structures*, subdivision or other *development* such as excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will be allowed to proceed only if supported by the following documentation to the satisfaction of the *Council*.

A 'stability assessment' demonstrating that the proposed *development* will not result in the risks of instability or damage being at an unacceptable level.

A stability assessment shall include:

- i. Topographical Survey (if not already available);
- ii. Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or drilling, and/or auguring;
- iii. Assessment of the density, relative strength and the sensitivity of the soil in each stratum in which sliding is possible;
- iv. Assessment of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;
- v. A professional opinion as to the stability and instability of the ground.

A stability assessment is likely to be sufficient where there will be no significant interference with existing vegetation, no cutting or filling in excess of 0.5m in depth and no in ground disposal of stormwater runoff.

d. **Stability Area C Description**

'Area C is land not considered to be at risk from instability. A stability analysis or stability assessment would not generally be required'.

*Council* reserves control however over a number of matters relating to subdivision and *development* to ensure the protection of each *lot* and surrounding *lots* from any potential instability or erosion.

e. **Stability Area U Description**

'Area U is land that has not undergone geotechnical analysis and therefore the risk of instability is uncertain'.

Because of this unknown risk, all subdivision and *development* occurring within Area U requires Restricted Discretionary resource consent and applications must be accompanied by a specific stability analysis to determine the level of risk and appropriate mitigation measures.

### ~~8.6.2 Liquefaction – Ōmokeroa and Te Puke~~

#### ~~a. Liquefaction Assessment – Liquefaction Damage is Possible or Liquefaction Category is Undetermined~~

~~A liquefaction assessment must be prepared by a Category 1 Geo-professional or by a Category 2 Geo-professional provided that the assessment is endorsed by a Category 1 Geo-professional.~~

~~This assessment:~~

- ~~• Must be carried out in accordance with the MfE and MBIE "Planning and Engineering Guidance for Potentially Liquefaction Prone Land" (2017);~~
- ~~• Is likely to require deep geotechnical investigations such as cone penetration testing (CPT) or boreholes and could involve the identification of Rotoehu Ash horizon in the soil profile in relation to groundwater levels. However, the investigation requirements are ultimately to be determined by the Geo-professional;~~
- ~~• Must assess land stability and earthworks design for construction of buildings, roads and other infrastructure in accordance with best practice. Section 4.10 (DS10 Natural Hazards and Earthworks) of the Development Code is one means of compliance;~~
- ~~• Must identify suitable building foundations, suitable building sites and appropriate development setbacks from waterways/waterbodies, sloping ground or free faces;~~

~~The Category 1 Geo-Professional is to complete certificate 10b (geotechnical suitability of land for development) and 10c (geotechnical suitability of land for building);~~

## 8.7 Other Methods

### 8.7.1 Building Act 2004

Where as a result of stability investigations the land in question is found to be subject to or likely to be subject to slippage, but the building work itself will not accelerate or worsen the situation or affect other land, then *Council* may grant a building consent subject to the title being notated that the land is subject to or is likely to be subject to slippage pursuant to Section 72 of the Building Act 2004.

This will be used to exercise control over *buildings* within identified hazard prone areas. Such controls may include restrictions relating to building design and damage liability. Information on known site specific potential natural hazards will be recorded on *Council's* Geographic Information System and provided with all Project and Land Information Memoranda.

### 8.7.2 Coastal Protection Works

The *construction*, repair and *maintenance* of coastal protection structures such as sea walls and the implementation of 'dune care' programmes will be achieved pursuant to *Council's* powers

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under other legislation including the Reserves Act 1977 and the Local Government Act 1974.

Resource consents from the *Regional Council* are required for any coastal protection works within the coastal marine area (i.e. below *MHWS*).

#### **8.7.3 Earthworks and Vegetation Removal**

Consents to these activities are likely to be also required from the *Regional Council*.

#### **8.7.4 Civil Defence**

Civil Defence plays an important education role. This, along with the emergency management plans is aimed at mitigating potential hazards as well as preparedness for emergencies.

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## Hazardous Substances

### 9. Hazardous Substances

#### Explanatory Statement

The Western Bay of Plenty District is predominantly rural land in *farming* and horticulture and has a number of small urban centres containing a mix of industrial, commercial and residential activities. *Farming* and horticultural activities require the transportation, storage and use of a range of *hazardous substances* while some industrial and commercial activities are large users of *hazardous substances*.

The Hazardous Substances and New Organisms Act 1996 has established minimum standards to deal with such things as the identification, labelling, packaging, storage and use and disposal of *hazardous substances*. It does not provide for managing the potential effects of *hazardous substances* on sensitive environments and is not able to address particular concerns of local communities. These are the functions of local authorities under the *RMA*.

The *RMA* gives responsibility for the management of *hazardous substances* to both regional and district councils. The *Regional Council's* functions relate to the discharge of contaminants to land, air and water and the *Regional Council* manages these through its Regional Air Plan and the Regional Water and Land Plan. District councils control the use of land to manage any effect of the use, storage and transportation of *hazardous substances* on specific environments and communities within the *District* and will manage location, design and operational aspects of activities using *hazardous substances* to ensure the effects are within acceptable limits and the potential risks of significant adverse effects are low.

In relation to the transportation of *hazardous substances*, District Plan rules have not been considered necessary as this aspect is adequately controlled by separate transport legislation, New Zealand Standards and codes of practice.

Some activities are specifically excluded from the controls of the District Plan as they are either impractical to control under the District Plan, have minor potential effects or are controlled through other means or legislation. These include the storage and use of fuels in vehicles, boats etc, consumer products for domestic use, oil and gas pipelines and tradewaste sewers and their treatment and disposal facilities

A modified Hazardous Facility Screening Procedure (HFSP) method is applied to all proposed new facilities manufacturing, using or storing *hazardous substances* or generating or disposing hazardous wastes. Facilities existing as at 21 August 2004 will not be subject to these controls unless they expand or alter their operations in a manner which falls outside the scope of Section 10 of the *RMA*.

Application of a modified HFSP method involves the use of a table which sets out allowable *hazardous substances* quantities for different HSNO classes and sub-classes, and land use zones. This table is set out under Rule 9.4. Where an activity involves *hazardous substances* exceeding the threshold quantities contained in the table, it becomes a Discretionary Activity and a resource consent is required.

Minimum performance standards are provided for all Permitted Activities. Where any one performance standard cannot be met the activity becomes a Restricted Discretionary Activity for that particular non-compliance.

Compliance with the District Plan rules does not avoid the requirement to comply with other legislation including the Hazardous Substances and New Organisms Act 1996, Building Act 2004 or their regulations.

## 9.1 Significant Issues

1. Hazardous substances and their use, storage and handling present potential sources of risk to both the environment and human health and safety.
2. If *hazardous facilities* are not appropriately located and managed the accidental release or loss of control of *hazardous substances* can adversely affect human health and water, soil and ecosystems.
3. Increasing intensification and *development* within the *District* both for primary production and business activities has the potential to increase the amount and range of *hazardous substances* used. This may in turn increase the risk to people and the environment from the use of such substances.
4. There is a diversity of land uses and business activities which use *hazardous substances* as well as a range of sensitive environments within the *District* which may be adversely affected by the inappropriate use and management of *hazardous substances*.

## 9.2 Objective and Policies

### 9.2.1 Objective

Use, storage and handling of *hazardous substances* with no significant adverse effect or risk of adverse effect on the environment or human health and safety.

### 9.2.2 Policies

1. Ensure the location, design and management of all new *hazardous facilities* maintain environmental and human health and safety.
2. Have regard to industry codes of practice as a method of managing *hazardous facilities* and the use, storage and handling of *hazardous substances*.

## 9.3 Activity Lists

### 9.3.1 Exceptions

The following *hazardous substances* and facilities are not subject to the provisions of this section:

- a. Fuel contained in tanks of motor vehicles, boats, aircraft and small engines.
- b. The storage and use of hazardous consumer products in domestic quantities, including flammable gases.

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- c. The storage of hazardous consumer products for sale in retail outlets, e.g. supermarkets, hardware shops and pharmacies.
- d. Gas and oil pipelines.
- e. Trade waste sewers, or waste treatment and disposal facilities.
- f. Electrical equipment containing cooling oil up to 1,500 litres.

**9.3.2 Permitted Activities**

- a. Any *hazardous facility* involving *hazardous substances* that are less than or equal to the threshold quantities as contained in Table 1 in Rule 9.4 for the zone in which it is located.
- b. *Service stations* which store fuels not exceeding the following volumes using the following methods:
  - i. Petrol – 100,000 litres in underground storage tanks;
  - ii. Diesel – 50,000 litres in underground storage tanks;
  - iii. LPG – six tonnes single vessel storage;

And that comply with the relevant following codes of practice or Standard:

- Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems – Department of Labour 1992 and Supplement I (1995).
- AS 1596 – 2002 Storage and Handling of LP Gas.

Are Permitted Activities for Section 9 controls only.

- c. *Hazardous facilities* that are part of a Permitted Activity in the Rural Zone and that comply with the New Zealand Standard NZS8409:2004 Management of Agrichemicals.

Except that:

Those activities that exceed the quantity thresholds listed in Table 1 of Rule 9.4 under either Group 5 Land Use Zones and/or Class 9 substances located within 30m of *fresh surface water* or 50m of estuaries and harbours are Discretionary Activities.

**9.3.3 Restricted Discretionary Activities**

Any *hazardous facility* involving *hazardous substances* that are less than or equal to the threshold quantities contained in Table 1 in Rule 9.4 for the zone in which it is located and which fails to comply with any one of the Permitted Activity standards listed in Rule 9.5 is a Restricted Discretionary Activity for that particular non-compliance.

**9.3.4 Discretionary Activities**

- a. Any *hazardous facility* involving *hazardous substances* that exceed the threshold quantities contained in Table 1 in Rule 9.4 for the zone in which it is located.
- b. *Service stations* exceeding the limits in Rule 9.3.2.b. within the Industrial Zone.



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- c. Facilities primarily designed for the disposal or destruction of *hazardous substances* and hazardous wastes.

## 9.4 Quantity thresholds for hazardous facilities

- a. When assessing a *hazardous facility* against the quantity thresholds contained on Table 1, the assessment procedure outlined in Appendix 6 shall be followed.

For the purposes of Rule 9.4, each reference in Table 1 to “Adjacent to a water body” means within 30m of Fresh Surface Water and 50m of estuaries, harbours and *wetlands*. In this context, “Fresh Surface Water” means fresh water in a river, lake (including pond), stream, modified watercourse, and drain but excludes *wetlands*. In this context, “Drain” means an open artificial watercourse used for land drainage purposes but excludes artificial watercourses on land being used for agricultural or horticultural purposes. This definition does not include modified watercourses, which are naturally formed watercourses which have been modified.

- b. Where two or more *hazardous facilities* are located on one site and are separated from each other by more than 30m, each facility will be independently assessed under this rule.

**Table 1: Proposed Hazardous Substance Quantity Thresholds**

HSNO <sup>1</sup> Class	Description	HSNO Class	Sub-Class	Land Use Zone			
				Rural Zone All Terrain Park Zone	Industrial Zone Post Harvest Zone	Future Urban Zone	Commercial Zone Group 1, 2 or 3 within 20m of Group 4 boundary  Residential Zone  Rural-Residential Zone Lifestyle Zone  <u>Natural Open Space Zone</u> Natural Environment Areas subject to flooding Group 1, 2, 3 or 4 within 30m of Group 5 Boundary
				CSI <sup>2</sup> = 0.75	CSI = 0.5	CSI = 0.25	CSI = 0.1
Class 1	Explosives	1.1		38 (kg)	25 (kg)	13 (kg)	5 (kg)
		1.2		188 (kg)	125 (kg)	63 (kg)	25 (kg)
		1.3 and 1.4		563 (kg)	375 (kg)	188 (kg)	75 (kg)
Class 2	Flammable Gases	2.1 (acetylene)		750 (kg or m3)	500 (kg or m3)	250 (kg or m3)	100 (kg or m3)
	LPG	LPG		2,250 (kg)	1,500 (kg)	750 (kg)	300 (kg)
Class 3	Flammable Liquids	3.1A-B (petrol, methylated spirits, thinners, solvents)		3,750 (litres)	2,500 (litres)	1,250 (litres)	500 (litres)
							250 (litres)

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		3.1C (turpentine, kerosene, oil based paints)	7,500 (litres)	5,000 (litres)	2,500 (litres)	1,000 (litres)	200 (litres)
		3.1D (diesel)	17,500 (litres)	10,000 (litres)	5,000 (litres)	2,000 (litres)	1,000 (litres)
		3.2	38 (litres)	25 (litres)	13 (litres)	5 (litres)	1 (litre)
Class 4	Flammable Solids	4.1.2A-B 4.1.3A-C 4.2A-B 4.3A-B	1,125 (kg)	750 (kg)	375 (kg)	150 (kg)	30 (kg)
		4.1.1A 4.1.2C-D 4.2C 4.3C	5,625 (kg)	3,750 (kg)	1,875 (kg)	750 (kg)	150 (kg)
		4.1.1B 4.1.2E-G	16,875 (kg)	11,250 (kg)	5,625 (kg)	2,250 (kg)	450 (kg)
Class 5	Oxidizing Substances	5.1.1A-B (hydrogen peroxide), 5.2A-B	375 (kg)	250 (kg)	125 (kg)	50 (kg)	10 (kg)
		5.1.1C 5.2C-D	1,125 (kg)	750 (kg)	375 (kg)	150 (kg)	30 (kg)
		5.2E-G	2,250 (kg)	1,500 (kg)	750 (kg)	300 (kg)	60 (kg)
		5.1.2A	188 (m3)	125 (m3)	63 (m3)	25 (m3)	8 (m3)
Class 6	Toxic Substances	6.1A-B	375 (kg or litres)	250 (kg or litres)	125 (kg or litres)	50 (kg or litres)	10 (kg or litres)
		6.1A-B	2 (m3)	1 (m3)	1 (m3)	0 (m3)	0 (m3)
		6.1C	1,875 (kg or litres)	1,250 (kg or litres)	625 (kg or litres)	250 (kg or litres)	50 (kg or litres)
		6.1C	3 (m3)	2 (m3)	1 (m3)	0 (m3)	0 (m3)
		6.1D	5,625 (kg)	3,750 (kg)	1,875 (kg)	750 (kg)	150 (kg)
		6.1D (battery acid)	9 (m3)	6 (m3)	3 (m3)	1 (m3)	0 (m3)
Class 8	Corrosives	8.2A	375 (litres)	250 (litres)	125 (litres)	50 (litres)	10 (litres)

Only those classes and sub-classes of *hazardous substances* that are considered to have potential for significant off-site effects are included within the Table.

The Consent Status Index (CSI) is used to determine the status of an activity under the Hazardous Facility Screening Procedure. It is shown in Table 1 to indicate the basis on which the specific quantities in the table have been derived for the modified HFSP method included in the District Plan.

## 9.5 Activity Performance Standards

### 9.5.1 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 Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.

#### a. Site design

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Any part of a *hazardous facility* site where *hazardous substances* are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and operated in a manner that prevents:

- i. The contamination of air, land and/or water (including groundwater and water supplies used for drinking and domestic purposes) in the event of a spill or other unintentional release of *hazardous substances*;
- ii. The entry or discharge of the *hazardous substance* into the stormwater drainage system in the event of a spill or other unintentional release;
- iii. The entry or discharge of the *hazardous substance* into the sewerage system in the event of a spill or other unintentional release.

**b. Hazardous facility site layout**

The *hazardous facility* is designed in a manner to ensure that separation between onsite facilities and the property boundary is sufficient for the protection of neighbouring facilities, land uses and sensitive environments.

**c. Spill containment system**

The parts of the *hazardous facility* where *hazardous substances* are used, stored, manufactured, mixed, packaged, loaded or otherwise handled shall be served by a spill containment system:

- i. Constructed from impervious materials resistant to the *hazardous substances* used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site;
- ii. Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or firewater;
- iii. Able to prevent any spill or other unintentional release of *hazardous substances*, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system;
- iv. Able to prevent any spill or other unintentional release of *hazardous substances*, and any stormwater and/or fire water that has become contaminated, from discharging into or onto land and/or water (including groundwater and water supplies used for drinking and domestic purposes) unless permitted by a resource consent;
- v. Maintained and operated to be effective in the event of a spill.

**d. Stormwater drainage**

All stormwater grates on the site shall be clearly labelled 'Stormwater Only'.

**e. Signage**

All facilities must display *signage* to indicate the nature of the *hazardous substances* present. Compliance with the provisions of the Hazardous Substances and New Organisms Act 1996, the requirements of the Building Code (F8), or the Code of Practice "Signage for Premises Storing *Hazardous Substances* and Dangerous Goods" of the New Zealand Chemical Industry Council (2004) are minimum requirements.

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**f. Waste management**

- i. Any process waste or waste containing *hazardous substances* shall be managed to prevent:
  - The waste entering or discharging into the stormwater drainage system.
  - The waste entering or discharging into the sewerage system unless permitted by the sewerage utility operator.
  - The waste discharging into or onto land and/or water (including groundwater and water supplies used for drinking and domestic purposes) unless permitted by a *Regional Council* resource consent or by a relevant rule in the regional plan.
- ii. The storage of any waste containing *hazardous substance* shall be in a manner that prevents:
  - The exposure to ignition sources.
  - The corrosion or other alteration of the containers used for the storage of the waste.
  - The unintentional release of the waste.
- iii. Any facility generating waste containing *hazardous substances* shall dispose of these wastes to appropriately permitted facilities.

**9.6 Matters of Discretion**

*Council's* discretion is restricted to the following matters for Restricted Discretionary Activities, and shall be used as a guide for all Discretionary Activities.

- a. The site is designed to ensure the containment of all *hazardous substances* from within the site in the event of either an intentional or unintentional spill or release. The site shall be designed to prevent the discharge of any *hazardous substance* into the surrounding water bodies (including groundwater), stormwater and sewerage systems.
- b. Correct labelling and onsite *signage*.
- c. Risk mitigation and management

Consideration will be given to compliance with existing approved codes of practice for storing and use of *hazardous substances*, specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing *hazardous substances*, fire safety, monitoring and maintenance procedures, appropriate site management systems, traffic safety considerations specific to the transportation of *hazardous substances*, and separation distances from any neighbouring facilities or activities for the purpose of protecting health and safety.
- d. Alternatives

Where it is likely that an activity may result in significant adverse effects on people or the environment, consideration will be given to alternative locations or methods for undertaking the activity.
- e. For Discretionary Activities – Traffic Effects

Traffic effects, including the use of traffic management, to provide for the safe and efficient operation of the *transportation network*.

## 9.7 Information Requirements

- a. Where the *hazardous facility* is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.

This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:

- i. Consistency with the objectives, policies and rules for the relevant zone.
  - ii. The activity status of the *hazardous facility* had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".
  - iii. Risk to people and the environment.
- b. A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:
- i. Identification of potential hazards, failure modes and exposure pathways;
  - ii. The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, *rest homes*, hospitals, shopping centres and residential areas including that resulting from the transportation of *hazardous substances*;
  - iii. The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;
  - iv. The nature of the sub-soil and the site geology;
  - v. The distance to environmentally sensitive areas such as wildlife habitats or water catchments;
  - vi. Assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;
  - vii. Identification of cumulative and/or synergistic effects;
  - viii. Fire safety and fire water management – comment from the New Zealand Fire Service should be provided;
  - ix. Adherence to health and safety and/or environmental management systems.
  - x. Spill contingency and emergency planning, monitoring and maintenance schedules.
  - xi. Site drainage and off-site *infrastructure*, e.g. stormwater drainage system, sewer type and capacity.

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- xii. The disposal of waters containing *hazardous substances*.

## **9.8 Other Methods**

- 9.8.1** Product stewardship programmes for the recycling of agrichemical containers and product.

## Section Contents

### Infrastructure, Network Utilities & Designations

- 10. Infrastructure, Network Utilities & Designations
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  - 10.1. Significant Issues
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#### 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.

Note: While only transmission lines are identified on the Planning Maps, works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34.2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electric lines.

Activity										
		Surface of Water	Identified Significant Features	Residential, Medium Density Residential, Future Urban, Rural Residential and Lifestyle Zone.	Commercial Zone	Industrial Zone	Rural Zone Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserves Natural Open Space Zone	Road Reserve
Activities for Existing Infrastructure and Network Utilities										
	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:	NA	RD	P	P	P	P	P	RD	P <sup>1</sup>
	<ul style="list-style-type: none"> <li>i. <i>Aerials</i> up to 4m in <i>height</i>;</li> <li>ii. (Dishes not exceeding 1.8m in diameter for <u>Residential/Medium Density Residential/ Future Urban/Rural Residential/Lifestyle Zones</u>, and 5m in diameter for all other zones;</li> </ul>									

## Section 10 – Infrastructure, Network Utilities &amp; Designations

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	iii. <u>Antennas</u> not exceeding 1.2m <sup>2</sup> in area for Residential/ <u>Medium Density Residential</u> /Future Urban and Rural Residential, and not exceeding 2m <sup>2</sup> in all other zones.									
	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 and <u>Medium Density Residential</u> Zones – 2m high x 1m wide x 1m long i.e. 2m <sup>3</sup> in volume; ii. All other zones – 5m high x 1m wide x 1m long i.e. 5m <sup>3</sup> in volume.	NA	RD	P	P	P	P	P	RD	P <sup>1</sup>
<b>Traffic, Transport and Structures associated with Rooding</b>										
	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 <i>Council</i> adopted <i>structure plan</i> or reserve management plan <u>or identified on a Council adopted reserve concept plan in the case of the Natural Open Space Zone.</u>	NA	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 New Zealand Land Transport Agency bylaws or the Traffic Regulations 1976, Transport Act 1962 or Land Transport Act 1993.
- <sup>1</sup> Note: Telecommunication facilities to be located within *road reserves* (including roadside cabinets and the attachment of equipment to existing *building/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.
- <sup>2</sup> Note: Ground re-installment Rule 10.4(a).
- <sup>3</sup> 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 the District Plan.
- <sup>4</sup> 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. 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.



## Section Contents

### Financial Contributions

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- 11.4 The calculation of Financial Contributions as included in Council's Fees and Charges
- 11.5 Calculation of Financial Contributions for ~~dwellings~~ Subdivision, Additional Dwellings, Additional Residential Units, Minor Dwellings and minor dwellings Retirement Villages
- 11.6 Subdivision and land use consent in the Commercial, Commercial Transition and Industrial Zones
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- 11.8 Additional financial contributions that apply to specific Structure Plan Areas

### Financial Contributions

#### Explanatory Statement

Growth in the *District* needs to be supported by *infrastructure* provided at appropriate levels of service. If growth is not managed in an integrated manner, including the provision of *infrastructure*, the levels of service may fall short of the needs of growth or *Council* funds may need to be spent in an unplanned, ad hoc and inefficient manner.

Integration of the *Council's* funding strategy with growth management is critical to make certain that funds are spent in the most effective manner possible. Part of the funding strategy is to also ensure that those who require the expenditure pay accordingly. Financial contributions from *development* are seen as a key part of that strategy to make sure that new *development* is not subsidised by existing ratepayers.

While it is acknowledged that *development* in the *District* has positive effects, it also has the potential to adversely affect the environment (including people and communities) in a number of ways. Some of these effects cannot be adequately avoided or mitigated on a site by site basis. Rather, they need to be addressed through the provision of new or improved *infrastructure*. In some parts of the *District*, the community has already provided *infrastructure* ahead of *development*, and measures to avoid or mitigate future effects are thus already in place.

The types of adverse effects on the environment associated with new *development* that are best addressed through integrated provision of *infrastructure* include:

Wastewater – effects on the environment including property, people and their health, amenity, social and cultural values through pollution of soil, ground and surface water, and the coastal area including beaches and seafood; and through odour.

Stormwater – effects on property, human life and health, and amenity and cultural values through flooding, siltation, erosion, and pollution of waterways and coastal water.

Water Supply – effects on health, fire safety, amenity, economic and cultural wellbeing through adequacy and quality of supply.

Transportation - effects on access, mobility and safety, and social, cultural and economic wellbeing through inadequate standards for the level of use.

Recreation – effects on wellbeing of people and communities and cultural and amenity values through inadequate or inappropriate provision of open space and facilities.

New *development* may also have adverse effects on indigenous vegetation and habitats of indigenous fauna through inadequate protection of and provision for biodiversity.

*Infrastructure* financial contributions are calculated in accordance with approved development programmes. For some these will be established through *structure plans* which include schedules of works that list work to be undertaken, timing, and funding (particularly developer versus *Council*). These schedules are contained in Appendix 7. For areas not covered by *structure plans*, there are schedules of works for the respective *infrastructure* and these are contained in the respective Asset Management Plans and *Annual Plan* and/or *LTP* including development projects on the State Highways. The relevant details from the schedules are the inputs to the formulae contained in the District Plan to calculate the financial contributions.

The financial contributions for ecological protection are figures which can only be reviewed through a change to the District Plan.

Other financial contributions are calculated in accordance with formulae set out in the District Plan. The schedules of works, and hence the actual amounts payable, are able to be updated each year through the *LTP* and/or *Annual Plan* process under the Local Government Act. This is to reflect up-to-date costs, including actual expenditure, and any necessary changes in timing due to actual changes in the timing or patterns of growth. Financial contributions can also be reviewed through a plan change under the *RMA*.

A financial contribution can be imposed as a condition of a resource consent or through the building consent process in the case of one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones. The rules specify the level of financial contribution based on a residential or rural *lot* or *dwelling*. For other activities requiring consents, the *Council* may require that a financial contribution be paid as a specific condition of consent. The basis for determining the appropriate level of contribution will generally be the '*household equivalent*'. *Household equivalent* is a derived figure for the purposes of calculating financial contributions. It is based on a 'typical' *dwelling* and what impact it will have on *infrastructure* requirements such as water use and *vehicle movements* per day. For Commercial and Industrial Zones it is based on a typical *lot* size.

Financial contributions imposed as a condition of consent at the time that a resource consent for a subdivision, *development* or new activity is granted are paid directly to the *Council* as the relevant condition of consent provides. Financial contributions imposed through the building consent process for one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones are paid directly to Council before uplifting building consent. The potential for a time-lag between the imposition of a financial contribution condition and the payment of the contribution (up to eight years for a subdivision) can mean a significant reduction of the actual amount of the contribution because of the effect of inflation and cost escalations on the value of land and the schedules of works, unless the amount is able to be adjusted to reflect actual values and costs at the time of payment.

It is the time of giving effect to the resource consent that is relevant to *Council* as this is the time when the consented activity has an impact on the *infrastructure*. To ensure that the financial contributions collected reflect the actual costs of *infrastructure* provision, contributions which are not paid in full within two years from the commencement of the consent will be adjusted in accordance with current values and the updated schedules of works. This is to reflect the actual inputs to the formulae for financial contributions applicable at the time of payment, and will be those as stipulated in the *Annual Plan* current at the time of payment.

*Council* is aware that financial contributions may cumulatively impact on the community because the levy(s) may be so high as to act as a disincentive to growth. Whilst *Council's* funding policy is based on cost recovery, there needs to be flexibility to cater for situations where the pursuit of such policy is clearly not in the wider community interest and where application of the funding policy is shown not to be fair or reasonable in particular circumstances.

To provide flexibility in dealing with such situations, as part of its *Annual Plan* process the *Council* may resolve to reduce or waive any particular financial contribution that would normally be charged during that year. Similarly *Council* may use the plan change process under the *RMA*. Challenges to the application of the formulae (such as the applicability of the

*household equivalent, passenger car equivalent or capacity consumption* calculation to a particular application) will be addressed through the ~~resource~~ relevant consent process. Challenges of a philosophical nature need to be directed to *Council* as a matter of policy (such as an affordable housing development). Applicants have the ability under the former to lodge an objection under the *RMA*, and on the latter to approach the appropriate policy committee of *Council*.

~~Policy UG 4A of the Bay of Plenty Regional Policy Statement states that greenfield development in urban growth areas shall achieve an average net yield of 12 dwellings or more per hectare from 1 July 2012, rising progressively to 15 dwellings or more per hectare by 1 July 2037. Within the District, Waihi Beach (including Athenree, Bowentown and Island View), Katikati, Ōmokoroa, and Te Puke are defined as urban growth areas. The infrastructure to accommodate the required yield is funded through financial contributions. The method of assessing developable land to calculate net yield is defined in the Regional Policy Statement.~~

## 11.1 Significant Issues

1. Subdivision and the associated intensification of *development* and land use activity have the potential to adversely affect the environment. This can be particularly significant when cumulative adverse effects are created over time.
2. Growth in the form of new development and new activities creates the need for the provision of new or upgraded infrastructure.
3. The potential exists for the costs of providing new or upgraded infrastructure to be allocated in a manner disproportionate to the benefits received by the existing community and new end users.
4. Full cost recovery of infrastructure may act as a disincentive to growth in a manner detrimental to existing communities.
5. There may be pressure for development to occur ahead of the Council's ability to provide infrastructure.
6. Delays in the payment of financial contributions set through the resource consent process can impact on the funding of infrastructure.
7. ~~Council may not achieve the required average net yield of 12 dwellings per hectare.~~
8. *Council* may not recover *infrastructure* costs in urban growth areas if ~~an average~~ the planned net yield of 12 dwellings per hectare is not achieved.

## 11.2 Objectives and Policies

### 11.2.1 Objectives

1. Protection of the natural and physical environment and the social, economic and cultural wellbeing of people and communities from the potential adverse effects of new or intensified development
2. The provision of adequate funding for and efficient utilisation of the District's infrastructure
3. A financial contributions strategy which ensures that financial contributions are charged on the basis of covering the community's costs of providing infrastructure
4. A financial contributions strategy which is responsive to the social, environmental and economic needs of the community
5. Timing of development commensurate with the ability to make appropriate provision for infrastructure

**11.2.2 Policies**

1. Actual or potential adverse effects on the natural and physical environment which would otherwise be created by new or intensified development should be avoided, remedied or mitigated through the use of financial contributions and other appropriate measures.
2. The effects of new and intensified development on infrastructure in the District should be mitigated through expenditure of financial contributions.
3. The costs of infrastructure should be allocated in an equitable manner over both existing and new users so as to ensure that such costs are not borne unfairly by the wider community.
4. Calculations to assess infrastructure requirements should be based on the level of service needed to meet peak demand.
5. Calculations shall not seek to do more than recoup costs actually incurred in respect of expenditure to provide infrastructure to deal with the effects of growth including, where appropriate, the costs of financing such infrastructure over time
6. Where appropriate, contributions should be levied differentially to reflect the particular circumstances applying to different parts of the District.
7. Provision should be made for the updating of inputs to the calculation of financial contributions through the consent and Annual Plan and/or LTP process to reflect actual and up-to-date estimated costs of the provision of infrastructure.
8. The actual or potential effects of applying financial contributions should be regularly reviewed and where an identified wider community detriment or a detriment to a particular sector of the community would be created, the particular financial contribution that would otherwise be payable should be reduced or waived (as appropriate).
9. Where appropriate, financial contributions that would otherwise be payable should be reduced or waived in recognition of specific environmental protection or enhancement measures proposed to be undertaken.
10. Where appropriate, consideration will be given to the reduction or waiver of financial contributions for recreation and leisure that would otherwise be payable in recognition of a historic oversupply of recreation and leisure land.
11. Provide a mechanism whereby a financial contribution can be taken to address or offset localised effects outside any approved development programme, or in lieu of works that would otherwise be undertaken by a consent-holder.
12. The full costs of required infrastructure and services should be paid when subdivision and development requires such provision outside an approved development programme.
13. Developers who fund infrastructure ahead of time in an approved development programme should be refunded only at the time that development funds become available.

**11.3 Application of Financial Contributions**

- a. Financial contributions shall not apply in the following circumstances:
  - i. where the need for the activity to obtain a resource consent arises solely from the provisions of Sections 5, 6 and 7 of the District Plan.
  - ii. where the subdivision or *development* of an *infrastructure* or *network utility* site will not create any effects on *Council's*

- infrastructure* networks and do not require connection to *Council's* wastewater, stormwater or water supply;
- iii. where there is no ability to connect (in accordance with *Council's* Development Code 2009) to a specific *infrastructure* (excluding roading) and the provision for such *infrastructure* is not included in any relevant *structure plan* or *LTP*.
  - iv. where financial contributions have already been paid:
    - in the Residential Zones of Waihi Beach (including Bowentown, Island View and Athenree) and Katikati during a previous subdivision or land use consent based on a per net developable hectare as per Rule 11.5.2 and a density of 15 *dwelling*s per hectare (in the Residential Zone) is not exceeded, or
    - for stormwater in the Commercial and Industrial Zones as per Rule 11.6.4.
- b. Unless specified otherwise in the rule to which a particular contribution relates, financial contributions will be charged in respect of:
- i. Additional *lots* created by subdivision which will qualify for the erection of a *dwelling*, as per Rule 11.5.  
All additional *dwelling*s or additional *residential units* created will be charged as per the calculations included in Rule 11.5.
  - ii. Additional *lots* created by subdivision within Commercial or Industrial Zones and all additional activities created will be charged as per the calculations included in Rule 11.6.
  - iii. A land use consent application for an additional or significant expansion of an existing consented land use activity that will impact on existing *infrastructure* (significant expansion is an increase of more 0.5 of a *household equivalent* for services). Financial contributions will be assessed using *household equivalents*. Specific formulae are contained in Rules 11.4, 11.5 and 11.6.
  - iv. Land use consent applications for discretionary or non-complying land use activities where it is more appropriate to charge a financial contribution for:
    - water, wastewater, stormwater and recreation and leisure based on a specific assessment;
    - for transportation that is based on *passenger car equivalents (PCEs)* or specific assessments.

Specific formulae are contained in Rule 11.7.
  - v. Boundary adjustments (under Rule 12.3.3) deemed to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.
  - vi. Land use consent applications for significant expansions in the Post Harvest Zone.
- c. With regard to any resource consent which is granted subject to a condition imposing a financial contribution, that condition shall provide for the amount of any financial contribution to be set as follows:
- i. The resource consent condition, shall specify a financial contribution amount in dollars that may be paid in full within two years of the date of commencement of the consent;  
Provided that:

Contributions not paid in full within two years of the consent commencing shall be subject to Rule 11.3.c.ii. below.

- ii. Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the ~~resource~~ consent shall be the amount calculated in accordance with the relevant formulae in Rules 11.4, 11.5 and 11.6 and the updated inputs to those formulae as set out in *Council's Annual Plan* current at the date of payment.

- d. For a financial contribution required under the District Plan, and levied through the building consent process, for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones, the financial contribution is payable immediately prior to the issue of that consent.

de. Reductions and waivers

- i. In accordance with Objective 11.2.1.4 and Policies 11.2.2.8, 11.2.2.9 and 11.2.2.10, *Council* may reduce or waive in part or in whole for a specified period or for a particular activity, any financial contribution (including a particular part(s) of the formula contained in Rules 11.4, 11.5 and 11.6) that would otherwise be charged in order to avoid or mitigate an identified detriment to the wider community or an identified detriment to a particular sector of the community that warrants attention in the better fulfilment of the *RMA's* purpose.

Assessment criteria include:

- The quantum of the contribution(s) and the market's ability to pay;
- Significant increases in the contribution(s) from one period to the next (or through the introduction of a new or revised financial contribution) that may create inequities or hardship;
- The extent that any specific environmental protection or enhancement measure requires recognition, including measures under Rule 11.4.3.

Any such reduction or waiver shall be implemented through the *Annual Plan* process or the plan change process under the *RMA*.

- ii. With regard to specific applications for resource consent for additional *dwelling*s on multiple owned *Māori land*, consideration will be given to the following criteria in addition to those listed in i. above with respect to the recreation and leisure financial contribution:
  - Size and cost of the *dwelling* being constructed;
  - Location of the property and the associated land value, extent of previous undertakings, or gifting of land or other tangible assets;
  - Applicability of the *LTP* outcomes.
- iii. With regard to specific applications for resource consent where: A financial contribution for recreation and leisure is payable under

Rule 11.4, and an historic oversupply of reserve land is shown by the applicant to have occurred in relation to the same applicant or their successor in title, consideration shall be given to a reduction or waiver of the financial contribution as assessed having regard to the following criteria:

- The suitability of the excess land contributed for meeting *Council's* current recreation and leisure requirements for the catchment;
- The land value of the excess recreational and leisure land calculated at the time of granting the resource consent;
- The quantity of financial contributions for recreation and leisure assessed under Rule 11.4 at the time of granting the resource consent.

Provided that:

This discretion shall only be considered where:

- a. The applicant supplies conclusive evidence that:
  - They are the successor in title in respect of the parent land contributing the excess land;
  - The amount of excess land contributed for recreation and leisure purposes exceeds 1ha as assessed at the time of the application.
- b. The application is made within ten years of the commencement of the initial consent that created the excess.
  - iv. Reductions may be considered where the application of the *household equivalent* or *passenger car equivalent* methods of calculation are considered to be inappropriate.

Such consideration will be through the resource consent process on a case by case basis.

## **11.4 The calculation of Financial Contributions as included in Council's Fees and Charges**

### **11.4.1 Determining a Household Equivalent**

- a. Financial contributions are based on a *household equivalent*.
- b. During the *Annual Plan* and/or *LTP* process, *Council* uses the formula in Rule 11.4.1.c. to set the;
  - i. catchment financial contribution amounts;
  - ii. values applied to the variables within the formula;

iii. timing of the capital projects.

c. The formula used to determine the *household equivalent (HHE)* for Recreation and Leisure, Transportation, Water Supply, Wastewater, and Stormwater financial contributions for all zones (as appropriate) is as follows:

$$\frac{(CP-S) - (EP-S) + I}{L} = \text{per household equivalent}$$

Where:

CP = value of development projects for capital works within a specific catchment, including land, required to meet the needs of the existing and future community during the planning period;

EP = value of development projects within a specific catchment for that portion of the capital works required to meet the existing level of service for existing ratepayers;

S = the subsidies to be received for the specific *infrastructure* within the planning period;

L = *dwelling*s and *household equivalents* estimated during the planning period;

I = Interest cost based on capital expenditure less revenue from financial contributions.

**Explanatory Note:**

The inputs to the formula will be updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing. Any financial contribution that is not paid in full within two years of the commencement of the resource consent shall be subject to adjustment under Rule 11.3.c.ii.

#### 11.4.2

#### Council's infrastructure network to which financial contributions apply

a. Transportation

i. Except for the activities included in Rule 11.6.1, these contributions shall be levied on subdivision and land use consents as may be applicable and through the building consent process for one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones. The contribution is applied on the basis of the following catchments in the *District*:

- Rural and minor settlements - this is a single catchment and includes the Rural and Lifestyle Zones and all minor settlements not classified as urban catchments below.
- Urban catchments - there are separate catchments for the urban zoned areas of Waihi Beach, Katikati, Ōmokoroa (including ~~the whole of the Stage 2 Structure Plan area~~ Rural-Residential Zones), and Te Puke.
- Strategic Transportation - this is *District-wide*.

b. Water and Wastewater

i. These contributions shall be per connection and shall be levied on any subdivision or land use consent or through the building consent process for one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones that is in a catchment served by *Council* water and wastewater systems or future water and wastewater *infrastructure* identified in a *structure plan*.

ii. Except in the Commercial and Industrial zones, where the



*household equivalent* for water is based on the connection size (see Rule 11.6.2), the *household equivalent* for water is measured at 0.6m<sup>3</sup> per day.

iii. The *household equivalent* for wastewater is measured at 0.5m<sup>3</sup> per day, which is calculated at a factor of 0.85 of the water usage.

iv. The *household equivalent* for water and wastewater is equal to one (1) except for the following activities where the number of *household equivalents* will be determined by specific assessment:

- *Service stations* with car wash facilities;
- *Accommodation facilities* and recreational facilities including hotels, motels, community centres and Marae;
- Process manufacturing including coolstores and packhouses;
- Garden centres and nurseries;
- Butcheries;
- Drycleaners and laundromats;
- *Education facilities*;
- Hospitals and laboratories;
- Crematoriums and mortuaries;
- Concrete plants and yards;
- Any development in the Rural Zone that requires a water connection to a *lot* that exceeds 20mm;
- Waste handling facilities.

v. *Household equivalents* are assessed on the basis of peak demands rather than average use.

vi. The determination of the number of *household equivalents* for *accommodation facilities* will be based on the capacity of the facility.

c. Stormwater

i. These contributions shall be levied on a subdivision and/or land use consent or through the building consent process for one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones that is in a catchment served by a Council stormwater system or future stormwater infrastructure identified in a structure plan or the LTP.

ii. Financial contributions may be reduced taking into account pre-development stormwater levels and the extent to which stormwater is managed on-site. The on-site management proposal has to be approved through the resource consent process.

- iii. Financial contributions may be increased through the resource consent process by means of a special assessment where the:
  - average *lot* size is less than the minimum *lot* size provided in 13.4.2, or
  - *net land area per dwelling* is less than that included in 13.3.2.a..
- iv. Financial contributions will not be charged where the activity is ~~not using outside of a stormwater management catchment served by public stormwater infrastructure, including~~ (including any open watercourses).
- d. Recreation and leisure
  - i. Financial contributions for recreation and leisure apply to all subdivision and land use consents that enable the development of *dwelling*s, *minor dwelling*s and *accommodation facilities* and all building consents for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones
  - ii. Except for the development of *dwelling*s, *minor dwelling*s and *accommodation facilities*, development in the Commercial and Industrial Zones shall not pay a financial contribution for recreation and leisure as per Rule 11.6.5.
  - iii. With a land use consent for *accommodation facilities*, the financial contribution will be one *household equivalent* per facility.
  - iv. Activities in the Post Harvest Zone shall not pay a financial contribution for recreation and leisure.
  - v. Financial contribution for recreation and leisure shall be a land or monetary contribution or combination thereof. The *Council* shall retain full discretion as to whether to accept money or land as payment of the required financial contribution.
  - vi. The *Council* shall consider a Māori Reservation set aside under Sections 338 and 440 of the Māori Land Act 1993 (Te Ture Whenua Māori) in lieu of a reserves contribution.

#### 11.4.3 Ecological protection

- a. Financial contributions for ecological protection shall be charged on;
  - subdivisions in the Rural, Rural Residential, Lifestyle, Future Urban, Residential and Medium Density Residential Zones;
  - land use consents for additional *dwelling*s or *minor dwelling*s
  - building consents for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones.
- b. Financial contributions for ecological protection and or enhancement shall be a monetary contribution of \$501 + GST (2015/16) per *lot* or *dwelling* as determined by the circumstances set out hereunder, such contribution to be adjusted annually in accordance with the Consumer Price Index through *Council's Annual Plan* and Budget:  
  
Except that:  
 The ecological financial contribution shall be doubled for a subdivision or land use consent within the Park Road East Esplanade in Katikati.
- c. *Council* may consider the reduction or waiver of these financial contributions where legally binding environmental protection or enhancement measures have

already been or are proposed to be undertaken on the property concerned in conjunction with the principal activity. In such cases the principal activity (subdivision or land use) shall be deemed to be a Restricted Discretionary Activity in respect of the environmental protection or enhancement measures concerned. Such measures shall be the subject of a report and recommendations from an appropriately qualified independent person acceptable to *Council*.

## 11.5 **Calculation of Financial Contributions for ~~dwelling~~ Subdivision, Additional Dwellings, Additional Residential Units, Minor Dwellings and minor dwellings-Retirement Villages**

- a. The rules included in 11.5 do not apply to *dwelling*s in the Commercial and Industrial Zones that are above ground floor. See Rule 11.6 for the calculation for these activities.
- b. The rules included in 11.5 apply to the Rural, Rural Residential, Lifestyle, Future Urban, Residential, Medium Density Residential and Commercial Transition Zones. The specific rules for activities in these zones are set out under 11.5.1 - 11.5.7 below.
- c. The rules included in 11.5 apply to the Rural, Rural Residential, Lifestyle, Future Urban, Residential, Medium Density Residential and Commercial Transition Zones and relate to:
- d. Subdivision;
- e. Land use consents for additional *dwelling*s or minor *dwelling*s.
- f. Financial contributions are based on a *household equivalent*.
- g. One *household equivalent* is equal to one additional lot or *dwelling*.

### 11.5.1 **Subdivision or additional dwellings outside urban growth areas**

- a. The rules in this section apply to a subdivision or land use consent for an additional *dwelling* in the following zones:
  - i. Rural
  - ii. Future Urban
  - iii. Rural-Residential
  - iv. Lifestyle
  - v. Residential, except in the urban growth areas of Waihi Beach, Katikati, Ōmokoroa, and Te Puke.
- b. Financial contributions for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection will be charged in respect of:
  - i. Additional lots created by subdivision which will qualify for the erection of a *dwelling*.
  - ii. A land use consent for an additional *dwelling* ~~or minor *dwelling*~~.
- c. Each additional *lot* or *dwelling* shall be charged one *household equivalent*.

#### 41.5.2 Subdivision or additional dwellings inside identified urban growth areas of Katikati and Waihi Beach (including Bowentown, Island View and Athenree)

##### **Explanatory Notes:-**

- a. For the purpose of calculating average *lot* size to determine financial contributions, the following area(s) shall be excluded from the *lot* size calculations; provided that no *dwelling* is constructed in the area:
  - i. area(s) that are within a natural hazard identified in Section 8 of the District Plan, or
  - ii. as part of a resource consent, areas identified as unsuitable for the construction of a *dwelling* by a suitably qualified and experienced geotechnical engineer or equivalent.
- b. Where a balance *lot* is created for future subdivision or residential development, a financial contribution equal to one *household equivalent* only will be charged at this time. A financial contribution based on an average *net lot area* ~~of 625m<sup>2</sup>~~ (as specified in the table below) will only be applied to that *lot* once future subdivision or land use consent is applied for.
  - i. The rules in this section apply to a subdivision or land use consent for an additional *dwelling* in the following zones;
    - Residential
    - Medium Density Residential
    - Commercial Transition

Within the following urban growth areas:

    - Waihi Beach
    - Katikati
    - ~~Ōmokoroa Ōmokoroa~~
    - ~~Te Puke Te Puke~~
  - ii. Each additional *lot* or additional *dwelling* shall be charged a financial contribution for ecological protection equal to one *household equivalent*.
  - iii. The financial contribution calculations for recreation and leisure, transportation, water supply, wastewater, and stormwater in urban growth areas are based on an average net lot area size or dwelling envelope. One household equivalent is equal to a net lot area of 625m<sup>2</sup>, or dwelling envelope (as specified in the table below) and all additional lots and dwellings will pay a financial contribution proportional to this figure.
  - iv. A density of 15 lots or dwellings per hectare equates to an average net lot area or dwelling envelope of 500m<sup>2</sup>. In the Residential Zone and Medium Density Residential Zone, financial contributions for a subdivision or development with an average *net lot area* or *dwelling envelope* smaller than that specified in the table below 500m<sup>2</sup> shall be determined by a special assessment.
  - v. ~~The financial contribution for a land use consent for an additional dwelling is based on the size of the dwelling envelope. As in the case of a subdivision, one household equivalent is equal to a dwelling envelope of 625m<sup>2</sup>.~~ In the Residential Zone, the *dwelling envelope* shall not have a minimum average less than 500m<sup>2</sup>.
  - vi. The minimum financial contributions for an additional *lot* or additional *dwelling* in the Residential, Medium Density ~~Residential~~ and Commercial Transition Zones are 0.5 of a *household equivalent*.

Area	Average net lot area and dwelling envelope (1 HHE per lot/dwelling)	Average net lot area and dwelling envelope (0.8 of an HHE per lot/dwelling)	Average net lot area and dwelling envelope for which a special assessment is required
Waihi Beach and Katikati	625m <sup>2</sup>	500m <sup>2</sup>	<500m <sup>2</sup>
Ōmokoroa Stage 3A	500m <sup>2</sup>	400m <sup>2</sup>	<400m <sup>2</sup>
Ōmokoroa Stage 3B	375m <sup>2</sup>	300m <sup>2</sup>	<300m <sup>2</sup>
Ōmokoroa (Outside of Stage 3)	375m <sup>2</sup>	300m <sup>2</sup>	<300m <sup>2</sup>
Te Puke	375m <sup>2</sup>	300m <sup>2</sup>	<300m <sup>2</sup>
Ōmokoroa Stage 3C	250m <sup>2</sup>	200m <sup>2</sup>	<200m <sup>2</sup>
Ōmokoroa Mixed Use Residential Precinct	250m <sup>2</sup>	200m <sup>2</sup>	<200m <sup>2</sup>

### 11.5.3 **One or two additional residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones**

- a. For clarity, these rules do not apply to:
- i. ~~The first residential unit on a site (these shall be exempt from financial contributions);~~
  - ii. One or two additional residential units on a site where a subdivision consent has been granted subject to a condition of consent imposing financial contributions for that site under Rule 11.5.5 (except for any balance lots under 11.5.5 (e)).
- b. The following rules shall apply where an application for building consent is lodged for one or two additional residential units on a site:
- i. Each additional residential unit shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply and wastewater based on the gross floor area of each residential unit (excluding garage);
  - ii. Each additional unit shall be charged a financial contribution for stormwater based on the building footprint of each residential unit (including garage);  
  
For this rule, building footprint means the total area of the buildings (residential unit and garage) at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of those buildings and overhangs the ground.
  - iii. One household equivalent for a residential unit is equal to a gross floor area of 150m<sup>2</sup> (excluding any garage) or building footprint of 150m<sup>2</sup> (including any garage) in the case of stormwater;
  - iv. An additional residential unit with a gross floor area or building footprint exceeding 150m<sup>2</sup> shall not pay more than one household equivalent;
  - v. Each additional residential unit with a gross floor area or building footprint less than 150m<sup>2</sup> shall pay a reduced financial contribution that is proportional to 150m<sup>2</sup>;
  - vi. The minimum contribution to be paid for an additional residential

unit shall be 0.5 of a household equivalent.

vii. Financial contributions shall be assessed and imposed through the building consent application process.

viii. The financial contribution required through the building consent application process is payable immediately prior to the issue of that consent.

**11.5.4 One or two additional lots not for the purpose of the construction and use of residential units from sites of less than 1,400m<sup>2</sup> in the Ōmokoroa and Te Puke Medium Density Residential Zones**

a. Each additional lot shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater equal to one household equivalent.

**11.5.5 All other subdivision and four or more residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones**

a. Each additional lot or additional residential unit shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater based on the number of lots / residential units per hectare of developable area:

b. The following number of household equivalents that shall be paid per hectare (10,000m<sup>2</sup>) of developable area:

<u>Area</u>	<u>Household equivalents per hectare of developable area</u>
<u>Ōmokoroa Stage 3A</u>	<u>15</u>
<u>Ōmokoroa Stage 3B</u>	<u>20</u>
<u>Ōmokoroa (Outside of Stage 3)</u>	<u>20</u>
<u>Te Puke</u>	<u>20</u>
<u>Ōmokoroa Stage 3C</u>	<u>30</u>
<u>Ōmokoroa Mixed Use Residential Precinct</u>	<u>30</u>

c. The number of household equivalents to be paid shall be proportional to the number of hectares of developable area.

For example, in Ōmokoroa Stage 3B:

- 0.5 hectares x 20 = 10 household equivalents
- 1 hectare x 20 = 20 household equivalents
- 1.5 hectares x 20 = 30 household equivalents

d. If the number of lots / residential units per hectare of developable area is less than or exceeds the number of household equivalents required to be paid per hectare of developable area, there shall be no change to the number of household equivalents required to be paid per hectare of developable area as set out in the table in (b) above.

Therefore:

~~i. Where the number of lots / residential units per hectare of developable area is less than the number of household equivalents required to be paid per hectare of developable area, each additional lot or additional residential unit shall pay an increased financial contribution greater than one household equivalent;~~

~~ii. Where the number of lots / residential units per hectare of developable area exceeds the number of household equivalents required to be paid per hectare of developable area, each additional lot or additional residential unit shall pay a reduced financial contribution. The minimum financial contribution to be paid for an additional lot or additional residential unit shall be 0.5 of a household equivalent.~~

~~For example, in Ōmokoroa Stage 3B where the number of household equivalents required to be paid per hectare of developable area is 20:~~

- ~~• 10 additional lots / units = 2.0 household equivalents each~~
- ~~• 20 additional lots / units = 1.0 household equivalents each~~
- ~~• 40 additional lots / units = 0.5 household equivalents each~~

~~e. Where one or more balance lots are proposed for future subdivision or residential development, a financial contribution equal to one household equivalent will be charged for each balance lot. A financial contribution based on the number of household equivalents per hectare of developable area will only apply to a balance lot during a future subdivision or land use consent for additional residential units.~~

~~For this rule, balance lot shall mean any proposed lot which is 1,400m<sup>2</sup> or greater and which is not demonstrated to be for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) – (b);~~

~~f. The financial contributions shall be determined at subdivision or land use consent stage and shall be paid as per the consent conditions~~

#### **11.5.3.6 Land use consent for a minor dwelling Minor dwellings**

~~Except for the Medium Density Residential Zones in Ōmokoroa and Te Puke (see 11.5.3 and 11.5.5 above):~~

~~Minor dwellings in all zones shall be charged a financial contribution for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection equal to 0.5 of a household equivalent.~~

~~This rule shall also apply to residential units of 60m<sup>2</sup> or less in the Medium Density Residential Zones in Ōmokoroa and Te Puke.~~

#### **11.5.4.7 Land use consent for a retirement village Retirement villages**

~~Except for Medium Density Residential Zones in Ōmokoroa and Te Puke (see 11.5.3 and 11.5.5 above):~~

~~i. Retirement village dwellings and retirement village independent apartments shall be~~

charged a financial contribution for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection equal to 0.5 of a *household equivalent* for 1 and 2 bedroomed *dwelling*s/apartments.

This rule shall also apply to 1-2 bedroomed residential units within retirement villages in the Medium Density Residential Zones in Ōmokoroa and Te Puke.

- ii. The financial contributions for facilities other than *retirement village dwellings* or *retirement village independent apartments* shall be done by specific assessment.

## 11.6 Subdivision and land use consent in the Commercial, Commercial Transition and Industrial Zones

This section deals with the calculation of financial contributions for transportation, stormwater, wastewater, water and recreation and leisure in:

- a. Commercial Zones
- b. Industrial Zones,
- c. Activities other than a *dwelling* in the Commercial Transition Zone (see Section 11.5.2 for *dwellings* in the Commercial Transition Zone).

### 11.6.1 Transportation

- a. Financial contributions as calculated by *household equivalent* apply to transportation in the Te Puna Business Park Zone, except for the following activities where the number of *household equivalents* will be determined by an *Integrated Transport Assessment*:
  - i. *Warehousing and storage*
  - ii. *Building and construction wholesalers and retailers*
  - iii. *Depots*
- b. All other activities in the Commercial, Commercial Transition and Industrial Zones are exempted, except for the following activities where the number of *household equivalents* will be determined by an *Integrated Transport Assessment*:
  - i. *Warehousing and storage*
  - ii. *Building and construction wholesalers and retailers* that exceeds a gross floor area of 2,500m<sup>2</sup>.
  - iii. *Depots*
  - iv. *Service stations*
  - v. *Coolstores and packhouses*
  - vi. *Accommodation facilities*
- c. The comprehensiveness of the *Integrated Transport Assessment* shall reflect the scale and effects of the proposed activity and address the following:
  - i. The existing traffic environment;
  - ii. How the activity will impact on that environment;
  - iii. Any proposed mitigation measures.

### 11.6.2 Water Supply

- a. Except for activities listed in Rule 11.4.2.b.iv., the financial contribution in the Commercial, Commercial Transition and Industrial Zones shall be based on the size of the water connection.



- b. The relationship between connection size and *household equivalent* are as follows:

Connection size(mm)	Household Equivalent
20	1
25	1.56
40	4
50	6.25
100	25
150	56.25

### 11.6.3 Wastewater

- a. Except for *dwelling*s and activities listed in Rule 11.4.b.iv., financial contributions on wastewater for all activities in the Commercial, Commercial Transition and Industrial Zones, are calculated as follows:

One (1) *household equivalent* is equal to:

- i. A *lot* size or *gross floor area* of 600m<sup>2</sup> in the Commercial Zone.
  - ii. A *lot* size or *gross floor area* of 1,800m<sup>2</sup> in the Industrial Zone.
- b. Wastewater financial contributions for a *dwelling* in the Commercial and Industrial Zones are calculated as follows:
- i. 0.5 of a *household equivalent* for a *dwelling* with a *gross floor area* of not more than 60m<sup>2</sup>.
  - ii. 0.75 of a *household equivalent* for a *dwelling* with a *gross floor area* of more than 60m<sup>2</sup> and less than 95m<sup>2</sup>.
  - iii. One *household equivalent* for a *dwelling* with a *gross floor area* that exceeds 95m<sup>2</sup>.
- c. The financial contributions for the activities listed in Rule 11.4.b.iv. shall be determined by specific assessment.

**Explanatory Note:**

These activities may operate seasonally or operate for a variable part of the week or year. For such activities the operational time (OTF) needs to be specifically reported on and assessed.  
OTF is the proportion of a full year that any enterprise may operate and is calculated as follows:

$$\frac{\text{Actual operating days per year}}{365} \times 100$$

### 11.6.4 Stormwater

- a. In the Commercial, Commercial Transition and Industrial Zones, one *household equivalent* is equal to 300m<sup>2</sup> of developable land (developable land is any land that has potential to be used for building, hard stand and parking or access purposes for that activity).

### 11.6.5 Recreation and leisure

- a. Financial contributions for recreation and leisure only apply to *dwelling*s and *accommodation facilities* in the Commercial and Industrial Zones.

- b. The financial contributions for *dwelling*s are calculated as follows:
  - i. 0.5 of a *household equivalent* for *dwelling*s with a gross floor area of not more than 60m<sup>2</sup>.
  - ii. 0.75 of a *household equivalent* for *dwelling*s with a gross floor area of more than 60m<sup>2</sup> and less than 95m<sup>2</sup>.
  - iii. One *household equivalent* for *dwelling*s with a gross floor area that exceeds 95m<sup>2</sup>.
- c. With a land use consent for *accommodation facilities*, the number of *household equivalents* will be determined by specific assessment

## 11.7 Financial Contributions and Infrastructure works for Discretionary and Non-complying Land Use Activities

### 11.7.1 An assessment of capacity, adequacy of pavement, and safety shall be made of the actual impact of the activity on the specific *infrastructure*. The impact shall be remedied or mitigated by one or more of the following:

- a. Where existing spare capacity is available to accommodate the proposed activity, a financial contribution shall be payable based on the amount of capacity to be used (see 11.7.2).
- b. Where the existing *infrastructure* is inadequate in terms of capacity and safety for the proposed activity, the *infrastructure* shall be upgraded by the applicant at their cost to accommodate the expected demand. This will be imposed as a condition on any resource consent granted.
- c. Where the activity will consume all of the currently available spare capacity as well as require an upgrade of the existing *infrastructure*, both a. and b. above shall apply.

Except that:

A contribution shall not be payable under a. where any *upgrading* required under clause b. above results in the existing level of spare capacity being maintained or exceeded.

- d. Where a required *infrastructure* upgrade will provide a greater level of capacity than that needed to accommodate the proposed activity, the following shall apply:
  - i. If the upgrade is included in the *LTP*, the cost of the spare capacity created will be refunded to the consent holder at the time stipulated in the *LTP*;
  - ii. If the upgrade is not included in the *LTP*, there shall be no refund.

### 11.7.2 For 11.7.1.a., c., and d. the impact shall be converted into *household equivalents* and applied in accordance with the following:

- a. Recreation and Leisure
 

This will be charged in accordance with Rules 11.4.2.d. and 11.5 for *dwelling*s, *minor dwelling*s, *retirement villages* and *accommodation facilities* excluding *seasonal worker accommodation*.

- b. Transportation

- i. Capacity consumption

**Explanatory Notes:**

- This rule shall apply to the specific roads that provide access from the State Highway to the activity.

- The width of the existing road is to be determined by actual measurement or by reference to *Council's* RAMM (Road Assessment and Maintenance Management) database.
- The average annual daily traffic volume (AADT) for the existing road is to be determined by actual measurement or by reference to *Council's* RAMM database. For the purposes of converting the AADT into *PCE VM's*, where actual figures are not available it shall be assumed that 10% of the volume comprises heavy commercial vehicles (HCV's). The proposed road activity shall be converted to daily *PCEs*.
- Road width and *road capacity* (existing and required) is to be determined by reference to the relevant table in rule 12.4.4.2. The capacity of the road is represented by the upper limit traffic volume for a road of the applicable standard (carriageway width and length).
- The current cost of 1m<sup>2</sup> of rural road pavement' will be set annually through *Council's* LTP and *Annual Plan* processes under the Local Government Act 2002.

#### Calculation methodology

- Determine the proposed route from the subject site to the nearest State highway (or *District* boundary).
- Determine the capacity of the existing road (in terms of daily *PCE VM's*), given its current standard of construction. This is "A".
- Determine the standard of road (width) required to accommodate both existing and proposed daily *PCE VM's*. This is "B".
- A sliding scale shall be used to assess the theoretical width required.
- Determine the value of the length of affected road. This is calculated from the depreciated replacement cost for the existing road (and deductions made for any subsidies received). This is "C".
- Determine the proportion (%age) of the capacity of the road consumed by the proposal's predicted traffic volume.
- This is calculated as (the number of *PCEs* as proposed by the applicant)/(the capacity (*PCE*) of the existing road). This is "D".
- Applicable financial contribution for *Capacity Consumption* = \$(C x D).

#### ii. Pavement Consumption

The purpose of the following calculation is to determine the effect of additional HCV's generated by the proposed new activity on the life of the existing road pavement. The calculation shall be undertaken by a Chartered Professional Engineer (CPEng) or other suitably qualified person specifically approved by *Council*.

- Collect all available data for the road on which the proposed out of zone activity will take place. Base data can be found in RAMM and dTIMs (dTIMs is a software package developed by Deighton Associates Ltd, and used by Road Controlling Authorities for the predictive modelling of pavement deterioration).
- Assess existing pavement design, and determine its residual life. The effective residual life of the

existing pavement can be obtained from the dTIMS pavement deterioration model output, or back calculation from existing pavement data. This data will be produced annually.

- Determine the design axle loads for the existing pavement.
- Calculate the additional axle loads as a result of the proposed activity. Determine the effect of the additional axle loads on the existing pavement, by determining the year when the existing pavement will reach the end of its design life, i.e. when the life of the pavement is consumed.
- Determine the reduction in life (number of years) of the existing pavement caused by the additional axle loads.
- Assess the current cost of renewing the pavement, given both the existing and new traffic loadings.
- Assess the incremental cost of bringing the pavement renewal works forward. (Complete a net present value calculation, using the cost of finance provided annually in *Council's Annual Plan*).

This is the financial contribution payable for Pavement Consumption.

iii. Strategic Transportation

One *household equivalent* shall be paid for each activity.

c. Water Supply and Wastewater

- i. Financial contributions for water supply and wastewater shall be charged in accordance with Rule 11.4.2.b.
- ii. In the Commercial and Industrial Zones financial contributions shall be charged in accordance with Rules 11.6.2 and 11.6.3.
- iii. For all other zones, a specific assessment shall be made.

d. Stormwater

The financial contributions for stormwater in all zones shall be determined by specific assessment.

e. Ecological Protection

The financial contributions for ecological protection shall be in accordance with Rule 11.4.3.

## 11.8 Additional financial contributions that apply to specific Structure Plan Areas

a. Rangiuru Business Park

The equitable provision and funding of *infrastructure* and the need for full recovery of *infrastructure* costs (as set out in the financial contributions schedules) is a key driver for the Rangiuru Business Park. For Rangiuru Business Park the *infrastructure* required is anticipated to be built and funded by private developers as opposed to *Council*. Accordingly, full recovery of financial contributions by *Council* to refund the entities which build/fund that work (in order of construction) is appropriate.

Financial contributions will be calculated 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. The *infrastructure* costs contained in Appendix 7 are able to be updated annually through the *Annual Plan* and/or *LTP* as set out below.

As outlined in Chapter 12, *infrastructure* for the Rangiuru Business Park will be constructed generally in accordance with the designs specified in Appendix 7. Where *Council* identifies a more cost effective means of delivering future *infrastructure* for the park, the future *infrastructure* cost for that line item may be used as replacement *infrastructure*. Where the cost of *infrastructure* is lower than the anticipated cost, only the lower amount can be recovered.

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.

- i. As set out below, financial contributions shall be payable for subdivision and *development* in the Rangiuru Business Park to pay for trunk *infrastructure* as identified in the *Structure Plans* and the associated financial contribution schedule in Appendix 7;  
  
Where any circumstances exist that mean these provisions are inconsistent with the general provisions then this section shall prevail.
- ii. With regard to any resource consent which is granted subject to a condition imposing a financial contribution for Rangiuru Business Park, that condition shall provide for the amount of any financial contributions.
- iii. Any financial contribution which is not paid in full within two years from the date of commencement of the consent or any subsequent two year period shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the per square metre amounts as set out in the Rangiuru Financial Contributions Schedule in Appendix 7 using the inputs to that schedule as updated annually through the *Annual Plan* and/or the *LTP* process, as detailed below.
- iv. The financial contribution shall be in accordance with the Rangiuru financial contribution schedule in Appendix 7 (specified dollar amount per square metre of site area so used), adjusted annually to reflect updated construction cost estimates or completed actual construction costs, and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%).
- v. The financing costs are to be charged quarterly in arrear on the last day of March, June, September and December in each year on the actual capital expenditure at the start of the quarter as approved in the Rangiuru financial contribution schedule less the financial contributions received during the quarter.
- vi. The costs in the financial contribution schedule in Appendix 7 including the financing costs are indicative only as they are based on [August] 2015 costs and will be updated annually through the *Annual Plan* and/or *LTP* process to reflect up-to-date estimated costs (based on the rate of movement of the Cost of Construction Index) and/or actual costs of the provision of *infrastructure* and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%).
- vii. The actual financial contributions payable will reflect the completed actual construction costs and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%) to be determined at the time resource consents commence, as listed in the financial contributions schedule in Appendix 7 and updated through the

*Council's Annual Plan and/or LTP.*

- viii. Actual financial contributions may also be payable based on updated construction cost estimates in order to fairly contribute towards the funding of trunk *infrastructure* as identified in the *Structure Plans* and the associated Rangioru financial contribution in Appendix 7 (for example, part funding of trunk *infrastructure* identified as part of a future stage).
- ix. If any developed or agency elects not to recover the cost of trunk *infrastructure* which has been identified in the *Structure Plans* and the associated financial contribution schedule in Appendix 7, it may notify the Council accordingly and the relevant line item in the financial contribution schedule will be updated to reflect the lower amount to be recovered through the *Annual Plan* and/or *LTP* process.
- x. Discretionary and non-complying activities shall pay financial contributions on a full per square metre basis as set out on Appendix 7.
- xi. 'Site area':
- Excludes the areas set aside for trunk *infrastructure* as identified on the *Structure Plan*, such as local purpose reserves (stormwater), local purpose reserves (amenity), pedestrian/cycle access, collector and entrance roads, areas for treatment of water and/or wastewater and the Tauranga Eastern Link interchange.
  - Includes the area of all local and private roads and other *infrastructure* not specifically required by the *Structure Plans*.
  - The total net developable area is 148ha.
- In respect of *development*, 'site area' relates to the total area of the *lot* or the total area of the tenancy area in which the *development* is located.
- For the Seeka site being Lots 1 and 2 DPS 3521 the sites are excluded from the developable area.
- xii. The financial contribution is payable at the time of subdivision or *development*, whichever happens first. Where a financial contribution has already been paid at the time of subdivision in respect of the total area of the *lot*, there shall be no further contributions payable at the time of *development*. Where a financial contribution has already been paid at the time of *development* in respect of any land, there shall be no further contributions payable for the same land at the time of any subsequent subdivision;
- xiii. Financial contributions at the time of subdivision are payable at subdivision completion stage (i.e. Section 224 application). Financial contributions at the time of *development* are payable at building consent stage or at the time land is used for Rangioru Business Park purposes;
- xiv. In respect of the Rangioru Business Park, where *Council* does not expect to be able to fund much of the trunk *infrastructure* needs for the foreseeable future, financial contributions from developers or agencies shall be collected by *Council* and paid directly to any prior

developer or agency (in the order of investment) which has funded trunk *infrastructure* services in accordance with the financial contribution schedule and the *Structure Plans*.

**b.** Te Puke West Industrial Area

- i. In addition to the financial contributions payable pursuant to Rule 11.6, excluding stormwater, financial contributions shall be payable for subdivision and development in the Te Puke West Industrial Area to pay for *infrastructure* as identified in the Te Puke West Schedule of Financial Contributions contained in Appendix 7;
- ii. The Te Puke West financial contribution shall be in accordance with the Schedule (specified dollar amount per square metre of site area), adjusted annually to reflect updated construction cost estimates or completed project costs, and the financing costs (based on the 90 day bank rate [BKBM FRA rate] plus 2%);
- iii. The financing costs are to be charged quarterly in arrear on the last day of March, June, September and December in each year on the actual capital expenditure at the start of the quarter as approved in the schedule less the financial contributions received during the quarter;
- iv. In addition further financing costs based on the 90 day bank rate (BKBN FRA rate) plus 2% resulting from the assumed average delay of three years between the setting of financial contributions and their receipt are to be charged annually on 1 July on:
  - The capital expenditure as approved in the Schedule;
  - And the financing costs calculated as in ii. and iii. above.
- v. Where, in lieu of payment of financial contributions, a developer constructs any of the *infrastructure* referred to in the Te Puke West Industrial Area Financial Contributions Schedule and that constructed *infrastructure* will also serve land within the Te Puke West Industrial Area beyond the land under *development* at the time, *Council* will collect financial contributions from subsequent developers benefiting from such previously established *infrastructure* in accordance with the Te Puke West Industrial Area Financial Contributions schedule contained in Appendix 7. The contributions collected shall then be paid directly to the prior developer concerned.

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## Subdivision & Development

### 12. Subdivision and Development

#### Explanatory Statement

Subdivision is a process by which existing land titles are divided to create legally distinct parcels of land. It generally results in new land titles that are capable of being developed for their zoned purpose.

*Land use development* is a process by which a multitude of activities are proposed on an existing title. These activities can be social, residential, commercial or industrial in nature and can also include building and civil construction activities. For ease of use this Section of the District Plan hereafter refers to *land use development* as *development*.

Subdivision creates opportunities and expectations for *development*. To provide for this *development*, *infrastructure* such as wastewater, water supply, stormwater and roads are required to provide for any *development* that may follow. Most of these services are vested in *Council* and need to be provided to a standard which enables them to properly fulfill their function effectively and efficiently.

The design of any subdivision in urban areas should also make provision for the future subdivision of adjoining land in order to ensure that urban *development* occurs in a coordinated and efficient manner. For new growth areas *Council* has prepared *structure plans* which provide a development framework for future *development* and which assist in coordinating subdivision in the identified areas.

The *structure plans* are supported by *Council's* Development Code. This sets out compliance with minimum standards for servicing subdivision and *development* so as to ensure health and safety requirements as well as long term operational and maintenance requirements are met. The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of services and to help maintain a coherent urban form.

Rigorous adherence to the Development Code has the potential to result in *development* that may be bland in character and design. *Council* wishes to promote innovation and flexibility in the design and servicing of subdivision and *development* acknowledging that this can lead to *developments* that are more responsive to the local environment. It may also result in more efficient use of *infrastructure* services. To this end *Council* has incorporated development guidelines within the Development Code which identify best practice approaches and consentable solutions to subdivision and *development* and encourage developers to consider these approaches when designing a *development*. Thus the Development Code is seen as being one means of compliance, and alternatives are encouraged.



In order to ensure that subdivision and *development* meets acceptable standards and to give confidence that *development* can proceed without causing adverse effects, *Council* requires a certain level of information at all stages of the *development* approval process.

This level of information is to be appropriate to the stage of the application in accordance with the package of plans approach. Reliable information is required on how the *development* will proceed, and on the identification of *development* constraints. Where necessary, certification is to be provided by appropriately qualified independent professionals.

## 12.1 Significant Issues

1. The Western Bay of Plenty *sub-region* has had significant population growth over the previous planning period and such growth is expected to continue. To assist the future planning for this growth *Council* has committed to the preparation and implementation of a SmartGrowth Strategy. The outcome of this strategy has been a substantial financial investment by *Council* in the provision of infrastructural services in urban centres. Future growth needs to be directed into these areas to ensure the efficient use of the services that have been provided and to recoup financial outlay.
2. A critical part of SmartGrowth is looking ahead to long term *infrastructure* needs and the identification of principal transport corridors. Such corridors provide important links to settlement areas as well as ensure unimpeded access to the Port of Tauranga and to other regions. Growth is proposed to be staged in a manner which ensures efficient provision and utilisation of *infrastructure*.
3. The main urban centres in the District have their own unique identity. *Council's* Built Environment Strategy seeks to ensure that these unique identities are maintained and enhanced. Subdivision has the potential to change or adversely affect these values if sufficient regard is not given to the existing form and function of the urban areas. Poorly designed, located and constructed subdivisions and *development* can adversely affect the amenity of an area. It can also affect the sustainable, safe and efficient operation of the *transport network*.
4. To ensure the efficient and coordinated provision of infrastructural services, *development* needs to comply with agreed levels of services and standards. *Council's* Development Code provides acceptable minimum standards that all *development* is required to comply with to ensure services provided by developers are to a standard that will last the test of time.  
  
The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of the services and to help maintain a coherent urban form.
5. Quality design outcomes are an important part in community well-being by ensuring any new *development* is carried out in a way which creates safe, efficient and vibrant communities. These are easy to get around in by foot, bicycle and motor vehicle and are supported by a mix of community facilities, housing and centres for employment.
6. To encourage innovation and *development* that is designed to respond well to local environmental conditions and result in urban design outcomes that are consistent with the New Zealand Urban Design Protocol, provision needs to be made for developers to depart from Development Code requirements where it can be demonstrated that required standards of performance will still be met and that the desired environmental outcomes will result.
7. There is potential to encourage *development* and subdivision patterns that reflect the importance of the built environment and transport systems in improving the end use of energy and improving community well-being. Site orientation and building design can support the principles of optimum energy efficiency and solar energy gain while facilitating small-scale renewable energy generation and minimising transport requirements.

8. Subdivision of land results in greater intensity of *development* on a site. For there to be confidence that the land is capable of accommodating such *development*, an appropriate level of information prepared by suitably qualified resource management professionals needs to be submitted in conjunction with applications for resource consent and at other subsequent stages of the *development* process.

## 12.2 Objectives and Policies

### 12.2.1 Objectives

1. Subdivision and *development* that provides for and reinforces the existing built form and local character of an area
2. Subdivision and *development* is planned in an integrated manner and provided with the necessary *infrastructure* and services to ensure that the land is able to be used for its intended purpose
3. *Infrastructure* and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community
4. Sufficient *infrastructure* capacity is provided to ensure the efficient and equitable provision of services to all land in the catchment
5. Comprehensive assessment of *development* proposals to ensure that the full effect of the proposal is able to be determined
6. Subdivision and *development* that minimises the effects from stormwater ~~run-off discharge, including adverse flooding, erosion, scour and water quality effects and any resulting effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments.~~
7. Subdivision design and *development* that takes into account the principles of optimum energy efficiency and the benefits of renewable energy
8. Subdivision and development within the Ōmokoroa and Te Puke Structure Plan Areas which minimise the effects from stormwater discharge, including adverse flooding, erosion, scour and water quality effects and any resulting effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments.

### 12.2.2 Policies

1. All urban subdivision is to have regard to subdivision guidelines contained in the Development Code, Built Environment Strategy and urban design protocols and guidelines which provide urban design outcomes
2. The design of subdivision is in accordance with structure plans.
3. Require subdivision to be undertaken in accordance with any staging requirements to ensure the effective and efficient servicing of land within the catchment
4. Require subdivision and development to provide infrastructure and services to meet the reasonably foreseeable needs of other land in the vicinity of the development.
5. Require subdivision and development to comply with the minimum standards in the Development Code for the provision of infrastructure and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes
6. Require all subdivision and development proposals submitted to Council to

include a comprehensive assessment prepared in accordance with the information requirements of the Development Code.

7. Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off, discharge, including practices which:
  - ~~Avoid increased flooding effects on the receiving environment including people, property and buildings;~~
  - ~~Incorporate water sensitive urban design and water quality;~~
  - ~~Avoid, remedy or mitigate further erosion and scour effects.~~
  - ~~Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan.~~
8. Require the design and development of subdivision to reflect the principles of optimum energy efficiency and solar energy gain (in relation to the size and shape of each proposed lot, and the design and orientation of the subdivision as a whole) and generation of renewable energy such as solar water heating
9. Adverse effects of traffic generation from subdivision and development on the transport network will be avoided, remedied or mitigated.
10. Subdivision and development practices within the Ōmokoroa and Te Puke Structure Plan Areas should take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater discharge and should:
  - Avoid increased flooding effects and risk on the receiving environment including people, property and buildings.
  - Incorporate water sensitive urban design and water quality.
  - Avoid, remedy or mitigate further erosion and scour effects.
  - Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan.

## 12.3 Rules

### 12.3.1 Applicability

To the extent that they are relevant to the *development* application in question, the following rules shall apply to all subdivision and *development* in addition to the applicable zone standards set out in other sections of the District Plan.

### 12.3.2 Lots for Network Utilities, Electricity Generating Infrastructure, Reserves and Public Open Space – All Zones

12.3.2.1 As a controlled activity, in any zone, *lots* can be created for the purposes listed in a. – c. below without having to comply with the minimum *lot* sizes and other minimum standards for *lots* which would otherwise apply within the zone where the subdivision is being undertaken.

- a. Where land is for a purpose required by a network utility operator or electricity generator.
- b. Where land is to be set aside or vested as a reserve.
- c. Where land is to become public open space owned by *Council*.

Provided that:

The balance area of any subdivision for the foregoing purposes shall comply with the relevant standards of 12.4;

Except that:

Where there is a strategic long term public benefit in acquiring an area of public land and this is likely to impact on the minimum *lot* size to the extent that the subdivision could not otherwise proceed then the adjacent *lot* size may be proportionately reduced. The determination of public benefit and any decision to reduce a *lot* or multiple *lot* sizes accordingly, shall be at the sole discretion of *Council*. Any *allotment* so reduced shall comply in all other respects with the rules of the District Plan.

- 12.3.2.2 *Council* may require the provision of fencing adjoining public land including existing or proposed reserves, pedestrian accessways, service lanes and roads in accordance with the *Council's* Development Code and at the developer's expense.

- 12.3.2.3 Dimensions and widths of local purpose reserves (access) shall be in accordance with *Council's* Development Code.

**12.3.3 Boundary Adjustments – All Zones****12.3.3.1 Controlled Activity Boundary Adjustments**

As a Controlled Activity the boundaries between any existing land titles served by an existing legal public road currently maintained by *Council* and complying with all relevant provisions of this section of the District Plan may be adjusted subject to all newly formed *lots* also complying with the relevant provisions of this section and the minimum *lot* sizes rules that apply in the respective zones, provided that the minimum *lot* size for the applicable zone shall not apply where:

- a. One or more of the existing land titles subject of the boundary adjustment is/are already non-complying in respect of the relevant minimum *lot* size; and
- b. The number of non-complying *lots* will not be increased by the boundary adjustment.

*Council* shall exercise control over the following;

- a. The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

**12.3.3.2 Restricted Discretionary Activity Boundary Adjustments**

- a. As a Restricted Discretionary Activity the boundaries between any existing complying land titles served by an existing legal public road currently maintained by *Council* and complying with the relevant provisions of this section of the District Plan may be adjusted in a manner which renders one or more of the newly formed *lots* non-complying in respect of the minimum *lot* size for the applicable zone subject to all newly formed *lots* also complying with the relevant provisions of this section.

*Council's* discretion is restricted to

- i. An assessment of the extent to which the alignment of the existing boundary is illogical or otherwise inconsistent with:
  - Existing topographical or other physical characteristics of the land concerned;
  - Efficient and practical farm management.
- ii. The need to impose financial contributions where the boundary

adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

- b. As a Restricted Discretionary Activity the boundaries between one or more land titles served by an existing legal public road not currently maintained by *Council* may be adjusted subject to the following matters to which *Council's* discretion is restricted:
  - i. The extent to which the boundary adjustment will result in any increase in traffic on the road concerned;
  - ii. The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

### 12.3.4 Activity Status

12.3.4.1 In the case of a subdivision or land *development* proposal which would otherwise be a Controlled Activity, any non-compliance with an activity performance standard shall render the application a Restricted Discretionary Activity in respect of the standard concerned, provided that where the non-compliance relates to a specific *structure plan* or to performance standards 12.4.1.g. or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity unless otherwise stated.

12.3.4.2 Except in the case of boundary adjustments pursuant to Rule 12.3.3, any subdivision of land on which an *Identified Significant Feature* exists (as shown on the District Planning Maps) shall be a Discretionary Activity and shall be assessed in accordance with the relevant provisions of Sections 5, 6 and 7 of the District Plan.

#### Explanatory Note:

Permission to modify or destroy an archaeological site is required from Heritage New Zealand Pouhere Taonga.

### 12.3.5 Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, *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.

In the case of a land use consent application made using *Council's* standard forms, where *Council* considers that the scale, complexity, technical aspects or potential effects of the proposal are significant, *Council* may require professional reporting and certification at the applicant's cost, generally in accordance with all or some of the requirements of 12.4.1.

### 12.3.6 Development Code

#### 12.3.6.1 Explanatory Note

The former *Council* 'Code of Practice for Subdivision and Development' has been replaced by a new standards document entitled 'Development Code'. The Development Code document is in two parts:

- a. Development Code – Design.
- b. Development Code – Construction.

Where applicable, reference is made throughout this District Plan to the Development Code.

#### 12.3.6.2 Development Code Status

The Development Code is a means of compliance with the activity performance standards set

out hereunder. In the event of any conflict between the District Plan and the Development Code, the District Plan shall prevail.

#### 12.3.6.3 Alternative Design

Any proposal involving an alternative means of compliance will require specific *Council* approval. Any such approval (if granted) will be limited to the particular *development* proposal in question. Procedures to be followed in respect of *Council* consideration of alternative means of compliance are set out in the Development Code.

#### 12.3.7 Information Requirements – Subdivision Plan

In conjunction with an application for subdivision consent, six A2 or A3 size prints and one reduced A4 print of the plan of the proposed subdivision shall be submitted. Note that size A2 or A3 are preferred provided the layout can be clearly seen to a reasonable scale. An overall subdivision plan on one drawing shall be supplied and if necessary, larger scale layouts can be shown comprising portions of the overall scheme plan. A1 size is acceptable if necessary for an overall view or for extremely large *developments/areas*. Each subdivision plan is to comply with the following:

- a. Legal description(s), scale (accurate to the supplied plan sizes), title references and surveyor's name shall all be shown.
- b. Each proposed *lot* boundary shall be clearly delineated, have a number, area, boundary dimensions, and in the case of a rear *lot* the net land area excluding access, as well as the total area.
- c. Where existing boundaries are to become redundant as a result of the proposal, they shall be shown on the plan as a faded, dotted or otherwise delineated but recognisable line.
- d. The whole of the property subject of the subdivision along with the immediate neighbouring titles shall be shown on the plan. Where the residue is too large to be shown, it shall be depicted on a scaled diagram.
- e. Each proposed *lot* shall show a marked buildable area of not less than 300m<sup>2</sup> – as either a square, a rectangle with the shortest side being 10m or a 20m diameter circle that is free of encumbrances. The whole of this area shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.

Except that, within the Ōmokoroa and Te Puke Medium Density Residential Zones:

- i. For subdivision for the purpose of the construction and use of residential units, as provided for in Rules 14A.3.2 (a) - (b), each proposed lot shall show one or more marked buildable areas that are free of encumbrances and of sufficient size to contain the residential units associated with the subdivision. The whole of each of these marked buildable areas shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.
- ii. For all other subdivision, each proposed lot shall show a marked buildable area that is free of encumbrances and of sufficient size to contain the required "shape factor" in Rules 14A.4.3 (b) - (c). The whole of each of these marked buildable areas shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.
- f. Any plan of subdivision of land on which *buildings/structures* exist shall be so

arranged that the *buildings/structures* will conform with the provisions of this District Plan after subdivision provided that *Council* may grant consent to a subdivision subject to a condition that *buildings/structures* which will not conform be removed or modified so as to comply.

- g. Existing *buildings/structures* shall be shown in the correct position with their use and construction materials indicated. Trees, *hedges*, fences and power lines and distances from existing *buildings/structures* to all new boundaries shall be shown.
- h. *Privateways* to be created shall be marked on the plan "*Privateway*" with the proposed widths shown. Conditional *privateways* shall be set out in a schedule or memorandum of easements on the face of the plan. Any existing *privateways* affecting the land being subdivided shall also be shown in a similar manner.
- i. Marked location of all existing and proposed vehicle entrance formations serving the land being subdivided.
- j. A complying vehicle entrance point for each proposed *lot* shall be identified on the plan of subdivision including highlighting those that are 'fixed' in accordance with Rule 4B.4.3. Any existing non-complying entrance located in a Rural, Lifestyle or Future Urban Zone shall be subject to the provisions of Rule 4B.6.2
- k. Proposed roads shall be shown including dimensioned road widths and longitudinal gradients. Three suggested names for each proposed new road must be submitted by the subdivider.
- l. Approval for the road names is required prior to *RMA* Section 224 approval.

**Explanatory Note:**

Proposed road names should be applied for as early as possible prior to a Section 224 application otherwise issue of the Section 224 certificate may be delayed.

- m. The topography of the land shall be adequately shown including:
  - i. Contours;
  - ii. Existing watercourses, creeks and streams;
  - iii. *Wetlands* and swampy areas;
  - iv. Existing culverts or bridges (where proposed *privateways* or roads pass over).
- n. The location and site reference number of any registered archaeological site existing on the land shall be shown.
- o. Proposed esplanade reserves or strips and proposed access strips shall be shown.
- p. The location of any *Identified Significant Features* referred to in the District Plan shall be shown.
- q. The location of any areas within the subject site in respect of which subdivision is not a permitted activity under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

### 12.3.8 Information Requirements – Application Report

In addition to the requirements of Section 88 and Section 219 of the *RMA*, the following matters shall be included or addressed in the report accompanying an application for subdivision consent by a suitably qualified and experienced representative:

- a. Description of any natural hazards or other physical constraints affecting the land

to be subdivided and how these constraints are to be addressed.

- b. Description of any ecological or other features of value to the community (including registered archaeological sites and *Identified Significant Features*) on the land proposed to be subdivided.

**Explanatory Note:**

The specific location and area of ecological or other *Identified Significant Features* may vary from the more general location identified in the District Plan.

The description provided in the report shall accurately reflect what exists on the site before any clearing or *earthworks* are undertaken.

- c. Description of all existing and proposed vehicle entrance formations serving the land being subdivided including:
  - i. Standard of formation and ability to meet compliance;
  - ii. Available sight distances and ability to meet compliance.
- d. Identification of any *lot* for which there is only one location where a complying standard entrance could be constructed.
- e. Description of whether *privateways* can be formed to the *Council's* standard without encroaching on land outside the *privateway* easement boundaries.
- f. Description of the current standard of formation of any existing or proposed *privateways* serving the land being subdivided.
- g. Description of *development* works proposed to be carried out by the applicant to satisfy *Council's* standard requirements.
- h. A concept stage safety audit in accordance with the Transfund manual is required for any proposed roads that intersect with an existing legal road maintained by *Council*.
- i. A preliminary design that gives regard to the concept stage safety audit and that proves compliance for any proposed roads that intersect with an existing legal road maintained by *Council* is required.
- j. The subjects of access, roading, water supply, wastewater and stormwater reticulation, treatment and disposal are to be addressed in accordance with Section 12.4 and *Council's* Development Code. A detailed description shall be given of how these are to be provided for as appropriate.
- k. Aspects such as source of supply, discharge points, quantities likely, consents required and the location of any waterways, *wetlands* and ponding areas shall be addressed in the report.
- l. Where on-site effluent treatment and disposal is involved the following additional matters shall also be addressed:
  - i. Ground water level;
  - ii. Soil permeability;
  - iii. Ground slope;
  - iv. Soil stability;
  - v. Proximity to waterways and potable water supply wells.
- m. Description of the extent to which the servicing (including roading) of subdividable land in the vicinity of the property subject of the subdivision has been taken into



account.

- n. Services to be supplied by other network utility operators and how these are to be provided for in accordance with the operator's respective requirements.
- o. Matters to which the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health applies.
- p. The identification of the location of any electricity transmission, sub-transmission and distribution feeder lines on a scheme plan is required. An assessment of the potential effects of the *development* on those lines must be included in the Assessment of Environmental Effects. This section of the report shall be undertaken by a suitably qualified person.
- q. For subdivisions using Transferable Subdivision Entitlements For all:
  - i. A copy of the sale and purchase agreement for the Transferable Subdivision Entitlement(s), dated and signed by all parties; or
  - ii. Confirmation from a lawyer of the purchase of the Transferable Subdivision Entitlement(s), details of dates of purchase, and full legal description (and physical address) of donor and recipient properties.
  - iii. Specifically:
    - a. Protection Lots: The ecological report detailing the feature to be protected, confirmation of the area by a surveyor, and a summary of the *lots* generated from the area protected.
    - b. Rural Lot Entitlements: Evidence that the donor property qualifies to obtain the Rural Lot Entitlement(s); this should include details of the title and past *development* showing a clear right to the entitlement.
    - c. Amalgamation Lots: Details of the subdivision under which the *lot* was approved, and a written statement from the surveyor or agent that the title will be removed from the site, either by boundary adjustment or by variation to a subdivision consent that is live.

### 12.3.9 Certification of Compliance

Where compliance with District Plan subdivision rules is required to be certified, such certification shall be from an appropriately qualified and experienced professional person. Certification is explicit confirmation from the professional concerned that compliance with the District Plan is or can be achieved. However, *Council* reserves the right to reject any certification considered to have been incorrectly given. Where certification is required it shall be in accordance with the following:

- a. The certifier shall be a registered land surveyor, a chartered professional engineer or any other appropriately qualified person experienced in subdivision design and engineering and who is specifically approved by *Council*.
- b. The information contained within the report on the subdivision application shall, in relation to the rule with which compliance is required to be certified as a minimum, include:
  - i. A clear and detailed (as appropriate) description of those onsite matters of relevance to the particular certification;

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- ii. Specific reference to the relevant District Plan rule and any associated diagram, drawing or other approved specification;
  - iii. Detail of any works required to achieve compliance;
  - iv. An explicit statement that (subject to any necessary works being carried out) the relevant rule is or can be complied with;
  - v. Confirmation of the need to obtain the consent of *Council* or other parties to carry out works on or affecting public or other private land.
- c. The certification itself shall explicitly include the words "I certify" and shall specify any works necessary to achieve compliance with the relevant District Plan rule.

### 12.3.10 Engineering Design, Physical Works and Supervision

#### 12.3.10.1 Information Requirements

- a. Where applicable, consent conditions may require the submission of complete construction drawings, specifications, calculations, project cost estimate schedules and quality assurance plans covering all sections of work to be either vested or otherwise carried out. The engineering documents shall be provided in accordance with the requirements of *Council's* Development Code.
- b. Engineering documents are to include:
  - i. Proposed *earthworks* designs;
 

~~For the Ōmokoroa and Te Puke Medium Density Residential Zones, the proposal must include a detailed contour plan. This must show the existing ground level and proposed new contours to demonstrate compliance with the earthworks performance standards in Section 14A.~~
  - ii. Programme of works.
- c. Fees, in accordance with *Council's* fees and charges, will be payable by the applicant prior to *Council* officers undertaking any reviews of the engineering design.
- d. Peer reviews of the designs may be requested by *Council* officers. These will be undertaken at the expense of the applicant.
- e. Works shall not be undertaken without:
  - i. *Council's* prior approval of the engineering design;
  - ii. Proof that any necessary consents from other agencies have been obtained;
  - iii. Proof that all necessary/required insurances are in place.
- f. Supervision, monitoring and certification of the works subject to approved designs or as otherwise required by the consent conditions is to be undertaken by the applicant's representatives and shall be at the levels as required by *Council's* Development Code (including for *Council* inspections) and/or specifically by the engineering approval.

#### 12.3.10.2 Insurance

- a. In conjunction with an application for engineering document approval to construct vested assets, the applicant shall take out public liability insurance to a minimum limit of indemnity of \$2,000,000 (two million dollars) and supply with the

application:

- i. A Certificate of Currency (signed by the insurance company not a broker).
- ii. Proof that the premiums have been paid up to date.
- iii. Proof that the professional representatives undertaking the design work have in place professional indemnity insurance.
- iv. The insurance cover is to extend from the issue of *Council's* engineering document approval (at which time works can proceed), until the end of *Council* sign off for the maintenance period.

## 12.4 Activity Performance Standards

### 12.4.1 Site Suitability

#### Explanatory Note:

For the purpose of these rules 'conventional residential development' shall mean compliance with NZS 3604:1999. Any non-compliance with this standard shall be clearly stated and will be used to determine if the provisions of 12.4.1.h. and 12.4.1.k. as detailed below are to be applied.

- a. Every existing or proposed site within the *development* shall have a building site suitable for any approved activity free from inundation, erosion, subsidence and slippage.
- b. Every existing or proposed site intended for independent residential use shall accommodate a building site suitable for conventional residential development, and taking into account the *yard* requirements for the zone, such a site is to be identified on the plan of subdivision and its suitability certified in accordance with Rule 12.3.9.
- c. The certification shall detail the level of consideration and investigation and to the extent appropriate shall include appropriate recommendations addressing constraints on *development* that do not involve specific foundation design or other issues (e.g. stormwater runoff) that may effect land stability.
- d. Supporting geotechnical reports will be required where specific foundation design may be required or other issues affecting land stability, including for neighbouring properties, have been considered and assessed as requiring geotechnical investigation.
- e. Any underground system for stormwater/wastewater disposal or treatment associated with a conventional residential *dwelling* may be located within *yards* subject to certification from a registered surveyor or geotechnical engineer that such is suitable and achieves compliance with the Building Code.  
  
Any appropriate separation distances and measures to avoid effects on neighbouring properties shall be considered.
- f. Requests for consent notices requiring geotechnical reports subsequent to Section 224 issue will not be permitted.
- g. Each *lot* in a Residential, Medium Density Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management *infrastructure* of adequate capacity, and formed and sealed roading in accordance with *Council's* Development Code.
- h. *Council* may require either prior to granting subdivision consent or as a condition of any consent granted that a *soils engineer* submit a report and certify the suitability of a new *lot* for building on (including any restrictions on *development*).

Except that:

For the Ōmokoroa Stage 2 and Stage 3 Structure Plan areas a soils suitability report shall be mandatory.

**Explanatory Note:**

Certification of compliance with this rule shall be included in the information submitted with the application for resource consent.

- i. For *earthworks* associated with the *development*, *Council* requires:
  - i. Engineering designs of the *earthworks* in accordance with *Council's* Development Code;
  - ii. Identification of existing significant features (e.g. archaeological sites);
  - iii. Supervision, testing and certification in accordance with *Council's* Development Code;
  - iv. Any necessary consents from other resource management agencies.
- j. Controlled *Earthworks* Ōmokoroa Stage 2 and Stage 3 Structure Plan Areas ~~(except as provided for in Section 14A (Ōmokoroa and Te Puke Medium Density Residential)).~~  
  
*Earthworks* within the Stage 2 and Stage 3 Structure Plan area-areas that exceed the following standard shall be Controlled Activities:
  - i. Maximum area of earth disturbed in any six monthly period - 300m<sup>2</sup>.

*Council* shall exercise its control over the extent to which conditions ensure:

- i. Adequate prior notice is given to hapū prior to excavation commencement; and
  - ii. The monitoring of *earthworks* and land disturbance by hapū is provided for. See Appendix 7 4.9.
- Explanatory Note:**  
This rule shall not apply to land for which prior subdivisional or resource consent has been issued by *Council* where that consent provided for the matters in i. and ii. above.
- k. *Council* may use the consent notice provisions of the *RMA* to specify the manner in which any particular *lot* may be developed.

## 12.4.2 Contaminants in Soil

Matters relating to contaminants in soil are the subject of the "National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health." Any resource consent application for land subdivision or *development* shall demonstrate compliance with the applicable provisions of the NES.

## 12.4.3 Extension of Services

### 12.4.3.1 Future Servicing

*Council* will exercise control over the function and design of new services in relation to the needs of the subdivision, the existing levels of service and the likely future servicing needs of

other potentially subdividable land in the vicinity.

#### **12.4.3.2 Residential, Medium Density Residential, Commercial and Industrial Zones**

All existing utility services available shall be extended into all *developments* in accordance with all other relevant parts of this District Plan and the Development Code, allowing for the connection of each new site within the *development*, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services where inadequacy exists.

#### **12.4.3.3 Rural, Lifestyle ~~and~~, Rural-Residential and Natural Open Space Zones**

- a. Where one or more of the utility services are within 100m of an existing *Council* service then the service shall be extended, otherwise the *development* shall be able to sustain the lack of the particular service in its own right.
- b. Water supply is subject to other criteria. Refer to *Council's* Development Code.
- c. For the purpose of interpretation the 100m proximity is to be measured from the nearest boundary point of the land or titles being subdivided.
- d. At the discretion of *Council*, *developments* further than 100m from services may be provided on a cost sharing basis.
- e. Any services through a railway designation or corridor must obtain formal consent from the Railways Owner or Operator. The above written consent must be provided to *Council* as part of any relevant resource consent application at the time of lodgement.

#### **12.4.3.4 Easements**

Where existing or proposed public services cross private property, the owner shall grant easements in favour of *Council*.

### **12.4.4 Transportation and Property Access**

#### **12.4.4.1 General**

- a. *Council* will exercise control over:
  - i. The function and design of new roading in relation to the needs of the subdivision, the existing roading pattern and the likely future roading needs of other potentially subdividable land in the vicinity;
  - ii. The upgrading of any existing roading necessary to serve the subdivision;
  - iii. The potential impact of the subdivision on the function of strategic roads as identified within the *roading hierarchy* and proposed mitigation measures.
- b. Where a subdivision or *development* includes the vesting of a new road or has access to a *Council* road or State Highway it shall be designed to ensure safe and efficient movement of traffic (including heavy vehicles), while providing for pedestrian and cycleways, public transport, landscaping and tree planting.

#### **12.4.4.2 Proposed Roads**

Road reserve and pavement widths shall be as set out below. The measurements are minimums and may need to be widened to accommodate matters such as cycleways and geometry.

Table 1: Urban Roads (Residential, Medium Density Residential, Rural-Residential, Commercial and Industrial Zones)

Classification	Minimum width – m		Max grade - %	Road function
	Road Reserve	Carriageway (includes parking bays)		
Private way serving up to 2 units	2.7	2.5	20	Private access: max length 35m
Private way serving 3-6 units	5.0	3.5	12.5	Private access: max length 100m with provision for mid point passing if greater than 70m
Roads serving up to 30 household units (with dispensation) *	12.0	6.0	12.5	Local access, connects with local roads
Roads serving up to 30 household units	15.0	6.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units (with dispensation) *	15.0	8.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units	17.0	8.0	12.5	Local access, connects with local roads
Roads serving 101 - 200 Household Units (with dispensation) *	17.0	8.0	10	Local access, connects with Through Road
Roads serving 101 - 200 Household Units	20.0	8.0	10	Local access, connects with Through Road
Road serving 201 – 300 Household units	20.0	11.0	8	Local Access. Some Through function.
Roads serving > 300 Household units	Specific	Specific	specific	Local Access to & Through function.
Local road in Industrial or Commercial Zone <1000 pce **	20	11	5	Local and cul-de-sac
Industrial and commercial roads or >1000 pce **	26.0	13.0	5	Access through industrial and commercial areas
Service lane	7.0	6.0	5	Loading of goods – no frontage

Table 2: Rural Roads (Rural and Lifestyle Zones)

Maintenance Group Category	Traffic Volume (PCE) *	Road Reserve (m)	Carriageway width (m) Excl kerb and channel	Maximum Length	Maximum Gradient - %
7, 6	< 100	20	5	< 2km	12.5
7, 6	< 100	20	5.5	> 2km	12.5
5	100 - 200	20	5.5		12.5

4	201 - 500	20	6.5		12.5
3	501 - 1000	20	7.5		12.5
3	1001 - 2500	20	8.5		12.5
3	> 2500	20	Specific Design		
Cycle Lane within carriage way	Additional carriageway width as shown in Clause 4.2.3 of Section DS4 of the Development Code				
Reduced Public Road Reserve width, sealed with kerb and channel	4-10 lots	10	5.5	500m	20
Private way, sealed or unsealed, without kerb and channel	1-3 lots	6.0	3.0	Lots up to 1ha – 250m; greater than 1ha – 500m	Permanent hard sealed surface – 20% Any other unsealed surface – 16.7%
Private way, sealed or unsealed, without kerb and channel ***	4-6 lots	12	5.0		
Private way, sealed, with kerb and channel ***	4-6 lots	8.0	5.0		

\* *With dispensation.* Use of widths identified “With Dispensation” in Table 1 shall only be used in Greenfield development, and shall be subject to the demonstration by the Developer of an integrated and comprehensive plan for the *development*. The plan shall show how the *development* fits with quality urban design, as set out in Section 1 of the Development Code.

\*\* *PCE = passenger car equivalents.* The multiplying factors and additional guidance are found in section DS4 Transportation of the Development Code.

\*\*\* For the Minden Lifestyle Zone, see Table 3 under Rule 12.4.4.4.f.ix.

#### 12.4.4.3

#### Streetscape Landscaping

Where a subdivision proposes to include a road to be vested in *Council*, any streetscape landscaping to be provided to enhance the amenity of the area shall be designed to ensure continued traffic and pedestrian safety.

**12.4.4.4****Property Access****a. Lots to be served by formed legal roads**

Land comprising each proposed *lot* shall be served by a new road constructed by the subdivider in accordance with the foregoing Rules 12.4.4.1.a. and b. and 12.4.4.2 or shall at the time subdivision consent is applied for, be served by a roading network comprising legal public roads each of which are formed, metalled or sealed, and currently maintained by *Council*.

**Provided that:**

- i. This rule shall not apply in the case of boundary adjustments pursuant to 12.3.3 or subdivisions not creating additional *lots* to be served by a roading network which fails to meet the foregoing criteria.
- ii. Notwithstanding anything to the contrary in this District Plan, where any land being subdivided abuts a section of road which fails to meet the standard set out in clause a. above subdivision of that land shall be a Discretionary Activity in respect of access.

In addition to the objectives and policies of the District Plan and other matters to be considered pursuant to Section 104 of the *RMA*, an application shall be assessed in terms of the extent to which provision for access to any proposed *lot* is considered to have been designed so as to negate the need to upgrade a section of substandard road.

In any such case *Council* may decline consent to the subdivision or may impose consent conditions to avoid the potential for de facto access to any *lot* being from the section of substandard road concerned.

**b. Access to Strategic Roads**

Refer to 4B.4.2.

**c. Access on to Ōmokoroa Road (Future Urban, Industrial and Residential Zones) Prole Road, Francis Road, Athenree Road (between State Highway 2 and Koutunui Road), Steele Road, Emerton Road (excluding the first 500m from Seaforth Road) and Waihi Beach Road (between Wilson Road and Fergus Road).**

- i. The number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased, except as identified on a structure plan. On subdivision or development, Council may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the Zone. For Prole Road and Francis Road any existing accesses shall be closed and relocated: where alternative legal and physical access has been provided.
- ii. The number of new roads intersecting with these roads shall be minimised and the minimum separation distances from other intersections shall be 150m for both same side and alternative side spacing.
- iii. Access to/from Lot 2 DP483735 (and all future *lots* derived from this parent title) shall only be via the proposed spine road off Ōmokoroa Road as shown on the *Structure Plan*.

**Provided that:**

- 1. For Ōmokoroa Structure Plan Areas ~~Stages 1 and 2~~, the number and location of new street intersections are shown on the *Structure Plans* -(inclusive of the Ōmokoroa Town Centre Masterplan);



2. Rule 12.4.4(c)(i) also applies to activities requiring temporary access to these roads. In such cases consideration will be given to the location and duration of the access, and reinstatement of Council assets.
3. Activities requiring access (permanent or temporary) will need to demonstrate that the efficient and safe operation of the road network will be maintained.
4. Any direct access to Francis Road that negates the ability to provide or establish a continuous landscape buffer in accordance with the Ōmokoroa Structure Plan, should be avoided.
5. That prior written approval of the Western Bay of Plenty District Council be obtained for any direct access to Francis Road, Prole Road or Ōmokoroa Road otherwise resource consent for a non-complying activity is required.

**d. Access to District roads other than b. and c. above**

Refer to 4B.4.3 and 4B.4.4.

**e. Privateways**

- i. Maximum number of *lots* served - no more than six *lots* shall be dependant on a *privateway* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privateway* subject to the following:
  - a. Alternative legal vehicle access must be proved to be either (a) non-complying or (b) impractical to construct due to topography or other constraints or (c) would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide.
  - b. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.
- ii. *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:
  - a. It must be demonstrated that the proposed right is for occasional access only;
  - b. If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.

**Explanatory Note:**

In this instance 'principal' means that this access is the main access used most of the time.

- The occasional access right must be reflected in the wording of the easement document.
  - The wording of the easement document is to be agreed by *Council*.
- iii. Public access over *privateways*

- a. Where proposed *privateways* will enable direct access to a public reserve, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.
    - b. This rule does not apply to existing *privateways*.
    - c. Compensation shall be payable.
  - iv. Construction
    - a. Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in *Council's* Development Code subject to the following exceptions applying in the Rural and Lifestyle Zones.
    - b. Where written statements are received from all landowners adjoining a *privateway* and all those parties having an interest in the *privateway* confirm that they do not require the *privateway* to be constructed with a sealed surface in which case a standard metalled surface will be acceptable;  
  
or
    - c. Where written statements are received as described above from adjacent/affected landowners and the *privateway* will serve only one *lot*, or if written statements are received as described above and it is a *privateway* for convenience only, then no *construction* or upgrading will be required;  
  
or
    - d. Where the subdivision or *development* will not lead to increased usage of the *privateway* in which case no upgrading will be required.
  - v. In the Rural, Lifestyle, Rural-Residential, Commercial, Industrial, Residential, Medium Density Residential and Future Urban Zones the following width exceptions apply:
    - a. The reserve and pavement widths required in the Development Code tables can be reduced at the point where the number of *lots* dependant on access defaults to the next (lower) standard in the tables.
    - b. In the case of this occurring, the easements must be set up in such a way that the *lot dependency is in accordance with the above*.
  - vi. In the Rural and Lifestyle Zones where land being subdivided fails to meet the *privateway* standards in *Council's* Development Code recognition may be given to the ability of existing *privateways* and accessways to extend their use to a maximum of six *lots* with a minimum 6m *privateway* reserve width subject to an application for a Discretionary Activity which addresses the following criteria:
    - a. Proof that the *privateway* or accessway existed as at 15 June 2007;

- b. Provision of written approvals from affected parties; and
  - c. A description of the topography of the site and how this affects compliance with 12.4.4.2.
  - d. The additional two lot allowance as in Rule 12.4.4.4.e.i. above shall not apply.
- vii. No *privately* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council*.
- viii. Where the subdivision of an existing *lot* served by an existing *privately* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privately* because of the resultant increase in the number of *lots* that will be dependent on the *privately* for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.
- ix. In the Rural and Lifestyle Zones any subdivision or *development* shall have no more than one *privately*/road as access to the subdivision/site.  
  
Access points should be combined into one larger standard road/*privately* to reduce multiple conflict points and increase road safety.  
  
This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privately*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privately*.
- x. In the Rural and Lifestyle Zones for any staged *development* the access shall be formed, in accordance with Table 2, to service the final total number of proposed *lots* of all stages.
- xi. In the Rural and Lifestyle Zones where an unsealed *privately* joins any sealed public road, or any unsealed road programmed for sealing within 10 years, the entranceway shall be formed and sealed to a point a minimum of 10m back from the edge of the road carriageway.

**f. Minden Lifestyle Zone – Privatelys**

- i. Maximum number of *lots* served - no more than 12 *lots* shall be dependant on a *privately* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privately* subject to the following:
  - a. Alternative legal vehicle access must be proved to be either:
    - i. non-complying;
    - ii. impractical to construct due to topography or other constraints; or

- iii. would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.
    - b. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.
      - ii. Where the *privateway* will only serve a maximum of three *lots* then Rule 12.4.4.4.e.iv. will apply.
      - iii. *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:
        - a. It must be demonstrated that the proposed right is for occasional access only;
        - b. If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.
- Explanatory Note:**  
In this instance "principal" means that this access is the main access used most of the time.
- The occasional access right must be reflected in the wording of the easement document.
- iv. Public Access:
    - a. Where proposed *privateways* will enable direct access to a *public reserve*, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.
    - b. This rule does not apply to existing *privateways*.
    - c. Compensation shall be payable.
  - v. No *privateway* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council* unless it can be proved to *Council's* satisfaction that the formation of the unformed road would be untenable, uneconomic or of little benefit due to topography or other severe constraints. In such cases reporting would need to include any negative effects of other subdividable land in the vicinity that would otherwise gain access from the formed public road. Consideration shall be given for alternative public access to esplanade or other reserves. *Council* would also need to consider alternatives such as relocation of the public *road reserve* to more viable alignments. In the case of unformed road

closures, compensation may be payable to *Council*.

- vi. Where the subdivision of an existing *lot* served by an existing *privateway* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privateway* because of the resultant increase in the number of *lots* that will be dependent on the *privateway* for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.
- vii. Any subdivision or *development* shall have no more than one *privateway*/road as access to the subdivision/site. Access points should be combined into one larger standard road/*privateway* to reduce multiple conflict points and increase road safety.  
  
This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privateway*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privateway*.
- viii. For any staged *development* the access shall be formed, in accordance with section 4.7.3 of *Council's* Development Code, to service the final total number of proposed *lots* of all stages.
- ix. Construction & Design
  - a. Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in section 4.7.3 of *Council's* Development Code and other sections of *Council's* Development Code as referred to and to the widths and gradients as specified in table 3 below:

Table 3

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

**Note:**

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

- b. Where existing or proposed *privateways* are to serve 4 or more *lots*, a certified professional (or geotechnical) engineer's report will be required detailing testing and investigation, the standard of construction of any existing formation or proposed alignment, its suitability to accommodate new *construction* or upgrading and recommendations for enabling or upgrading works in terms of alignment, passing, foundation strengths, slope stability, hazards, stormwater control/runoff and the meeting of *Council's* minimum Development Code requirements.
  - c. The *privateway* shall be upgraded in accordance with the engineer's report recommendations (subject to *Council* approval), *Council's* Development Code and any other specific *Council* requirements.
  - d. Where along the *privateway* alignment, proposed *lot* building platform locations are 'confined' and/or likely access points are known or sight-distances are limited to  $\leq 30\text{m}$ , sealed entrances shall be provided to these *lots* at the time of subdivision (to minimise the impacts of later poor *construction* that may affect the longevity and overall safety of that section of *privateway*). The entrances shall as a minimum be constructed in accordance with *Council's* Development Code.
- In some cases *Council* may require specific design for all or parts of the *privateway*.
- Where culverts discharge onto private property not subject to the consent application, stormwater discharge consents and/or easements shall be obtained from the affected landowners.
- x. Rural Numbering:
    - a. Prior to Section 224 approval, an accurate *Council* issued RAPID (Rural Address Property Identification) plate must be displayed at the start of the *privateway*. There shall be sufficient pavement area in the vicinity for grouped letterboxes to be installed and for a 90th percentile vehicle to deliver mail and then execute a maximum of a 3 point turn to exit the *privateway*.
  - xi. Maintenance responsibility – Consent notices:
    - a. Consent notices shall be registered on all *lots* having an interest in the *privateway* stating that in accordance with the easement arrangements, the property owners maintenance obligation extends to the entire formation of the portion of *privateway* they have an interest in including: original ground built upon, *earthworks*, cuts and fills, pavement, sealed surface, culverts, drainage *structures*, plantings and any other *structures* or features serving the *privateway*.

The costs shall be shared evenly with any other property owners having an interest in that portion of the *privateway*. Under no circumstances shall *Council* take any responsibility for the maintenance and upkeep of the *privateway* formation.

**12.4.4.5****Streetlighting**

- a. Where required, streetlighting shall be provided in a manner to ensure safety of vehicles, cyclists and pedestrians using the roading network and to the appropriate New Zealand standards except in Rural and Lifestyle Zones where streetlighting is only required at or opposite intersections.
- b. The requirements for the provision of streetlighting shall meet with the approval of the relevant network utility operator.
- c. Streetlighting is to be designed, approved and installed according to the requirements of *Council's* Development Code.
- d. Streetlights are limited to those specified in *Council's* Development Code.
- e. Proposed streetlighting that is not in the Development Code schedule or is subject to specific approval may:
  - i. Attract a levy payable by the applicant to *Council* prior to issue of a Section 224 certificate.
- f. The streetlight levy will be made up of:
  - i. the full replacement cost of one in every eight streetlights required, and
  - ii. the difference in maintenance and operating costs over the lifetime of the streetlights for every streetlight proposed or required.
- g. The streetlight levy will be calculated from:
  - i. the replacement cost as advised by the applicant and agreed by *Council*; and
  - ii. the review of the proposal in terms of increased (or otherwise) maintenance and operating costs by *Council's* officers and service providers.

## 12.4.5 Stormwater

12.4.5.1 Stormwater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system except in Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, in which case alternatives may be authorised.

12.4.5.2 **The *Regional Council* discharge consents shall be provided as applicable.**

12.4.5.3 Each new or existing site shall be individually connected to the reticulated stormwater system in accordance with *Council's* Development Code except in Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, in which case alternatives may be authorised.

12.4.5.4 In Rural, ~~Lifestyle~~ and ~~Lifestyle~~ Natural Open Space Zones, developers are required to assess the potential downstream effects on neighbouring properties of the future residential development, dwelling, driveway, private way, hard stand area and re-contouring in terms of existing flowpaths, stormwater collection and discharge. In these zones, where effects are considered more than minor, *Council* may require some level of mitigation including reticulation (private or public), outfall controls, easements, discharge consents and notices restricting development.

12.4.5.5 A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and to protect property from damage caused by surface water.

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- 12.4.5.6 A primary flow path for flood waters shall be provided as a system of stormwater pipes (or other alternative proven designs, including swales and wetlands, giving regard to operation and *maintenance* approved by *Council*) designed to cope with the runoff from the design flood.
- 12.4.5.7 A secondary flow path shall be provided as the overland route taken by floodwaters when the primary path is unable to cope either because of blockages or because the hydraulic capacity of the primary path is exceeded by a larger than design flood.
- 12.4.5.8 The secondary flowpaths shall be designed and sized assuming full blockage of the upstream reticulation system.
- 12.4.5.9 Where practical, overland stormwater flowpaths shall be combined with pedestrian or cycle access if these are required.
- 12.4.5.10 Secondary flowpaths that either:
- Provide connection between two existing or proposed public roads (or combination of the two); or
  - Provide connection between an existing or proposed public road and an existing or proposed esplanade reserve and provide a tangible benefit in terms of pedestrian access shall be vested in *Council* as local purpose reserve (access) with provision made for the flowpath. Where there is no tangible benefit they shall be vested and developed as local purpose reserve (drainage).
- 12.4.5.11 In the case of a local purpose reserve, the flowpaths may be required to be hardsurfaced, or otherwise developed in accordance with specific consent conditions and *Council's* Development Code including calculation and design of required capacity.
- 12.4.5.12 The balance of the local purpose reserve (access) shall otherwise be developed in accordance with specific consent conditions or *Council's* Development Code requirements.
- 12.4.5.13 Where flowpaths provide connection to only one existing or proposed road or other feature and otherwise run through private property (e.g. *privateway*) the flowpath shall be within a defined channel or swale including calculation and design of capacity. The flowpath shall be protected by an easement in favour of *Council* and a consent notice on the title prohibiting ground re-shaping and the erection of any barriers to the flowpath.
- 12.4.5.14 Where a *dwelling* is to be built in an area that is not possible to be serviced with a stormwater system, a stormwater disposal system shall be provided exclusive of any identified natural hazard area, that will safeguard people from injury or illness and protect property from damage caused by surface water.
- 12.4.5.15 Discharge to ground soakage may be allowed subject to the criteria as outlined in *Council's* Development Code.
- 12.4.5.16 No additional stormwater is to be discharged into the rail corridor or designation without the prior approval from the Railway Owner or Operator.
- 12.4.5.17 ~~In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met.~~
- ~~All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment.~~
  - ~~All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan and shall incorporate water sensitive urban design practices (such as swales, wetlands and pervious pavement) as far as practicable to maintain and/or enhance pre-development hydrology and quality.~~



- ~~e. Inert exterior building materials only shall be used (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to ensure no off-site adverse effects.~~
- ~~d. The construction plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.~~
- ~~e. An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan, and stormwater discharge consent, shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.~~
- ~~f. The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.~~

For subdivision and development in the Ōmokoroa and Te Puke Medium Density Residential, Commercial and Industrial Zones, all stormwater systems shall:

- a. Be designed for attenuation of the 50% and 10% AEP critical storm events to pre-development peak stormwater discharge and the 1% AEP critical storm event to 80% of the pre-development peak discharge except where it can be demonstrated that there will be no increased adverse flood effects on the receiving environment including people, property and buildings.

All stormwater attenuation shall be designed to take into account up to date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity.

- a. Be designed in accordance with the objectives, methods and options of the relevant Catchment Management Plan and:
  - i. Prioritise options which avoid degradation and the loss of extent and value of natural water bodies, freshwater ecosystems and the receiving environment by modification or discharges;
  - ii. Identify and incorporate best practicable options for water sensitive urban design-identified in the relevant Catchment Management Plan to manage the effects on pre-development hydrology and water quality;
  - iii. Exterior building materials shall be inert (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to avoid off-site effects;
  - iv. Include details of the proposed stormwater management system such as:
    - Methods and options to minimise stormwater runoff and contaminants.
    - Location, sizing and design of the proposed stormwater systems.

- Details of construction including the management of effects on the receiving environment.
- Maintenance and operational requirements for the stormwater system.

The information required in (a) and (b) above shall be provided in the form of a Stormwater Management Plan (SMP).

For the purpose of this rule:

“Catchment Management Plan” refers to a document which outlines objectives, methods and options relating to stormwater management for a catchment (including its sub-catchments) and includes catchment management plans prepared in accordance with the conditions of a Comprehensive Stormwater Discharge Consent issued by the Bay of Plenty Regional Council and/or catchment management plans which Council has otherwise adopted.

“Stormwater Management Plan” refers to a report that details stormwater management for a proposed subdivision and/or development area and includes sufficient detail to satisfy the stormwater information requirements and stormwater provision under Section 12 of the District Plan, including Rule 12.4.5.17.

## **12.4.6 Wastewater Drainage**

12.4.6.1 Wastewater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.

12.4.6.2 Each new or existing site shall be individually connected to the reticulated wastewater system in accordance with *Council’s* Development Code.

12.4.6.3 For all *development* within the Ōmokoroa Stage 3 *Structure Plan* area a completely sealed wastewater system is required which shall be designed and constructed to ensure:

- a. Consistency with the *structure plan*;
- b. Compatibility with the design and *construction* of the existing wastewater network;
- c. The upstream catchment is provided for and the downstream receiving network has the capacity and capability to cater for the design scenario;
- d. Utilisation of a network of underground pipes and pump stations as its primary method of conveyance;
- e. Ventilation to minimise the accumulation of foul gases;
- f. Minimal inflow and infiltration into the network;
- g. The best outcome in reducing and managing flows (where it can be shown pressure schemes will provide the best outcome for reducing and managing flows a pressure scheme should be used);
- h. All components of the wastewater management system are pre-approved by *Council* and provide for an asset life that is suitable for its intended purpose;

**12.4.6.3.4** Where an extension to the wastewater reticulation system or the provision of a new system

inclusive of a disposal facility is not possible in accordance with *Council's* District Plan or Development Code then the treatment and disposal of effluent is to be contained within the property boundaries, subject to the requirements of the *Regional Council* including obtaining a discharge consent where necessary. Connections to *Council* pressurised systems are discretionary.

**12.4.6.4.5** The foregoing clauses will not be regarded as complied with until all necessary consents from other agencies have been obtained.

**12.4.6.5.6** Where a *dwelling* is to be built in an area that is not possible to be serviced with a wastewater system, an effluent disposal area for disposal of all effluent and foul water shall be provided exclusive of any identified natural hazard area.

**12.4.6.6.7** Effluent disposal by way of soak holes or bores are not permitted.

## **12.4.7 Water Supply**

### **12.4.7.1 Water Supply Systems shall be:**

- a. Provided or extended in accordance with Rule 12.4.3 and reticulation provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.
- b. Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with *Council's* Development Code.

### **12.4.7.2 Within Residential, Medium Density Residential, Industrial and Commercial Zones**

- a. A compliant, reliable, safe and efficient supply of potable and wholesome water shall be provided in accordance with *Council's* Development Code and the Public Health Act 1956: Health (Drinking Water) Amendment Act 2007.
- b. A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice.
- c. All *lots* shall be able to be serviced by connections from water mains within the adjacent berm and not by connections crossing road carriageways. Individual *lots* and individual *dwellings* whether joined or separate shall be separately serviced.

### **12.4.7.3 Within Rural and Lifestyle Zones in those areas where:**

- a. An existing potable and/or firefighting compliant water supply is available or can be extended, then the appropriate portions of the Residential, Industrial and Commercial Zone rules will apply.
- b. An existing potable water supply is available or can be extended but may not be able to provide sufficient pressures or flows then *development* shall be in accordance with the requirements of *Council's* Development Code Section 4 DS7.2.

## **12.4.8 Network Utilities – Electricity, Telecommunication, Broadband and Gas**

**12.4.8.1** The requirements for the provision of electricity, telecommunication, broadband and gas shall meet with the approval of the relevant network utility operator.

**12.4.8.2** Adequate provision shall be made for the supply and installation of electricity, telecommunication, broadband and gas services in accordance with *Council's* Development Code.

### **Except that:**

The provision of broadband is not mandatory for subdivisions in the Rural, Rural-Residential, Lifestyle, Natural Open Space, Post Harvest, and All Terrain Park Zones.

**12.4.9 Structure Plans – General**

12.4.9.1 All subdivision and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide for the following in the general locations shown on the *structure plans*:

- a. Stormwater management reserves and access thereto.
- b. Roothing and road widening including any upgrades needed to connect with the *transport network* (including consultation with *infrastructure* providers).
- c. New roads shown on the plans shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land.
- d. *Public reserves*.
- e. Walkways and cycleways, *park and ride facilities*, public transport and green/ecological buffer areas.
- f. Ecological areas.
- g. Stormwater, water and wastewater mains.
- h. Where a proposed access reserve is shown in a *Structure Plan*, the location in the plan is indicative of *Council's* intent and the specific location shall be determined by the Authorising Officer for *Council* following a site evaluation. The provision, formation and fencing of the access-way shall be funded in accordance with the requirements of the relevant *structure plan*.

12.4.9.2 **Local purpose reserves shall be vested at the time of subdivision.**

12.4.9.3 **Some *structure plans* have specific stormwater requirements.**

12.4.9.4 **Non-compliance with the *structure plans* will require a resource consent approval for a Discretionary Activity.**

**Explanatory Note:**

More detailed and specific investigations, calculations and design will be undertaken during a specific subdivision or land use consent. This may demonstrate that a better outcome can be achieved than what is included in the relevant *structure plan*. As a result, the *infrastructure* included in the *structure plan* will be updated to reflect the actual *infrastructure* after the issuing of s224 certificate or code of compliance certificate.

**12.4.10 Structure Plans – Stormwater General**

12.4.10.1 The stormwater disposal systems shall be a combination of reticulated pipework, swales or appropriate open channels in the subdivision areas and open channels within the stormwater management reserves and ecological and stormwater reserves identified on the *structure plans* and Planning Maps.

Stormwater treatment shall generally be provided within the identified stormwater management reserves.

12.4.10.2 Within the stormwater management reserve, where the open channel is indistinct, pipework may be provided to connect to a defined open channel or stormwater treatment device.

12.4.10.3 Stormwater management reserves are areas identified for the retention of existing swales, gullies, watercourses, trees and vegetation that provide a means of collection, disposal and natural treatment of stormwater. Stormwater management reserves are identified having regard to natural landscape features such as tops of banks.

Ecological and stormwater reserves include land for stormwater management but also include land that has an important ecological function and values.

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- 12.4.10.4** All new subdivisions shall be designed for attenuation of the defined return period storm event (AEP) to pre-development levels. This may be achieved by a combination of subdivision design, land use restrictions, drainage design features (e.g. low impact design) and end of pipe solutions. Pre-development levels are defined as those relating to the natural ground level and stormwater flowpaths situation (as distinct from the existing situation) as assessed by *Council's* Authorised Officer.
- 12.4.10.5** All new subdivisions are to treat stormwater for removal of sediment to a standard of at least 75% gross removal (according to Auckland Council TP10 methods or equivalent). This may be achieved by a combination of drainage design features (e.g. swales) and end-of-pipe solutions (e.g. ponds).
- Where an individual subdivision cannot achieve this, or a combined approach is more effective, a financial contribution shall be levied towards provision of a comprehensive facility by *Council*.
- 12.4.10.6** All *developments* shall be required to demonstrate how they will address on or adjacent to the site:
- Passage of surface flows from upstream and from the site itself to avoid risk of erosion.
  - Protection of houses from flooding in the defined storm AEP event.
  - Improvement of stormwater quality.
  - Management of runoff peaks to downstream so they are no greater than prior to *development*, or are fully managed through to the receiving environment (e.g. the Tauranga Harbour).
  - All site *developments* (both subdivision *earthworks* and subsequent building excavations and *earthworks*) shall comply with the provisions of the *Regional Council* publication, "Erosion and Sediment Control Guidelines No 2001/3" and subsequent revisions.
  - Mitigate any detrimental effects of flow concentration at outlets.
- 12.4.10.7** Access for maintenance purposes shall be provided within the Stormwater management reserve in accordance with *Council's* Development Code.
- 12.4.10.8** Stormwater management reserves shall be vested in *Council*.

**12.4.11 Ōmokoroa Structure Plan****12.4.11.1 Stormwater**

See Rule 12.4.5.17 which applies in Ōmokoroa in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

- ~~All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.~~
- ~~All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan (June 2002).~~
- ~~The construction plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) shall be provided to the *Regional Council* prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.~~
- ~~An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) and~~

~~stormwater discharge consent shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.~~

- e. ~~The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan (June 2002).~~

#### **12.4.11.2**

#### **Ōmokoroa Streetscape Design Code**

- a. ~~Within the Ōmokoroa Stage 1 and 2 Structure Plan areas, residential~~ **New residential. Residential** ~~roadways (local and collector roads) shall conform provide canopy street trees at a practical location and with the following design code a tree spacing of between 10m and 30m (centres).~~
- i. ~~On-site parking may be provided by way of rear lanes to the back of properties; and~~
- ii. ~~Canopy street trees shall be provided at no less than 16m centres.~~
- b. ~~Council shall require that Ōmokoroa Road/Hamurana Road be planted in Oak (Quercus) Red, Turkey and English (apart from Pineaks) or similar species. For secondary roads, a mixture of Elms, Ash (not Claret) and Gleditsias is preferred. The final determination on species and spacing on Ōmokoroa and Hamurana Roads chosen will provide for the minimizing of negative impacts on views following consultation with affected landowners. The tree spacing will be approximately 40m (centres). Where a resource consent application proposes the planting of trees and/or other landscaping within the road reserve, the application shall include at least the following:~~
- i. ~~The proposed species of street trees and other streetscape plants and their proposed locations.~~
- ii. ~~The size, specifications and planting material to be used for tree pits and other gardens.~~
- iii. ~~For any planting within the Ōmokoroa Road road reserve (excluding any planting associated with the Ōmokoroa town centre), Council shall require Maple - Acer Palmatum 'Osakazuki' to be planted with a tree spacing of approximately 40m (centres)~~
- e. ~~Council shall require that Ōmokoroa Road be planted in Maple - Acer Palmatum 'Osakazuki' with a tree spacing of approximately 40m (centres)~~

#### **12.4.11.3**

#### **Formed Public Access Required**

- a. Land contained within Lot 2 DPS 312635, Pt Allot 64 PSH Te Puna, Pt Lot 2 58259 shall provide for a formed public road access (landscaped to a higher standard than provided for in the Development Code) to either Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423 and such access shall be provided in conjunction with the first residential subdivision of Pt Allot 64 Te Puna Parish and Pt Lot 2 DPS 58259 and no RMA Section 224 certificate shall be issued unless such has been provided.

In finalising the location and standard of the landscaping of such an access road Council will give consideration to the owners of Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423.

#### **12.4.11.4**

#### **Specific Requirements for Pt Allot 63 SO 423 Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) (directly south of the railway line)**

- a. A public reserve is to be provided within ~~Lot Pt Allot 63 SO 423~~ **Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge)** in a location to be agreed with the

*Council.* Attributes for the final location of the reserve area are:

- i. Outlook;
  - ii. Sunny aspect;
  - iii. Generally level;
  - iv. Central location to the catchment (reserve area to be approximately 2000m<sup>2</sup> in area).
- b. Non-compliance with Rule 12.4.11.4.a. will require a resource consent for a non-complying activity.

#### **12.4.11.5**

#### **Compliance with the Ōmokoroa Structure Plan**

##### a. General

All subdivision, use and *development* in the identified *Structure Plan* areas on Planning Maps U57 to U66 (as applicable) shall provide stormwater management reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan (except in relation to Pt Allot 63 SO 423-Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) where Rule 12.4.11.4 applies in relation to the location of the public reserve area). ~~Non-compliance with the *Structure Plans* and/or Rule 12.4.11.4 will require a resource consent approval for a non-complying activity, except that non-compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the proposed town centre shall be a Discretionary Activity.~~

##### b. Roading

- i. Roading, except for roads funded via financial contributions, shall be developed as required prior to the issuing of a Section 224 certificate for any subdivision consent and located in accordance with the *Structure Plan*.
- ii. All roads, including indicative roads labelled "Future" and *local roads* not identified within the *Structure Plan* shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.
- ~~iii. No subdivision or development shall utilise Prole Road for direct vehicular property access.~~
- ~~iv. There shall be no additional access to Ōmokoroa Road except as identified on the *Structure Plan*.~~

##### c. Non-compliance

~~Non-compliance with the Ōmokoroa *Structure Plans* will require a resource consent for a non-complying activity, except that non-compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity.~~ Non-compliance with the Ōmokoroa *Structure Plans* will require a resource consent for a discretionary activity.

#### **12.4.11.6**

#### **Reimbursement for Provision of Infrastructure**

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- a. Council shall reimburse developers for the costs of providing completed infrastructure as identified in the Ōmokoroa Structure Plan Infrastructure Schedule. For the purpose of this rule “completed” shall mean infrastructure that is constructed, approved by Council and vested in Council.
- b. Temporary infrastructure that is constructed by the developer to facilitate development will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.
- c. The level of reimbursement given for all relevant infrastructure identified in the Ōmokoroa Structure Plan Infrastructure Schedule shall be based on an agreed estimate presented at the time of design.
- d. Reimbursement shall be paid in accordance with Council’s Long Term Plan except that reimbursement can occur earlier if negotiated with Council.
- e. Council reserves the right to complete any of the works itself to facilitate development.

**12.4.11.7 Ōmokoroa Light Industrial Zone**

Proposed lot boundaries shall align with the boundary between the Ōmokoroa Industrial Zone and Ōmokoroa Light Industrial Zone and not straddle it.

**12.4.11.8 Francis Road Industrial Zone Development Prerequisites**

Prior to granting or Section 224 certification for subdivision, or the commencement of any industrial or business activity in the Francis Road industrial Area, the following is required:

- a. The closure of the Francis Road intersection with State Highway 2 shall be completed. Alternatively, prior to this intersection being closed, access into the Industrial Zone from Francis Road at or beyond it’s intersection with State Highway 2 shall be prevented by way of an appropriate legal mechanism to Council’s satisfaction.
- b. The link between Ōmokoroa Road and Francis Road shall be completed in accordance with the Francis Road Structure Plan Area Typical 25m Cross-section. [The Francis Road design shall provide for safe movement of people utilising a variety of modes of transport and catering for a range of age groups with modal separation incorporated and shall include appropriate acoustic mitigation].
- c. The site shall be fully serviced by sewerage, water and stormwater infrastructure.

**12.4.12 Waihi Beach, Island View and Athenree Structure Plans****12.4.12.1 Stormwater**

- a. In the Waihi Beach, Island View and Athenree Structure Plan areas all new subdivision developments shall be designed for attenuation of the five year and 50 year flood flows to pre-development levels.
- b. For all subdivision development in Athenree, in addition to the above all subdivision development will need to be in accordance with the Athenree Stormwater Plan (June 2001).
- c. For all subdivision and development in Waihi Beach and Island View:
  - i. Existing overland flow paths should not be altered or changed without investigating and mitigating any effects.



- ii. No *buildings/structures* shall be erected within overland flow paths.
- iii. All *earthworks* and *development* shall mitigate stormwater effects.
- iv. *Buildings/structures* within a flood hazard area shall be designed for flooding events
- v. Clear evidence shall be provided showing any subdivision or *development* will not have any downstream effects.

#### 12.4.12.2 Athenree Ecological Protection Requirements

- a. To assist in protecting and maintaining the ecological values of Tauranga Harbour adjoining the Athenree foreshore, properties in the *Structure Plan* area and which adjoin the Tauranga Harbour or esplanade reserve are required to have a minimum area of 2000m<sup>2</sup>.
- b. An additional width esplanade reserve is to be set aside along the foreshore to the south of Athenree Road. The reserve is to generally follow the top of the escarpment. On the eastern most property (Lots 4 & 8, DP35041) the esplanade reserve is to be 20m from *MHWS*.
- c. Provision shall be made by *Council* for a future walkway within the esplanade reserve and its specific location and design shall be supported by an ecological assessment carried out by a suitably qualified and experienced ecologist. Suitable fencing (1.2m in *height*) generally located along the Harbour's edge and planting of the embankment shall be implemented as part of any future subdivision development to assist in reducing the potential for people and domestic pets from venturing onto the Harbour edge.

#### 12.4.13 Rangiuru Business Park Structure Plan

The rules below specify how the Rangiuru Business Park will be developed. To summarise how the required *infrastructure* operates in relation to the stages at the Park, the first developer of Stage 1 is responsible for developing the Rangiuru Interchange on the Tauranga Eastern Link, and also must construct at least 50% of the water and wastewater capacity for Stage 1. Stages 2, 3 or 4 may proceed provided at least 50% of the land in Stage 1 is in use. Subsequent stages must carry through the *infrastructure* options employed in Stage 1 to the standard required in the *structure plan*, and must also connect that *infrastructure* to the existing *infrastructure* at the Park.

##### 12.4.13.1 General

- a. Local purpose reserves within the relevant development stage except where required for rail access purposes.  
  
Fencing: Prior to vesting (or otherwise as approved by *Council*), reserves shall be fenced both sides using a post and wire fence (stockproof where adjoining a rural property).  
  
The local purpose reserve (walkway/cycleway) leading to the community service area shall be fenced both sides using a 1.8m high solid board and batten fence.  
  
Noise bunds: Prior to vesting (or otherwise as approved by *Council*), noise bunds shall be constructed at the developers cost in the locations shown on the *Structure Plan* (refer to the "Roading and Land Use" Plan, Appendix 7).
- b. Finished contours  
  
All subdivision use and *development* in the Rangiuru Business Park shall result in finished contours that are in general accordance with those shown in the *Structure Plan* in Appendix 7 (refer to "Structure Plan Proposed Contours with Proposed Layout Details" Plan). For clarity the purpose of this plan is to ensure that the stormwater drainage patterns and levels as set out in the *Structure Plan*

are provided for as staged development occurs, and are generally in the locations shown on the *Structure Plan*. For Structure Pond 1 (Diagonal), this could be a location (whole or part) on the western side of Pah Road.

#### 12.4.13.2 Stormwater - General

- a. The Rangiuru Business Park stormwater system shall be a combination of reticulated pipes, swales or appropriate open channels as identified on the *Structure Plan* (together with any other low impact design engineering solution suitable for contaminant reduction).
- b. The stormwater reticulation shall be designed to cater for the following sized storm events:
  - i. Piped reticulation - five year event;
  - ii. Open stormwater channels - 50 year event;
  - iii. Culverts under Tauranga Eastern Link - 100 year event;
  - iv. Stormwater detention ponds - 50 year event.
- c. The stormwater detention ponds shall be designed to cater for attenuation of stormwater run-off from the 50 year event to pre-development levels for the whole Business Park, without coverage limitations or individual on-site detention being required (although on-site low impact design measures at the subdivision and building *development* stage are encouraged). A financial contribution is levied in respect of these facilities (see Section 11.8.a).
- d. The stormwater management areas shall be kept free of *buildings* or any *structures* that would impede their stormwater function. They shall be designed to treat stormwater from the whole Business Park for removal of sediment to a standard of 75% total suspended sediments (according to Auckland Council TP10 methods or equivalent).

#### 12.4.13.3 Water Supply – General

- a. Water supply servicing in the Rangiuru Business Park is possible via three distinct options as follows:
  - i. Option A - Eastern Water Supply Network, which constitutes;
    - New reservoir at Rangiuru Road (5,500m<sup>3</sup>);
    - Gravity supply main from Rangiuru Road reservoir to Business Park (450mm diameter, approximately 7.8km length);
    - Rising main from existing Eastern Supply water source to new reservoir at Rangiuru Road (225mm diameter, approximately 9.0km length);
    - Temporary pump station, Stage 1;
    - Pah Road/Young Road/ State Highway 2 reticulation loop (375mm diameter, approximately 5.3km length);
    - Internal Park trunk reticulation.
  - ii. Option B – On site water bore and treatment plant, which constitutes:
    - On site water bores;
    - Treatment plant;
    - On site reservoirs;
    - Associated and ancillary equipment;

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- Internal Park trunk reticulation as shown on the *structure plan*.
- iii. Option C – Pongakawa bore, which constitutes:
- New pump(s) and controls for bore ESZ10 at Pongakawa;
  - Upgrade of the water treatment plant (WTP) at Pongakawa and new pump(s) and controls; and
  - New trunk mains (315 mm OD diameter, approximately 9.2 km length) from ESZ10 to the WTP and then from the WTP to proposed Rangiora Business Park reservoirs.
  - On-site reservoirs and associated ancillary equipment.
  - Internal Park trunk reticulation as shown on the *structure plan*.
- b. The three options are viable options. All options will require resource consent from the *Regional Council*. Selection of the option to serve the Business Park to be determined by the developer of the first land use or subdivision within Stage 1 who must provide sufficient capacity for 50% of the land in Stage 1.
- c. Once a preferred option is chosen this is the option to serve the entire Business Park. A combination of options is not permissible unless demonstrated as being more cost effective.

**12.4.13.4 Wastewater – General**

- a. Wastewater supply servicing in the Rangiora Business Park is possible via two distinct options as follows:
- i. Option A – Te Puke Wastewater Treatment Plant and trunk reticulation, which constitutes:
- Main pump stations and associated emergency generator and emergency storage;
  - Sanitary sewer rising main to the Te Puke Wastewater Treatment Plant (350mm diameter, approximately 5.8km length), including associated pipeline crossings under the Kaituna River and Waiairi Stream
  - Upgrades of the capacity of the Te Puke Sewage Treatment Plant (upgrades triggered by stages of development above 60, 100 and 140ha).
  - Sewer reticulation, including pump stations and associated emergency storage, within the relevant development stage area.
- ii. Option B - Onsite treatment and disposal
- On site Sequencing Batch Reactor (SBR) treatment plant and wetland disposal area in four distinct modules;
  - Wetland treatment and disposal ponds;
  - Internal park trunk reticulation as shown on the *structure plan*.
- b. Both options are viable options. Option B will require resource consent from the *Regional Council*. Selection of the option to serve the Business Park to be determined by the developer of the first land use or subdivision within Stage 1 who must provide sufficient capacity for 50% of the land in Stage 1.

- c. Once a preferred option is chosen this is the option to serve the entire Park. A combination of options is not permissible unless demonstrated as being more cost effective.

#### 12.4.13.5 Roading – General

- a. Roading *infrastructure* provision/upgrading required by the *Structure Plan* and Appendix 7 shall be developed as required (unless stated otherwise in this *structure plan*) prior to the issuing of a Section 224 certificate for any subdivision or building consent or any industrial use of the land.
- b. Local roads - in addition to the *Structure Plan*, local roads shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.
- c. Principal access to the Park is via a four legged interchange with the Tauranga Eastern Link.
- d. Stage 1 of the Rangiuru Business Park will include as lead *infrastructure* the *construction* of the Rangiuru interchange to the Tauranga Eastern Link. The interchange must be built by the first land use or subdivision developer in Stage 1.

#### 12.4.13.6 Interim Development - General

- a. The Rangiuru Business Park shall be developed in stages. The first stage of development shall be Stage 1 as shown on the *structure plan* drawings (Appendix 7). Stage 1 area is approximately 45ha gross.
- b. *Infrastructure* provision/upgrading required by the *Structure Plan* and Appendix 7 shall be developed for Stage 1 generally to the standard and form as specified in the *Structure Plans* (unless stated otherwise) prior to the issuing of a Section 224 certificate for any subdivision or building consent or any industrial use of the land. Sub-staging is permissible as long as it is demonstrated that *infrastructure* provision for the whole of the stage is not compromised.
- c. The estimated percentage of *infrastructure* works for each stage are also set out in the Rangiuru contributions tables contained in Appendix 7.

#### 12.4.13.7 Interim Development – Roading

- a. Te Puke Highway (formerly SH2)/Pah Road intersection upgrade timing:
  - i. For the first 70ha of *development*, no upgrade to the existing intersection is required unless:
    - the intersection is classified as a “High Risk” intersection in terms of Waka Kotahi NZ Transport Agency High Risk Intersection Guide, or
    - if the average peak hour delays to side road traffic exceed 45s.
  - b. Monitoring shall commence at the completion of the Stage One access to Young Road and shall be undertaken annually for safety and biennially for capacity. If either the first and/or second bullet point under a.i. above is met, the upgrade required in b.i. below must be put in place.
    - i. To enable *development* of greater than 70 ha of the Park, completion of the following infrastructure is required:
      - Upgrade of the intersection of Pah Road/Te Puke Highway to a roundabout or, other suitably designed form.
- c. The upgrade may be delayed subject to annual monitoring (by *Council*) of the

safety and capacity performance to demonstrate the following thresholds have not been met:

- i. "High Risk" intersection in terms of the Waka Kotahi NZ Transport Agency High Risk Intersection Guide or if the average peak hour delays to side road traffic exceed 45s.
- d. If the threshold trigger for intersection treatment is reached at any of the above stages of *development* the *Council* will, within 18 months, implement appropriate measures designed to improve the performance of the intersection.

**Explanatory Note:**

An alternative exists known as the "Mid-Block" Intersection. This option is not shown on the *structure plan* and therefore requires a resource consent as a discretionary activity (refer to 12.4.9.4). If obtained the reallocation of any contributions collected for existing intersections can be used for the Mid-Block intersection subject to the road controlling authorities' approval.

**12.4.13.8 Subsequent Stages**

- a. Any subsequent stages of *development* can proceed following Stage 1. All *infrastructure* for the whole of the relevant stage, as set out on the *Structure Plans* and Rangiuru Financial Contributions Schedule, plus any off site *infrastructure*, shall be in place before any industrial land use, the first application for building consent, or issuing of a Section 224 certificate for any subdivision is undertaken.
- b. Once 50% of the land in Stage 1 is either: in industrial use; or is subject to building consent; or has Section 224c certificate issued, then *infrastructure* may be developed in Stages 2, 3 or 4 in part as long as it is demonstrated that *infrastructure* provision for the whole of the stage is not compromised.

**Explanatory Note:**

Subsequent stages must provide *infrastructure* generally in accordance with the designs and other specifications in Appendix 7 and using the option determined in accordance with 12.4.13.3 and 12.4.13.4. This *Infrastructure* must be connected to existing *infrastructure* at the Park.

**12.4.14 Te Puke Structure Plan**

**12.4.14.1 Stormwater**

See Rule 12.4.5.17 which applies in Te Puke in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

**12.4.14.2 Streetscape**

- a. New residential ~~Residential~~ roadways (local and collector roads) shall provide canopy street trees at a practical location and with a tree spacing of between 10m and 30m (centres).
- b. Where a resource consent application proposes the planting of trees and/or other landscaping within the road reserve, the application shall include at least the following:
  - i. The proposed species of street trees and other streetscape plants and their proposed locations.
  - ii. The size, specifications and planting material to be used for tree pits and other gardens.

**12.4.14.3 Compliance with the Te Puke Structure Plan**

Subdivision, use and development shall provide, where applicable, stormwater management reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, green buffer areas, ecological areas and water and sewage areas, in general proximity of the locations shown on the Structure Plan.

#### **12.4.14.14 Village Heights Structure Plan Area**

- a. With the exception of Lot 2 DP 309162 (which may have access directly via No 1 Rd), access to all subdivision and development of land included in the Village Heights area shall only be from the Cannell Farm Drive extension (shown on the Structure Plan), including any of its subsidiary cul-de-sac roads. Non compliance with the Structure Plan will require resource consents for a Non-Complying Activity.
- b. Subdivision or development of Lot 2 DP 309162 shall be limited to a maximum of four dwellings having direct access to No 1 Road. Subdivision or development failing to comply with this activity performance standard shall require consent as a Non-Complying Activity.

#### **12.4.15 Te Puke West Structure Plan**

##### **12.4.15.1 General**

- a. Development within the Te Puke West industrial area shall be undertaken in general accordance with the Structure Plan and specifications set out in Appendix 7.
- b. Any non-compliance with the foregoing shall render the development concerned a Non-Complying Activity.

##### **12.4.15.2 Roading and access**

- a. The provision of all new or upgraded roading works shall be undertaken in accordance with the Te Puke West Infrastructure Prerequisites Table contained in Appendix 7.
- b. Provision shall be made for legal road access to all lots generally in accordance with the Te Puke West Structure Plan. There is to be no direct access from vehicle entrances to the Te Puke Highway, Manoeka Road or Te Puke Quarry Road.
- c. The exception shall be a Marketstore on that land legally described as Part Te Puke 1A20 block, Part Te Puke 1A21 block and Lot 1 DPS 19980. 'Marketstore' means "the storing, mixing and dispatching of fertiliser products for local distribution and use." Access to and from the Marketstore shall be in accordance with the Environment Court's decision ENV-2006-AKL-000472 dated 13 November 2006.
- d. If the Marketstore does not proceed or there are alterations in the consented use, including alterations in use for other industrial uses, the site use will default to fall within the general provisions of the Zone, including site vehicle access to be required via the Structure Plan roads, and any Manoeka Road access from the site accordingly be required to be closed after access through Stage 2 becomes available.
- e. The only Te Puke West industrial area vehicle access to/from the Te Puke Highway shall be via a single access point as shown on the Te Puke West Structure Plan, regardless of whether a site has legal frontage to the Te Puke Highway.
- f. All existing direct access and crossing places to the Te Puke Highway shall be permanently stopped, with access to the Te Puke Highway restricted to via Road 1 and the existing local roading network, at the time such land is subdivided or development traffic is generated.

- g. Any *land use development* or subdivision failing to comply with the above will require resource consent approval for a Non-Complying Activity.

#### 12.4.15.3 Stormwater Management

- a. Widening of the Raparapahoe flood channel shall be provided as required as part of each subdivision or *land use development*.
- b. Subdivision or *development* of land shall make provision for stormwater detention and treatment infrastructure in general accordance with the Te Puke West *Structure Plan*. Stormwater areas shall be provided as part of the *development* of each stage.
- c. See Rule 12.4.5.17 which applies in Te Puke in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

#### 12.4.15.4 Subdivision and Development

- a. Subdivision or *land use development* of any sites adjoining the Raparapahoe Stream shall provide a 20m wide esplanade reserve.
- b. For sites adjoining Manoeka Road, a 50mm separation strip shall be provided along the road boundary to prohibit vehicle access to Manoeka Road.
- c. Subdivision and *development* of the land shall occur sequentially from stages 1-3 as shown on the Staging Plan in Appendix 7.
- d. Any subdivision or *land use development* failing to comply with the Rules a-c above (where applicable) shall require resource consent for a Non-Complying Activity.

#### 12.4.15.5 Restricted Discretionary Activities

Unless specified as a Non-Complying Activity, any subdivision or land use activity which does not comply with the Te Puke West Industrial Area provisions shall be considered as a Restricted Discretionary Activity. In the case of Restricted Discretionary Activities *Council* shall limit its discretion to avoiding, remedying or mitigating the potential adverse effects arising from the particular matter of non-compliance/s with the Te Puke West Industrial Area Special Provisions.

#### 12.4.16 Te Puna Business Park

The Te Puna Business Park shall be developed (including staging) in accordance with the Te Puna Business Park *Structure Plan* in Appendix 7.

Stage 3 or 4 shall not commence until Stages 1 and 2 are complete (including screening requirements of the Business Park and any conditions of resource consent granted (except those to which Section 224(c) of the RMA apply).

#### 12.4.16.1 Structure Plan

Any subdivision or *development* of land within the Business Park shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system generally in accordance with the *Structure Plan* and Appendix 7.

#### 12.4.16.2 Road Upgrading

- a. **To mitigate the impact on the State Highway:**
- Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna Road/State Highway 2 intersection must be upgraded to a roundabout (or similar traffic management alternatives) and, in

addition, the Te Puna Station Road/State Highway 2 intersection must be upgraded by widening for left turn traffic movements onto the State Highway (or similar traffic management alternatives).

Written evidence is to be provided to *Council* that the design and construction of both the roundabout and the State Highway widening, or similar traffic management alternatives, is to the satisfaction of the Regional Director Waka Kotahi NZ Transport Agency, and the *Council's* Group Manager Infrastructure Services.

**b. To mitigate the impact on the Te Puna Road/Te Puna Station Road Intersection:**

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna/Te Puna Station Road intersection must be upgraded to include provision for left turn and right turn movements or similar traffic management alternatives. Written evidence is to be provided to *Council* that the design and construction of the intersection upgrade, or similar traffic management alternatives, is to the satisfaction of the *Council's* Group Manager Infrastructure Services.

**c. To mitigate the impact on Clarke Road:**

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, a minimum of two traffic calming thresholds shall be installed at the northern end of Clarke Road. Written evidence is to be provided to *Council* that the design and construction of the road improvements are to the satisfaction of the *Council's* Group Manager Infrastructure Services.

**d. To mitigate the impact of access onto Te Puna Station Road:**

- i. Access to the Business Park for industrial and business activities shall be by no more than three roads, with a minimum separation of 200m as measured along the road centre, as shown on the *Structure Plan*.
- ii. Prior to the commencement of any industrial or business activity in the Business Park land, access from the land onto Te Puna Station Road must be formed for traffic safety reasons up to and including compliance with Diagram D "Moderate Use Access Standard" from the Transit Planning Policy Manual at the direction and to the satisfaction of *Council's* Group Manager Infrastructure Services.

**e. To mitigate the impact of the traffic generated by the development on the existing road network (mid-block)**

- i. A financial contribution of \$29,545 (based on 2002 figure adjusted annually by the CPI for inflation) per hectare estimated net developable area shall be paid prior to commencement of any industrial or business activity on the Business Park land or at a later date with the approval of *Council's* Group Manager Infrastructure Services.
- ii. For the purpose of these rules "net developable area" means any land within the Business Park, less any areas required for stormwater management, roading and landscaping, and "estimated net developable area" means 22ha.

**f. To control the impact of the traffic generated by the development on the roading network**

- i. Subject to clauses f.ii. – v. below, traffic generation from Te Puna Business Park shall not exceed 2,600 vehicles per day until such time as the proposed Northern Arterial (bypass) route is constructed and operational, without approval from the *Council's* Group



Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency;

- ii. Monitoring shall be undertaken by a suitably qualified traffic engineer, and the results provided to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency in the manner specified in clause f.iii. below to confirm:
  - a. That the relevant traffic generation limits under clause f.i. above or clause f.v (as appropriate) are not being exceeded; and
  - b. That the capacity of the intersection of the State Highway 2 and Te Puna Station Road remains adequate, particularly in so far as the performance of the right turn bay into Te Puna Station Road and the left hand turn from Te Puna Station Road are concerned.
- iii. For the purpose of clause f.ii.b., the adequacy of the intersection performance shall be assessed by reference to the outcome of monitoring in respect of the following matters (at a minimum):
  - a. The duration of delays for all traffic movements at the intersection which shall be determined having regard to whether:
    - The 95th percentile of the measured queue lengths as a result of right turns from State Highway 2 impedes the flow of through traffic on the State Highway i.e. the 95th percentile queue length must not exceed the storage length of the existing right turn bay;And
    - Side road time delays for traffic in Te Puna Station Road during peak periods exceed an average of 50 seconds when measured over a maximum one hour period or increase by more than 50% from the baseline monitoring (whichever is the greater).
  - b. Crash rates, which shall be determined having regard to whether:
    - The crash rates at the intersection (including vehicles queuing or turning) exceed either five in any one year, or an average of three per annum over the previous five years (as at the date of assessment);And
    - The injury crash rates at the intersection increase from the baseline monitoring by any statistically significant amount.

- iv. Traffic monitoring results shall be provided to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency on the following basis:
- Within three months of the Plan Change becoming operative, monitoring shall be undertaken to establish the baseline for future monitoring of the matters by which the adequacy of the intersection performance are to be assessed (as outlined above), and the results of that monitoring provided promptly to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency.
  - A report shall be provided no less than annually in June of each year until the Northern Arterial route is operational and in any event:
  - Prior to traffic generation exceeding 1000 vehicles per day; and
  - Prior to traffic generation exceeding 2000 vehicles per day.
- v. If the traffic monitoring results do not demonstrate the existing or continuing adequacy of performance of the intersection of State Highway 2 and Te Puna Station Road to the reasonable satisfaction of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency, then traffic generation shall not commence or increase further without:
- The upgrading or relocation of the intersection, to the satisfaction of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency; or
  - Completion of the Northern Arterial (whichever comes first); or otherwise
  - Written approval of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency.
- vi. Nothing in this rule shall require the provision of money or works which do not fairly and reasonably relate to effects of activities within the Te Puna Business Park.

#### 12.4.16.3 Landscape planting and stormwater management

- a. The area of the planted land around the Business Park boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/wetland as shown in the Te Puna Business Park *Structure Plan* shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the Business Park. The plantings and the stormwater ponds and the overland flow path/wetland shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction.
- b. Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*. Landscape plans for the Business Park boundary, Te Puna road roadscape, and stormwater ponds and overland

flowpath/wetland shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/wetland shall be prepared in consultation with Pirirakau.

- c. Earth bunds or earth bunds with fences shall be constructed along the north-western, southern and north-eastern peripheral Business Park boundaries of the site as illustrated on the Te Puna Business Park *Structure Plan* prior to any industrial or business activity commencing on the land within the Business Park
- d. Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new *building* over 100m<sup>2</sup> *gross floor area*. To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The landscape plan shall specifically identify the plant species. The landscape plan shall also include a landscape maintenance programme for three years.

#### 12.4.16.4 Maintenance Programme and Costs

Establishment and maintenance of landscaping, and establishment of the acoustics earth bunds/fences, in accordance with the approved landscape plan, shall be at the developer's cost and shall be a condition of consent.

The approved three year landscaping maintenance programme shall be determined from the date on which a Section 224 Certificate is obtained under the RMA or the planting undertaken, whichever is the latter.

#### 12.4.16.5 Water Supply

- a. Prior to commencement of any industrial or business activity on the Business Park land, an adequate water supply shall be provided to meet *Council's* Development Code for Class C fire risk and a peak hour flow of 1.0l/s/ha. Written evidence is to be provided to the *Council* that the design and construction of the water supply upgrade is to the satisfaction of *Council's* Group Manager Infrastructure Services.
- b. A financial contribution at the rate of \$20,052 (based on 2002 figures and adjusted annually by the CPI for inflation) per hectare net developable area shall be paid to the *Council* when requested on approval of any subdivision, building or resource consent or required as a condition thereof and calculated according to the proportion of net developable area occupied by the activity.

#### 12.4.17 Katikati (South of Marshall Road) Industrial Structure Plan

##### 12.4.17.1 Stormwater

- a. All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.

##### 12.4.17.2 Development Restrictions – Intersection Upgrades

- a. No more than a maximum of 12.64ha of the Industrial Zone may be developed before both of the following have occurred:
  - i. Either:
    - Traffic signals have been installed at the Marshall Road/State Highway 2 intersection; or
    - An alternative upgrade of the Marshall Road/State Highway 2 intersection or an alternative intersection which provides a similar level of service has been completed; or;
    - The Carisbrooke Street extension to Middlebrook Drive has been completed; and

- ii. Measures have been put in place along Tetley Road and at the Tetley Road/Rereatukahia Road intersection to reduce the attractiveness of Tetley Road for use by heavy vehicles, as described in Explanatory Note b to this Rule.
- b. No more than a maximum of 20ha of the Industrial Zone, may be developed before a link road is in place from State Highway 2 through the Industrial Zone to Tetley Road.

**Explanatory Notes:****a. SH2 Intersection Design**

Waka Kotahi NZ Transport Agency is the road controlling authority for State Highway 2.

The intersection of the proposed link road with State Highway 2 and any upgrade of the Marshall Road/State Highway 2 or alternative intersection will need to be satisfactory to Waka Kotahi NZ Transport Agency and consistent with Waka Kotahi NZ Transport Agency's network strategy.

**b. Tetley Road/SH2 Intersection**

The *Council* will adopt the following approach to the management of the Tetley Road/State Highway 2 intersection, being:

*Construction* of a turning head at the southern end of Tetley Road where it joins Rereatukahia Road and physical works on the section of Tetley Road between Rereatukahia Road and State Highway 2 which would result in a safe operating speed of no more than 50km/h and reduce the attractiveness of that road for use by heavy vehicles (such works to be designed in consultation with Te Rereatukahia Marae Tribal Committee and the wider community). There will be ongoing monitoring of the safety and performance of the Tetley Road/State Highway 2 intersection, including obtaining the impressions of local residents and analysing crash statistics. Such works to be carried out in accordance with Appendix A of the consent memorandum (NZ Transport Agency v WBOPDC ENV-2007-AKL- 000483).

**12.4.17.3 Limited Access**

- a. Access to Tetley Road is limited to vehicle crossings (including the upgrading or relocation of existing vehicle crossings) at minimum 50m spacings. Except that existing entrances already at spacings less than 50m will be permitted.
- b. Existing or proposed access shall meet the minimum sight distance and formation requirements contained in the District Plan and Council's Development Code, except that where the access is to serve more than three *lots* or activities, the sight distance requirement will default to the next highest in Table A (standard drawing W415 of Council's Development Code).
- c. *Privateways*:
  - i. The rules as set out in ii. to v. below only apply to *privateways* that are not accessed via Tetley or Marshall Roads and shall not apply to "interim access roads" as per rule 12.4.17.5 below.
  - ii. New *privateways* (including the increased use of existing *privateways*) located along Tetley Road are not permitted.
  - iii. Proposed *privateways* having access to future *Structure Plan* roads may have up to eight *lots* plus the two additional *lot* allowance as per Rule 12.4.4.4.e.i. of the District Plan, except that, apart from the first activity on each *lot*, proposed subsequent activities within

each *lot* will be deemed as having the same effect as an additional *lot*.

- iv. Proposed *privateways* shall be formed in accordance with section DS4 - 4.14.2 of Council's Development Code and other relevant sections of that Code, except that the minimum reserve width shall be 8.0m.
- v. Quality assurance documentation shall be forwarded to *Council's* officers for approval as part of any section 224 application or in the case of land-use consents, prior to commencement of the activity.

#### 12.4.17.4 Structure Plan Road Requirements

- a. *Structure Plan* roads are to be designed, constructed, supervised and certified in accordance with *Council's* Development Code at the time that *Council* require, except that, pavement widths are to comply with those shown on the Katikati Industrial Zone Financial Contributions Schedule – May 2012.
- b. All *Structure Plan* roads shall have vertical and horizontal alignments that are capable of being later integrated into other future *Structure Plan* roads identified on any *lots* beyond those subject to the development.

#### 12.4.17.5 Interim Access Road Requirements

For the purpose of the rules in a. to e. below, interim access roads shall mean pavements or carriageways which are set up as *privateways*, constructed within the identified *Structure Plan* road reserve (or alternative alignment as otherwise agreed with *Council*) for the purpose of allowing full, interim access into *developments* within the Industrial Zone before the *construction* of that *Structure Plan* road is required by *Council*.

- a. *Structure Plan* roads may be constructed as interim access roads subject to *Council's* prior approval.
- b. Interim access roads shall;
  - i. Be temporarily set up as *privateways*.
  - ii. Be designed, constructed, supervised and certified in accordance with *Council's* Development Code, and in accordance with DS4 Table 1 – Service Lanes, except that the reserve width shall be as per (viii) below, at the time that *Council* require.
  - iii. Be built on sub-grade of a strength and quality that is capable of supporting future *Structure Plan* roads including all expected traffic loadings for a 25 year design life.
  - iv. Have pavement depths which are in accordance with 12.4.17.3.c.iv. above but of a material quality and construction that is compatible with and capable of being later integrated into the full *Structure Plan* road design without major changes.
  - v. Be to the dimensions as in 12.4.17.3.c.iv. and have a minimum one coat chip seal and may have berm water table drains for the collection and disposal of stormwater in lieu of kerbing.
  - vi. Have vertical and horizontal alignments that are capable of being later integrated into the full *Structure Plan* road design and construction and capable of being later integrated into other future *Structure Plan* roads identified on any *lots* beyond those subject to the *development*.
  - vii. Include a reserve width that matches the *Structure Plan* road reserve width (minimum 20m) including for intersections, roundabouts and splays.

- viii. Have no limit to the number of *lots* or activities that can be served by it.
    - ix. Be subject to maintenance provisions imposed by way of consent notice on the properties having access to them.
  - c. The extension of services within interim access roads shall meet the following:
    - i. Stormwater, wastewater, water, power and telecommunications shall be extended into the interim access roads in conjunction with the construction of these.
    - ii. These services shall be located vertically and horizontally such that the later upgrading of the interim access roads to *Structure Plan* roads renders the services in complying positions, except that *Council* may accept temporary non-compliance in some circumstances (e.g. stormwater to suit the temporary nature of water-tables).
    - iii. These services shall be sized to serve the overall *Structure Plan* catchments when fully developed.
    - iv. Stormwater, wastewater and water services shall be protected by easements in favour of *Council*.

The maximum length of an interim access road shall not exceed the boundary of the property that it services.

At time of either subdivision or *development*, consent notices shall be imposed on relevant titles requiring the *privateway* reserve area upon which the interim access road is constructed to be vested in *Council* at such time that *Council* requires.

#### 12.4.17.6 Reimbursement for Provision of Infrastructure

- a. *Council* shall reimburse developers for the full costs of providing completed *infrastructure* that is identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012. For the purpose of this rule “completed” shall mean *infrastructure* that is constructed, approved by *Council*, and vested in *Council*.
- b. For interim access roads, *Council* shall reimburse developers for the land within the vested road reserve and the costs of construction for the pavement and underlying sub-grade of the interim access road and utility services that form part of the permanent *infrastructure* that they have not already been reimbursed for.
- c. Temporary *infrastructure* that is constructed by the developer to facilitate *development* will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.
- d. The level of reimbursement given for all relevant *infrastructure* identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012 shall be based on an agreed engineers estimate presented at the time of design.
- e. Reimbursement shall be paid in accordance with *Council's* Annual Plan, and shall not occur until *Council* has collected sufficient funding from financial contributions from within the Industrial Zone, except that, reimbursement can occur earlier if negotiated as a progress payment with *Council*.
- f. *Council* reserves the right to complete any of the works itself to facilitate *development*.

#### 12.4.18 Katikati Structure Plan (residential area) north of Marshall Road and Tetley Road

**12.4.18.1 Access of Tetley Road**

- a. No additional *lot* or *dwelling* shall have direct access off Tetley Road. Access to any new *lot* or *dwelling* shall be via a private or public road with splayed corners (at the intersection with Tetley Road) measuring at least 3m x 3m).
- b. Yards adjoining Tetley Road shall be treated as Front Yards.

**12.4.19 Katikati Binnie Road Residential Structure Plan****12.4.19.1 Any subdivision or development of land within the Residential Zone at Binnie Road, Katikati is subject to the following:**

- a. Subdivision or *development* shall be designed, approved and developed in general accordance with the associated *structure plan*, incorporate a buffer area as shown on the *structure plan*, and shall be in accordance with the design controls stated in 12.4.19.e.
- b. The construction of a new type C hammerhead turning area on Binnie Road in accordance with drawing W407 of *Council's* Development Code within the Residential Zone as shown on the *structure plan*;
- c. The provision of a planting plan detailing the location and layout of planting, species, grades and planting density within the residential *lots*;
- d. The provision for a public right of way which shall link Riverside Place through the proposed Residential Zone to Binnie Road and from Binnie Road in a southerly direction connecting to the Uretara Stream Esplanade Reserve for the purpose of general pedestrian access. Any fencing adjoining this public right of way must comply with Rule 13.4.1.e.i.
- e. Design controls:

(i) Fencing along buffer area	Any fencing required along the buffer area boundary shall be low visibility post and wire farm style or posts and mesh type
(ii) Building site works and roading	<i>Buildings</i> shall be located on a formed terrace with the escarpment behind. Any exposed cuts shall be mitigated with screen plantings. <i>Buildings</i> shall have a background of land or vegetation when viewed from the Uretara Stream.
(iii) <i>Building</i> bulk and form, design	Roofs shall be low pitched to prevent reflective glare (less than 32 degrees). Facades visible from Uretara Stream exceeding a length of 15m shall have the roofline broken with plantings of either pohutukawa, rewarewa, puriri, kānuka or other tall species as recommended by a suitably qualified ecologist. <i>Dwellings</i> shall be designed with 600mm eaves and veranda features to cast shadows and reduce glare from glazing.
(iv) <i>Building</i> height	That the <i>building height</i> shall not exceed the lower of (i) a single storey with a <i>height</i> not exceeding 11.5m Motiriki Datum 1953 or (ii) the maximum residential <i>building height</i> .
(v) <i>Building</i> colour	Colours shall be restricted to <i>reflectivity</i> of <40% for roofs, and <60% for walls. Local natural materials such as timber and local stone are also acceptable. Colours shall be limited to groups A, B & C BS5252. <i>Reflectivity</i> shall be measured in accordance with Australian Standard 1580.

**12.4.20 Lemon Road Industrial**

12.4.20.1 **Any subdivision or *development* of land zoned Industrial on the northern side of Lemon Road shall be subject to the following:**

- a. The construction of a right hand turn bay for vehicles turning into Lemon Road from State Highway 33.
- b. The provision of a painted splitter island on Lemon Road.
- c. The provision of a pedestrian refuge on State Highway 33 between Lemon Road and Old Coach Road and footpaths to link the site.
- d. The undertaking of seal widening on the western side of State Highway 33 to assist right turning vehicles to merge onto State Highway 33 from Old Coach Road.
- e. The undertaking of seal widening on the western side of State Highway 33 to assist left hand turning vehicles to merge onto State Highway 33 from Lemon Road.
- f. The upgrading of Lemon Road in accordance with Rule 12.4.4 and *Council's* Development Code 2009.
- g. The relocation of the service station's existing access.
- h. Any vehicular access off Lemon Road shall be a minimum of 80 metres from the edge of the State Highway carriageway at the intersection with Lemon Road as it existed at 30 January 2010.

Provided that:

Alternative mitigation to a. – h. above may be undertaken as approved by the Regional Director Waka Kotahi NZ Transport Agency.

12.4.20.2 **Subdivision and *development* prior to this infrastructure provision shall be considered a Non- Complying Activity.**

**12.4.21 Comvita Campus Structure Plan**

**12.4.21.1 General**

- a. Any subdivision or *development* (including staging) within the Comvita Campus *Structure Plan* area shall be undertaken in general accordance with the *Structure Plan* and specifications set out in Appendix 7.
- b. Maximum *Building Coverage* within the Comvita Campus *Structure Plan* Area shall be 50%.

**12.4.21.2 Subdivision and *Development***

- a. Any subdivision or *development* of land zoned Industrial within the Comvita Campus *Structure Plan* area shall occur sequentially from stage 1 to stage 2 as shown on the staging plan in Appendix 7.
- b. The provision of *infrastructure* shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.
- c. Any subdivision or *development* of land within the Comvita Campus *Structure Plan* area shall incorporate amenity screen planting in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

**12.4.21.3 Rooding and Access**

- a. Provision shall be made for roading and access generally in accordance with the Comvita Campus Structure Plan in Appendix 7.



- b. The provision of all new or upgraded roading and access works shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.
- c. The only vehicle access from State Highway 33 shall be via a single left turn only access point as shown on the Comvita Campus *Structure Plan*, regardless of whether a site has legal frontage to State Highway 33.
- d. The single left turn only access point from State Highway 33 shall be designed and submitted to Waka Kotahi NZ Transport Agency for approval prior to *construction*.
- e. The portion of Wilson Road South adjoining the *Structure Plan* area shall be provided with kerb and channel in accordance with *Council's* Development Code.

#### 12.4.21.4 Stormwater Management

- a. Any subdivision or *development* of land shall make provision for stormwater detention and treatment *infrastructure* in general accordance with the Comvita Campus *Structure Plan* in Appendix 7. Stormwater areas shall be provided as part of the *development* of each stage.

#### 12.4.21.5 Wastewater

- a. Any subdivision or development of land shall make provision for wastewater detention and treatment *infrastructure* in general accordance with the Comvita Campus *Structure Plan* in Appendix 7. Wastewater areas shall be provided as part of the *development* of each stage.

#### 12.4.21.6 Water Supply

- a. Any subdivision or *development* of land shall make provision for water supply *infrastructure* in general accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7. Water supply shall be provided as part of the *development* of each stage.

### 12.4.22 Te Puna Springs Structure Plan

#### 12.4.22.1 Riparian Margins

- a. Restoration and enhancement of the riparian margins shall be undertaken as part of the stormwater management improvements in accordance with the Wildlands ecological report dated May 2022 (or other similar report prepared by a Suitably Qualified Expert). This restoration and enhancement shall be based on a plan developed in consultation with Pirirakau and approved by *Council* and shall include the following:
  - Buffer planting
  - Fish passage
  - Stream enhancement plan

#### 12.4.22.2 Wastewater

- a. All *development* shall be connected to a *Council* reticulated system and a volumetric capital connection fee will be charged for each new connection to *Council's* reticulation at the time of building consent.
- b. Any new *dwelling*s within the Te Puna Springs *Structure Plan* area shall have a wastewater capacity assessment undertaken to confirm the existing reticulation has capacity.

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**12.4.22.3 Landscaping**

- a. The landscape plan for the stormwater pond shall be prepared by a Suitably Qualified Expert in consultation with Pirirakau and approved by *Council*.

Note: This plan may be prepared as part of the first stage of *development* on site but implemented through a Manaaki Taiao / care group and in consultation with Pirirakau and surrounding neighbours.

**12.4.23 Washer Road Business Park Structure Plan****12.4.23.1 Staging Details**

- a. The following Staging is required for Washer Road Business Park to enable the site to be developed progressively. *Earthworks* and preloading of the site are required to prepare the land for future industrial use. Subdivision and *development* shall not occur within a stage until all required works are completed for that stage and any previous stages.

## i. Stage 1A - Infrastructure Works

- Sewer pump station and rising main
- Stormwater pond (extended detention)
- Water supply
- Landscape buffer adjacent to Stage 1A

## ii. Stage 1B - Infrastructure Works

- Washer Road foot path extension to the single lane bridge
- Reverse the give-way priority of the single lane bridge
- Form primary road entrance to industrial land
- Pedestrian/cycle bridge over Ohineangaanga Stream
- Landscape buffer adjacent to Stage 1B

## iii. Stage 2 - Infrastructure Works

- Intersection upgrade at Cameron Road and Jellicoe Street, refer to rule 12.4.23.2(c) and preliminary design in Appendix 7 Section 10A.3.
- Landscape buffer adjacent to Stage 2

Note: Bulk *earthworks* will be staged subject to large scale Bay of Plenty Regional Council earthworks consent.

Non-Compliance with the above staging works will render *development* or subdivision within the Washer Road Business Park *Structure Plan* Area a Discretionary Activity.

**12.4.23.2 General**

- a. *Development* within the Washer Road Business Park *Structure Plan* Area shall be undertaken in accordance with the *structure plan* and specifications set out in Appendix 7 Section 10A.
- b. Any new *building* or structure within the Washer Road Business Park shall be located above the 1% AEP flood event including an RCP 8.5 climate change projection to 2130 except for *buildings* or structures that have a *Gross Floor Area* (GFA) of less than 20m<sup>2</sup> or are required to be within an identified floodable area. This will be implemented at Building Consent stage.
- c. The intersection of Cameron Road and Jellicoe Street shall be upgraded

generally in accordance with the concept signalled layout in the *Structure Plan* or alternative design approved by *Council*. Alternatively, a Travel Management Plan shall be prepared and submitted to *Council* for approval. The Travel Management Plan shall detail how the activity(s) will manage traffic to avoid adverse effects on the intersection of Cameron Road and Jellicoe Street in peak flow conditions. The intersection shall be upgraded no later than 5 years following commencement of the first industrial activity.

- d. All new *buildings* shall be constructed with inert roofing materials.

#### 12.4.24 Section 224(c) Certification

##### 12.4.24.1 Basis and information requirements

- a. Particular conditions of resource consent require certification. Certification shall be provided by a registered surveyor, a chartered professional engineer or other appropriately qualified person as required by the conditions of consent or as *Council's* Development Code requires, except that all road pavements are required to be supervised and certified by a chartered professional engineer or an engineer that has been specifically approved to undertake these tasks by *Council's* Authorizing Officer.
- b. Certification shall provide explicit confirmation from the certifier that compliance with the conditions of subdivision consent or *Council's* Development Code has been achieved, and shall include the words "I Certify".
- c. Certifications shall be based upon:
  - i. The required and documented quality assurance data in accordance with *Council's* Development Code.
  - ii. The certifier's own reported levels of supervision and random testing.
- d. The format for Section 224 certification as related to the engineering conditions of a consent are as set out in *Council's* Development Code.
- e. *Council* reserves the right to reject any certification considered to have been incorrectly given.
  - i. Rejected certifications may require *Council* to invoke the mis-certification procedures as outlined in *Council's* Development Code.
  - ii. The standard forms in *Council's* Development Code are to be completed and supplied as part of the Section 224 application.

##### 12.4.24.2 Uncompleted works bonds

*Council* may allow uncompleted works to be bonded as detailed in Section 4.1 DS 1.17.4 of *Council's* Development Code.

##### 12.4.24.3 Maintenance (defects liability) period

- a. From the date of Section 224 issue, all vested assets are subject to a minimum 12 month (or 18 months for landscaping) maintenance period as required in *Council's* Development Code.
- b. A maintenance cash bond is held by *Council* for the duration of the maintenance period. The value of the bond is 5% of the supply and installation costs for the vested assets and as agreed with *Council*.
- c. Where there are outstanding non-compliances at the end of the maintenance period, the bond monies will not be released until these have been rectified to *Council's* satisfaction and certified as complying by the developer's

representative.

## 12A. Proposed Esplanade Reserves, Esplanade Strips and Access Strips

### Explanatory Statement

Preservation of the natural character of and public access to and along, the coastal marine area, lakes and rivers are matters of national importance listed in the *RMA*. To give effect to these principles, *Council* has adopted a Recreation and Leisure Strategy as part of the *LTP* which, along with the ward reserves management plans, documents the future requirement for recreation reserves in the *District*. This is in order to ensure that the needs of future generations can be met.

Reserves serve functions additional to recreation. The *RMA* particularly specifies the need for esplanade reserves and strips to provide access and for riparian protection. For *lots* less than 4ha an esplanade reserve or strip will be required in all cases; if it is not required for access purposes it shall be set aside for conservation purposes. For *lots* of 4ha or greater *Council* will secure esplanade reserves or strips for access purposes as provided for in the District Plan or for conservation purposes if the *riparian area* is covered predominantly in native vegetation. In these circumstances *Council* may engage more cost effective techniques than purchase or compensation e.g. Regional Council Environment Plans and Department of Conservation acquisition/protection (See also Section 5), or riparian protection utilizing Section 18.4.2(h) combined with Access and Esplanade Strips.

The existence of, or an intention to acquire, an esplanade does not mean that public access will be formed over that reserve or strip but it gives a right of legal public access and makes provision for future generations where the opportunity might otherwise be lost. The intention to form public access, and the timeframe for such, shall be determined by the Recreation and Leisure Strategy and the Reserves Management Plan process.

### 12A.1 Significant Issues

1. The *District* has a rapidly growing population and a visitor industry that is placing increased demands on reserves assets.
2. The integration of available methods to secure appropriate access to and along key waterways.
3. Esplanades have an important conservation role regarding riparian protection and water quality.

### 12A.2 Objectives and Policies

#### 12A.2.1 Objectives

1. The provision of a network of reserves and facilities which satisfies the sport and leisure needs and aspirations of residents and visitors to the *District* whilst enhancing the natural, historic, educational and amenity values of the *District*.
2. The protection of high quality *riparian areas* for conservation purposes.
3. The integration of methods to secure strategic access along *riparian margins* and protect riparian conservation values.

#### 12A.2.2 Policies

1. Gain reserve lands for sport and leisure, walkways and esplanades in line with the priorities identified in *Council's LTP*, through the criteria as set out in the District Plan, and by any other appropriate means.

2. Provide better access to natural features and recreational opportunities of public interest and provide better access to public land and facilities within reserves that enhance informal and unstructured leisure activities.
3. Require the protection of *riparian areas* covered in native vegetation as esplanade reserves or strips or by other appropriate means where esplanades may not be the preferred option, e.g. *riparian margin* retirement.
4. Ensure that significant ecological values are not adversely affected by the provision of public access to reserves.

### 12A.3 Rules

#### 12A.3.1 Subdivision (taking of esplanade reserves or strips for access or recreation purposes)

- a. Land required for esplanade reserves or strips (regardless of *lot* size) is shown on the Planning Maps and listed in Appendix 4.
- b. In addition to a. above, the requirement for an esplanade reserve or esplanade strip may be applied to provide access to swimming holes, picnic sites, waterfalls, cascades, Department of Conservation land, harbours and estuaries, known fishing areas, and where such access provides linkages to existing legal public access such as formed and unformed roads and existing reserves or strips.
- c. Provision of public access may be required through the proposed subdivision to allow the public access from a public road to an esplanade reserve or esplanade strip, particularly at strategic access locations. *Council* shall consider the following:
  - i. The effects of the proposed *development* and the need for public access to the esplanade, including the closeness of alternative access points to the esplanade;
  - ii. The value and level of public benefit that is likely to result by providing access to the esplanade;
  - iii. Compensation shall generally be payable.
- d. *Council* may, and generally will, acquire an esplanade reserve on both banks along all those portions of creeks, streams and drains which exceed 3m in width within all Residential Zones.
- e. Where a subdivision establishes a *lot* of 4ha or less adjacent to a *riparian margin*, *Council* may require an esplanade reserve or esplanade strip for access, recreation and conservation purposes to be established.
- f. Esplanade reserves and strips may be waived in part or in full in the following circumstances:
  - i. Where the land is already, or will be protected in perpetuity by way of subdivision consent notice, Queen Elizabeth II National Trust covenant, Reserves Act 1977 covenant or other registerable legal instruments acceptable to *Council* subject to appropriate alternative provision being made for public access along the water body concerned;
  - ii. Where the subdivision is a boundary adjustment;
  - iii. Where an existing *structure* is located within the 20m reserve and an appropriate esplanade reserve or esplanade strip or access strip cannot be established;
  - iv. Where an existing *structure* is located within the 20m reserve and

- an appropriately smaller esplanade reserve or esplanade strip and/or access strip can be established;
- v. Where by reason of security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example where there is defence lands, sensitive machinery, irrigation works or activities. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
  - vi. Where by reason of public safety, an esplanade reserve would be inappropriate and public safety cannot be assured by some other means. For example physically dangerous sites, port activities, including reclamations, defence lands, industrial subdivisions for activities including *hazardous substances*. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
  - vii. Where a public work or an electricity generation facility of regional or national significance is or is to be located on the foreshore or bank of a waterway, and for reasons of public safety and security the reserve and public access is not appropriate. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;
- Where appropriate an esplanade for conservation purposes or other registrable legal instrument may be required to protect conservation values;
- viii. Where a work or *network utility* is or is to be located on the foreshore or bank of a waterway and for reasons of public safety and security the reserve and public access over the full 20m is not appropriate;
  - ix. Where there are exceptional circumstances such as undue hardship, impracticality or cultural sensitivity.
- g. Esplanade reserves and strips of greater width than 20m may be taken in the following circumstances:
- i. Where there is an Identified Significant Ecological or Historic Heritage Feature that extends beyond 20m.
  - ii. Where *Council* considers the river bank or foreshore is prone to erosion or slippage;
  - iii. Where topography or ecological values creates the need to form public access at a greater distance from the river bank or foreshore.
- h. *Council* may substitute an esplanade strip for an esplanade reserve. Instances where esplanade reserves will be required are where there is a higher level of recreational use. An esplanade strip is more likely to be required where only infrequent access is necessary. Where an esplanade strip substitutes for an esplanade reserve and protection of native bush or vegetation is required then the esplanade strip instrument shall include provisions to this effect.
- i. *Council* shall consider a Māori Reservation set aside under Section 338 and Section 440 of the Māori Land Act 1993 (Te Ture Whenua Māori) in lieu of an esplanade reserve or strip.

**12A.3.2****Subdivision (protection of riparian areas through the taking of esplanade reserves or strips for conservation purposes)**

- a. Where *lots* which are less than 4ha are being formed, an esplanade strip or

similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.

- b. Where *lots* which are 4ha or more are being formed and the *riparian area* is covered in predominantly native vegetation, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.
- c. If an esplanade strip is set aside as part of a riparian protection *lot* subdivision then compensation from *Council* shall not be payable on the esplanade strip.

**12A.3.3****Resource consents**

As a condition of a resource consent *Council* may require the setting aside of an esplanade reserve or strip or access strip to mitigate the effects of an activity.

**12A.4****Other Methods****12A.4.1**

The *Regional Council* management plans are suitable for targeting specific areas, particularly where *lot* sizes are 4ha or greater.

**12A.4.2**

The use of other public land will be considered such as *road reserve* and Department of Conservation land.

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### Residential

#### 13. Residential

#### Explanatory Statement

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

- a. 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.~~
- b. 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.
- c. 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



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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

- a. 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.
- b. A lower density residential form leads to inefficient use of *infrastructure* and unnecessary urban expansion into rural areas.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. The amenity values of established residential areas can be adversely affected by more intensive *development*.
- h. 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.
- i. 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 detractor in existing residential character and amenity values.
- j. 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.
- k. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the District.
- l. 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

- a. Efficient use of the finite land resource for urban *development*.
- b. Cost-effective and efficient provision of roading and other *infrastructure* to service urban areas.

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- c. Concentration of new urban *development* within urban growth areas identified in the Bay of Plenty Regional Policy Statement.
- d. Fulfilment of the housing needs of all sections of the residential community.
- e. 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.
- f. Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.
- g. Avoidance of pollution associated with on-site wastewater disposal facilities.
- h. 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.
- i. 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*.
- j. To avoid inappropriate activities from establishing and operating within residentially zoned areas.

## 13.2.2

**Policies**

- a. 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.
- b. Provision should be made for a variety of housing types and living environments within existing urban areas and within identified urban growth areas.
- c. Higher density residential *development* should occur only in locations that are close to amenities, have adequate open space and can be efficiently serviced.
- d. Further residential *development* in and expansion of smaller coastal settlements should be accommodated within existing Residential Zone boundaries.
- e. The form of residential *development* should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.
- f. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
- g. Urban design should provide for a greater interaction between public and private space.
- h. 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.
- i. 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.
- j. On-site wastewater disposal systems should not cause any adverse off site effects.

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## 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, and Waihi Beach (including Athenree, Bowentown and Pios Beach)	350m <sup>2</sup> per dwelling
Ōmokoroa Stage 1	400m <sup>2</sup> per dwelling with a maximum average of 800m <sup>2</sup> .
Ōmokoroa Stage 2	350m <sup>2</sup> per dwelling with a maximum average of 650m <sup>2</sup> .
Ōmokoroa Existing Village	600m <sup>2</sup> per dwelling
All other areas	800m <sup>2</sup> per dwelling

- 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

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- 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 1,000m<sup>2</sup> with a width and length of at least 20m;
  - ~~The Omokorea 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 1400m<sup>2</sup> 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 Omokorea 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. 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.~~

- ~~eb. 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 requirement:~~

Requirement
Where car parking spaces are provided one may be 'stacked' where it does not interfere with shared access.

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

- ~~ec. 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.*

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- e. *Dairies* no greater than 60m<sup>2</sup> gross floor area.
- f. *Education facilities* for more than four persons (excluding staff).
- g. *Ururā* (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.

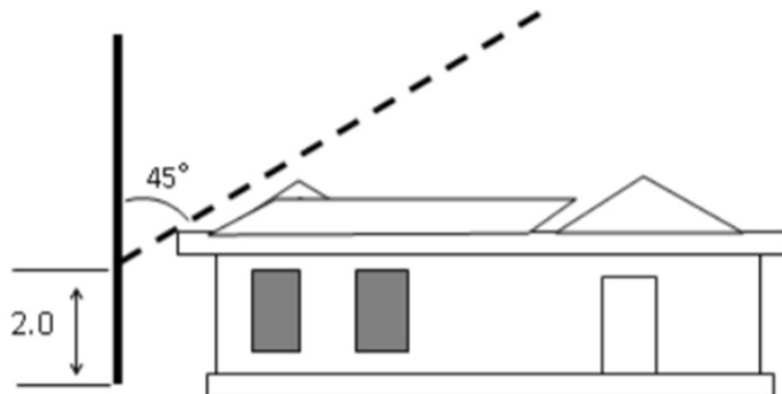


Figure 1: Daylighting Calculation

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.

**c. 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:

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- 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:

The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;

- 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.

**Explanatory Note:**

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:

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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 Coverages	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

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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 60m<sup>2</sup> *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 25m<sup>2</sup>. 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*.
- Any advertising shall comply with Section 4D.3.2.1;
- 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.**

- Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- 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 18m<sup>2</sup>.

**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.**



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- 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, <del>Te Puke</del> and Waihi Beach (including Athenree, Bowentown and Pios Beach).	350m <sup>2</sup>
Athenree <i>Structure Plan</i> area adjoining the Tauranga Harbour or esplanade reserve	2,000m <sup>2</sup>
<del>Ōmokoroa Stage 1</del>	<del>400m<sup>2</sup> with a maximum average of 800m<sup>2</sup></del>
<del>Ōmokoroa Stage 2</del>	<del>350m<sup>2</sup> with a maximum average of 650m<sup>2</sup></del>
<del>Ōmokoroa Existing Village</del>	<del>600m<sup>2</sup></del>
Maketu – greenfield area connected to a reticulated wastewater supply with a minimum parent <i>lot</i> size of 3000m <sup>2</sup>	Minimum 350m <sup>2</sup> Average 600m <sup>2</sup>
All other residential areas	800m <sup>2</sup> 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 350m<sup>2</sup> a 1750m *base land* could have a maximum number of five *principal units*.

- b. ~~In Ōmokoroa Stage 1 a *lot* of no greater than 2000m<sup>2</sup> 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).~~

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- ~~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 glaze) 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.~~

- ~~eb.~~ 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 To Puna, Pt Lot 2 58259 to Lot DPS 5825 and Allot 63 To Puna Parish in Ōmokoroa (see 12.4.4.4.e).~~
- ~~hg.~~ The application of financial contributions.
- ~~ih.~~ For *Retirement Villages/Rest Home*, Council shall also exercise control over the following in addition to a. to ~~h-g~~ 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 Western Bay of Plenty District Council

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*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.

ii. 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 – Activitied within Stormwater Managemwnt Reserves and Private Conservation Reserves in Ōmōkoroa 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~~

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~~downstream and discharge to the Tauranga Harbour with particular regard to storm events.~~

### **13.6.4.3 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.

### **13.6.5.4 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.

### **13.6.6.5 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 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.

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- e. What provision is made for pedestrian and vehicular access.
- f. The effect on the amenity values of adjoining residential and reserve land.

Section 14A – ~~Ōmokoroa and Te Puke~~ Medium Density Residential

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### Medium Density Residential

#### ~~Ōmokoroa and Te Puke Medium Density Residential~~

#### 14A. Ōmokoroa and Te Puke Medium Density Residential

##### Explanatory Statement

Ōmokoroa and Te Puke are identified in the Bay of Plenty Regional Policy Statement as priority residential growth areas for the wider western Bay of Plenty sub-region. Amendments to the RMA resulted in Council changing the District Plan in regard to Ōmokoroa and Te Puke to give effect to medium density residential standards (MDRS). This Section incorporates specific provisions (including the MDRS) to guide the growth of these urban areas.

The MDRS enable greater housing supply by permitting medium density developments of up to three residential units on a site subject to meeting more flexible density standards for height, height in relation to boundary, setbacks and building coverage than has existed historically. The MDRS also ensure that residents have sufficient outdoor living space, views from indoor areas to outdoor spaces and streets as well as appropriate landscaping.

Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments that take into account including consistency with activity performance standards, structure plans and good urban design outcomes.

To cater for the varying needs of the community a range of building types and housing developments need to be provided. This can include different building styles such as single

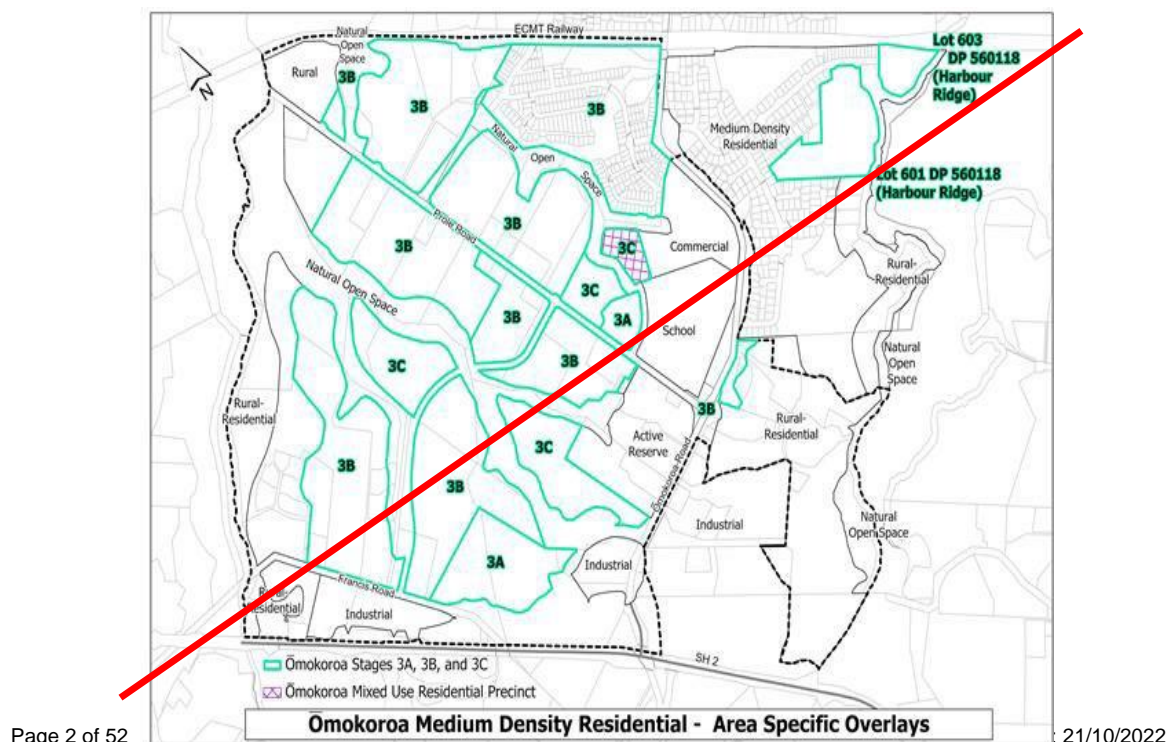
detached residential units and attached residential units including duplexes, terraced housing and apartments. These can be provided within varying housing development types which could include infill development, comprehensive residential developments, retirement villages, papakāinga and ~~pocket neighbourhood~~ other community based housing typologies with a variety of different tenures.

There are a number of area specific overlays that provide direction on specific requirements including residential yield requirements to ensure that the land resource is used effectively and efficiently. This includes providing for higher density (minimum of 30 residential units per hectare) in Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. These locations have particular attributes such as proximity to high amenity areas, transportation routes and the new planned commercial centre. The Ōmokoroa Mixed Use Residential Precinct provides for medium to high density residential development with commercial activities primarily at street level. It anticipates denser development with taller buildings to deliver a planned character of a vibrant, complementary mixed-use destination adjacent to the town centre which is able to connect to surrounding natural features (gullies and streams) and planned active transport routes.

Structure plans exist for 'greenfield' medium density development areas in ~~Ōmokoroa (Stage 3) and Te Puke (Maeloughlin Drive South and Seddon Street East)~~ to provide further guidance for subdivision and development in these areas. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, three waters infrastructure and reserves.

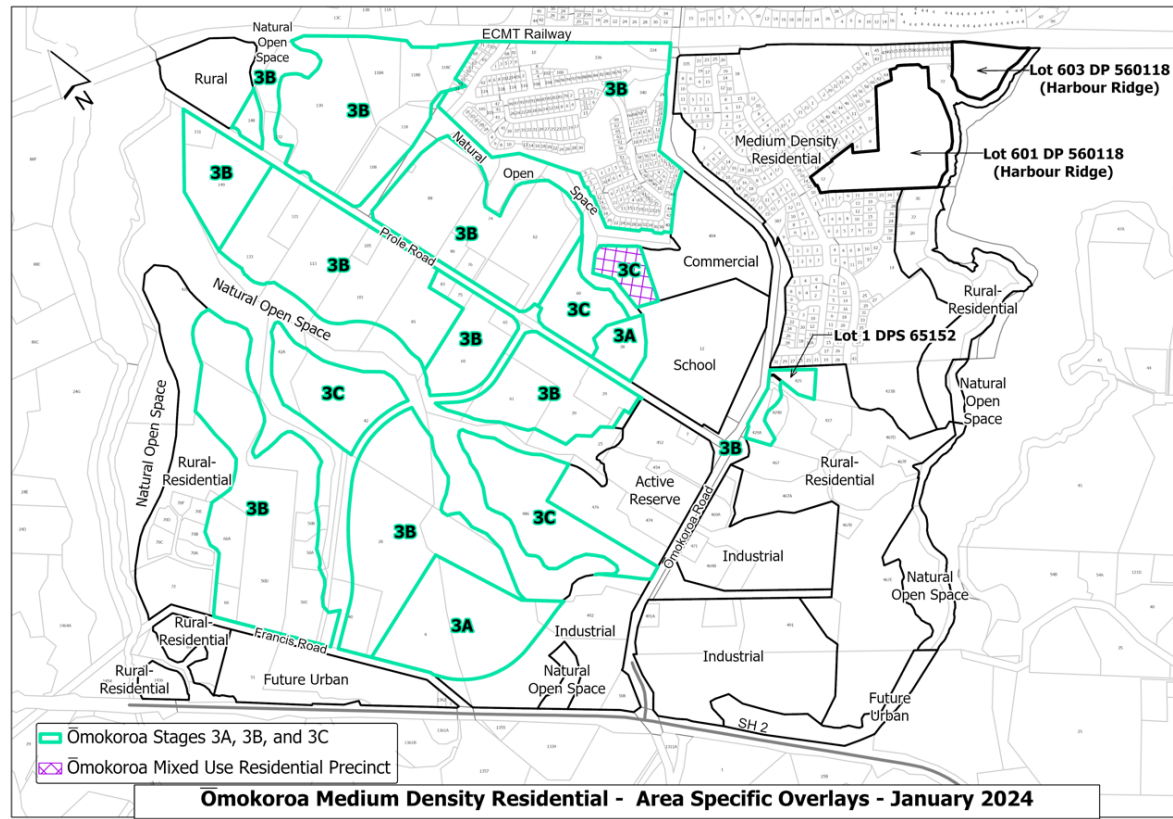
~~In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.~~

The area specific overlays that provide direction on a number of specific requirements within this Section (14A) are shown on the maps below.

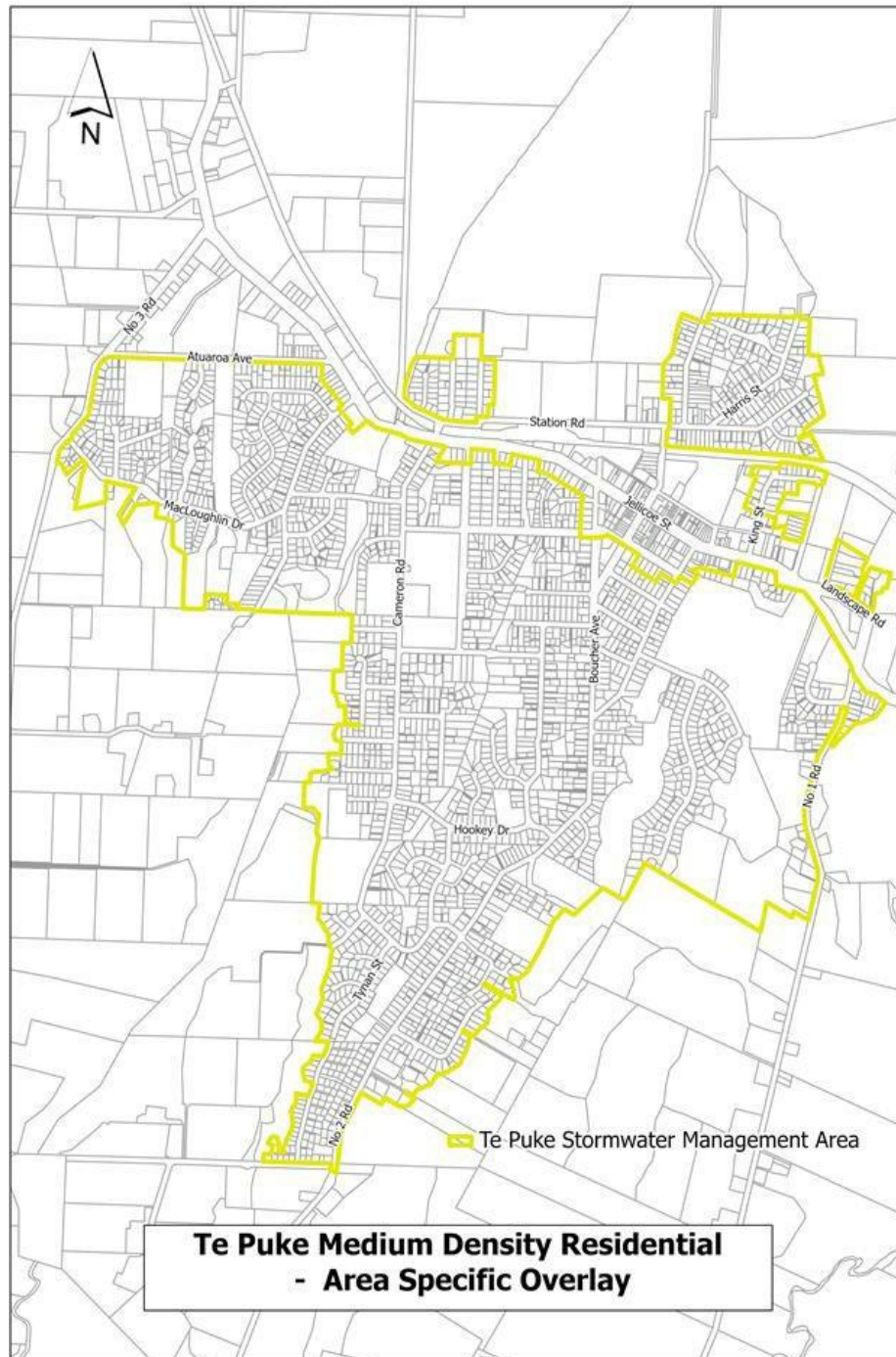


Section 14A - ~~Omokoroa and Te Puke~~ Medium Density Residential

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**14A.1****Significant Issues**

See the Significant Issues in Section 14.1 – Medium Density Residential.

1. Providing sufficient land in a timely manner to enable efficient and effective urbanisation to meet the needs of all sections of the community by creating a highly liveable urban environment.
2. Land, and especially land with high productive values, is of limited supply. Land needs to be used in an efficient manner to maintain as much land as possible in production. To make urban expansion cost effective and to support the public amenities a more compact form of urban development is required.
3. 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.
4. Higher density residential development can be opposed by parties who prefer the status quo leading to either higher costs establishing higher density developments and/or a lack of developable land within the existing urban form.
5. 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.
6. Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. ~~These changes have implications for water quality and quantity effects and increases in flood risk on the receiving environment. The modification of the landform can also adversely affect natural processes and the cultural values of the land.~~
7. Urban development needs to be located in areas where the exposure to risk from natural hazards can be avoided, remedied or minimised.
8. Over reliance on and use of private vehicles can cause traffic congestion resulting in adverse environmental and economic effects and related safety issues. The lack of provision of alternative transportation methods and associated networks results in the perpetuation of the overuse of private motor vehicles. A lack in the ability to interact and connect on foot, bicycle and other non-motorised transport 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.
9. Non-residential activities at an inappropriate scale can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detraction to the planned residential character.
10. The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zone has the potential to undermine the viability of zones where such activities are specifically provided for.
11. Ad-hoc development can result in sub-optimal location of activities and related infrastructure causing inefficiency, increased cost, inadequate connectivity, and a poorly functioning urban environment.

**14A.2****Objectives and Policies****14A.2.1****Objectives**

1. A well-functioning urban environment that enables all people and communities to  
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- provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
2. Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character, including three-storey buildings.
  3. Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, `papakāinga and ~~pocket neighborhood~~, other community based housing typologies with a variety of different tenures.
  4. An urban form providing positive private and public amenity outcomes.
  5. Increased density of *development* to provide a more compact urban settlement pattern supporting integrated and connected community facilities, *infrastructure* and public transport including higher density *development* within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct.
  6. Minimisation of the adverse effects of *earthworks* and retaining walls on the existing natural landform and associated cultural ~~and amenity~~ values as well as on the stability of land and the safety of *buildings* and *structures*.
  7. Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network ~~and management of flooding risk and effects of the receiving environment~~.
  8. A well functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night time activities compatible with residential uses.
  9. Provide for the diverse and changing residential needs of communities by enabling a variety of housing types with a mix of densities, including recognising that the existing character and amenity of the residential zones will change over time.
  10. A high level of land use and transport integration, including active modes and public transport, supported by a safe and efficient transport network.

#### **14A.2.2 Policies**

1. Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached *residential units*, and low-rise apartments.
2. Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).
3. Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
4. Enable housing to be designed to meet the day-to-day needs of residents.

5. Provide for *developments* not meeting permitted activity status, while encouraging high-quality developments.
6. Enable a variety of housing *developments* such as infill *development*, comprehensive residential *development*, *retirement villages*, *papakāinga* and ~~peeket-neighbourhood-~~ *other community based housing* in a manner which responds to the specific needs of the community which they are designed for.
7. Require proposals of four or more *residential units* on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the *structure plan* are met including provision of infrastructure and how high quality urban design outcomes are being achieved.
8. Require proposals of four or more *residential units* on a *site* to achieve the minimum number of *residential units* per hectare of *developable area* unless it can be clearly demonstrated that any *adverse effects* can be adequately mitigated.
9. Ensure that residential *development* achieves good private amenity outcomes by utilising the orientation of the *site/s* for solar access and by providing for on-site privacy, outdoor living spaces, landscaping, outlook space ~~and surveillance to and from public spaces.~~
10. Ensure that the interface between residential development and public boundaries is positive by ~~avoiding or mitigating the visual dominance of buildings other than residential units,~~ minimising repetition of building form, limiting the *heights* of solid fences and by providing appropriate landscaping.
11. Provide connections from subdivisions and *developments* to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant *structure plans*, reserve management plans and recreation and open space activity plans.
12. Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and ~~on the transportation network including vehicle parking congestion-the functioning of the residential environment~~ are able to be avoided or mitigated.
13. ~~Ensure~~ Encourage subdivision and *development* ~~is to be~~ designed to utilise the existing natural landform ~~where practicable~~ to limit the need for *earthworks* and retaining walls.
14. The maximum limit for *impervious surfaces* should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering *Council's* stormwater network ~~or the receiving environment.~~
15. ~~Retain~~ Existing overland flowpaths are to be retained or if ~~required to be~~ modified shall maintain or enhance their existing function and not result in additional stormwater runoff onto neighbouring properties.
16. The permitted *gross floor area* of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated ~~through economic impact assessment~~ that the *economic* viability and associated vitality of use of the neighbouring Commercial Zone ~~would not be significantly affected.~~

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17. ~~Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and natural features holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of development to promote of use of land to deliver the planned character of a vibrant, complementary mixed-use destination that complements and supports adjacent to the town centre~~
18. ~~Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.~~
- ~~19. To provide for the diverse and changing residential needs of communities and recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.~~
19. ~~Providing for growth within the Ōmokoroa peninsula in sequence with the staged upgrade of the intersection of Ōmokoroa Road and State Highway 2, thereby ensuring that vehicular access to and from the peninsula is safe.~~
20. ~~Enable greater transport choice and a reduction in per capita vehicle kilometres travelled by encouraging public, active and shared transport facilities and their integration with land use in the zone.~~

**14A.3****Activity Lists****14A.3.1****Permitted Activities**

The following land uses are Permitted Activities subject to meeting all relevant activity performance standards (density standards and other standards).

- a. Construction or use of buildings and structures within this list.
- b. Up to three residential units on a site.  
Note: This standard applies to papakāinga.
- c. Showhomes.
- d. Accommodation facilities for a combined maximum of five persons (excluding staff).
- e. Education facilities for a combined maximum of four persons (excluding staff).
- f. Home enterprises.
- g. In the Ōmokoroa Mixed Use Residential Precinct only, the following activities where they occupy less than 150m<sup>2</sup> in gross floor area per activity:
  - i. Offices
  - ii. Retailing (ground floor only)
  - iii. Restaurants and other eating places and taverns (ground floor only)

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- iv. Commercial services (ground floor only)
- v. Places of assembly (excluding places of worship, marae, halls, theatres and taverns)
- vi. Medical or scientific facilities.
- h. Activities approved in a reserve management plan or reserve concept plan prepared under the Reserves Act 1977 or Local Government Act 2002.
- i. Works and network utilities as provided for as a permitted activity in Section 10.
- j. Buildings accessory to, and structures accessory to, the foregoing.
- k. Existing urupā
- ~~l. Earthworks.~~

**14A.3.2****Controlled Activities**

- a. Subdivision for the purpose of the construction and use of residential units which comply with the density standards in Rule 14A.4.1.
- b. Subdivision for the purpose of the construction and use of residential units which do not comply with the density standards in Rule 14A.4.1 where restricted discretionary consent has been granted or is sought concurrently for the residential units.
- c. For sites less than 1,400m<sup>2</sup>, subdivison to create one or two additional lots which are not for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) or (b) above.
- d. Works and network utilities as provided for as a controlled activity in Section 10.

**14A.3.3****Restricted Discretionary Activities**

- a. Permitted and controlled land use activities that do not comply with the density standards or other standards in Rules 14A.4.1 and 14A.4.2.
- b. Four or more residential units on a site.
- c. Comprehensive mixed use development within the Ōmokoroa Mixed Use Residential Precinct (except for residential units which are permitted by complying with the density standards).
- d. Retirement villages (except for residential units which are permitted by complying with the density standards).
- e. Rest homes.
- f. Works and network utilities as provided for as a restricted discretionary activity in Section 10.
- g. Residential subdivisions or developments of 4 or more residential units on a site within the Ōmokoroa Stage 3 Structure Plan Area following establishment of the

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roundabout at the intersection of State Highway 2 and Ōmokoroa Road, but prior to a total of 2680 new residential units in the Ōmokoroa Stage 3 Structure Plan Area relying solely on the Ōmokoroa / State Highway 2 intersection for connection to the wider network being constructed or granted building consent.

Advice note 1: Every four residential units in a retirement village shall be counted as one residential unit.

Advice note 2: A record of the total number of residential unit building consents that have been granted within the Ōmokoroa Stage 3 Structure Plan area is available from Council.

Advice note 3: This rule applies to residential subdivision in addition to Rule 14A.3.3(b) and Rule 14A.4.3(a).

**14A.3.4****Discretionary Activities**

- a. Places of assembly.
- b. Accommodation facilities not complying with 14A.4.2 (j).
- c. Education facilities for more than four people (excluding staff).
- d. Medical or scientific facilities.
- e. Dairies no greater than 60m<sup>2</sup> gross floor area.
- f. In the Ōmokoroa Mixed Use Residential Precinct, activities not complying with the permitted gross floor area in Rule 14A.3.1(g).
- g. Urupā (new sites).
- h. Works and network utilities as provided for as a discretionary activity in Section 10.
- i. Subdivision which is not for the purpose of the construction and use of residential units under Rules 14A.3.2 (a) or (b) and which does not qualify as a controlled activity under 14A.3.2 (c).
- j. Emergency services activities.

~~14A.3.5~~~~**Non-Complying Activities**~~

- ~~a. Subdivision provided for as a discretionary activity in 14A.3.4 (i) above which fails to comply with the subdivision standards in 14A.4.3 (e).~~
- ~~a. Subdivision or more than one residential unit on a site within the Ōmokoroa Stage 3 Structure Plan area:~~
  - ~~i. Following the establishment of a roundabout at the intersection of Ōmokoroa Road and Stage Highway 2 if:~~
    - ~~• More than 2,680 new residential units have been approved within the Ōmokoroa Stage 3 Structure Plan; and~~



- ~~A grade-separated interchange or equivalent has not been established at the intersection of Omokoroa Road and State Highway 2.~~
- ~~For the purposes of this rule~~
- ~~Every four residential units in a retirement village shall be counted as one residential unit.~~
- ~~"Approved" shall mean that a building consent and/or land use consent has been granted and has not lapsed.~~

## **14A.4 Activity Performance Standards**

### **14A.4.1 Density Standards**

Note: Works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electric lines.

The following performance standards shall be met by all activities.

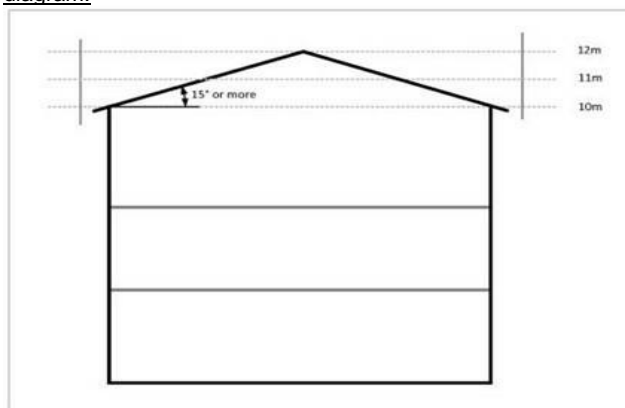
Any Permitted or Controlled Activity that fails to comply with any of these standards shall be a Restricted Discretionary Activity and Council's discretion shall be restricted to any particular non-compliances. Any other activity that fails to comply with any of these standards shall retain the same activity status.

#### **a. Number of residential units per site**

There must be no more than three residential units per site.

#### **b. Building and structure height**

- i. Buildings and structures must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:



- ii. This standard does not apply to:



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a. Ōmokoroa Stage 3C where the maximum *height* for residential units, retirement villages and rest homes shall be ~~20~~ 22 metres and a maximum of six storeys.

b. Ōmokoroa Mixed Use Residential Precinct where the maximum *height* for buildings shall be ~~20~~ 22 metres and a maximum of six storeys.

c. ~~Ōmokoroa Mixed Use Residential Precinct where buildings locate all parking and servicing requirements enclosed below ground level, in which case the maximum height shall be 23 metres.~~

~~The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings provide for parking enclosed, or partially enclosed/under-croft, below ground level in an area which is equal to the gross floor area of the above ground building, in which case the maximum height shall be 23m. In addition, visitor parking, servicing and loading requirements can be provided on-site at ground level in accordance with Section 4B. For the purposes of this rule:-~~

~~– Only the ground floor of the above ground building shall be included in the calculation of gross floor area; and~~

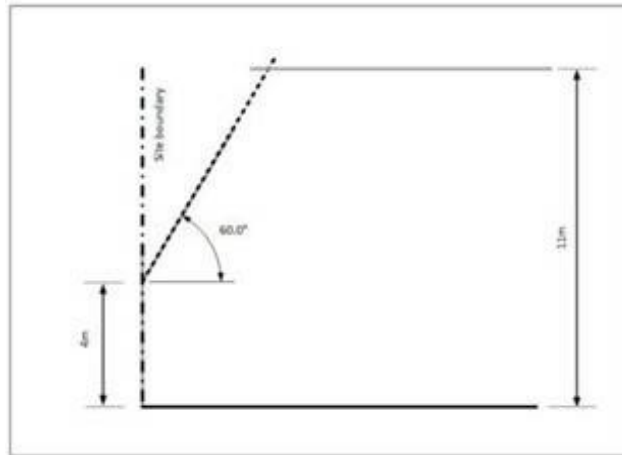
~~– The area for parking enclosed below ground level is inclusive of any areas required for manoeuvring, storage, stairwells, access and ramps.~~

~~– For any partially enclosed or undercroft parking areas the length of the exposed parking area must be screened in accordance with Rule 4C.5.3.1, except for where vehicle access is required.~~

d. Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new sites created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa) where building height shall be a maximum of 6m except that a chimney may be at a height of 7.5m.

**c. Height in relation to boundary**

i. Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above *ground level* along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access *site*, or pedestrian access way, the *height* in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access *site*, or pedestrian access way.



- ii. This standard does not apply to:
- a boundary with a road:
  - existing or proposed internal boundaries within a site:
  - site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed:
  - where a subdivision is proposed between residential units that share a common wall (in this case it will not apply along the length of the common wall).
  - subdivision (by unit plan) to the extent that the recession plane above shall only apply to buildings 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.
  - Where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

**d. Setbacks**

- i. Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:

<u>Yard</u>	<u>Minimum Depth</u>
<u>Front</u>	<u>1.5 metres</u>
<u>Side</u>	<u>1 metre</u>
<u>Rear</u>	<u>1 metre (excluded on corner sites)</u>

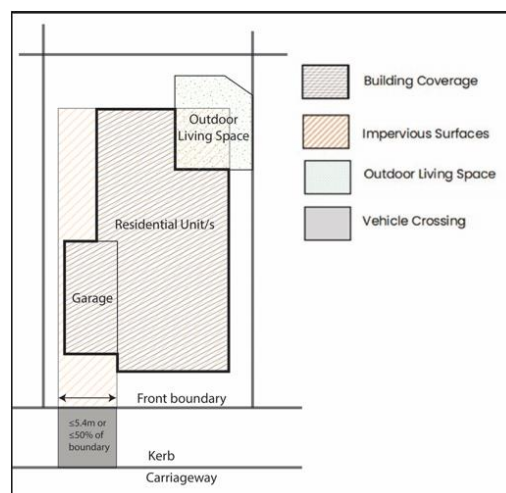
- ii. This standard does not apply to:
- site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.
  - site boundaries with a railway corridor or designation for railway purposes ~~(for sites created by way of an application for subdivision consent approved after 1 January 2010)~~ in which case all yards shall be 5m ~~40m~~.
  - subdivision (by unit plan) to the extent that the yards above shall only apply to buildings 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.
  - Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new sites created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa) where all side yards shall be a minimum of 5m.
  - Side and rear yards except for the front yard where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

**e. Building coverage**

The maximum building coverage must not exceed 50% of the net site area.

Except that: Within Ōmokoroa Stage 3C, the maximum building coverage must not exceed 60% of the net site area.

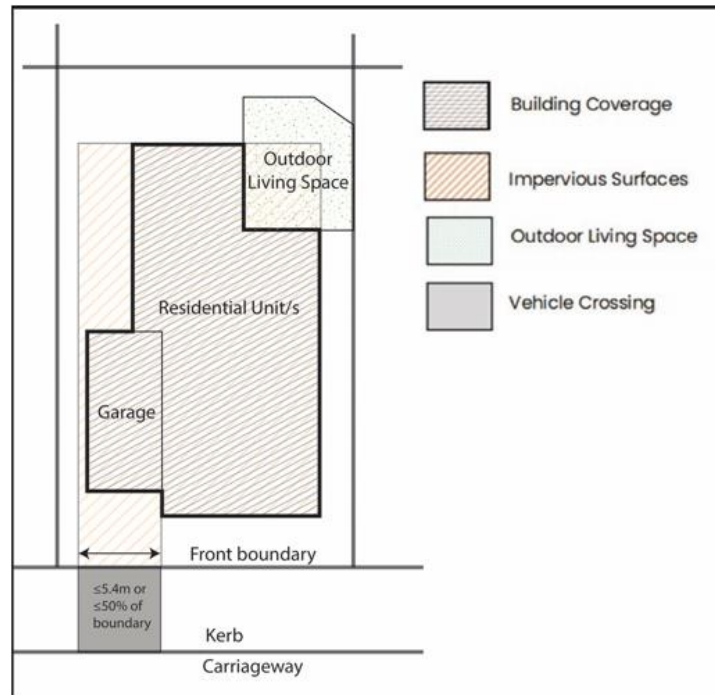
Building coverage is illustrated in the diagram below.



**f. Outdoor living space (per unit)**

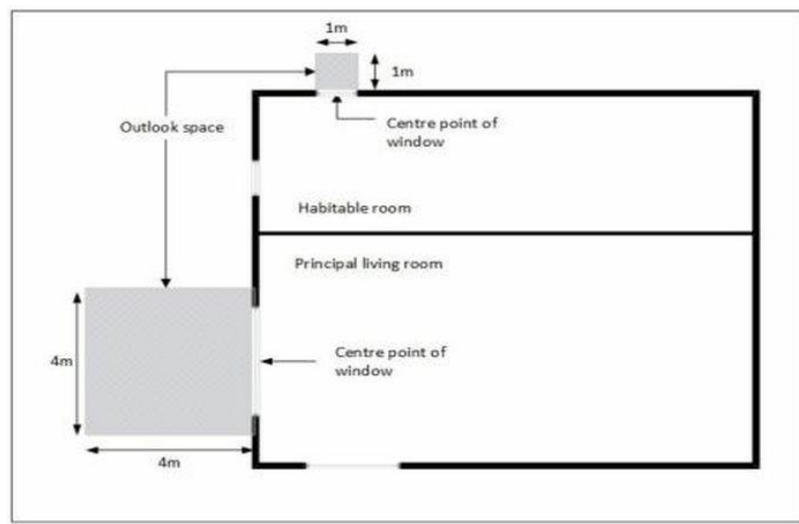
- i. A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that:
  - a. where located at ground level, has no dimension less than 3 metres; and
  - b. where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - c. is accessible from the residential unit; and
  - d. may be —
    - i. grouped cumulatively by area in 1 communally accessible location (or in the case of retirement villages grouped cumulatively by area in 1 or more communally accessible location/s); or
    - ii. located directly adjacent to the unit; and
    - iii. is free of buildings, parking spaces, and servicing and manoeuvring areas.
- ii. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
  - a. is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - b. is accessible from the residential unit; and
  - c. may be —
    - i. grouped cumulatively by area in 1 communally accessible location (or in the case of retirement villages grouped cumulatively by area in 1 or more communally accessible location/s), in which case it may be located at ground level; or
    - ii. located directly adjacent to the unit.

Outdoor living space is illustrated in the diagram below.



**g. Outlook space (per unit)**

- i. An outlook space must be provided for each residential unit as specified in this clause.
- ii. An outlook space must be provided from the habitable room windows as shown in the diagram below:



- iii. The minimum dimensions for a required outlook space are as follows:
  - a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- iv. The width of the outlook space is measured from the centre point of the largest window on the *building* face to which it applies.
- v. Outlook spaces may be over driveways and footpaths within the *site* or over a public street or other public open space.
- vi. Outlook spaces may overlap where they are on the same *wall* plane in the case of a *multi-storey building*.
- vii. Outlook spaces may be under or over a balcony.
- viii. Outlook spaces required from different rooms within the same *building* may overlap.
- ix. Outlook spaces must —
  - a. be clear and unobstructed by *buildings*; and
  - b. not extend over an outlook space or *outdoor living space* required by another *residential unit*.

#### **h. Windows to street**

Any *residential unit* facing the street must have a minimum of 20% of street facing façade in glazing. This can be in form of windows or doors.

#### **i. Landscaped area**

- i. A *residential unit* at ground floor level must have a landscaped area of a minimum of 20% of a developed *site* with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- ii. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

### **14A.4.2**

#### **Other standards**

The following performance standards shall be met by all activities.

Any Permitted or Controlled Activity that fails to comply with any of these standards shall be a Restricted Discretionary Activity and *Council's* discretion shall be restricted to any particular non-compliances. Any other activity that fails to comply with any of these standards shall retain the same activity status (except where otherwise specified in the activity lists).

**a. Residential unit yield**

Four or more *residential units* on a *site* are subject to the following requirements:

Area	Yield Requirements
Ōmokoroa Stage 3A	Minimum yield of 15 <i>residential units</i> per hectare of <i>developable area</i>  Except that: For the part of Lot 1 DPS 65152 that is identified as Ōmokoroa Stage 3A the maximum number of residential units shall be four in total.
Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke	Minimum yield of 20 <i>residential units</i> per hectare of <i>developable area</i>
Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	Minimum yield of 30 <i>residential units</i> per hectare of <i>developable area</i>

**Note:**

Every 2.5 *rest home* bedrooms will be counted as one *residential unit* for the purpose of this rule.

**~~b. Residential unit typology~~****~~i. Six or more residential units on a site:~~**

~~A maximum of 50% of the total number of residential units on the site may be physically detached from any other residential units.~~

**c. Minimum storey requirements**

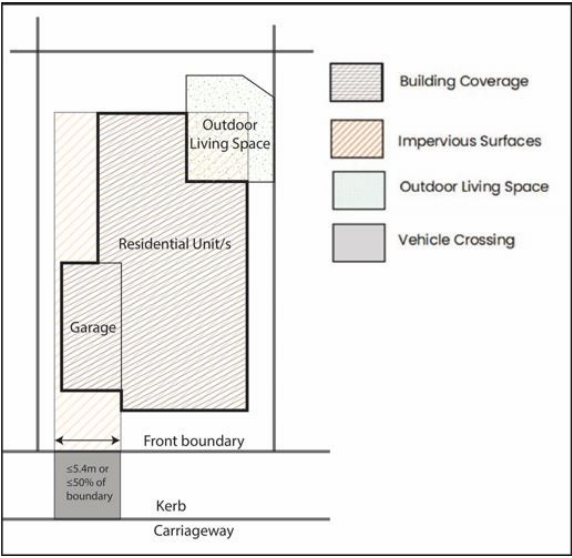
Within the Ōmokoroa Mixed Use Residential Precinct, *buildings* shall be a minimum of two storeys (except for *residential units* which are permitted by complying with the density standards).

**d. Impervious surfaces****~~i. Impervious surfaces shall not exceed 70% of ~~net~~ site area.~~**

Except that:

- a. Within the Te Puke Storm Water Management area, *Impervious surfaces* shall not exceed 50% of ~~net~~ site area.
- b. For subdivision by *unit plan*, this rule shall only apply to *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

Impervious surfaces are illustrated in the diagram below.

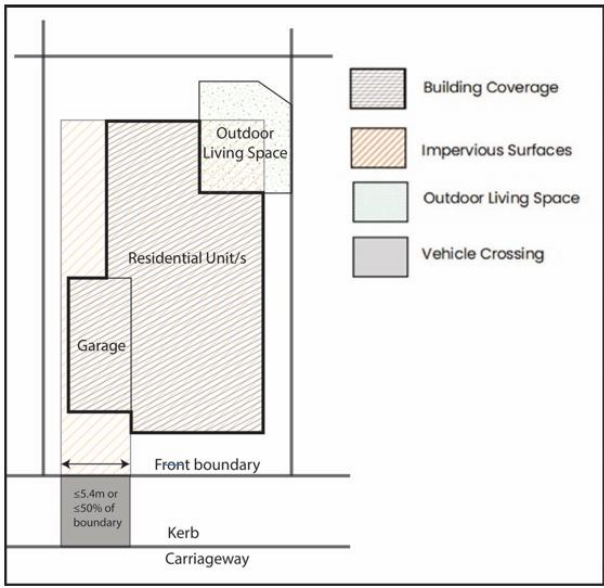


**e. Vehicle crossing and access**

- i. For a site with a front boundary the vehicle crossing shall not exceed 5.4m in width (as measured along the front boundary) and shall not ~~or~~ cover more than ~~40%~~ 50% of the length of the front boundary as shown in the diagram below.

Note: Any site that contains a retirement village is exempt from the requirements of this standard.

Vehicle crossing and access is illustrated in the diagram below.



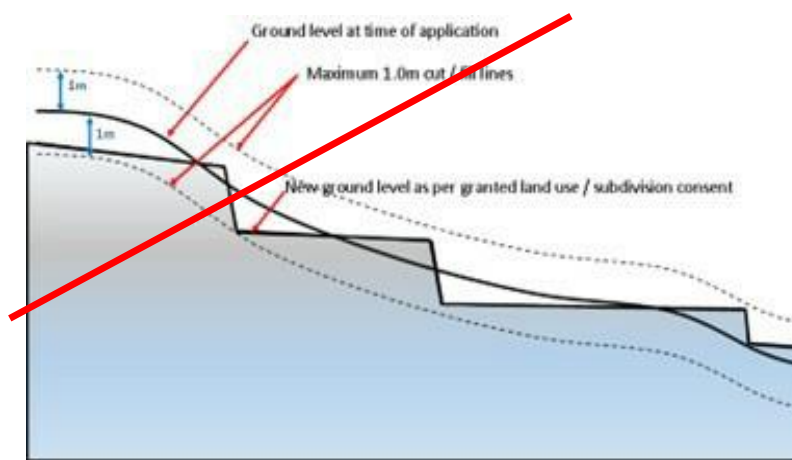


**f. Streetscape**

- i. Garages (whether attached to or detached from a residential unit) and other buildings (except residential units and rest homes), as measured at the façade, shall not cumulatively occupy more than 50% of the total width of the building frontage facing the front boundary.

**g. ~~Earthworks~~**

- ~~i. Earthworks (cut and fill) shall only increase the ground level by a maximum of 1m vertically and/or decrease the ground level by a maximum of 1m vertically as shown on the diagram below.~~



- ~~ii. Earthworks shall not exceed a volume of 750m³ per site.~~

**h. Height of fences, wall and retaining walls**

- i. Within a side or rear yard (including on a side or rear boundary)

The maximum height above the ground level of the relevant boundary shall be as follows:

- Fence – 2m
- Wall – 2m
- Retaining wall – 1.5m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall)

Except that:

Where the relevant boundary is with a public reserve or walkway, the height shall not exceed 1.2m unless the portion that is above 1.2m has a visual permeability of at least 60%.

In all cases where a safety fence exceeds a height of 2m the portion that is above 2m must have a visual

permeability of at least 60%.

ii. Within a front yard (including a front boundary)

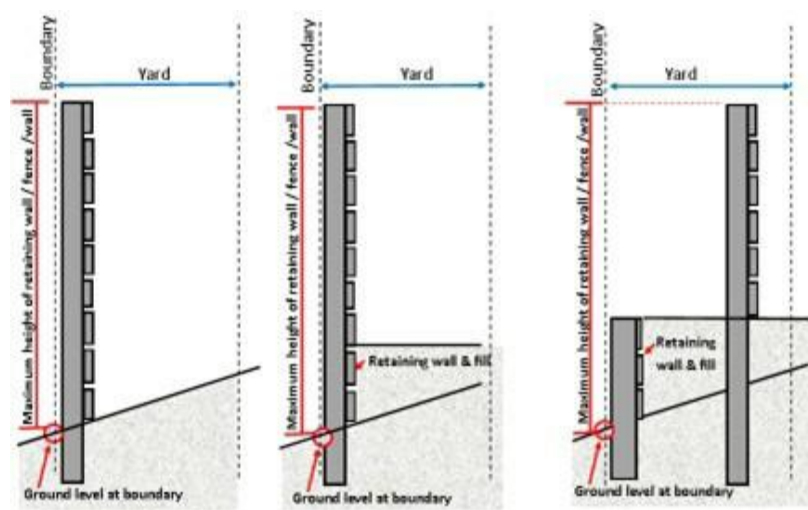
The maximum height above the ground level of the relevant boundary shall be as follows:

- Fence – 1.2m
- Wall – 1.2m
- Retaining wall – 1.2m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall)

Except that:

The height may exceed 1.2m up to a height of 2m (or 2.2m in the case of a safety fence on a retaining wall) provided that the portion that is above 1.2m has a visual permeability of at least 60%.

The maximum height of a fence, wall or retaining wall within a yard (including on the boundary) is measured above the “ground level at boundary” as illustrated in the examples in the diagram below.



i. Specific Requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa)

The following specific requirements apply to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new sites created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa):

i. 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.

- ii. No mirrored glass shall be used.

**j. Accommodation Facilities**

- i. Have 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 60m<sup>2</sup> gross floor area.
- iii. Must not contain a kitchen facility or otherwise be self contained.
- iv. For Discretionary accommodation facilities, information is to be provided in accordance with 4A.6.2.

**k. Home Enterprises**

- i. Shall only be conducted within a *building*.
- ii. Shall be conducted within a *gross floor area* not exceeding 25m<sup>2</sup>. Carports shall be excluded from the maximum area calculation of the activity.
- iii. Is carried out by a maximum of three persons.
- iv. Any goods sold must be:
  - a. goods produced onsite; and/or
  - b. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
  - c. goods ancillary and related to a service provided by the home enterprise.
- v. Any advertising shall comply with Section 4D.3.2.1.

**Note:** The above activity performance standards shall apply cumulatively to all *home enterprises* per *site*. Except that in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, the above activity performance standards shall apply cumulatively to all home enterprises per individual unit title or cross lease title.

**l. Transportation, Access, Parking and Loading – See Section 4B.**

**m. Noise and Vibration – See Section 4C.1.**

**n. Storage and Disposal of Solid Waste – See Section 4C.2.**

- o. Lighting and Welding – See Section 4C.3.**
- p. Offensive Odours, Effluent Aerosols and Spray Drift – See Section 4C.4.**
- q. Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct**

In addition to Section 4C.4: External air ventilation or extraction outlets, ducting or pipework serving non-residential uses in the Ōmokoroa Mixed Use Residential Precinct shall be located at least two metres from any window, deck or terrace balustrade of any residential unit.

For this rule, non-residential uses means offices, retailing (ground floor only), restaurants and other eating places (ground floor only), commercial services (ground floor only), places of assembly (excluding places of worship, marae, halls and theatres) and Medical or scientific facilities.

- r. Screening – See Section 4C.5.**
- s. Signs – See Section 4D.**
- t. Natural Environment – See Section 5.**
- u. Landscape – See Section 6.**
- v. Historic Heritage – See Section 7.**
- w. Natural Hazards – See Section 8.**
- x. Hazardous Substances – See Section 9.**
- y. Financial Contributions – See Section 11.**
- z. Subdivision and Development – See Section 12.**

#### **14A.4.3**

#### **Subdivision Standards**

The following performance standards shall be met by subdivision.

#### **a. Controlled activity subdivision for the purpose of the construction and use of residential units**

An application for a controlled activity subdivision under Rules 14A.3.2 (a)-(b) shall demonstrate that all lots are for the purpose of the construction and use of a residential unit or units and shall be submitted with one or more of the following (as applicable):

- i. Information demonstrating that it is practicable to construct on every lot within the proposed subdivision, as a permitted activity, a residential unit that meets the density standards;**

ii. Information demonstrating that the *residential units* have been granted land use consent for not meeting one or more of the density standards;

iii. A concurrent land use consent application for *residential units* which do not meet one or more of the density standards and which have not previously been granted land use consent under (ii).

**b. Controlled activity subdivision for sites of less than 1,400m<sup>2</sup> to create one or two additional lots not for the purpose of the construction and use of residential units**

An application for a controlled activity subdivision under Rule 14A.3.2 (c) is subject to the following requirements:

i. Shape factor:

All lots shall be capable of accommodating a rectangle of ~~40m~~ 8m X 15m exclusive of *yard* requirements.

**c. Discretionary activity subdivision not for the purpose of the construction and use of residential units**

An application for a discretionary activity subdivision under Rule 14A.3.4 (i) is subject to the following requirements:

i. Yield requirements

Area	Yield Requirements
<u>Ōmokoroa Stage 3A</u>	<u>Minimum yield of 15 lots per hectare of <i>developable area</i></u> <u>Except that:</u> <u>For the part of Lot 1 DPS 65152 that is identified as Ōmokoroa Stage 3A the maximum number of lots shall be four in total and subject to a minimum lot size of 800m<sup>2</sup> gross area and an average lot size of no less than 1000m<sup>2</sup> gross area.</u>
<u>Ōmokoroa Stage 3B</u> <u>Ōmokoroa (Outside of Stage 3)</u> <u>Te Puke</u>	<u>Minimum yield of 20 lots per hectare of <i>developable area</i></u>
<u>Ōmokoroa Stage 3C</u> <u>Ōmokoroa Mixed Use Residential Precinct</u>	<u>Minimum yield of 30 lots per hectare of <i>developable area</i></u>

**Note:**

Where one or more balance *lots* are proposed, these will be excluded from calculations of *developable area* and minimum yield of lots per hectare of *developable area*.

For this rule, balance *lot* shall mean any proposed *lot* which is 1,400m<sup>2</sup> or greater and which is not demonstrated to be for the purpose of the *construction* and use of *residential units* under Rules 14A.3.2 (a) – (b).

ii. Shape factor:

All lots shall be capable of accommodating a rectangle of ~~40m~~ 8m X 15m exclusive of *yard* requirements.

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**d. Specific Requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa)**

The following specific requirements apply to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new *sites* created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa):

- i. All *sites* shall have a minimum width of 30m;
- ii. That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover.

**e. Subdivision and Development – See Section 12.****14A.5 Notification****14A.5.1 Requirements**

- a. Council may require public or limited notification of resource consent applications except as listed in (b) below.
- b. Council shall not require:
  - i. Public notification if the application is for the *construction* and use of one, two or three *residential units* that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)).
  - ii. Public or limited notification if the application is for the *construction* and use of four or more *residential units* that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)).
  - iii. Public or limited notification if the application is for a subdivision associated with an application for the *construction* and use of *residential units* described in subclause (i) and (ii) above.
  - iv. Notification for a controlled activity as specified in Section 4A - General in Rule 4A.4.7.1.

**14A.6 Matters of Control****14A.6.1 Subdivision for the purpose of the construction and use of residential units**

In considering an application for the subdivision of land for the purpose of the *construction* and use of *residential units* as provided for in Rules 14A.3.2 (a)-(b), *Council* reserves control over the following:

- a. Providing required active reserves as identified on the *structure plan* including location, area and aspect requirements.
- b. Providing walkways and cycleways identified on the *structure plan*.
- c. Providing required roading in accordance with the layout identified on the *structure plan* and demonstrating linkages to adjacent sites as applicable including "future roads".

- d. Providing infrastructure as identified on the *structure plan* that is in compliance with the Development Code or an approved alternative design.
- e. The location of roads, footpaths, walkways and cycleways and the orientation of *lots* to road boundaries to ensure good urban design outcomes.
- ~~f. Design of services which provides for the extension of services to other properties as applicable to provide effective and efficient servicing of the whole urban area.~~
- g. The effects of access to and within the subdivision.
- h. The effect of additional driveways on public safety. ~~and amenity along footpaths.~~
- i. *Lot* designs that provide ~~as much as practicable~~ areas orientated towards the sun.
- j. The application of financial contributions (for new *lots* and/or *residential units*) as per Section 11 – Financial Contributions.
- k. Whether the design and layout of development recognises and is sensitive to natural landform and topography.
- l. The extent to which any required earthworks minimises the need for retaining walls that are of a scale and location that adversely affects the visual qualities of the area.
- m. Whether earthworks and any subsequent retaining walls lead to a loss of privacy between the subject site and surrounding sites due to creating higher building sites than the pre-development land form.
- n. Cultural values associated with the existing natural landform.
- o. The extent to which any resource consent/s previously granted for earthworks have already addressed (k) to (n) above.

**14A.7****Matters of Discretion****14A.7.1****Restricted Discretionary Activities – Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes**

In considering an application for four or more *residential units* on a *site*, *comprehensive mixed use developments*, *retirement villages* or *rest homes*, Council shall consider the following: ~~to assess the overall contribution of the development to deliver a high quality and well-functioning urban environment.~~

**Objectives and policies**

- ~~a. Whether the proposal is consistent with the objectives and policies~~

**Activity performance standards**

- ~~b. In addition to the above, Whether the proposal meets the following activity performance standards~~

**Density Standards**

- Height, height in relation to boundary, setbacks, building coverage.

outdoor living space (per unit), outlook space (per unit), windows to street and landscaped area.

Other standards

- Residential unit yield, residential unit typology, minimum storey requirements, impervious surfaces, vehicle crossing and access, streetscape, earthworks, height of fences, walls and retaining walls and specific requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa).

**Relevant Structure Plan**

Whether the proposal:

- c. Meets any staging requirements (if applicable).
- d. Provides required active reserves as identified on the structure plan including location, area and aspect requirements.
- e. Provides walkways and cycleways identified on the structure plan.
- f. Provides required roading in accordance with the layout identified on the structure plan and demonstrating linkages to adjacent sites as applicable including "future roads".
- g. Provides service infrastructure as identified on the structure plan that is in compliance with the Development Code or approved alternative design.

**Urban Design**

Whether the proposal achieves a positive urban design ~~residential~~ outcome by addressing the following matters ~~demonstrating the following qualities:~~

~~**Note:** Council's adopted Residential Design Outcomes illustrates recognised high quality urban design principles and provides direction on how to achieve these through good design. To aid delivery of high quality outcomes the Residential Design Outcomes should be referred to. Council may require an independent review of the assessment provided in regard to the matters addressed in (h) to (k) which follow. The extent and detail of this review will be commensurate with the scale and intensity of the proposed development.~~

~~An urban design assessment is to be provided with the application prepared by a suitably qualified person(s). The extent and detail of this assessment will be commensurate with the scale and intensity of the proposed development.~~

~~Advice note: Council's Residential Design Outcomes document provides guidance to assist with addressing the matters of discretion~~

a. *Development Layout*

Whether the design and layout of the development:

- i. i. Responds positively to the planned urban form of the neighbourhood, including any relevant Structure Plan.



- ii. ii. Provides for a level of density that supports town centres and public transport routes.
- iii. iii. Provides for a range of housing choice.
- iv. iv. Minimises the visual impact of retaining walls/structures

b. Integrated multi model network

The establishment of an integrated multi-modal network that is designed to:

- i. Provide connectivity within the development and to the surrounding area.
- ii. Provide an inclusive and accessible urban environment.
- iii. Provide for public transport, pedestrians, cyclists and alternate transport modes.
- iv. Provide efficient access for emergency and service vehicles.

c. Public Interface

Whether the development contributes to a safe and attractive interface with public spaces by:

- i. Providing passive surveillance between housing and public spaces, reserves and accessways.
- ii. Providing a clear and visible residential entrance from the street.
- iii. Providing building recesses, varied architectural treatment and landscaping to break up the visual appearance of the built form.
- iv. Retaining mature trees and providing on-site landscaping.
- v. Comprehensively designing roadscape and front yard private landscaping to achieve an integrated frontage outcome.

d. Residential Amenity and Privacy

Whether the development provides a high level of onsite amenity and privacy by:

- i. Building design that provides living areas orientated towards the sun.
- ii. Locating windows, balconies, outdoor living spaces and communal living areas to maintain privacy for adjacent properties/residential units.

e. Service Areas

Whether the development provides:

- i. Adequate service areas for waste management and other utilities so that they do not cause adverse odour and are screened from public interfaces

f. Integrated Stormwater Management Design

- i. Providing water sensitive urban design including the retention of permeable areas and the treatment of stormwater.

- ii. The management of stormwater collection, discharge and overland flowpaths to enable on-site treatment of stormwater and ensure attenuation is the same or better than pre-development levels.
- iii. The management of stormwater collection, discharge and overland flowpaths to minimise flooding to properties and to protect people and buildings from flooding.

g. Earthworks

- i. Whether the design and layout of development recognises and is sensitive to natural landform and topography.
- ii. The extent to which any required earthworks minimises the need for retaining walls that are of a scale and location that adversely affects the visual qualities of the area.
- iii. Whether earthworks and any subsequent retaining walls lead to a loss of privacy between the subject site and surrounding sites due to creating higher building sites than the pre-development land form.
- iv. Cultural values associated with the existing natural landform.
- v. The extent to which any resource consent/s previously granted for earthworks have already addressed (i) to (iv) above.

h. Other

The positive effects of the proposed activity.

i. ~~Development Layout~~

- ~~i. A design and development outcome that utilises the existing natural landform, landscape values and transportation network unless the earthworks are required as a result of a comprehensive mixed use development plan or reflect a structure plan outcome.~~
- ~~ii. The design and establishment of a place with its own identity (look and feel).~~
- ~~iii. Good linkages for people of all ages and abilities to the surrounding open space and movement networks.~~

j. ~~Site and Building Design~~

- ~~i. A range of housing characteristics including a variety in:~~
  - ~~• residential unit size (floor area)~~
  - ~~• bedroom numbers~~
  - ~~• storeys~~
  - ~~• typology (stand-alone, duplex, terrace or apartment)~~
  - ~~• affordability options.~~
- ~~ii. Providing private land with a strong interface between both roads and private ways/access lots serving three or more sites, through use of integrated fencing, landscaping and building design.~~

- ~~iii. Providing open space character including on-site landscaping, retention of mature trees, provision of shared driveways and streetscape/access way design.~~
- ~~iv. Building designs that provide privacy and areas orientated towards the sun.~~
- ~~v. Maximising permeable areas by providing multi-level residential developments.~~
- ~~vi. Providing for wider community interaction and integration by ensuring public linkages and connected developments.~~
- ~~vii. Where proposed buildings are attached, how the design of the buildings (or other means) provides for a variation in the visual appearance of built form. This includes using methods such as landscaping, recesses, projections and variations in colour and materials to mitigate adverse visual effects.~~
- ~~viii. Locating windows, balconies, outdoor living spaces and communal living areas as to maintain privacy for adjacent properties/residential units.~~
- ~~ix. Providing passive surveillance of roads, parks, walkways, other public spaces and private ways/access lots serving three or more sites.~~
- ~~x. Providing adequate service areas for waste management and other utilities so that they do not cause adverse odour, and are screened from roads and private ways/access lots serving three or more sites.~~
- ~~xi. Providing water sensitive urban design including the retention of permeable areas and the treatment of stormwater.~~
- ~~xii. If the development includes a balance area, the ability of the balance area to meet all design outcomes in a complementary manner to the preceding development including yield and infrastructure requirements and any proposed conditions of consent or other legal mechanism to ensure these outcomes are delivered.~~
- ~~xiii. For comprehensive mixed use buildings, a legible residential entrance at ground floor that can be accessible for all users. This entrance should either face or be visible from the street.~~
- ~~xiv. For comprehensive mixed use buildings, all services including water, wastewater, stormwater, ventilation, power, and telecommunication ducting/pipework from the roof to ground being incorporated into the architectural design of the building so not to be visible when viewed from the public realm, unless specifically required to be located externally and visible for their function.~~

~~k. Public Space Integration~~

- ~~i. The location of reserves so that they are centrally located, highly accessible, highly visible, generally level, have a sunny aspect and are of a size sufficient to ensure functionality and the provision of landscaping including trees.~~

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- ~~ii. Integration of residential development with adjoining reserves that are included in the structure plan, including stormwater reserves, walkways and cycleways.~~
- ~~iii. A development that provides a safe environment for people of all ages and abilities.~~
- ~~iv. An attractive and safe landscape in public areas that provides for trees and other plants that support the local ecosystem.~~

~~l. People Movement~~

- ~~i. The effective and efficient location of services to enable functionality and maintenance, including any required easements.~~
- ~~ii. Design of services which provides for the extension of services to other properties as applicable to provide effective and efficient servicing of the whole urban area.~~
- ~~iii. Paying financial contributions to ensure that the costs of development are appropriately allocated and/or providing innovation and alternative design that leads to an increased lifecycle for infrastructure and improved environmental outcome.~~
- ~~iv. The management of stormwater collection, discharge and overland flowpaths to enable on-site treatment of stormwater and ensure attenuation is the same or better than pre-development levels.~~
- ~~v. The management of stormwater collection, discharge and overland flowpaths to minimise flooding to properties and to protect people and buildings from flooding.~~

~~m. Other Infrastructure~~

- ~~v. An integrated multi-modal people-centric network that provides connectivity within the development and with the surrounding area and wider neighbourhood.~~
- ~~vi. An inclusive urban environment which avoids exclusive use areas that provide a barrier for community wider interaction.~~
- ~~vii. A development that links with the road, walkway, cycleway and reserves (recreation, local purpose) network.~~
- ~~viii. Providing vehicle crossings and any on-street parking in a manner that safeguards pedestrians, cyclists and other non-vehicular modes of movement. On-street parking in this case means on roads and private ways/access lots serving three or more sites.~~
- ~~ix. Designing roads and private ways/access lots serving three or more sites in a manner that re-enforces the liveability of the area by facilitating and encouraging human engagement and minimising dominance of motorised vehicles.~~
- ~~x. The development and surrounding area having enough population density to support public transport and minimise reliance on private motor vehicles.~~
- ~~xi. Providing efficient access for emergency vehicles and service vehicles.~~

**14A.7.2** **Restricted Discretionary Activities – Non-Compliance with Building and Structure Height**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (b) Buildings and Structure Height, Council shall consider the following:

- a. The extent and scale of the additional height.
- b. The visual dominance of the building/structure.
- c. Whether the height of the building/structure supports a positive relationship with the road or other public areas.
- d. Any specific design features that add architectural value and contribute positively to the area's built form.
- e. Any loss of privacy to neighbours.

**14A.7.3** **Restricted Discretionary Activities – Non-Compliance with Height in Relation to Boundary**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (c) Height in Relation to Boundary, Council shall consider the following:

- a. The extent and scale of the non-compliance.
- b. How the non-compliance combines with the overall building bulk to create an increased visual dominance on other properties.
- c. Overshadowing (loss of direct or indirect/ambient sunlight) on the adjoining properties and how this may adversely impact on the amenity values of these properties.
- d. Any loss of privacy to neighbours.
- e. Any unusual site characteristics that may justify a height to boundary infringement.

**14A.7.4** **Restricted Discretionary Activities – Non-Compliance with Setbacks**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (d) Setbacks, Council shall consider the following:

**Front yard**

- a. Avoiding the building frontage (facing the front boundary) being visually dominated by garage doors, carparks, blank facades or any other buildings/structures other than residential units.
- b. ~~The residential unit design enabling a visual connection between the residential unit and the road. Whether the non-compliance is internalised within a development and provides a more efficient use of land and related improved amenity outcomes.~~
- c. Avoiding the establishment of a non-complying fence or wall to achieve privacy or to reduce potential traffic noise.

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Side and rear yards

- d. Visual effects of building bulk and dominance from lack of separation of built form.
- e. Any loss of privacy to neighbours.
- f. Whether the location and design of the building or structure provides for the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

**14A.7.5****Restricted Discretionary Activities – Non-Compliance with Building Coverage**

In considering an application that does not comply with Activity Performance Standard 14A.5.1 (e) - Building Coverage, Council shall consider the following:

- a. The dominance of built form and how the building bulk is visually reduced by design.
- ~~b. Whether the proposal complies with activity performance standards for setbacks, landscaped area and outdoor living space (per unit), and if not, whether compliance with these standards could be used to mitigate adverse effects of the building bulk. Whether the effects of additional coverage are off-set by additional landscaping and increased setbacks from boundaries.~~
- ~~c. Whether the building coverage can be reduced by providing an additional storey.~~

**14A.7.6****Restricted Discretionary Activities – Non-Compliance with Outdoor Living Space (Per Unit)**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (f) - Outdoor Living Space (Per Unit), Council shall consider the following:

- a. Demonstration of sunlight to be received within the outdoor living space and the time of day when the sunlight is to be received.
- b. The shape, size, privacy and practicality of the outdoor living space.
- c. Accessibility of other outdoor facilities on the site or other sites.
- d. Accessibility of other outdoor facilities in close proximity to the site that are available to the public or as part of the development.
- e. The extent that the potential adverse effects can be internalised within the development.

**14A.7.7****Restricted Discretionary Activities – Non-Compliance with Outlook Space (Per Unit)**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (g) Outlook Space (Per Unit), Council shall consider the following:

- a. The quality and privacy of the non-complying outlook space.
- b. Where the outlook space does not comply with width, the extent to which additional depth has been provided to increase the size and/or quality of the outlook space.

c. Whether there are any other outlook spaces provided from the same room and the quality and privacy of these outlook spaces.

d. The extent that the potential adverse effects can be internalised within the development.

**14A.7.8****Restricted Discretionary Activities – Non-Compliance with Windows to Street**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (h) Windows to Street, *Council* shall consider the following:

a. The height and length of any blank wall (including garage door) facing the street and the visual amenity effects it may have on people travelling along the street or footpath.

b. The extent to which other architectural features and landscaping are provided to improve visual amenity along the street frontage.

c. The ability to overlook the street from the residential unit.

**14A.7.9****Restricted Discretionary Activities – Non-Compliance with Landscaped Area**

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (i) - Landscaped Area, *Council* shall consider the following:

a. The design (including the variety of plants) of the landscaped area between the buildings on the development site and its boundary.

b. How any reduced landscaped area is still able to provide for visual open space and vegetation and limit visual domination of the built form and hard surfaces.

c. The presence of other trees on the site and how this compensates for a reduced landscaped area.

d. The likelihood and subsequent adverse effects of using the landscaped area for on-site parking and manoeuvring.

~~e. The potential adverse effects on stormwater infrastructure and overland flowpaths.~~

e. The extent that the potential adverse effects can be internalised within the development.

**14A.7.10****Restricted Discretionary Activities – Non-Compliance with Residential Unit Yield**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (a) Residential Unit Yield, *Council* shall consider the following:

a. Any geotechnical or topographical reasons for why the yield requirements cannot be met.

b. Whether residential units which fail to meet the yield requirements can meet all other relevant activity performance standards.

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- c. The extent to which the proposed yield is in response to meeting the specific living requirements of the community that the housing development type is designed for including any need for ancillary non-residential buildings.
- d. Demonstration that the land being developed will retain the potential to comply with the required yield in the future e.g. if there is a balance area proposed. This can be achieved by providing an indicative future additional residential unit layout. A consent notice or other legal mechanism may be applied to ensure future development meets the required yield requirements.
- ~~e. How the proposal provides for private space taking into account the size, orientation and shape of the space.~~
- f. The distance and accessibility to public facilities (e.g. schools, commercial areas, reserves and public transport routes).
- g. Adverse effects on existing infrastructure, including stormwater overland flowpaths.
- h. Infrastructure capacity within the subject catchment in relation to the anticipated stormwater, water, wastewater and transport demands generated by the proposed activity.
- ~~i. How the proposal provides infrastructure services on-site in accordance with the Development Code or approved alternative.~~
- ~~j. How the proposal utilises water sensitive urban design principles for stormwater management and ensures that attenuation is the same or better than pre-development levels.~~
- ~~k. Whether combined vehicle crossings have been utilised to avoid the need to create separate vehicle crossings.~~
- ~~l. Whether the distance between separate vehicle crossings would adversely affect pedestrian safety or the ability to accommodate street trees.~~
- ~~m. How any shortfall in financial contributions is to be mitigated.~~

#### ~~14A.7.11~~ **Restricted Discretionary Activities – Non-Compliance with Residential Unit Typology**

~~In considering an application that does not comply with Activity Performance Standard 14A.4.2 (b) Residential Unit Typology, Council shall consider the following:~~

- ~~a. The extent of and reasons for the non-compliance.~~
- ~~b. Whether and to what extent a variety of different housing typologies has been proposed such as duplex, terraced housing or apartments.~~
- ~~c. Whether and to what extent a variety of residential unit sizes, bedroom numbers and levels / storeys are proposed.~~

#### **14A.7.12** **Restricted Discretionary Activities – Non-Compliance with Minimum Storey Requirements in the Ōmokoroa Mixed Use Residential Precinct**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (c) Minimum Storey Requirements, Council shall consider the following:



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- a. The extent to which the proposal delivers medium to high density and an efficient use of land (including whether the proposal meets the activity performance standard for *residential unit* yield).
- ~~b. The extent to which the proposal is consistent with the planned character of the Ōmokoroa Mixed Use Residential Precinct.~~
- c. Whether the scale and density of the proposed uses and *development* deliver vibrancy and optimise the unique location characteristics of the Ōmokoroa Mixed Use Residential Precinct.
- d. How well the *development* integrates with the surrounding *development*, land use and planned character of the Ōmokoroa Mixed-Use Precinct.

**14A.7.13****Restricted Discretionary Activities – Non-Compliance with Impervious Surfaces**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (d) *Impervious Surfaces*, Council shall consider the following:

- a. Whether the ~~site not covered in impervious surfaces~~ can hold, treat and drain stormwater to the required standard.
- ~~b. Whether the amount of impervious surfaces can be reduced by providing an additional storey.~~
- ~~c. Any innovations to better store and treat stormwater on-site that requires a reduced permeable area.~~
- ~~d. The potential adverse effects on Council's stormwater infrastructure and network (including capacity).~~
- ~~e. How additional stormwater runoff from exceeding the maximum limit of impervious surfaces is to be mitigated.~~
- f. Whether a *development* proposal as a whole can be demonstrated to comply with the maximum limit of *impervious surfaces* despite any non-compliance from an individual *lot* or *lots*.
- ~~g. Compliance with the Ōmokoroa and Te Puke Comprehensive Stormwater Management Plans.~~

**14A.7.14****Restricted Discretionary Activities – Non-Compliance with Vehicle Crossing and Access**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (e) - *Vehicle Crossing and Access*, Council shall consider the following:

- a. The safety of people when using the *road reserve* and *privateways/access lots* serving three or more *sites*.
- b. Whether the positioning of street trees is able maintain or improve sightlines for vehicles exiting onto the *road reserve* or onto *privateways/access lots* serving three or more *sites*.
- c. The extent to which any extra width for a vehicle crossing ~~was~~ is required to provide for alternative housing typologies including multi-unit developments that are located within one site.

**14A.7.15****Restricted Discretionary Activities – Non-Compliance with Streetscape**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (f) - Streetscape,

*Council shall consider the following:*

- a. Avoiding the *building* frontage (facing the *front boundary*) being visually dominated by garage doors, carparks, blank facades or any other *buildings/structures* other than *residential units*.

~~**14A.7.16**~~~~**Restricted Discretionary Activities – Non-Compliance with Earthworks**~~

~~In considering an application that does not comply with Activity Performance Standard 14A.4.2 (g) – Earthworks,~~

~~*Council shall consider the following:*~~

- ~~a. The alteration to existing ground levels and the degree to which the resultant levels are compatible with the surrounding environment and natural landform.~~
- ~~b. The potential adverse effects on land stability.~~
- ~~c. The potential adverse effects on any building/structure, network utility or tree which is on another site or road reserve.~~
- ~~d. The ability to repair or replace a retaining wall associated with the earthworks over time without adversely affecting any residential unit or underground services.~~
- ~~e. Whether earthworks and subsequent retaining walls lead to a loss of privacy between the subject site and surrounding sites.~~
- ~~f. Amenity values associated with the shape and appearance of the existing natural landform as viewed from other sites and public places such as roads, footpaths and reserves.~~
- ~~g. Cultural values associated with the existing natural landform.~~
- ~~h. Ensuring that adequate prior notice is given to hapū prior to excavation commencement.~~
- ~~i. For Ōmokoroa, whether the monitoring of earthworks and land disturbance is provided for. See Appendix 7.4.9.~~
- ~~j. The necessity of the earthworks as demonstrated as part of a comprehensive development or to give effect to structure plan requirements.~~
- ~~k. The extent to which any resource consent/s previously granted for earthworks have already addressed the matters in (g) – (i) above.~~
- ~~l. The ability to manage stormwater runoff and the extent to which the location, speed, volume and direction of overland flowpaths at or within close proximity to a neighbouring boundary is maintained.~~

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**14A.7.17 Restricted Discretionary Activities – Non-Compliance with Height of Fences, Walls and Retaining Walls**

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (h) – Height of Fences, Walls and Retaining Walls, Council shall consider the following:

- a. The amenity value of the interface between the residential unit and any road, or between the residential unit and any private way/access lot serving three or more sites, as viewed from the road or private way/access lot.
- b. How the proposed fence/wall provides for surveillance of public areas (including roads) and private ways/access lots serving three or more sites.
- c. Ensuring adequate sightlines for vehicles exiting the property and the safety of people when using the road reserve and private ways/access lots serving three or more sites.
- d. Provision of landscaping to soften the effects of the fence, wall or retaining wall, and the ongoing costs to maintain the landscaping and the accessibility of the landscape strip for maintenance.

**14A.7.18 Restricted Discretionary Activities - Non-Compliance with Offensive Odour in the Ōmokoroa Mixed Use Residential Precinct**

In considering an application that does not comply with 14A.4.2 (g) – Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct, Council shall consider the following:

- a. The potential adverse effects on residential activities within the Ōmokoroa Mixed Use Residential Precinct.
- b. The practicality of using reasonable mitigation measures such as odour reduction and filtration, appropriate fixing of external infrastructure to buildings, appropriate locating and screening/enclosing of fixed plant to mitigate noise, vibration and odour effects upon occupants of residential units within the Ōmokoroa Mixed Use Residential Precinct.

**14A.7.19 Restricted Discretionary Activities - Ōmokoroa/SH2 Intersection**

- a. Evidence of consultation with the entity with statutory responsibility for State Highway 2 and its responses to that consultation.

- b. The safe and efficient operation of the strategic road network.

Advice note 1: This rule applies to residential subdivision in addition to Rule 14A.3.3(b) and Rule 14A.4.3(a).

Advice note 2: this rule will cease to apply once the grade separation of the intersection is established.

**14A.7.19 Discretionary and Non-Complying Activities – General**

In considering an application for a Discretionary or Non-Complying Activity, Council's assessment shall include but is not limited to the following:

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- ~~a. Relevant objectives and policies.~~
  - b. The extent of non-compliance (if any) with the activity performance standards and the actual and potential effects on the environment.
  - c. The matters of discretion in 14A.7.1 – 14A.7.157.
  - ~~d. How well the development integrates with the surrounding development, land use and zoning.~~
  - ~~e. Consistency with the Ngā tohutohu hoahoa ā-motu mō te wharenoho mātoru-waenga National medium density design guide.~~
  - ~~f. Consistency with Council's "Residential Design Outcomes – How to Achieve Quality Residential Developments".~~
  - ~~g. What provision is made for pedestrian and vehicular access.~~
  - ~~h. The adverse effects on the amenity values of residential and reserve land.~~
  - i. In the Ōmokoroa Mixed Use Residential Precinct, the impacts of commercial activities exceeding the permitted gross floor area upon the economic viability and vitality of the neighbouring Ōmokoroa Town Centre.
-

## ~~Medium Density Residential~~

### 14B. Waihi Beach and Katikati 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.

#### Applicability

~~Within this section the significant issues, objectives and policies are applicable to all medium density residential zones in the District. However, all other provisions apply only to medium density residential zones outside of Ōmokoroa and Te Puke. See Section 14A Ōmokoroa and Te Puke Medium Density Residential for specific provisions applicable to these areas.~~

### 14B.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.

## **14B.2 Objectives and Policies**

### **14B.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.

### **14B.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.

## 14B.3 Activity Lists

### 14B.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).

### 14B.3.2 Controlled Activities

- a. More than one *dwelling* per *lot* subject to performance standard 14B.4.4.
- b. Works and *network utilities* as provided for in Section 10.
- c. Subdivision (excluding subdivision by *unit plan*) in accordance with 14B.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].

### 14B.3.3 Restricted Discretionary Activities

- a. Any Permitted or Controlled Activity that fails to comply with 14B.4 - Activity Performance Standards.
- b. *Retirement Villages/Rest Homes* that do not comply with one or more of the

applicable activity performance standards in 14B.4.

#### 14B.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 60m<sup>2</sup> 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*.

### 14B.4 Activity Performance Standards

#### 14B.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

- i. The maximum *height*, excluding Lots 3 and 4 DPS73174 (Waihi Beach), shall be 9m and retain a maximum two storey character.
- ii. 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 1,400m<sup>2</sup>.
- ii. The following *lot* sizes or densities shall apply to the subdivision or *development*:

Area	Density
<del>Ōmokoroa Stage 2 Medium Density</del>	<del>A maximum average of one dwelling unit per 400m<sup>2</sup> provided that any balance area resulting from such subdivision shall comply with the average net lot size specified in 13.4.2.a</del>

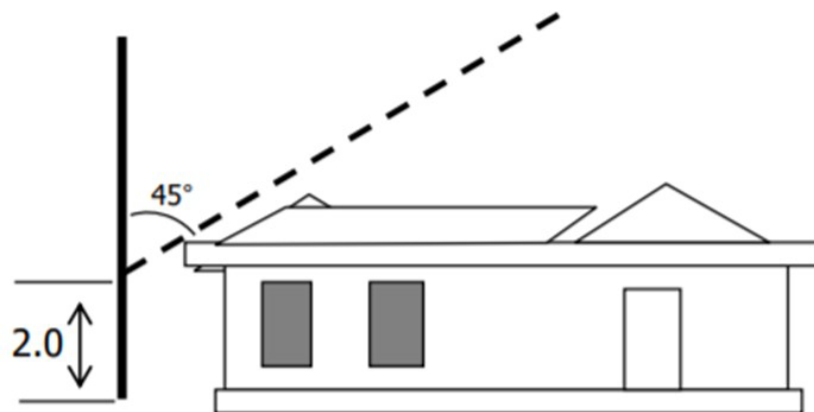


Katikati, <del>Omokoroa Stage 1, Te Puke and Waihi Beach</del>	A maximum average of one dwelling per 250m2 provided that any balance area resulting from such subdivision shall comply with 13.4.2.a.
--	--

**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% of less	Permitted
40% - 50%	Controlled
>50%	Restricted

**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 14B.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 14B.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 – 40m
- 2 Bedroom *dwelling* units – 60m
- 3 Bedroom *dwelling* units – 80m
- 4 or more bedroom *dwelling* units – 95m
- 4 or more bedroom *dwelling* units – 95m

**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 *dwelling*s 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 *dwelling*s 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, and Waihi Beach, Te Puke, Omokoroa 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 25m 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 35m<sup>2</sup> of planted area shall be planted and maintained to best horticultural practice

l. **Parking requirements**

**Explanatory Note:**

Where more than one car park is 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.****14B.4.2 Standards for Accommodation Facilities**

In the event of any conflict or inconsistency between these rules and those set out in 14B.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 60m<sup>2</sup> *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.

**14B.4.3 Standards for Home Enterprises**

In the event of any conflict or inconsistency between these rules and those set out in 14B.4.1 above, the content of these rules shall prevail.

- a. Shall be conducted within a *gross floor area* not exceeding 25m<sup>2</sup>. 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.

**14B.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.

**14B.5 Matters of Control - Controlled Activities****14B.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 *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 timing of the *development* in accordance with the sequential *development* of the Western Bay of Plenty District Council

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.

#### 14B.5.2 Controlled Activity – Retirement Villages/Rest Homes

For *Retirement Villages/Rest Homes*, Council shall also exercise control over the following in addition to 14B.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 14B.5.1a. to f. and 14B.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.

### 14B.6 Matters of Discretion

#### 14B.6.1 Standards Restricted Discretionary Activities – Non Compliance with Activity Performance

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.

#### 14B.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

#### 14B.6.3 Restricted Discretionary Activities – Non Compliance with minimum Parent Lot or Title size of 1,400m<sup>2</sup>

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.

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- 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 14B.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.

**14B.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 14B.4.**

*Council's* discretion is restricted to:

- a. The particular matter(s) of non-compliance with the Activity Performance Standards in Rule 14B.4.
- b. The Matters of Control in Rule 14B.5.

**14B.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.



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## 14B.7 Other Methods

- 14B.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 15 – Future Urban

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15.4	Activity Performance Standards
15.5	Matters of Discretion

### Future Urban

## 15. Future Urban

### Explanatory Statement

This Zone provides for the longer term *development* of the ~~Ōmokoroa Peninsula~~ land 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-District~~ 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*.

Ōmokoroa Road is the only major access arterial servicing the Ōmokoroa 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 ~~Ōmokoroa settlement~~ urban settlements 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.

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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 ~~Ōmokoroa Peninsula~~ District 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 ~~Ōmokoroa Peninsula~~ peri-urban areas which does not compromise the potential for urban *development*.

### 15.2.2 Policies

1. *Development* of the ~~Ōmokoroa 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 Ōmokoroa Road as the major access arterial servicing the Ōmokoroa Peninsula.
5. Any *development* proposals should not lead to fragmentation of existing titles to levels which could compromise future urban *development*.

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## 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 urupā.*
- 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 Ōmokoroa Stages 2 and 3, regardless of whether they are designated, the following are Restricted Discretionary Activities:

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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.

### 15.3.4.3

#### 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. Urupā (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

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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:

- 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 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 60m<sup>2</sup> *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.

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- e. Standards for home enterprises
- i. Shall be conducted in an area that does not exceed 500m<sup>2</sup> of which a maximum of 120m<sup>2</sup> 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 Ōmokoroa Road;
  - iv. iii. 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. iv. Any advertising shall comply with Section 4D.3.1.1.
  - vi. iv. Parking shall be provided in accordance with Rule 4B.4.
- 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 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 18m.
- 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.

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- 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 – Ōmokoroa Stage 2 and 3 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 ecological values of the reserves.
- b. In the Ōmokoroa Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.



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- 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 Ōmokoroa Road \(see 4B.4.2 and 12.4.4.4.c.\).](#)

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## Rural-Residential

### 16. Rural-Residential

#### Explanatory Statement

The Rural-Residential Zone is a historical zone that has been in place for some time and recognises existing development and provides mainly for those people who still desire urban standards of servicing while living in a 'rural' environment. New Rural-Residential Zones are provided as part of the urbanisation of the Ōmokoroa Peninsula. Their purpose is to provide a less intensive interface with the Harbour and to manage areas that have *development* constraints.

The Tara Road Rural Residential Zone provides for rural residential living on the urban fringe of Tauranga and has specific requirements to avoid reverse sensitivity, geotechnical and stormwater effects on the Tauranga Eastern Link and Tara Road. In particular rural residential *development* should not commence until the Tauranga Eastern Link is operational in order to avoid the potential for *reverse sensitivity*. A new zone has also been created at Tides Reach, Te Puna, in recognition of the *development* that has both occurred and is planned at that location.

The rules in this section serve to protect the amenity of the Zone. Although the areas all have different attributes the areas are characterised by being predominantly large lot residential developments usually serviced with water, sealed roads, kerb and channelling and often providing good views.

### 16.1 Significant Issues

1. Activities related to rural based productivity can contribute to the amenity values of rural-residential areas however they may also create adverse effects.
2. Rural-Residential based activities may adversely affect the efficient operation of agricultural/horticultural activities and strategically important *infrastructure* in or adjacent to rural-residential areas through generating *reverse sensitivity* toward those activities.
3. Potential ground conditions and land instability within some rural-residential areas imposes limitations on *development* within the rural residential areas and on the ability for activities on adjacent land to continue to operate.

## 16.2 Objectives and Policies

### 16.2.1 Objectives

1. Protection of the ability of the inhabitants to enjoy the rural residential amenity of the area and the associated views.
2. Minimisation of the potential for incompatibilities between activities.

### 16.2.2 Policies

1. The scale, type and location of activities should be such that the effects generated are compatible with the amenity values of the environment they are situated within.
2. An urban standard of servicing will be required within the Zone to mitigate, avoid or remedy adverse impacts on the amenity of the area caused by an intensification of traffic and population. Financial contributions will also be required.
3. All developed activities including building, subdivision, excavation, filling, removal of vegetation and disposal of stormwater or domestic wastewater must be carried out in such a way that there is no likelihood of land instability arising from such activity.
4. To maintain and enhance the significant environmental values of the Tauranga Harbour around the Ōmokoroa-Peninsula, the primary green rural visual flanks to the urbanizing Peninsula and to avoid the inappropriate use of the lands identified as having instability and flooding constraints.
5. In the Tara Road *Structure Plan* area subdivision and development should be designed, located and constructed in a way that avoids adverse geotechnical *reverse sensitivity* and stormwater effects on the Tauranga Eastern Link and Tara Road.

## 16.3 Activity Lists

### 16.3.1 Permitted Activities

- a. *Farming except intensive farming activities.*
- b. *One dwelling per lot, except as per 16.3.2.c.*
- c. *Home enterprises.*
- d. *Education facilities* for a combined maximum of four persons (excluding staff).
- e. Activities on reserves as provided for in the Reserves Act 1977.
- f. Works and *network utilities* as provided for in Section 10.
- g. *Buildings accessory* to the foregoing.
- h. *Existing urupā.*
- i. *Conservation forestry.*
- j. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

**16.3.2 Controlled Activities**

- a. Works and *network utilities* as provided for in Section 10.
- b. One *minor dwelling* in addition to 16.3.1.b. above subject to performance standard 16.4.1.g.
- c. One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.
- d. Subdivision or *development* within the Tides Reach Rural-Residential Structure Plan area in general accordance with the *Structure Plan* and as provided for in Rule 16.4.2.d.
- e. Subdivision or *development* in the Tara Road *Structure Plan* Area in accordance with 16.4.2.e.

**16.3.3 Restricted Discretionary Activities**

Within stormwater management reserves and private conservation areas regardless of whether they are designated, the following are Restricted Discretionary Activities:

- a. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquor waste, fill or any material.
- b. The diversion or modification of any natural watercourses.
- c. The *construction* of fences or other barriers, stormwater treatment facilities, bridges, *dwelling*s or *buildings/structures*, recreational *structures*, pump stations, sewers, culverts and roadways.
- d. 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.

**16.3.4 Discretionary Activities**

- a. Subdivision where activity performance standards 16.4.2 are complied with (except within the Tides Reach and Tara Road *Structure Plan* Areas).
- b. *Accommodation facilities* not complying with 16.4.1.e.
- c. *Education facilities* for more than four persons (excluding staff).
- d. *Production forestry*.
- e. Urupā (new sites).
- f. Works and *network utilities* as provided for in Section 10.

**16.3.5 Non-Complying Activities**

- a. Subdivision or *development* within the Tides Reach Structure Plan area that is not in general accordance with the *Structure Plan*.
- b. Subdivision or *development* in the Tara Road *Structure Plan* Area not in accordance with 16.4.2.e.

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- c. Subdivision or *development* in the Tuapiro Rural-Residential zone.
- d. Subdivision or *development* not in accordance with 16.4.2.b., c., and d.

## 16.4 Activity Performance Standards

### 16.4.1 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 or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non compliance.

#### a. Height

*Buildings/structures* - maximum 8.0m. Shelter belts (Tuapiro only) - maximum 5.0m.

#### 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 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:

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.

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**d. Coverage**

- i. Within ~~the Ōmokoroa Structure Plan area~~ for lots 3000m<sup>2</sup> and greater, a maximum of 15% of the site area may be covered with impermeable surfaces ~~;~~ except
- ii. Within the Ōmokoroa Stage 3 Structure Plan Area for lots less than 3000m<sup>2</sup>, a maximum of 450m<sup>2</sup> of the site area may be covered with impermeable surfaces.

**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 60m<sup>2</sup> *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. Standards for home enterprises**

- i. Shall be conducted in an area that does not exceed 500m<sup>2</sup> of which a maximum of 120m<sup>2</sup> 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. 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*.
  - Any advertising shall comply with the provisions of Section 4D.3.2.1.

**g. Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2.b. and c.**

- 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 18m<sup>2</sup>.

**h. Standards for Reflectivity and Colour within the Tides Reach Rural-Residential Structure Plan Area**

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- i. Only the following BS5252 colours or colours with a reflectance value of no more than 50% shall be used –

a. **Walls and building facades**

- Group A – A05 to A14
- Group B – B19 to B29
- Group C – C35 to C40, restricted to hue range 06-16
- Group D – D43 to D45, restricted to hue range 06-12
- Group E – Shall not be used

b. **Roofs**

- Group A – A09 to A14
- Group B – B23 to B29
- Group C – C39 & C40
- Group D – Shall not be used
- Group E – Shall not be used

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

#### 16.4.2 Subdivision and Development (See also Section 12)

- a. **Tuapiro** (see Ongare Point Planning Map U21) - no further subdivision provided for.
- b. **All other areas** ~~(except within the Tides Reach and Tara Road Structure Plan Areas):~~
- i. Minimum lot size: 3000m<sup>2</sup> provided that the average area for lots shown on any plan of subdivision shall be not less than 4000m<sup>2</sup>; Except within the Tides Reach Structure Plan Area and Ōmokoroa Stage 3 Structure Plan Area.

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- ii. Minimum frontage: 4m.  
Except within the Tides Reach Structure Plan Area.

**c. Ōmokoroa**

- i. The land to be subdivided shall be served by a Council reticulated sewerage scheme where a newly created lot is further than unless there is no connection available within 100m of an existing Council reticulated sewerage scheme in which case any on-site effluent treatment must be designed and operated in accordance with the Bay of Plenty On-Site Effluent Treatment Regional Plan; and
- ii. The stormwater from the subdivision must be able to be discharged in accordance with the approved Stormwater Management Plan for Ōmokoroa.; and
- iii. Minimum lot size of 2000m<sup>2</sup> within the Ōmokoroa Stage 3 Structure Plan Area provided that this may be reduced to a minimum lot size of no less than 1500m<sup>2</sup> subject to the overall average for lots shown on any plan of subdivision being no less than 2000m<sup>2</sup>.

**d. Tides Reach Rural-Residential Structure Plan Area**

For the Tides Reach Rural-Residential Structure Plan area, additional lots shall be created in conjunction with any of the following entitlements obtained from the Rural Zone on a one to one basis:

- i. Transferable Amalgamation Lots;
- ii. Transferable Rural Entitlements;
- iii. Transferable Protection Lots;
- iv. Onsite Protection Lots, as provided for in 18.4.2.h..

**Explanatory Note**

For the purpose of clarifying this rule “onsite” refers to the Rural Zoned portion of the lot which the Tides Reach Rural-Residential Structure Plan area is part of.

An application for Controlled Activity subdivision under Rule 16.3.2.d. need not be publicly notified nor notice of it served on any other persons.

**e. Tara Road Structure Plan Area**

- i. Minimum lot size: 3,000m<sup>2</sup> provided that the average area for lots
- ii. shown on any plan of subdivision shall be not less than 4,000m<sup>2</sup>;
- iii. Minimum frontage: 4m;
- iv. The land to be subdivided or developed shall only be accessed from Tara Road via the Doncaster Road round-a-bout;  
  
Except that  
Lot 1 DP 317519 and Lot 1 DPS 89434 may have access from complying access points on Parton Road.



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- v. *Dwellings* shall be designed and constructed so that internal noise levels do not exceed 35dB LAeq24hr in bedrooms and 40dB LAeq24hr in other habitable rooms. Written evidence that this standard will be achieved through the design of the *dwelling* shall be provided to *Council* from a suitably qualified acoustic consultant at the time an application for building consent is lodged with the *Council*. Where a *dwelling* is required to have its windows closed to achieve the required noise standard, the *dwelling* shall be designed and constructed to provide for an alternative means of internal ventilation;
- vi. Subdivision and *development* shall be designed and constructed so that external noise levels do not exceed 64dB LAeq24hr (see vi. below). The acoustic mitigation adjacent to the Tauranga Eastern Link and/or Tara Road required to achieve this standard shall be addressed at the time of subdivision or *development* (whichever comes first). Written evidence that this standard will be achieved shall be provided to the *Council* from a suitably qualified acoustic consultant as part of the application for subdivision or *development* (whichever comes first). The evidence shall be based on predictions of road traffic noise in accordance with Section 5.3 of NZS 68069:2010, using terrain data at 1m ground contour intervals including the final *earthworks* for the Tauranga Eastern Link;
- vii. The design parameters for noise measurement for (iv) and (v) above are as follows:
- a. Tara Road
    - Design year: 2026
    - Flow rate (AADT): Tara Road 26,100 vpd / Parton Road 6,000 vpd
    - Speed: 100km/h
    - Road surface: Open graded porous asphalt Percentage of heavy vehicles: 7%
  - b. Tauranga Eastern Link
    - Design year 2026
    - Flow rate (AADT): 28,000 with the Papamoa East Interchange Design
    - speed: 100km/h
    - Road surface: Chip seal Percentage of heavy vehicles: 16%
- viii. At the time of subdivision or *development*, a landscape plan detailing planting species and spacing shall be provided to screen the Rural- Residential Zone from the Tauranga Eastern Link and to provide an amenity buffer with Tara Road. The landscape plan shall detail the planting along the 10 metre Amenity Planting Strip adjoining Tara Road, with the landscape swale, on the acoustic bund adjoining the Tauranga Eastern Link and/or Tara Road (if proposed) and between any acoustic barrier and the Tauranga Eastern Link and/or Tara Road (if proposed);
- ix. The acoustic mitigation (e.g. bund; barrier) and landscaping shall be designed so that it does not have any adverse geotechnical effect on the Tauranga Eastern Link and /or Tara Road (including all *infrastructure* within road reserve). Prior to the establishment of any acoustic mitigation or landscaping required by clauses (v) and (vii) of this rule a geotechnical assessment by a suitably qualified geotechnical engineer shall be prepared in consultation with Waka Kotahi NZ Transport Agency or Tauranga City Council (as relevant)

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and submitted to *Council* to confirm that the acoustic mitigation and landscaping has no adverse geotechnical effects on the Tauranga Eastern Link or Tara Road (including all *infrastructure* within the road reserve);

- x. The acoustic mitigation required by viii. above (e.g. bund; barrier) and the landscape mitigation required by vii. above shall be vested in *Council* at the time of subdivision or prior to building consent for a *dwelling* being issued, whichever occurs first;
- xi. Any subdivision or *development* shall be in accordance with an approved stormwater management plan for the entire *Structure Plan* area;
- xii. Subdivision or *development* shall not be commenced until the Tauranga Eastern Link is operational. Operational means that Tauranga Eastern Link construction is complete and public vehicles are able to use the full length of Tauranga Eastern Link including both lanes in each direction;
- xiii. Subdivision and *development* associated within the Tauranga Eastern Link shall be exempt from this rule.

**Note:**

Water supply is to be provided privately, unless prior arrangements have been made with the *Council* to reticulate the whole *Structure Plan* area with a public reticulation system.

## 16.5 Matters of Control

### 16.5.1 Controlled Activity – Subdivision or Development within the Tides Reach Rural- Residential Structure Plan Area

*Council* reserves control over the following matters for the Tides Reach Rural-Residential Structure Plan area, and may impose any necessary conditions on subdivision:

- a. Provisions of fire fighting water supplies.
- b. The application of financial contributions.
- c. Compliance with the *Structure Plan*.

### 16.5.2 Controlled Activity – Subdivision or Development within the Tara Road Structure Plan Area

*Council* reserves control over the following matters and may impose any necessary conditions:

- a. Noise mitigation.
- b. Landscaping.
- c. Geotechnical effects.
- d. Access to Tara Road.
- e. Stormwater management.
- f. Compliance with the *Structure Plan*.

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- g. The application of financial contributions.

## 16.6 Matters of Discretion

### 16.6.1 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.

### 16.6.2 Restricted Discretionary Activity - Activities within Stormwater Management Reserves

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 of the ecological values 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.

### 16.6.3 Discretionary Activity - Production Forestry

In considering an application for *production forestry* as a Discretionary Activity, *Council* shall have regard to the following matters:

- a. Visual impact including obstruction of views.
- b. Potential shading effects.
- c. Effect on land stability.
- d. Scale of the activity.

### 16.6.4 Discretionary Activity – Compliance with 16.4.2 (c) (iii) - Reduced Minimum Lot Size within the Ōmokoroa Stage 3 Structure Plan Area

In considering an application where one or more proposed lots are 1500m<sup>2</sup> or greater but less than 2000m<sup>2</sup> and the overall average for lots shown on any plan of subdivision is no less than 2000m<sup>2</sup>, Council shall have regard to the following matters:

- a. The extent to which the visual landscape effects of the development are mitigated.
- b. The extent of the setbacks from any Significant Ecological Features within or in the proximity of the proposed subdivision and if within how the feature could be enhanced and how any potential adverse effects on the ecological values are proposed to avoided, remedied or mitigated.
- c. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

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- d. Demonstrating that additional lots are able to be adequately serviced and will not compromise the ability of other anticipated development in the area being able to be serviced.
- e. How stormwater management is being achieved in accordance with the Omokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, treatment, detention, discharge downstream and discharge to the Tauranga Harbour and the minimisation of impermeable surfaces.

## 16.2 Other Methods

- 16.2.1 Removal of plant pests can be controlled in accordance with a pest management strategy prepared under the provisions of the Biosecurity Act 1993.

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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. There is an Approved Ōmokoroa Town Centre Master Plan that was approved through a resource consent process and is subject to the conditions of that consent. 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.

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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 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*.

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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 3 *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.*



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- 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 23.*
- k. Police stations.
- l. *Commercial sexual services.*
- m. *Building and construction wholesalers and retailers* with a maximum gross area of 2500m<sup>2</sup>.
- 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-23 *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.

Note: If a commercial area master plan has been approved by resource consent, all activities applicable to that consent shall be subject to the conditions of that consent.

- 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~~

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~~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 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 2,500m<sup>2</sup>.
- 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.

#### 19.3.5 Non-Complying Activities

- a. *Sensitive activity(ies)* located in the Te Puna Springs *Structure Plan* Area within 30m of a Rural Zone boundary

### 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;

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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 ~~3~~ 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.~~

~~The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings locate all parking and servicing requirements enclosed below ground level, in which case the 11m maximum height limit, shall be 23m.~~

The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings provide for parking enclosed, or partially enclosed/under-croft below ground level in an area which is equal to the gross floor area of the above ground building, in which case the maximum height shall be 23m. In addition, visitor parking, servicing and loading requirements can be provided on-site at ground level in accordance with Section 4B.

For the purposes of this rule:

- Only the ground floor of the above ground building shall be included in the calculation of gross floor area; and
- The area for parking enclosed below ground level is inclusive of any areas required for manoeuvring, storage, stairwells, access and ramps.
- For any partially enclosed or under-croft parking areas the length of the exposed parking area must be screened in accordance with Rule 4C.5.3.1, except for where vehicle access is required.

iv. Te Puna Springs Structure Plan Area

The maximum *height* of *buildings/structures* shall be 12m except that in the existing commercial area as shown on the Structure Plan map it shall be 9m.

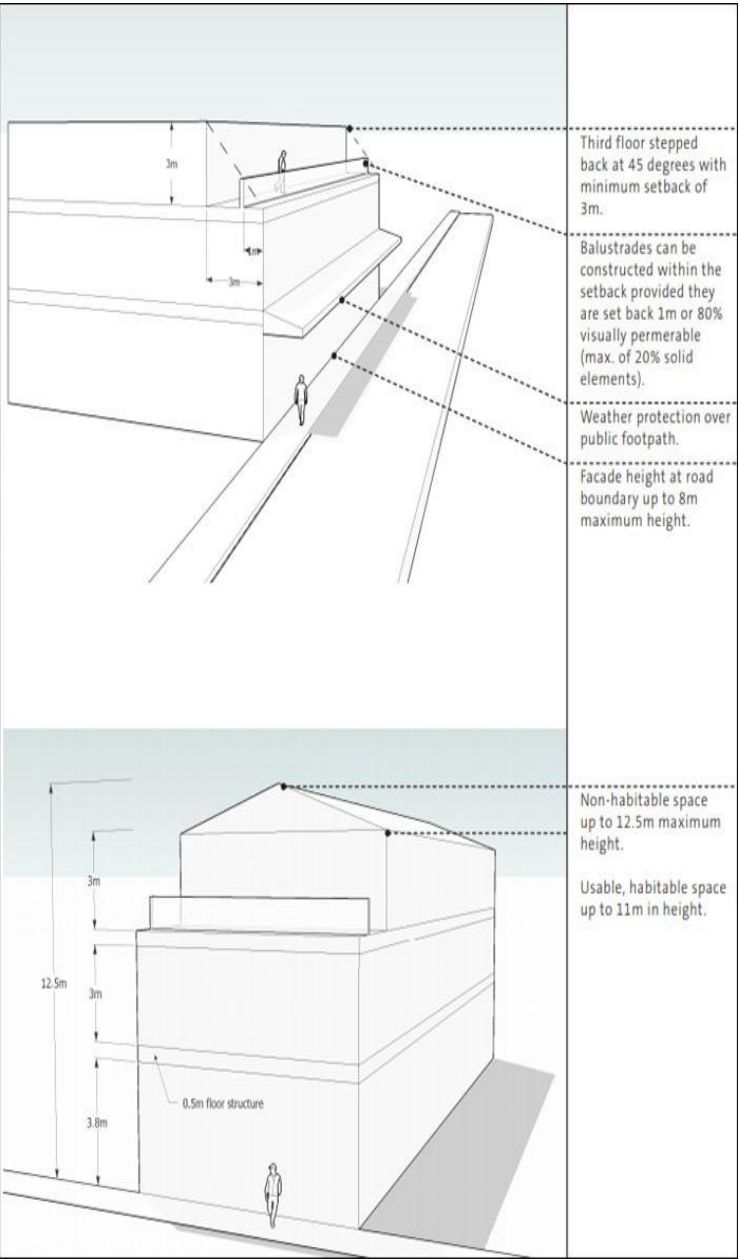
v. Comvita Campus Structure Plan Area

The maximum *building/structure height* in the Comvita Campus Structure Plan area shall be 12.0m.

vi. 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



- viii.

Any balustrade servicing a third floor (not in the Ōmokoroa Stage 2 & 3 Structure Plan Area) shall be either set back in accordance with Diagram 1 above or be 80% visually permeable
- viii.

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.

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Except that:

This requirement shall not apply to the Te Puna Springs *Structure Plan* Area.

- ix. No car parking, other than underground parking, shall be located within 10m of any street boundary.

Except that:

This requirement shall not apply to the Te Puna Springs *Structure Plan* Area.

**b. Daylight**

- i. 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.

- ii. All site boundaries of the Te Puna Springs *Structure Plan* Area adjoining a Rural Zone, Te Puna Road and/or State Highway 2 Slip Lane:

No part of any *buildings/structures* shall exceed a *height* equal to 2m above *ground level* and an angle of 45 degrees into the site from that point.

**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;

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- A railway corridor or designation for railway purposes, 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 *dwellings* 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~~3).

*Development* shall be in accordance with the adopted *structure plan*.

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**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

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- 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 23 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.~~

There is an Approved Ōmokoroa Town Centre Master Plan that was approved through a resource consent process and is subject to the conditions of that consent. In the event of any new commercial area master plan being proposed the following shall apply.

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 200m<sup>2</sup> 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;



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- iii. A portion of the 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 additional controlled intersection from the Industrial Zone access roads approved by Council.~~
- c. Any habitable room in new residential activities shall meet an internal *LAeq* 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. 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~~. Discretionary 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~~ 3 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~~. Discretionary Activity

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## 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 3 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 Stage 3 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.
- xii. For any amendments to the Approved Ōmokoroa Town Centre Master Plan, the extent to which the revised master plan continues to achieve key design outcomes required for the Ōmokoroa Commercial Town Centre as specified in Rule 19.5. The extent and type of changes proposed to the Approved Ōmokoroa Town Centre Master Plan (see Appendix 7) will be considered while recognising the positive effects of achieving a well-connected and designed urban environment. An urban design report may be necessary to identify and assess the extent of change from the approved town centre plan and comment on whether the changes result in acceptable urban design outcomes taking into account (i) to (xi) above.

### 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

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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, approved town centre master 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. Consideration of the extent to which rural production activities will be adversely affected by the *development*, including any *reverse sensitivity* effects.
- h. The ability for the effects of additional stormwater to be mitigated and the capacity of the local stormwater reticulation system to cope with any increase in stormwater discharge.

### 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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### 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 *building/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 minimize 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 Rangiuru 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

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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 250m<sup>2</sup> 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 100m<sup>2</sup>.
- d. *Building and construction wholesalers and retailers.*
- e. *Commercial services.*
- f. *Takeaway food outlets* with a maximum *gross floor area* of 100m<sup>2</sup> (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 (Rangioru Business Park only)

- a. *Takeaway food outlets* with a maximum *gross floor area* of 350m<sup>2</sup>. 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 Rangioru 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 6,000m<sup>2</sup> and a maximum *net land area* of 20,000m<sup>2</sup>;
  - 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 6,000m<sup>2</sup> minimum provided they have contiguous boundaries and together exceed the minimum 6000m<sup>2</sup> *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 200m<sup>2</sup>, and a maximum cumulative gross floor area of 2000m<sup>2</sup>.
    - ii. *Retailing* (not covered by 21.3.1 c.) with a maximum *gross floor area* per activity of 200m<sup>2</sup>, and a maximum cumulative *gross floor area* of 2000m<sup>2</sup>.
    - 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 350m<sup>2</sup>. 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 100m<sup>2</sup>.
- b. Garden centres and plant nurseries, including ancillary cafés provided that the café does not exceed a maximum *gross floor area* of 100m<sup>2</sup>.
- c. *Farm vehicle and machinery sales*.

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**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 – Rangioru 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 100m<sup>2</sup> *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.

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- 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~~ ~~Stages 2 and 3~~, 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 1,000m<sup>2</sup>.
- c. *Retailing* that causes the maximum permitted cumulative *gross floor area* in the Community Service Area (21.3.2 d.ii.) to be exceeded by no more than 1,000m<sup>2</sup>.

**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 100m<sup>2</sup> 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

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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 (54m<sup>3</sup>/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 – Rangiuru 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 Rangiuru 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 and Setbacks**

*All buildings/structures*

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.

Minimum 10m where a property adjoins a Natural Open Space Zone.

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.
- Washer Road Business Park Structure Plan Area provisions:
  - i. *Buildings*, structures and *earthworks* shall be set back a minimum of 20m from the centreline of any gas transmission pipeline.

Provided that:

A *building/structure* and *earthworks* may be located less than 20m from the centreline of any gas transmission pipeline where the written approval of the asset owner(s) of the gas transmission pipeline has been provided.

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);
- Washer Road Business Park *Structure Plan* Area in respect of any boundary with Washer Road and any future public road, except that there shall be no planting of any vegetation capable of reaching over 1m in height within an easement over a gas transmission pipeline.

Provided that:

Planting and vegetation may be located within the gas transmission pipeline easement where the written approval of the asset owner(s) of the the gas transmission pipeline has been provided.

- 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 150m<sup>2</sup> 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 *inheight*;

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- 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.

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- 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 100m<sup>2</sup> in *gross floor area*, matters of control and the subject matter of consent conditions are limited to:



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- 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~~ Stages 2 and 3

*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, treatment, 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 – Rangiuru 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 Rangiuru 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 Rangiora 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 Rangiora 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 are 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 fertilizer.	Fertilisers can have a high BOD. Typically such facilities are largely uncovered – the risk that fertilizer 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

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		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 launderettes 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 hazardous substances 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.

## Section Contents

### Natural Open Space Zone

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## Natural Open Space

### 24. Natural Open Space

#### Explanatory Statement

The Natural Open Space Zone applies to land within Ōmokoroa Stage 3 that is generally unsuitable for urban development due to steep terrain contour and natural hazards. The zone has stormwater and/or coastal inundation management functions as it contains the generally natural drainage systems (including gullies) directing overland run-off towards Tauranga Harbour. The zone provides for open space, maintenance and restoration of natural character, green corridor links and visual separation between areas that are planned to be fully urbanised. It also contains ecological, cultural, recreational and amenity values.

The Land within the zone is currently largely in private ownership but due to natural constraints, including geotechnical and ecological matters, has very limited development potential. This section allows for activities that are compatible with the zone's values and attributes including activities required for reserve purposes and the management of the stormwater network. As appropriate, areas may be obtained by Council for stormwater management, walkways and cycleways, other recreational purposes or to provide for the maintenance and enhancement of natural and cultural values. Subdivision will generally be required to facilitate this transfer of land from private ownership to Council.

### 24.1 Significant Issues

1. The area is generally unsuitable for residential subdivision and urban development due to constraints associated with topography and natural hazards.
2. The area contains land that has stormwater and/or coastal inundation management functions and inappropriate development could compromise its ability to perform this role.
3. Inappropriate development of the area for urban activities would result in a loss in open space, natural character and ecological, cultural, recreational and amenity values.
4. People living in more intensive living environments will require easy access to quality open space and nature areas to provide for their physical and mental wellbeing.

## **24.2 Objectives and Policies**

### **24.2.1 Objectives**

1. Subdivision and land use that is compatible with the underlying topographical and natural hazard constraints.
2. Maintenance and enhancement of the stormwater and coastal inundation management functions of the area.
3. Maintenance and enhancement of open space, natural character and the ecological, cultural, recreational and amenity values of the Tauranga Harbour coastal margins and inland gully systems within the area.

### **24.2.2 Policies**

1. Avoid subdivision and development ~~which is for urban purposes that is not complementary to the purpose of the zone.~~
2. Provide for subdivision and development which is for public stormwater management purposes.
3. ~~Avoid the obstruction, modification or diversion of natural watercourses in a manner which adversely affects their stormwater management functions. Control activities to avoid adverse effects on freshwater and coastal ecology and the functioning of the stormwater system, including streams, wetlands, the natural gully network and the coastal interface, and promote improvement of these areas by providing for development that supports restoration of the values of these areas.~~
4. Provide for subdivision and development which is for the creation and/or management of public reserves.
5. Provide for recreational activities and the enjoyment of the natural environment in areas where the landform is suitable and safe for public use.
6. Land use should be restricted to activities that are unlikely to adversely affect the natural character, ecological, cultural, recreational and amenity values of the area.

## **24.3 Activity Lists**

### **24.3.1 Permitted Activities**

- a. Farming.
- ~~b.~~ Maintenance of existing accesses and tracks.
- ~~b-c.~~ Planting and management of indigenous vegetation, restoration, and perimeter fencing, and plant or animal pest control measures.
- ~~c-d.~~ Activities approved in a reserve management plan or reserve concept plan prepared under the Reserves Act 1977 or Local Government Act 2002.
- ~~d-e.~~ Works and network utilities as provided for as a permitted activity in Section 10.  
Note: This includes public trails (see Rule 10.3 (bc)).
- ~~e-f.~~ ~~Buildings accessory to 24.3.1 (c) and (d)~~ Buildings accessory to 24.3.1 (d) and (e)

**24.3.2 Controlled Activities**

- a. Works and network utilities as provided for as a controlled activity in Section 10.

**24.3.3 Restricted Discretionary Activities**

~~a. The following activities within a Floodable Area and/or Coastal Inundation Area as identified on the District Plan Maps (except where associated with activities which are permitted under 24.3.1 (b) – (e)):~~

~~i. The disturbance of greater than 1m<sup>3</sup> of soil;~~

~~ii. The disturbance of greater than 1m<sup>2</sup> of vegetation (including natural ground cover);~~

~~iii. The deposition of fill or any other material;~~

~~iv. The diversion or modification of any natural watercourse.~~

~~a. New accesses and tracks, except as permitted under 24.3.1~~

~~b. Native vegetation removal, destruction or clearance greater than 2m<sup>2</sup> 15m<sup>2</sup> within any 12-month period except as identified in (a) above or where associated with activities which are permitted under 24.3.1 (b c) – (e f).~~

~~c. Removal, destruction or clearance of any native vegetation greater than 6m in height except where associated with activities which are permitted under 24.3.1 (b) – (e).~~

~~ed. Buildings/structures except where associated with activities which are permitted under 24.3.1 (bc) – (ef).~~

~~de. Works and network utilities as provided as a restricted discretionary activity for in Section 10.~~

~~ef. Subdivision for the creation and/or management of land for exercising public stormwater management powers, functions or duties.~~

~~fg. Subdivision for the creation and/or management of public reserves.~~

**24.3.4 Discretionary Activities**

a. Conservation Forestry.

b. Works and network utilities as provided for as a discretionary activity in Section 10.

c. Subdivision or development that is not in general accordance with the respective structure plan.

**24.3.5 Non-Complying Activities**

~~a. Subdivision or development that is not in general accordance with the respective structure plan.~~

## **24.4** **Activity Performance Standards**

### **24.4.1** **General**

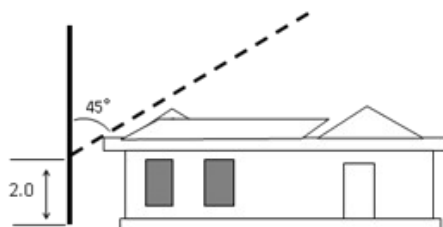
The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity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

**a.** **Height of buildings/structures**

Maximum 8.0m.

**b.** **Daylight**

Where site boundaries adjoin a Residential or Rural-Residential Zone, 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 that:

Where the site has a boundary with a road this rule shall not apply in respect to that boundary.

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

**c.** **Yards**

All buildings/structures – minimum 5m.

Except that:

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.

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

**e.** **Noise and Vibration** - See Section 4C.1

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

**g.** **Lighting and Welding** - See Section

**h.** **Offensive Odours, Effluent Aerosols and Spray Drift**

**i.** **Screening** - See Section 4C.5

**j.** **Signs** - See Section 4D.



- k.**        **Natural Environment** - See Section 5.
- l.**        **Landscape** - See Section 6. 4C.3
- m.**        **Historic Heritage** - See Section 7.
- n.**        **Natural Hazards** - See Section 8.
- o.**        **Hazardous Substances** - See Section 9.
- p.**        **Financial Contributions** - See Section 11.

#### **24.4.2**        **Subdivision**

(See also Section 12 - Subdivision and Development and Section 14A Ōmokoroa and Te Puke Medium Residential where a lot is also zoned Medium Density Residential).

- a.**        **No minimum lot size**

### **24.5**        **Matters of Discretion**

#### **24.5.1**        **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.

#### **24.5.2**        **Restricted Discretionary Activities – All**

In assessing a Restricted Discretionary Activity, Council shall consider the following:

- a.**        The potential adverse effects on the natural character, ecological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.
- ~~**b.**        The extent to which a natural watercourse will be obstructed, modified or diverted.~~  
~~**e.**        The functional need for a new access or track.~~
- c.**        Retaining the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour in accordance with the requirements of relevant stormwater management plans and Regional Council resource consents.
- d.**        The extent to which the proposal would cause land to be susceptible to erosion or instability including from the disturbance of soil or the removal of ground cover or vegetation.
- e.**        Whether the proposal will affect in a positive or negative way the function and/or public amenity values of reserves including public trails.

#### **24.5.3**        **Restricted Discretionary Activities – Subdivision**

In assessing a Restricted Discretionary Activity for a subdivision, Council shall consider the following in addition to the matters above:

- a.**        Whether the subdivision will facilitate a positive effect on the stormwater and coastal inundation management functions of the area.

- b. Whether the subdivision will facilitate provision of land for the creation and/or management of *public reserves*.
- c. Whether the *lot/s* are usable for an intended purpose which is consistent with those described in a. and b. above.
- d. The ability for any *lot* to be amalgamated or otherwise incorporated into a residential zoned *lot* to enable a house *site* to be created in the medium density residential zone.

## **24.6**

### **Other Methods**

- 24.6.1 The Department of Conservation, *Council* and *Regional Council* can provide advice on management of areas with ecological and/or soil and water conservation values.
- 24.6.2 Negotiation of joint management plans with affected landowners to maintain/enhance the area.
- 24.6.3 The Bay of Plenty Regional Natural Resources Plan contains provisions that also control works in regard to wetlands and riparian areas.
- 24.6.4 The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 provide restrictions on earthworks and vegetation clearance in regard to natural inland wetlands.

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## 4. Ōmokoroa Structure Plan Plans

### 4.1 Infrastructure Schedule

Project	Funding Source(%)			
	Developer	Council	Council	Other
		Financial Contributions	Rates	
Water Supply		72.6%	27.4%	
Wastewater	Reticulation	73.0%	11.0%	16.0%
Stormwater	Ponds	93.4%	6.6%	
	Reticulation	100.0%		
Transport – refer to detailed schedule following				

### 4.2 Ōmokoroa Structure Plan Rading Schedule

Project Number	Project	Element	Proposed Year of Construction	Project Cost	Funding Source				District Rate (%)
					% Road Specific	% Catchment	% Rural	% Strategic	
F3.1	Francis Road	2 of 4 lanes to service commercial zone	2025	450,000		20	40	45	25
F3.2	Francis Road	4 lanes to service commercial zone	2032	220,000		20	40	45	25
F4	Francis Road	New roundabout	2032	840,000		100			
F5	Francis Road	Roundabout to Shell Station	2032	2,040,000		100			
F6	Francis Road	Shell station to end of Francis road	2040	2,232,000		100			
H.02	Hamurana Road	Cycleway by Developers	2040						
H.03	Hamurana Road	Gully Crossing linkage cycleway	2045	75,000		100			
H.04	Hamurana Road	Cycleway by Developers							
H.06	Hamurana Road	Prole Road to Railway Line: Cycleway	2040	579,040		100			

## Section 4: Ōmokoroa Structure Plan

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H-07	Hamurana Road	Railway Bridge: Cycleway	2040	750,000		100			
H-08	Hamurana Road	Ramp to Railway bridge (NE side)	2040	35,000		100			
H-09.1	Hamurana Road	Railway Ramp to Kaylene Place: Land	2003	253,000		100			
H-09.2	Hamurana Road	Railway Ramp to Kaylene Place: Land	2007	122,495		100			
H-09.3	Hamurana Road	Railway Ramp to Kaylene Place: Construction	2040	175,100		100			
H-10	Hamurana Road	Cycleway by Developers							
H-11	Hamurana Road	Gane Place intersection to NE end of Western Ave section	2030	360,000		100			
H-12	Hamurana Road	End of Western Avenue section to unnamed road: cycleway land	2007	306,510		100			
H-13	Hamurana Road	Rest of unnamed Road to Anderley Ave: cycleway land	2007	635,980		100			
H-14	Hamurana Road	Anderley Ave section – land	2007	328,909		100			
H-15	Hamurana Road	Anderley Ave to Victoria Keys cycleway	2030			100			
H-16	Hamurana Road	Victoria Keys to End of existing seal SW of Tralee	2008	1,436,404		100			
K-01	Kaylene Place	Ōmokoroa Rd to Hamurana Rd	2025	1,082,710	0	100			
K-03	Kaylene Place	Hamurana Rd to Links View Drive Urbanise	2025	147,979	0	100			
Q-01	Ōmokoroa Road	SH2 Intersection	2025	7,500,000	0	4			

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Q-02-1	Ōmokoroa Road	SH2 to Francis Road 2-lanes (Waka Kotahi NZ Transport Agency)	2025	1,774,000	0	0	0	0	0
Q-02-2	Ōmokoroa Road	SH2 to Francis Road 4-laning	2025	800,000	0	20	40	45	25
Q-03-1	Ōmokoroa Road	Francis Road intersection Roundabout Construction	2025	1,165,938	0	20	40	45	25
Q-03-2	Ōmokoroa Road	Industrial entrance intersection: interim Right Turn Bay	2017	600,000	0	20	40	45	25
Q-04-1	Ōmokoroa Road	Francis Road to Prole Road 4-laning	2027	1,157,500	0	20	20	45	15
Q-05-1	Ōmokoroa Road	Prole Road intersection-construct right turn bay, seagull	2032	980,000	0	100			
Q-06-1	Ōmokoroa Road	Prole Road to designated Commercial area roundabout 2 lanes	2027	1,516,715	0	20	40	45	25
Q-07-1	Ōmokoroa Road	Seagull Right Turn Bay entrance to residential on east side	2018	400,000	0	20	40	45	25
Q-07-2	Ōmokoroa Road	Roundabout construction: single lane	2032	620,000	0	20	40	45	25
Q-08	Ōmokoroa Road	Commercial area roundabout to Railway line: 2 lanes	2028	2,963,200	0	20	20	45	15
Q-08-1	Ōmokoroa Road	Special Housing Area Roundabout	2026	600,000	0	20	20	45	15
Q-10	Ōmokoroa Road	Railway Line to Lynley Park boundary	2008	2,163,479	0	20	20	45	15
Q-11-1	Ōmokoroa Road	Lynley Park to Margaret Drive	2024	1,413,677	0	20	20	45	15
Q-11-2	Ōmokoroa Road	Margaret Drive to Tralee Street	2024	2,590,000	0	20	20	45	15
P-01	Prole Road	Ōmokoroa	2032	3,604,000	0	100			

## Section 4: Ōmokoroa Structure Plan

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		Road to Hamurana Cycleway							
P-02	Prole Road	Hamurana Cycleway to end	2032	1,612,000	0	100			
U-01	Midblock Connection	Mid block connection Margaret Place extension to Ōmokoroa Road, plus Link Road walkway	2011	2,200,000	100				
U-02-1	Link Road access	Access to Link Road by selected properties	2011	600,000	100				
U-02-2	Margaret Pl Extension	From Margaret Place to mid block connection (U01)	2011	2,794,010	100				
U-03	Walkway Link	From Link Road to Lynley Park	2009	112,000	0	100			
U-04	Access to Margaret Drive	Access to Margaret Drive by selected properties	2010	290,400	100	0			
U-05	Access to Ōmokoroa Rd	Developer responsibility			0	0			
W-01	Western Ave	Ōmokoroa Road to Hamurana Road and to Gano Place	2028	1,302,000	0	100			
W-02	Western Ave	Hamurana Road land east only	2006	630,583	0	100			
X-01	Pedestrian Bridge	Lynley Park Railway lane to stage 2 area	2027	400,000	0	100			
X-03-1	Walkways/Cycleways	Stage 1 – walkways and cycleways on schedule A867061	2014-2025	1,976,000	0	100			
X-03-2	Walkways/Cycleways	Stage 2 – walkways and cycleways to be determined	2035	1,000,000	0	100			

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X-04-1	Park & Ride Facility	Ōmokoroa Road-land purchase	2035	1,000,000	0	95			5
X-04-2	Park & Ride Facility	Ōmokoroa Road-construction	2045	2,000,000	0	95			5
X-05	Pedestrian Bridge	Ōmokoroa Road Railbridge	2035	750,000	0	100			
				57,994,629					
<b>Southern Industrial Zone</b>									
Industrial Zone	Proposed Industrial Road	Land Costs	2011	506,400	100				
	Proposed Industrial Road	Construction	2020	1,520,000	100				
				2,026,400					

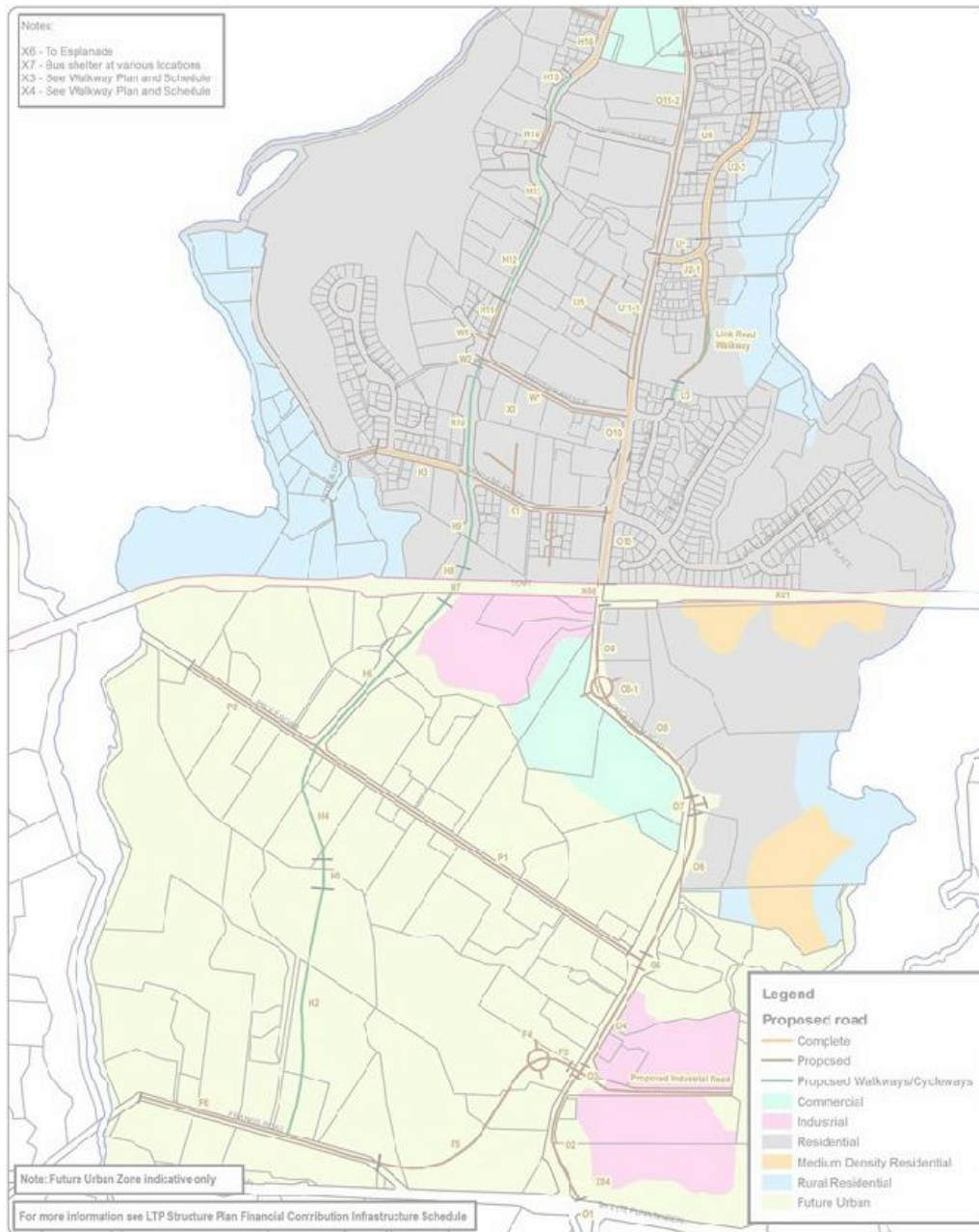
**Note:**

Annual updates of costs and timing for contributions are shown in the *LTP* in accordance with Rule 11.4.1.b. The Development Code provides details of timing for payments, reimbursement, and development standards.

**4.3 Ōmokoroa Roading Projects Plan**

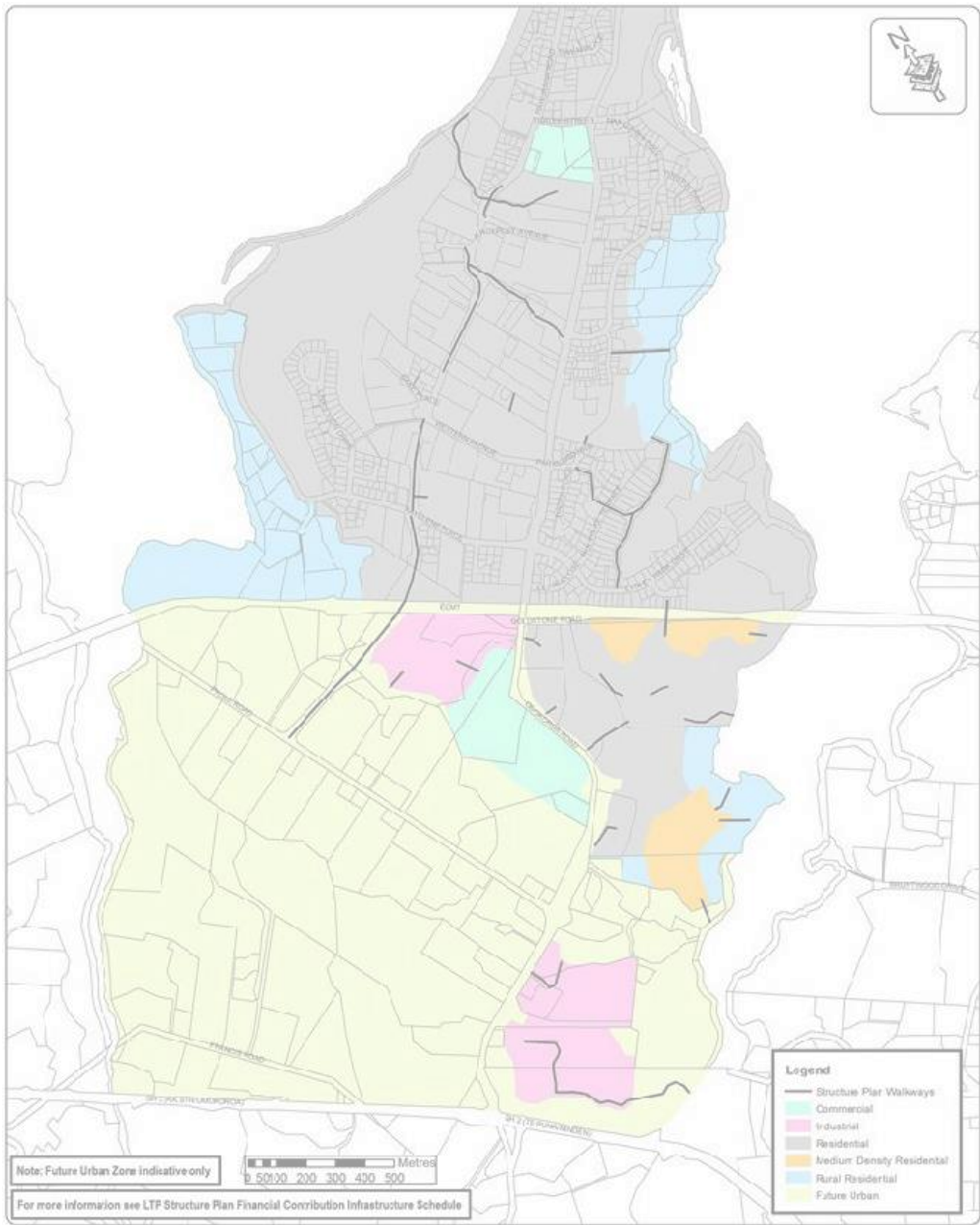
## Section 4: Ōmokoroa Structure Plan

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## 4.4 Ōmokoroa Walkway Plan

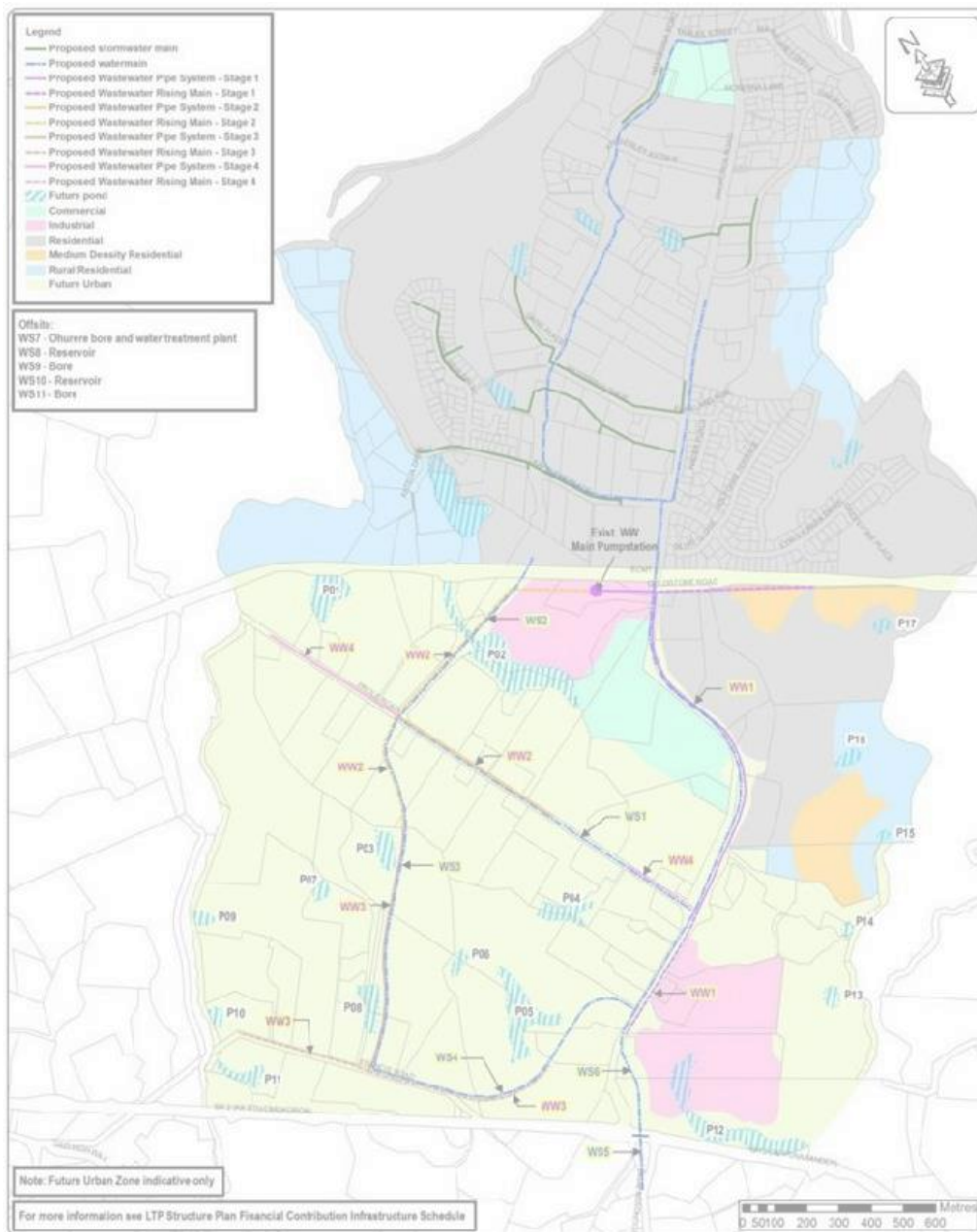




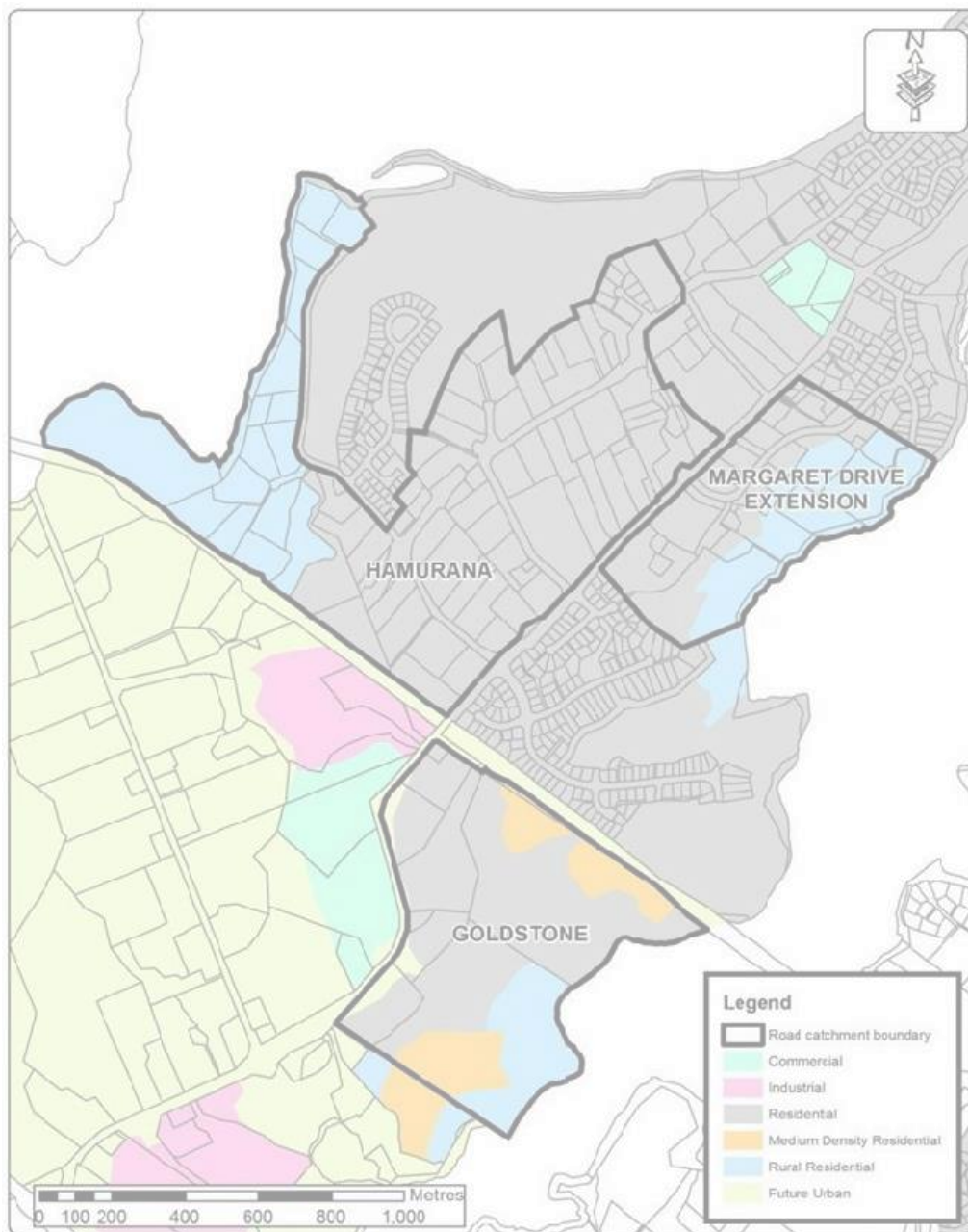
4.5 Ōmokoroa Services

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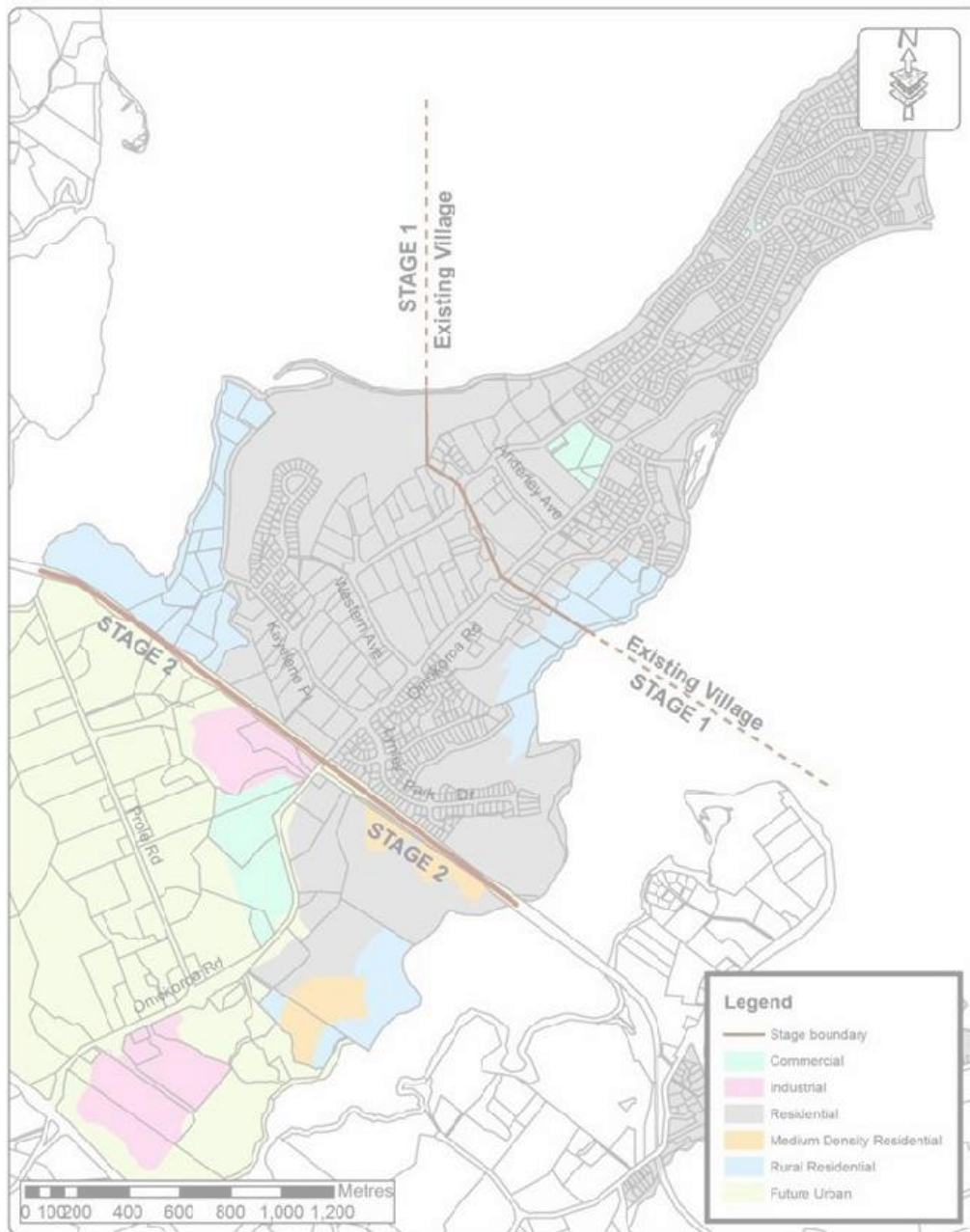
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## 4.6 Structure Plan Specific Road Catchment



#### 4.7 Structure Plan Boundaries



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#### 4.1 **Ōmokoroa Structure Plan - Infrastructure Schedule**



## Section 4: Ōmokoroa Structure Plan

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Ōmokoroa Structure Plan - Transportation (Stages 1, 2 and 3)										
ŌMOKOROA: CROWN INFRASTRUCTURE PARTNERSHIP (CIP) PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
O-11-1	Ōmokoroa Road urbanisation: Western Ave - Margaret Dr	2021	\$3,288,800		20	3	7	2	68	
O-11-2	Ōmokoroa Road urbanisation: Margaret Dr to Tralee St	2021	\$5,052,320		20	3	7	2	33.4	34.6
O-03-2.1	Ōmokoroa Southern Industrial Rd	2021	\$3,040,000		54					46
O-03-2	Ōmokoroa/Southern Industrial Rd roundabout	2021	\$385,000		20	10	45	25		
W-01	Western Ave urbanisation: Ōmokoroa to Gane Pl	2021	\$2,220,000		22					68
H-11	Hamurana Road urbanisation: Gane Pl to end of Western Ave	2021	\$880,000		100					
X-05	Ōmokoroa Rd - Rail Pedestrian/Cycleway Bridge	2021	\$1,100,000		100					
O-05-1	Ōmokoroa Rd/Prole Rd intersection roundabout	2021	\$1,650,000		100					
O-06-1	Ōmokoroa Rd urbanisation: Prole Rd - Neil Group intersection	2021	\$2,700,000		20	10	45	25		
O-07-2	Ōmokoroa Road/Neil Group roundabout	2021	\$1,650,000		20	10	45	25		
O-08	Ōmokoroa Rd - urbanisation/Neil Group intersection - Railway Line	2021	\$3,923,517		20	6	13	5		56
P-01	Prole Rd urbanisation + walking/cycleway underpass at MOE site	2021	\$15,422,861		40					60
P-02	Prole Road urbanisation	2021	\$8,874,477		100					
<b>TOTAL CIP PROJECTS</b>			<b>\$50,186,975</b>		<b>\$24,425,548</b>	<b>\$959,145</b>	<b>\$3,224,686</b>	<b>\$1,546,748</b>	<b>\$3,923,114</b>	<b>\$16,072,198</b>

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Omokoroa Structure Plan – Transportation (Stages 1,2 and 3)										
OMOKOROA: CROWN INFRASTRUCTURE PARTNERSHIP (CIP) PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source						
				Road Specific	Catchment FINCO	Rural	Strategic	District Rate	NZTA	CIP
O-11-1	Omokoroa Road Urbanisation: Western Ave – Margaret Drive	2021	\$3,288,800		20%	3%	7%	2%	68%	
O-11-2	Omokoroa Road Urbanisation: Margaret Drive to Tralee St	2021	\$5,234,420		20%	3%	7%	2%	33.40%	33.60%
O-03-2.1	Omokoroa Southern Industrial Road	2021	\$3,208,060		54%					46%
O-03-2	Omokoroa/Southern Industrial Road roundabout	2021	\$422,040		20%	10%	45%	25%		
W-01	Western Ave Urbanisation: Omokoroa to Gane Pl	2021	\$2,220,000		32%					68%
H-11	Hamurana Road Urbanisation: Gane Pl to end of Western Ave	2021	\$880,000		100%					
X-05	Omokoroa Rd – Rail Pedestrian/Cycleway Bridge	2021	\$1,127,421		100%					
O-05-1	Omokoroa Road/Prole Road intersection Roundabout	2021	\$1,805,000		100%					
O-06-1	Omokoroa Road urbanisation: Prole Road to Neil Group intersection	2021	\$2,970,000		20%	10%	45%	25%		
O-07-2	Omokoroa Road/Neil Group Roundabout	2021	\$1,805,000		20%	10%	45%	25%		
O-08	Omokoroa Road Urbanisation: Neil Group Intersection to	2021	\$4,087,795		20%	6%	13%	5%		56%
P-01	Prole Road Urbanisation + walking/cycleway underpass at	2021	\$16,496,205		40%					60%
P-02	Prole Road Urbanisation	2021	\$9,558,949		100%					
<b>Total: CIP Projects</b>			<b>\$53,103,690</b>		<b>\$25,974,216</b>	<b>\$1,020,668</b>	<b>\$3,466,707</b>	<b>\$1,674,114</b>	<b>\$3,983,908</b>	<b>\$16,945,522</b>

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ŌMOKOROA STAGES TWO AND THREE: PEDESTRIAN AND CYCLEWAY PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
H-10	Hamurana Rd – Western Ave – Kaylene Pl Pedestrian/Cycleway	2021	\$460,000		100					
H-07	Hamurana Rd Cycleway Bridge	2025	\$851,200		100					
H-08	Hamurana Rd Cycleway – Southern ramp	2025	\$72,000		100					
H-09.3	Hamurana Rd Cycleway – Northern ramp	2025	\$396,017		100					
X-01	Pedestrian Bridge	2027	\$880,000		100					
H-06	Hamurana Rd Pedestrian/Cycleway	2025	\$968,000		100					
Ōmokoroa Stage 2 Walkways/Cycleways	Walkways/Cycleways included in Stage 2	2021-2031	\$1,713,600		100					
TOTAL PEDESTRIAN/CYCLEWAY PROJECTS			\$5,340,817		\$5,340,817					



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Operative: 16-Jun-2012

OMOKOROA STAGES 2 AND 3 : PEDESTRIAN AND CYCLEWAY PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source						
				Road Specific	Catchment FINCO	Rural	Strategic	District Rate	NZTA	CIP
H-10	Hamurana Road - Western Ave - Kaylene Pedestrian/Cycleway	2021	\$253,938		100%					
H-07	Hamurana Rd Cycleway Bridge	2025	\$903,760		100%					
H-08	Hamurana Rd Cycleway - Southern ramp	2025	\$325,000		100%					
H-09.3	Hamurana Rd Cycleway - Northern ramp	2025	\$855,817		100%					
X-01	Pedestrian Bridge - Harbour Ridge to Lynley Park	2027	\$1,012,000		100%					
H-06	Hamurana Rd Pedestrian/Cycleways )-01 missing	2025	\$1,113,200		100%					
Ōmokoroa Stage 2 + 3 Walkways / Cycleways	Walkways/Cycleways included in Stage 2 + 3	2021-2031	\$2,500,000		100%					
Total: Pedestrian/Cycleway Projects			\$6,963,715		\$6,610,417					

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REMAINING STAGES 2 AND 3 URBANISATION PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
X-04-1	Park & Ride Facility at SH2 end	2028	\$1,210,000		95			5		
X-04-2	Park & Ride Facility at SH2 end	2028	\$2,420,000		95			5		
O-01	Ōmokoroa Rd/SH2 Intersection upgrade	2027	\$363,000		100					
O-02-1	Ōmokoroa Rd - SH2 to Francis Rd urbanisation.	2027	\$0						100	
O-02-2	Ōmokoroa Rd full urbanisation: 4 lanes - SH2 to Francis Rd	2027	\$2,730,112						100	
O-03-1	Ōmokoroa Rd/Francis Rd roundabout	2027	\$1,650,000						100	
O-04-1	Ōmokoroa Rd Full Urbanisation - Francis Rd to Prole Rd	2030	\$2,200,000		20	20	45	15		
F3.1	Francis Rd - Ōmokoroa Rd: 2 lanes	2027	\$694,100						100	
F3.2	Francis Rd - Ōmokoroa Rd: 4 lanes	2027	\$682,000						100	
F4	Francis Rd/Commercial Area roundabout	2027	\$990,000						100	
F5-1,2,3	Francis Rd Urbanisation - Commercial area roundabout to Prole/Francis link road	2030	\$23,020,231						100	
F6	Francis Rd North Urbanisation: Prole/Francis link intersection -end of Francis Rd.	2030	\$5,290,120		100					
<b>TOTAL: STAGE TWO AND THREE URBANISATION</b>			<b>\$ 41,249,563</b>		<b>\$9,541,620</b>	<b>\$440,000</b>	<b>\$ 990,000</b>	<b>\$511,500</b>	<b>\$29,766,443</b>	

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REMAINING STAGE 2 AND 3 URBANISATION PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source						
				Road Specific	Catchment FINCO	Rural	Strategic	District Rate	NZTA or Other	CIP
X-04-1	Park & Ride Facility at SH2 end	2028	\$1,210,000		95%			5%		
X-04-2	Park & Ride Facility at SH2 end	2028	\$2,420,000		95%			5%		
O-01	Omokoroa Road/SH2 Intersection upgrade	2027	\$363,000		100%					
O-02-1	Omokoroa Road - SH2 to Francis Road urbanisation.	2027	\$0						100%	
O-02-2	Omokoroa Road full urbanisation to 4 lanes - SH2 to Francis Road	2027	\$2,730,112						100%	
O-03-1	Omokoroa Rd/Francis Rd roundabout	2027	\$1,650,000						100%	
O-04-1	Omokoroa Road Full Urbanisation - Francis to Prole Road	2030	\$2,200,000						100%	
F3.1	Francis Road - Omokoroa Rd to Commercial area 2 lanes	2027	\$694,100						100%	
F3.2	Francis Road to commercial area - Full urbanisation with 4 lanes	2027	\$682,000						100%	
F4	Francis Road/Commercial Area roundabout	2027	\$990,000						100%	
F5-1,2,3	Francis Road Urbanisation - Commercial area roundabout to Prole/Francis link road	2030	\$23,020,231						100%	
F6	Francis Road North Urbanisation - Prole Rd/Francis link intersection to end of Francis Road.	2030	\$5,290,120		100%					
<b>Total: Stage Two and Three Urbanisation</b>			<b>\$41,249,563</b>		<b>\$9,101,620</b>			<b>\$181,500</b>	<b>\$31,966,443</b>	

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ŌMOKOROA: NEW STAGE 3 PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
<b>FP</b>	<b>FRANCIS TO PROLE ROAD LINK</b>									
<b>FP1 – FP6</b>	Francis Link Road to Prole Road – Southern End (approx. 350m). Includes land purchase and power undergrounding.	2032	\$10,080,069		100					
<b>FP7</b>	Francis Link Road Bridge over gully approx. length of 25m. Includes land purchase.	2032	\$5,816,397		100					
<b>FP8 – FP10</b>	Francis Link Road to Prole Road (Northern End approx. length of 325m). Includes land purchase.	2024	\$3,838,009		100					
<b>HA</b>	<b>OTHER ROADS</b>									
<b>HA-01</b>	Urbanise Heartwood Avenue from Prole Road to Sentinel Drive	2023	\$2,000,000		100					
<b>TOTAL: NEW STAGE 3 PROJECTS</b>			<b>\$21,734,475</b>		<b>\$21,734,475</b>					

Section 4: Ōmokoroa Structure Plan

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ŌMOKORO: NEW STAGE 3 PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source						
				Road Specific	Catchment FINCO	Rural	Strategic	District Rate	NZTA	CIP
<b>FP</b>	<b>FRANCIS TO PROLE ROAD LINK</b>									
<b>FP1- FP6</b>	Francis link road to Prole Road – Southern End (approx 350m). Includes land purchase and power undergrounding	2032	\$1,088,076		100%					
<b>FP7</b>	Francis link road to Prole Road bridge over gully approx length of 25m. Includes land purchase	2032	\$6,398,037		100%					
<b>FP8-FP10</b>	Francis link road to Prole Road – Northern End (approx 325m). Includes land purchase.	2024	\$4,221,810		100%					
<b>HA</b>	<b>Other Roads</b>				100%					
<b>HA-01</b>	Urbanise Heartwood Avenue from Prole Road to Sentinel Drive	2023	\$2,000,000		100%					
<b>RD3-2.1 + 2.2</b>	Western gully link road contribution		\$1,000,000							
<b>Total: New Stage 3 Projects</b>			<b>\$24,707,923</b>		<b>\$24,707,923</b>					

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ŌMOKOROA: WATER SUPPLY						
Project ID	Project Description	Year to be Constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
WS1	Prole Rd reticulation Stage 2 from Ōmokoroa Road to end of Prole Road, including fire + rider mains.	2022	\$ 978,150			100%
WS2	New watermain Heartwood Ave - railway to Prole Rd.	2025	\$ 356,400			100%
WS3	New watermain on Hamurana Rd (Now Francis link Rd) between Prole + Francis Rd.	2030	\$ 562,000			100%
WS4 A	Francis Rd Stage 3A - new watermain on Francis Rd between Ōmokoroa Rd + Francis link Rd.	2028	\$ 470,250			100%
WS5	200mm watermain to SH2 from old highway	2027	\$ 630,000			100%
WS6a	200 mm main from SH2 to Prole Rd	2026	\$ 342,000			100%
WS6b	200 mm main from Prole Rd to Railway	2022	\$ 513,000			100%
WS6c	Industrial Rd - 200mm water main + 150mm rider main from Ōmokoroa Rd to end of Industrial Road. + fire hydrants + connections.	2022	\$ 320,000			100%
<b>TOTAL: WATER SUPPLY</b>			<b>\$ 4,168,800</b>			

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Ōmokoroa: Water Supply						
Project ID	Project Name	Year to be constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
WS1	Prole reticulation stage 2 from Omokoroa Road to the end of Prole Road, including fire + rider mains	2022	\$1,072,665			100%
WS2	New watermain Heartwood Ave – railway to Prole Rd	2025	\$392,040			100%
WS3	New watermain on Hamurana Rd (Now Francis link Rd) between Prole Rd + Francis Rd.	2030	\$762,300			100%
WS4 A	Francis Rd stg 3A – new watermain on Francis Rd between Omokoroa Rd + Francis link Rd	2028	\$517,275			100%
WS5	200mm watermain to SH2 from old highway	2027	\$693,000			100%
WS6a	200 mm main from SH2 to Prole Rd	2026	\$376,200			100%
WS6b	200 mm main from Prole Rd to Railway	2022	\$564,300			100%
WS6c	Industrial Rd – 200mm watermain + 150mm rider main from Omokoroa Rd to end of Industrial road, + fire hydrants + connections.	2022	\$352,000			100%
<b>Total: Water Supply</b>			<b>\$4,729,780</b>			

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Operative: 16-Jun-2012

ŌMOKOROA: WASTEWATER						
Project ID	Project Description	Year to be Constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
WW1-A	Rising Main – Heartwood Ave to Pump Station	2022	\$ 1,100,000			100%
WW1-B	Rising Main on Ōmokoroa Rd (from SH2 to Neil Group, picks up Southern Industrial Rd)	2022	\$ 2,126,170			100%
WW2	Rising Main on Heartwood Ave from Prole Rd to Pump Station and joining onto WW1A	2023	\$ 1,337,394			100%
WW3	Gravity and rising main on Heartwood Ave (now included in new Francis/Prole Road Link Rd)	2030	\$ 2,048,079			100%
WW4	Rising main and pump station on upper end of Prole Rd	2022	\$ 500,000			100%
WW5	Gravity and rising main on Prole Rd (from Ōmokoroa Rd upper end to lower end of Prole Rd)	2022	\$ 3,467,840			100%
WW6	Francis Rd Pump Station and rising main	2030	\$ 1,180,000			100%
WW8	Main pump station on Heartwood Ave to receive Prole Rd wastewater and eastern wastewater gully gravity main and pump to WW1A	2022	\$ 1,500,000			100%
<b>TOTAL: WASTEWATER</b>			<b>\$ 13,259,483</b>			



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Operative: 16-Jun-2012

Ōmokoroa: Wastewater						
Project ID	Project Name	Year to be constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
WW1-A	Rising Main – Hamurana Rd to Pump Station	2022	\$1,100,000			100%
WW1-B	Rising Main on Omokoroa Rd (from SH2 to Neil Group, picks up Southern Industrial Road)	2022	\$2,338,787			100%
WW2	Rising Main on Hamurana Road from Prole Rd to Pump Station and joining onto WW1A	2023	\$1,471,134			100%
WW3	Gravity and rising main on previous Hamurana Road (now included in new Francis/Prole Road Link Rd)	2030	\$2,252,887			100%
WW4	Rising main and pump station on upper end of Prole Road	2022	\$550,000			100%
WW5	Gravity and rising main on Prole Rd (from Omokoroa Rd upper end to the lower end of Prole Rd)	2022	\$3,814,624			100%
WW6	Francis Road Pump Station and rising main	2030	\$1,298,000			100%
WW8	Main pump station on Hamurana Rd to receive Prole Road wastewater and eastern wastewater gully gravity main and pump to WW1A	2022	\$1,500,000			100%
WW9	Eastern Gully gravity main (approximate 500m) to pick up Jace town centre, MOE, Classics, Saber and Watchhorn properties and connect to Hamurana Road main pump Station	2022	\$600,000			100%
<b>Total: Wastewater</b>			<b>14,925,432</b>			

## Section 4: Ōmokoroa Structure Plan

Operative: 16-Jun-2012

ŌMOKOROA STORMWATER						
Project ID	Project Description	Year to be Constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
O-05-1	Ōmokoroa Rd/Prole Rd Roundabout Stormwater	2022	\$ 54,652			100%
O-03-1	Ōmokoroa Rd/Francis Rd Roundabout Stormwater	2027	\$ 140,366			100%
P01	Prole Rd: Ōmokoroa Rd to Heartwood Ave	2022	\$ 1,482,864			100%
PO2	Heartwood Ave to River Access Stormwater pipe	2022	\$ 1,457,234			100%
FP-1	Francis Rd/Francis Link Roundabout	2032	\$ 140,366			100%
FP-2	Francis Link Section 1	2032	\$ 550,902			100%
FP-3	Francis Link Roundabout 1	2032	\$ 140,366			100%
FP-4	Francis Link Section 2	2032	\$ 563,423			100%
FP-5	Francis Link Roundabout 2	2032	\$ 140,366			100%
FP-6	Francis Link Section 3	2032	\$ 183,634			100%
FP-7	Francis Link Bridge (Included in bridge costs FP-7)	2032	\$0			100%
FP-8	Francis Link Section 4	2032	\$ 469,519			100%
FP-9	Francis Link/Rd 7 Roundabout	2032	\$ 140,366			100%
FP-10	Francis Link Section 5	2032	\$ 52,169			100%
F6	Francis Rd North	2030	\$ 836,787			100%
F5	Francis Rd South	2030	\$ 1,690,268			100%
F4	Francis Rd/Ōmokoroa Link Roundabout	2027	\$ 87,649			100%
F3-1	Francis Rd to Ōmokoroa Rd	2027	\$ 125,205			100%
FP-N1a	Francis/Prole Rd link to new wetland FP-N1a. This stormwater will traverse Sanderson's retirement village and will be developer funded.	2022		100%		
<b>TOTAL STORMWATER</b>			<b>\$8,256,136</b>			

## Section 4: Ōmokoroa Structure Plan

Operative: 16-Jun-2012

<b>Ōmokoroa: Stormwater</b>						
<b>Stage 2 and Stage 3 Stormwater Reticulation</b>						
<b>Project ID</b>	<b>Project Name</b>	<b>Year to be constructed</b>	<b>Project Cost</b>	<b>Funding Source</b>		
				<b>Developer</b>	<b>Rates</b>	<b>FINCOs</b>
O-05-1	Omokoroa/Prole Road Roundabout SW	2022	\$54,652			100%
O-03-1	Omokoroa/Francis Road Roundabout SW	2027	\$140,366			100%
P01	Prole Rd: Ōmokoroa Rd to Hearthwood Ave	2022	\$1,482,864			100%
P02	Hearthwood Ave to River Access Stormwater Pipe	2022	\$1,457,234			100%
FP-1	Francis Road/Francis Link Roundabout	2032	\$140,366			100%
FP-2	Francis Link Section 1 (Ch1059 - Ch795)	2032	\$550,902			100%
FP-3	Francis Link Roundabout 1	2032	\$140,366			100%
FP-4	Francis Link Section 2 (Ch758 - Ch488)	2032	\$563,423			100%
FP-5	Francis Link Roundabout 2	2032	\$140,366			100%
FP-6	Francis Link Section 3 (Ch450 - Ch362)	2032	\$183,634			100%
FP-7	Francis Link Bridge	2032	\$0			100%
FP-8	Francis Link Section 4 (Ch338 - Ch113)	2032	\$469,519			100%
FP-9	Francis Link/Rd 7 Roundabout	2032	\$140,366			100%
FP-10	Francis Link Section 5 (Ch75 - Ch50)	2032	\$52,169			100%
F6	Francis Road North (Ch0 - Ch401)	2040	\$836,787			100%
F5	Francis Road South (Ch401 - Ch1249)	2032	\$1,690,268			100%
F4	Francis Road/Omokoroa Link Roundabout	2032	\$87,649			100%
F3-1	Francis Road To Omokoroa Road (Ch 60 - Ch120)	2025	\$125,205			100%
<b>Total: Stormwater Reticulation</b>			<b>8,256,137</b>			

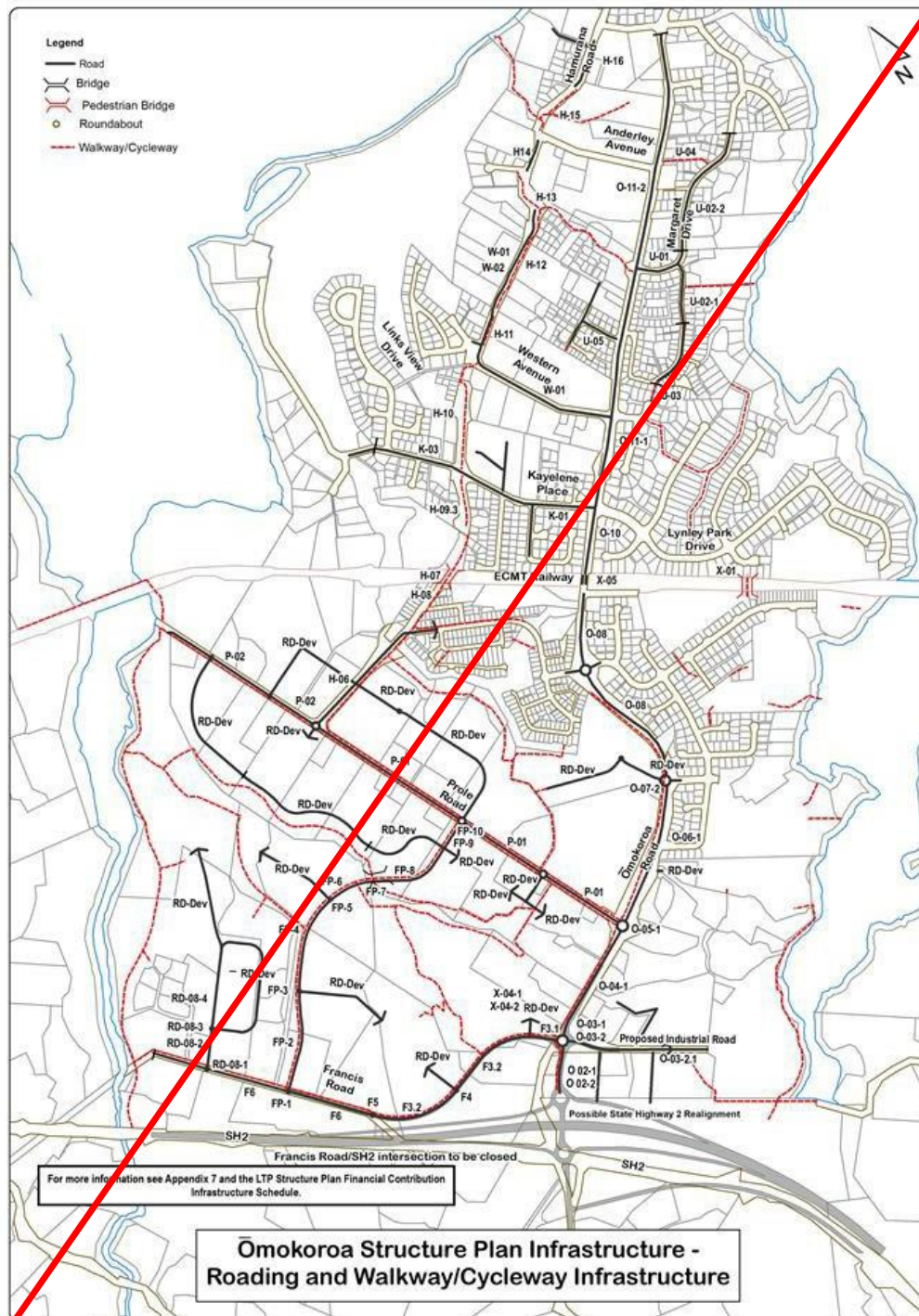
Section 4: Ōmokoroa Structure Plan

Operative: 16-Jun-2012

Ōmokoroa: Stormwater						
Stage 2 and Stage 3 New Ponds/Wetlands						
Project ID	Project Name	Year to be constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
NI	New engineered wetland end of Prole Road	2023	\$2,000,000			100%
NIa	New engineered wetland between Prole Rd and railway incl land purchase + construction costs	2022	\$3,500,000			100%
W1	New engineered wetland end of Francis Road Road	2040	\$560,000			100%
W2a	New engineered wetland along Prole Road + Francis Road link road	2040	\$1,635,000			100%
W2b	New engineered wetland beginning of Francis Road	2040	\$700,000			100%
E1a or E1b (P12)	New engineered wetland options within Brunning Site - subject to SH2 realignment	2022	\$1,870,000			100%
P21-3	New Pond - west end of Kaylene Place	2024	\$550,000			100%
<b>Total: New Ponds</b>			<b>10,815,000</b>			

Note: This infrastructure schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original schedule. In accordance with Rule 11.4.1 the schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.

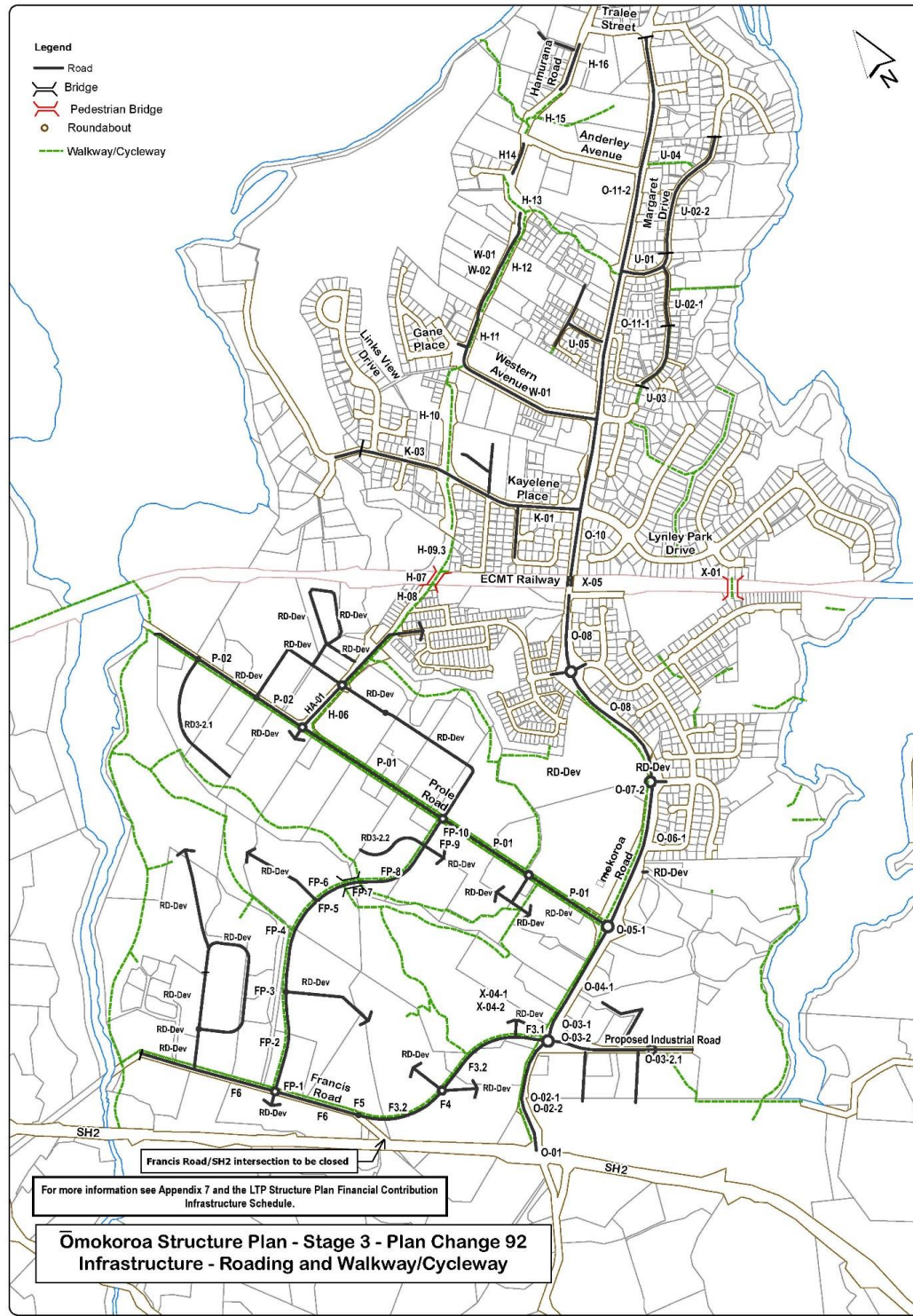
## 4.2 Ōmokoroa Structure Plan - Roading and Walkway/Cycleway Infrastructure



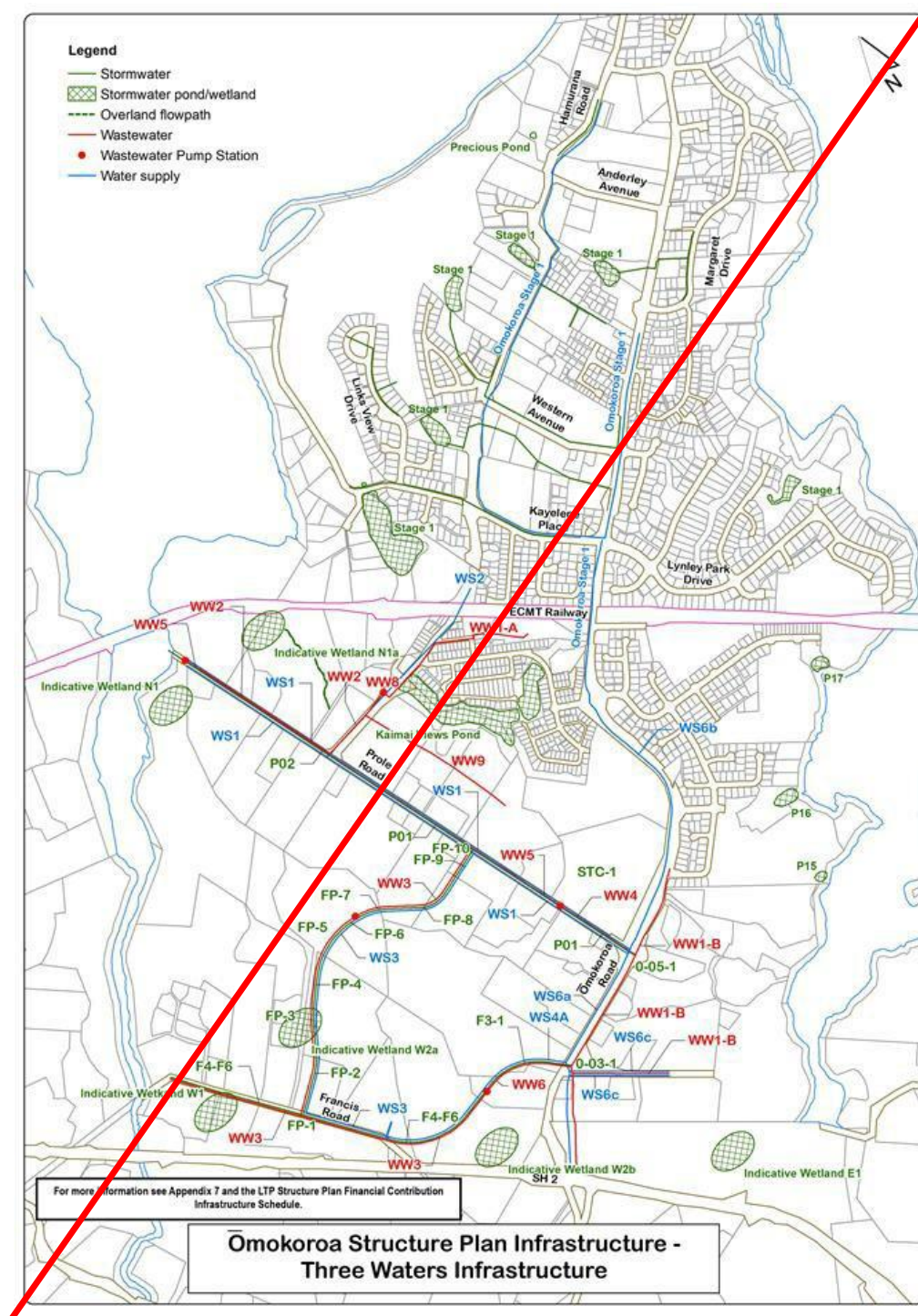


## Section 4: Ōmokoroa Structure Plan

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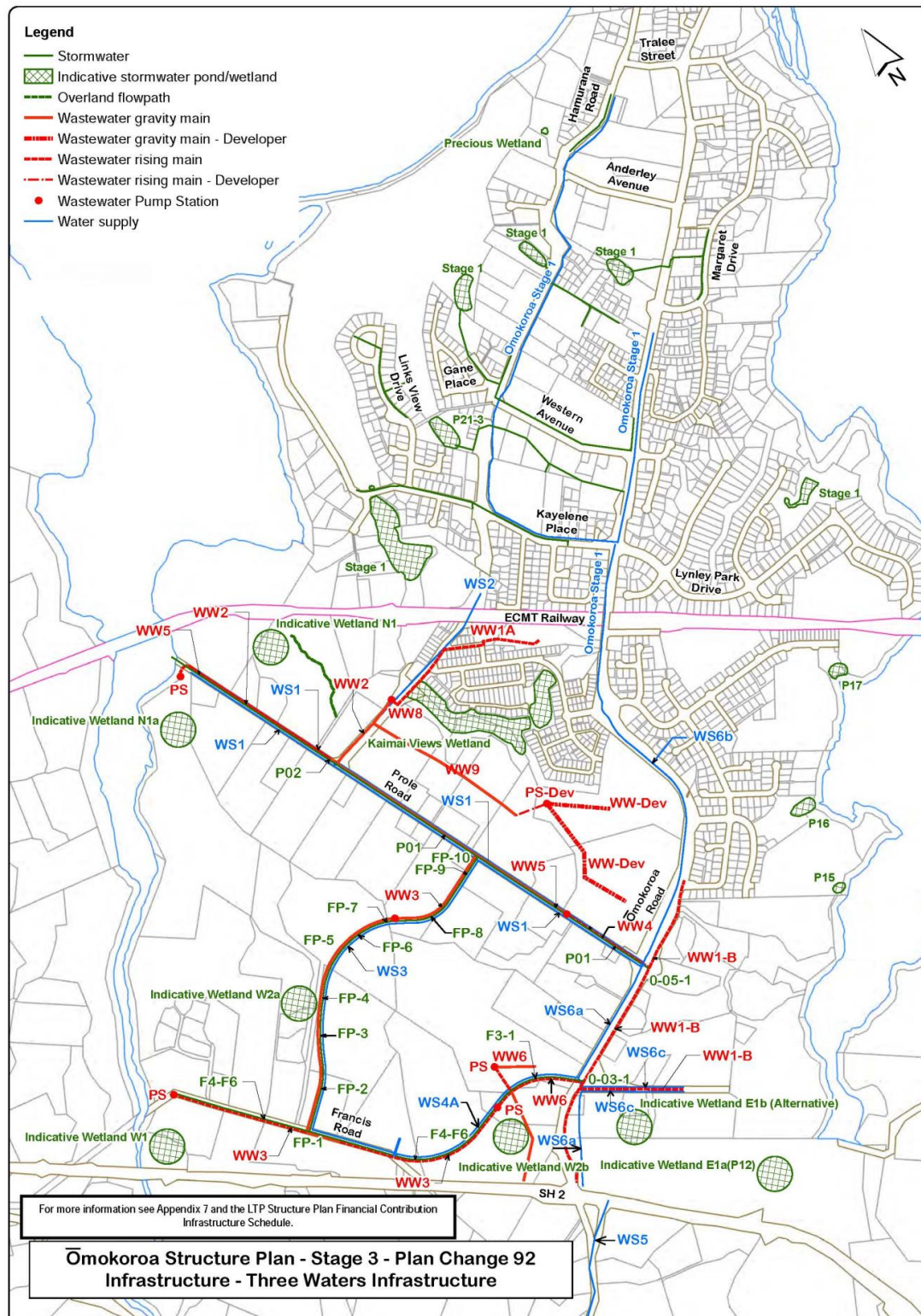
### 4.3 Ōmokoroa Structure Plan - Three Waters Infrastructure





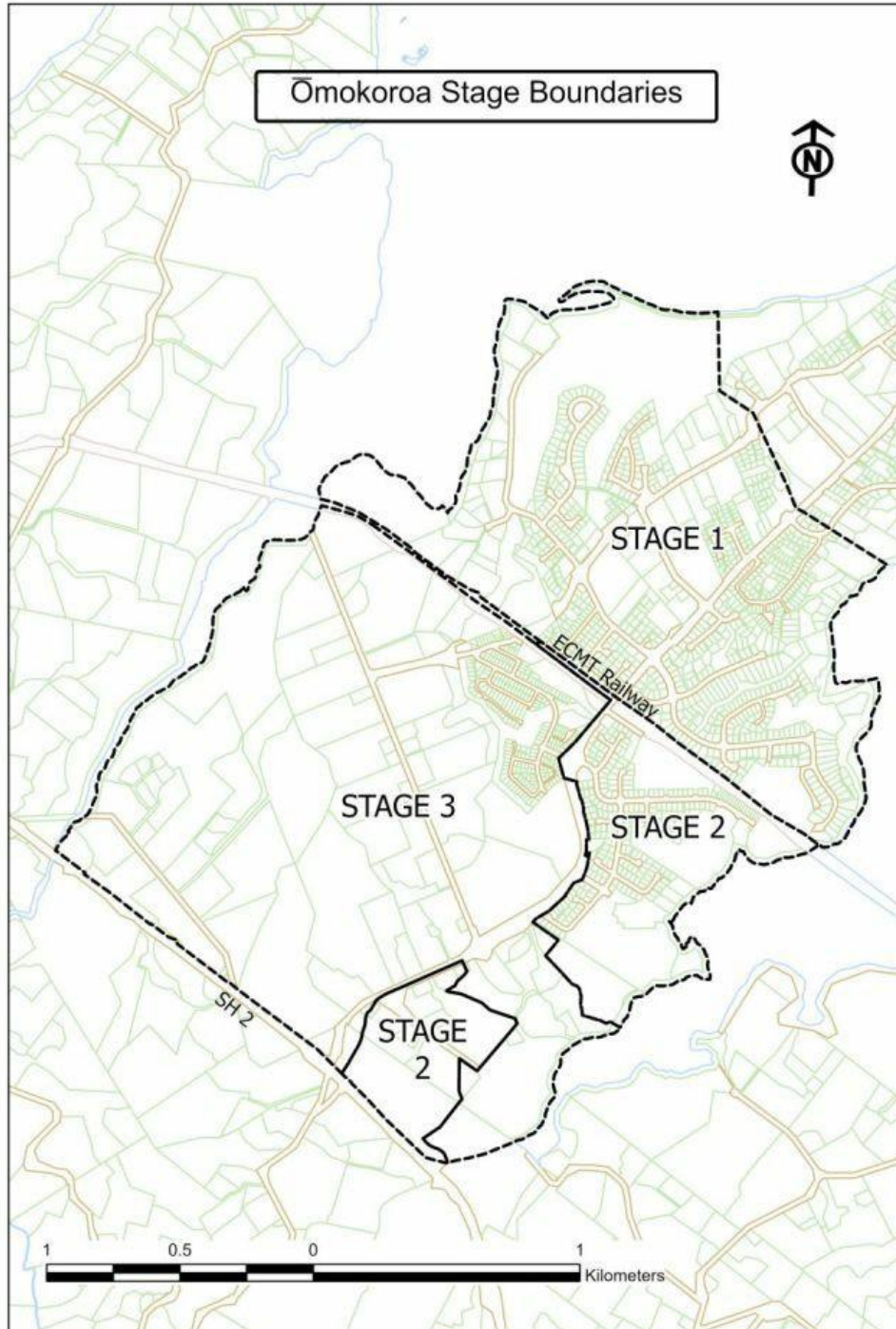
## Section 4: Ōmokoroa Structure Plan

Operative: 16-Jun-2012

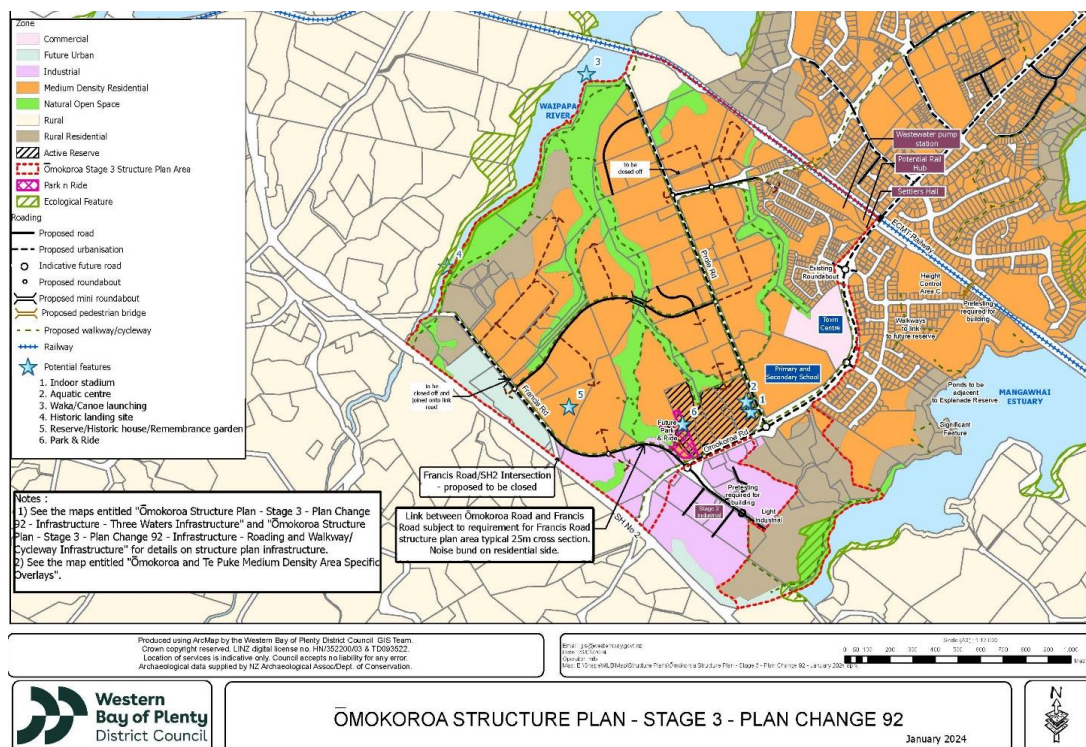
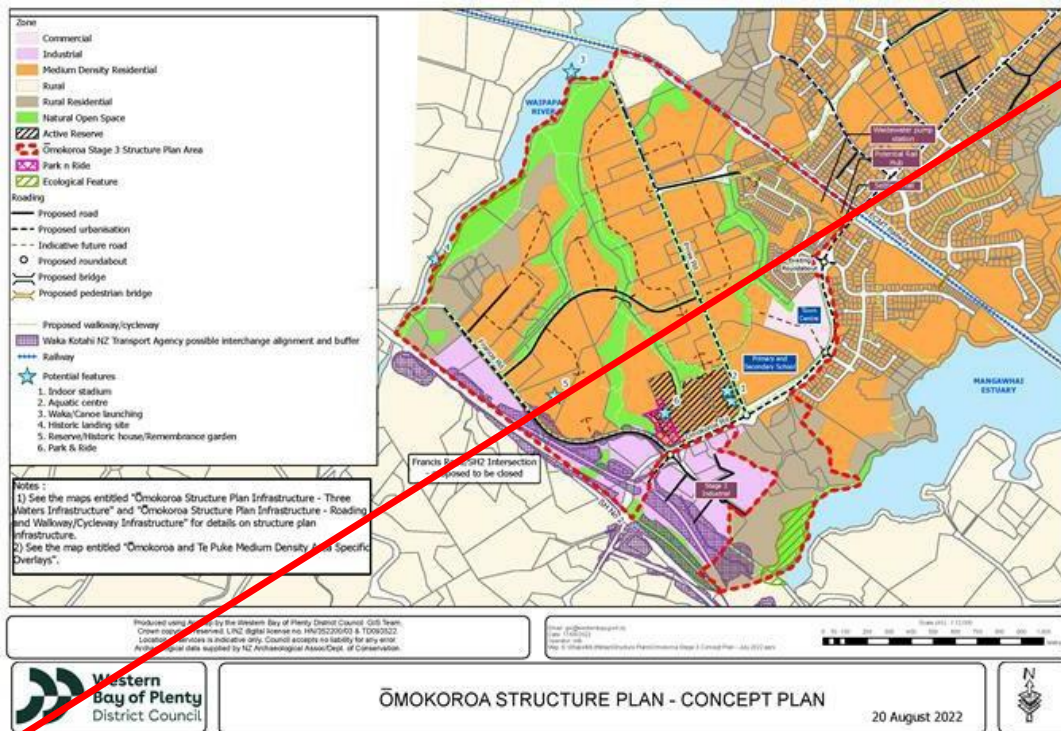




#### 4.4 Ōmokoroa Stage Boundaries



## 4.5 Ōmokoroa Structure Plan - Concept Plan

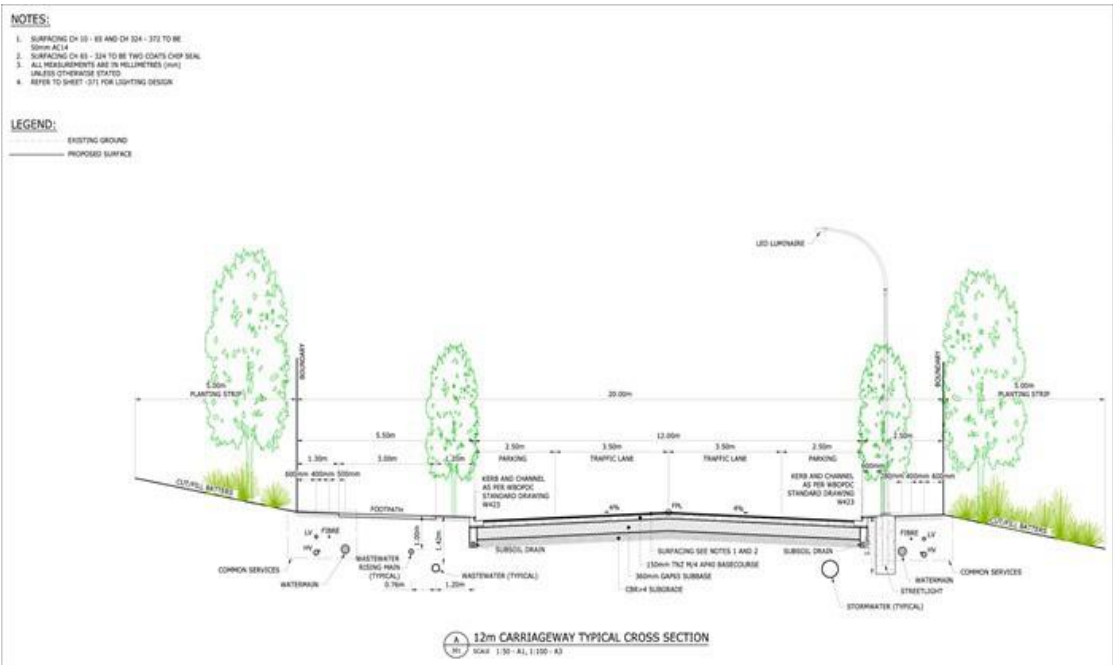




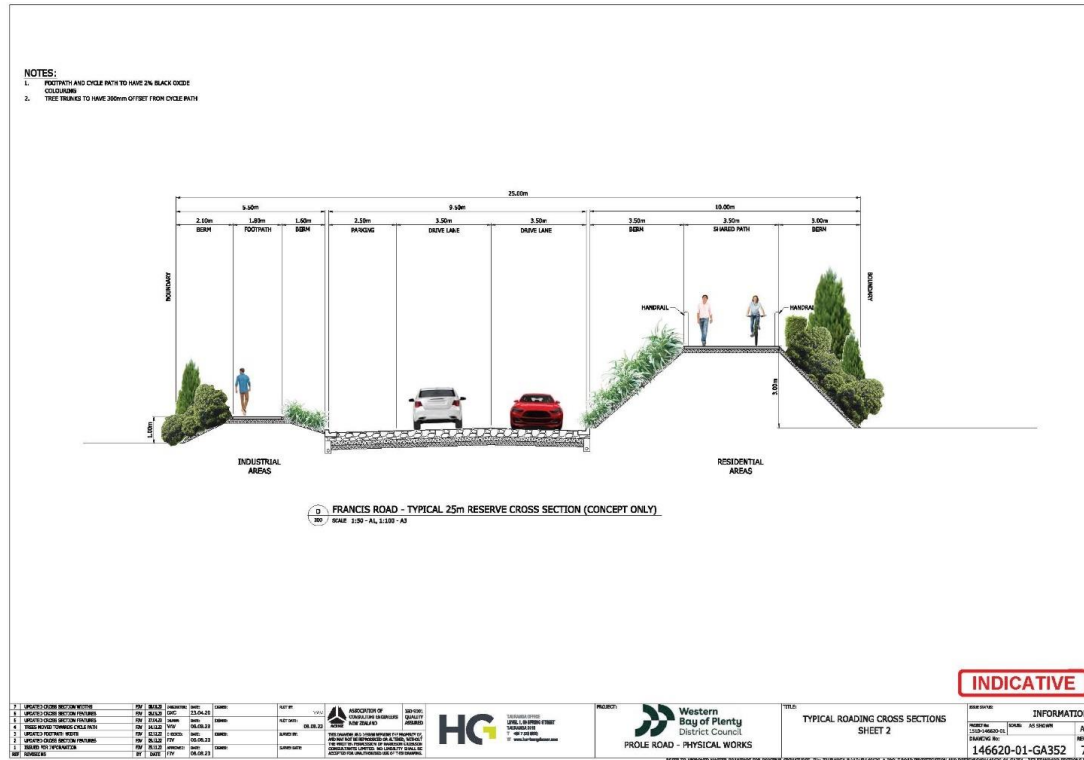
4.6 Ōmokoroa Town Centre Concept Master Plan



4.7 Ōmokoroa Industrial Road Cross-Section



#### 4.8 Francis Road Cross-Section



## 4.9 Earthworks Procedures

The following information is provided to give land developers information on good *earthworks* practice in the Ōmokoroa Stage 2 and 3 *Structure Plan* areas.

## Generally

1. Contractors involved in earthmoving or who disturb earth as part of their *development* need to consult with Pirirakau so all parties are aware of protocols surrounding archaeological sites.

## Consultation

2. Specifically, at least four weeks prior to significant *earthworks* on site Pirirakau is to be informed of the upcoming *earthworks*.

## Earthworks

3. Prior to the works starting Pirirakau should be invited to carry out a blessing of the site.
4. All *earthworks* are to be monitored by a representative of Pirirakau and to this end an agreement between Pirirakau and the developer should be formed to enable site

access for monitoring. It will be the developer's responsibility to ensure all Occupational Safety and Health requirements and other legal obligations are able to be met by the Pirirakau representative.

5. On discovery of any unrecorded sites of archaeological importance work shall cease immediately until an assessment can be made by a hapū representative. Pirirakau will retain an archaeologist for further opinion or recommend when or if one is required.

#### Archaeological

6. On discovering any archaeological find the following process will be instigated:

#### Kōiwi (human remains)

- Site work will stop, and the designated Pirirakau representative will be notified and an inspection/assessment carried out.
- Rahui will be imposed on the site and immediate surrounds.
- Pirirakau and contractors will meet and assess implications and constraints.
- Pirirakau to notify relevant authorities.
- Kōiwi site and location to be recorded and inspected by archaeologist.
- Site to be registered as waahi tapu where appropriate and practicable.
- Exhumation to be carried out according to tikanga and kawa.
- *Construction* work may continue in another area until the site has been made safe to continue works.

#### Stone Artefacts

- Work in the immediate area will stop and the Pirirakau representative will be notified.
- Rahui will be imposed for duration of the assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- Artefacts will be dated and removed from site by Pirirakau.
- Taonga will be vested under mana of Pirirakau.
- Investigation of immediate vicinity will be carried out.
- Work may continue in another area until the site has been made safe to continue works.

#### Wooden Artefacts

- Work in immediate area will stop and the Pirirakau representative will be notified. Rahui will be imposed for duration of assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- If dry, artefact will need to be vacuum-packed and protected from deterioration.
- If wet, artefact will need to be submerged at the site. The artefact cannot be removed until a safe curing process is confirmed.
- Investigation of immediate vicinity will be carried out.
- Work may continue in another area until the site has been made safe to continue works.

#### Habitation/Midden/Cooking Sites

- Work in immediate area to stop and the Pirirakau representative will be notified.
- Rahui will be imposed for duration of the assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- Surface investigation/excavation to determine extent of the site.
- Archaeological investigation will be carried out because of the number of artefact remains which may be found.

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Section 4: Ōmokoroa Structure Plan

Operative: 16-Jun-2012

- 
- If wet, artefact will need to be submerged at the site. The artefact cannot be removed until a safe curing process is confirmed.
  - Any significant find will be stored and recorded.
  - Work may continue in another area until the site has been made safe to continue works.

**Naming Rights**

Pirirakau, as Tāngata Whenua of the area, retains the right to suggest names to *Council* and reasons for such suggestions for any areas or roads resulting from *earthworks* and/or *construction* of roads.



## 8.2 Te Puke Area 4 and 5 Structure Plan - Infrastructure





Section 8: Te Puke Structure Plan

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### 8.3 Infrastructure Schedule

Te Puke Utilities						
Project Number	Project	Proposed Construction Year	Project Costs \$	Funding Source(%age)		
				Developer	Financial Contributions	Rates
	New Water supply					
Area 3	Eastern Water Supply					
WS1	Along RD1-3	2024	52,500		100%	
WS2	Along RD1-2	2024	52,500		100%	
WS-3	Connector	2019	22,500		100%	
WS-4	Along RD 1-1	2019	75,000		100%	
WS-5	Along Boundary & RD 3-2	2024	108,000		100%	
WS-6	Along RD 3-2 from RD 3-1 to first shelter belt	2030	49,500		100%	
Area 3 Total	Eastern Water Supply		360,000			
Area 4	Eastern Water Supply					
WS-5	Pressure management	2017	50,000		100%	
Area 4 Total	Eastern Water Supply		50,000			
Area 3	New Wastewater					
SS-1	WAW line near RD 1-3	2019	200,250		100%	
SS-2	WAW line along RD 3-1	2020	126,000		100%	
Off site of Area 3	Upgrade to downstream system to prevent surcharging and enable connection	2025	153,000		100%	
Total	New Wastewater		479,250			
Area 3	New Stormwater					
SW-1	Cut-off from RD-3	2020	205,000	0%	100%	
SWP-1	Pond 1 By	2019		100%	0%	

## Section 8: Te Puke Structure Plan

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	Developer					
SWP 2	Pond 2 extension by developer	2019		100%	0%	
SWP 3	Pond 3 by Developer	2024		100%	0%	
SWP 4	Pond 4 by Fince	2024	850,000	0%	100%	
SWP 5	Pond 5 by Fince	2020	1,000,000	0%	100%	
SWP 6	Pond 6 by Developer	2020		100%	0%	
SWP 7	Pond 7 by Developer	2024		100%	0%	
SWP 8	Pond 8 by Fince	2030	350,000	100%	0%	
SWP 9	Pond 9 by Fince	2030	550,000		100%	
<b>Total</b>	<b>New Stormwater</b>		<b>2,955,000</b>			

## Note:

This schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original Schedule. In accordance with Rule 11.4.1.b the Schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.

Te Puke Urban Reading					
Project Number	Project	Proposed Construction Year	Project Cost	Funding Source(%)	
			Total (\$)	Developer Funded	Catchment Allocation
RD 1-1	Collector Road	2019	1,017,600	74%	26%
RD 1-2	Collector Road	2024	518,400	74%	26%
RD 1-3	Collector Road C	2024	710,400	74%	26%
RD 3-1	Collector Road C	2020	960,000	74%	26%
RD 3-2	Collector Road C	2030	2,054,400	74%	26%
RU	Urbanisation Macleoughlin	2018	1,058,400	74%	26%
5-3	New Collector Road Intersection No 1 Road	2025	340,000	74%	26%
WalkWay1	Walkway along area	2020	248,400	0%	100%
WalkWay2	Walkway along gully	2025	319,740	0%	100%
WalkWay3	Walkway towards school	2022	626,400	0%	100%
	<b>Total</b>		<b>7,853,740</b>		

Section 8: Te Puke Structure Plan

Operative: 16-Jun-2012

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**Note:**

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Section 8: Te Puke Structure Plan

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## 8.1 Te Puke Structure Plan - Infrastructure Schedule

Te Puke Utilities						
Te Puke: New Water Supply						
Project Number	Project Description	Year to be Constructed	Project Costs \$	Funding Source (%)		
				Developer	Financial Contributions	Rates
<b>Area 3</b>	<b>Eastern Water Supply</b>					
WS-1	Along RD1-3	2024	78,100	75%	25%	
WS-2	Along RD1-2	2024	72,600	75%	25%	
WS-3	Connector	2024	30,800	75%	25%	
WS-4	Along RD1-1	2025	104,500	75%	25%	
WS-5	Along Boundary & RD3-2	2025	143,000	75%	25%	
WS-6	Along RD3-2 from RD3-1 to first shelter belt	2030	66,000	75%	25%	
WS-7	Upgrade of existing main to 200mm to service new subdivision off Dunlop Rd	2023	246,015		63%	37%
<b>Area 3 Total: Eastern Water Supply</b>			<b>741,015</b>			
<b>Area 4</b>	<b>Eastern Water Supply</b>					
WS-A4	Pressure management	2017	50,000		100%	
<b>Area 4 Total: Eastern Water Supply</b>			<b>50,000</b>			

Section 8: Te Puke Structure Plan

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Te Puke Utilities						
Te Puke: New Water Supply						
Project Number	Project Description	Proposed Construction Year	Project Cost Total (\$)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
<b>Area 3</b>	<b>Eastern Water Supply</b>					
WS1	Along RD1-3	2024	85,910	75%	25%	
WS2	Along RD1-2	2024	79,860	75%	25%	
WS 3	Connector	2024	33,880	75%	25%	
WS 4	Along RD 1-1	2025	114,950	75%	25%	
WS 5	Along Boundary and RD 3-2	2025	157,300	75%	25%	
WS 6	Along RD 3-2 from RD 3-1 to first shelter belt	2030	72,600	75%	25%	
WS 7	Upgrading of existing main from 100mm to 200mm PE from Mc Loughlin Drive to and along Dunlop Road to service the new subdivision off Dunlop Road. The total cost of this is proposal is \$390,500 but proposed to be shared between Asset renewal (37%) and Structure plan (63%).	2023	270,617		63%	37%
<b>Area 3 Total: Eastern Water Supply</b>			<b>815,117</b>			
<b>Area 4</b>	<b>Eastern Water Supply</b>					
WS-A4	Pressure Management	2017	50,000		100%	
<b>Area 4 Total: Eastern Water Supply</b>			<b>50,000</b>			

Section 8: Te Puke Structure Plan

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Te Puke: New Wastewater Supply						
Project Number	Project Description	Year to be Constructed	Project Costs \$	Funding Source (%)		
				Developer	Financial Contributions	Rates
WW-1A	New reticulation along MacLoughlin Dr	2022	81,004		100%	
WW-2	W/W line along Dunlop Rd extension	2022	162,008		100%	
WWSP-1A	Upgrade between Hayward Cr / Atuaroa Ave	2026	326,840		60%	40%
WWSP-1B	Upgrade along Atuaroa Ave	2026	83,100		60%	40%
WWSP-2	Upgrade downstream of Dunlop Rd	2025	377,210		60%	40%
WWSP-3	Upgrade downstream Seddon St	2026	145,200	60%	40%	
WWINT-1	Station Rd – Stock Rd upgrade	2024	170,355		60%	40%
WWINT-2	Upgrade of main WWTP inlet pipeline	2024	700,000		60%	40%
WWINT-3A	Upgrade of main from Slater Pl to Washer Pl	2031	458,700		60%	40%
WWINT-3B	Upgrade of main from Slater Pl to Washer Pl	2034	394,725		60%	40%
WWINT-3C	Upgrade of main from Slater Pl to Washer Pl	2037	155,925		60%	40%
WWINT-4	Jellicoe St to Kowhai Ave	2039	414,480		60%	40%
<b>Total New Wastewater</b>			<b>3,469,247</b>			

Section 8: Te Puke Structure Plan

Operative: 16-Jun-2012

Te Puke: New Wastewater Supply						
Project Number	Project Description	Proposed Construction Year	Project Cost Total (\$)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
WW-1A	New Reticulation on along MacLoughlin Dr	2022	89,104		100%	
WW-1A	New Reticulation adjacent to RD 1-3 and parallel to the stormwater main along SW Pond 2. Includes for a pump system to cover the rest of the area	2024	194,120		100%	
WW-2	W/W line along Dunlop Rd extension	2022	178,432		100%	
WWSP - 1A	Upgrade between Hayward Cr / Aturoa Ave	2026	359,194		60%	40%
WWSP - 1B	Upgrade along Aturoa Ave	2026	91,410		60%	40%
WWSP - 2	Upgrade downstream of Dunlop Road	2025	414,931		60%	40%
WWSP - 3	Upgrade downstream of Seddon St	2026	159,720	60%	40%	
<del>WWINT - 1</del>	<del>Station Rd - Stock Rd upgrade</del>	<del>2024</del>	<del>187,391</del>		<del>60%</del>	<del>40%</del>
<del>WWINT - 2</del>	<del>Upgrade of main WWTP inlet pipeline</del>	<del>2024</del>	<del>770,000</del>		<del>60%</del>	<del>40%</del>
WWINT - 3A	Upgrade of main from Slater Pl to Washer Pl	2031	504,570		60%	40%
WWINT - 3B	Upgrade of main from Slater Pl to Washer Pl	2034	434,198		60%	40%
WWINT - 3C	Upgrade of main from Slater Pl to Washer Pl	2037	171,518		60%	40%
WWINT - 4	Jellicoe St to Kowhai Ave	2039	455,928		60%	40%
<b>Total New Wastewater</b>			<b>3,053,125</b>			

Section 8: Te Puke Structure Plan

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Te Puke: New Stormwater Area 3						
Project Number	Project Description	Year to be Constructed	Project Costs \$	Funding Source (%)		
				Developer	Financial Contributions	Rates
SW-1	Stormwater main from Dunlop Rd	2022	293,150		100%	
SW-2	Stormwater main between Pond 3 & 4s	2023	700,000		100%	
SW-3	Stormwater open drain between Pond 9 & 4	2025	100,000		100%	
SWP-2	Pond 2 by developer	2024		100%		
SWP3	Pond 3 by Developer	2028		100%		
SWP4	Pond 4 by Finco	2030	1,481,400		100%	
SWP5	Pond 5 by Finco	2022	1,331,000		100%	
SWP8	Pond 9 by Finco	2026	732,050		100%	
<b>Total</b>	<b>New Stormwater</b>		<b>4,637,600</b>			



Section 8: Te Puke Structure Plan

Operative: 16-Jun-2012

Te Puke: New Stormwater Area 3						
Project Number	Project Description	Proposed Construction Year	Project Cost Total (\$)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
SW 1	Stormwater main from Dunlop Road	2022	322,465		100%	
SW2	Stormwater main between pond 3 and 4	2024	800,000		100%	
SW3	Stormwater drain between pond 9 and 4	2024	230,000		100%	
SWP 2	Pond 2 by developer	2024		100%		
SWP 3	Pond 3 by developer	2028		100%		
SWP 4	Pond 4 by Finco	2030	1,481,400		100%	
SWP 5	Pond 5 by Finco	2022	1,464,100		100%	
SWP 8	Pond 8 OR Extension to Pond 9 if required for structure plan	2026	512,435		100%	
SWP 9	Pond 9 by Finco	2026	805,255		100%	
Total New Stormwater			5,615,655			

Section 8: Te Puke Structure Plan

Operative: 16-Jun-2012

Te Puke Urban Roding						
Project Number	Project Description	Proposed Construction Year	Project Cost Total (\$)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
RD1-1	Collector Road	2024	1,343,232	74%	26%	
RD1-2	Collector Road	2024	684,288	74%	26%	
RD1-3	Collector Road	2024	937,728	74%	26%	
RD3-1	Collector Road	2023	1,267,200	74%	26%	
RD3-2a	Collector Road	2026	811,008	74%	26%	
RD3-2b	Collector Road	2028	1,900,800	74%	26%	
RU	Urbanisation of MacLoughlin Dr	2024	1,397,088	74%	26%	
RD5-1	Linking Cannell Farm Dr to No 1 Rd			100%		
RD5-3	New Collector Road Intersection No 1 Rd	2032	668,800	74%	26%	
WC-1	Walkway along SWP 2	2024	265,954		100%	
WC-2	Walkway along gully	2031	422,057		100%	
WC-3	Walkway towards school	2025	826,848		100%	
TS1	TP Quarry Rd intersection upgrade	2026	1,000,000		8%	92%
TS2	TP No3 Rd intersection upgrade	2026	1,000,000		7%	93%
TS3	TP Cameron Rd intersection upgrade	2026	1,000,000		3%	97%
TS4	TP Boucher Ave intersection upgrade	2026	1,000,000		2%	98%
TS5	TP Jocelyn St intersection upgrade	2026	1,000,000		6%	94%
TS6	TP Oxford St intersection upgrade	2026	1,000,000		2%	98%
TS7	TP No 1 Rd intersection upgrade	2026	1,000,000		1%	99%
<b>Total: Te Puke Urban Roding</b>			<b>17,525,002</b>			

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Operative: 16-Jun-2012

<b>Te Puke Urban Roading</b>						
<b>Project Number</b>	<b>Project Description</b>	<b>Proposed Construction Year</b>	<b>Project Costs (\$)</b>	<b>Funding Source (%)</b>		
				<b>Developer Funded</b>	<b>Financial Contributions</b>	<b>Rates</b>
RD1-1	Collector Road	2024	1,477,555	74%	26%	
RD1-2	Collector Road	2024	752,717	74%	26%	
RD1-3	Collector Road	2024	1,031,501	74%	26%	
RD3-1	Collector Road	2023	1,669,907	74%	26%	
RD3-2a	Collector Road	2026	892,109	74%	26%	
RD3-2b	Collector Road	2028	2,090,880	74%	26%	
RU	Urbanisation of MacLoughlin Dr	2024	1,536,797	74%	26%	
RD5-1	Linking Canell Farm Drive to No 1 Road			100%		
RD5-3	New Collector Road Intersection No 1 Road	2032	735,680	74%	26%	
WC-1	Walkway along SWP 2	2024	292,549		100%	
WC-2	Walkway along gully	2031	464,262		100%	
WC-3	Walkway towards school	2025	909,533		100%	
TS1	TP Quarry Road intersection upgrade	2026	1,100,000		8%	92%
TS2	TP No3 Rd intersection upgrade	2026	1,100,000		7%	93%
TS3	TP Cameron Rd intersection upgrade	2026	1,100,000		3%	97%
TS4	TP Boucher Ave intersection upgrade	2026	1,100,000		2%	98%
TS5	TP Jocelyn St intersection upgrade	2026	1,100,000		6%	94%
TS6	TP Oxford St intersection upgrade	2026	1,100,000		2%	98%
TS7	TP No 1 Rd intersection upgrade	2026	1,100,000		1%	99%
<b>Total: Te Puke Urban Roading</b>			<b>19,553,490</b>			

Section 8: Te Puke Structure Plan

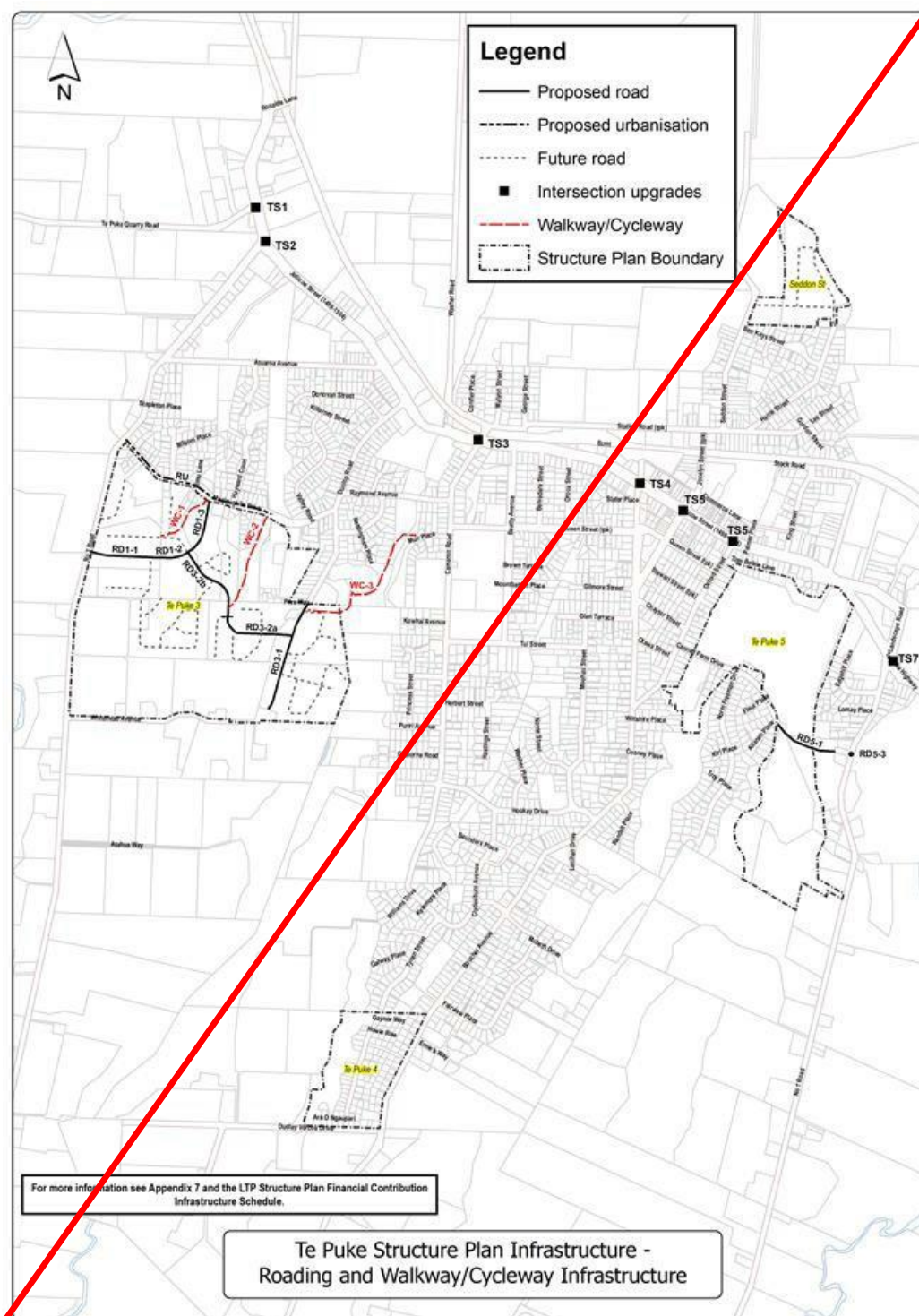
Operative: 16-Jun-2012

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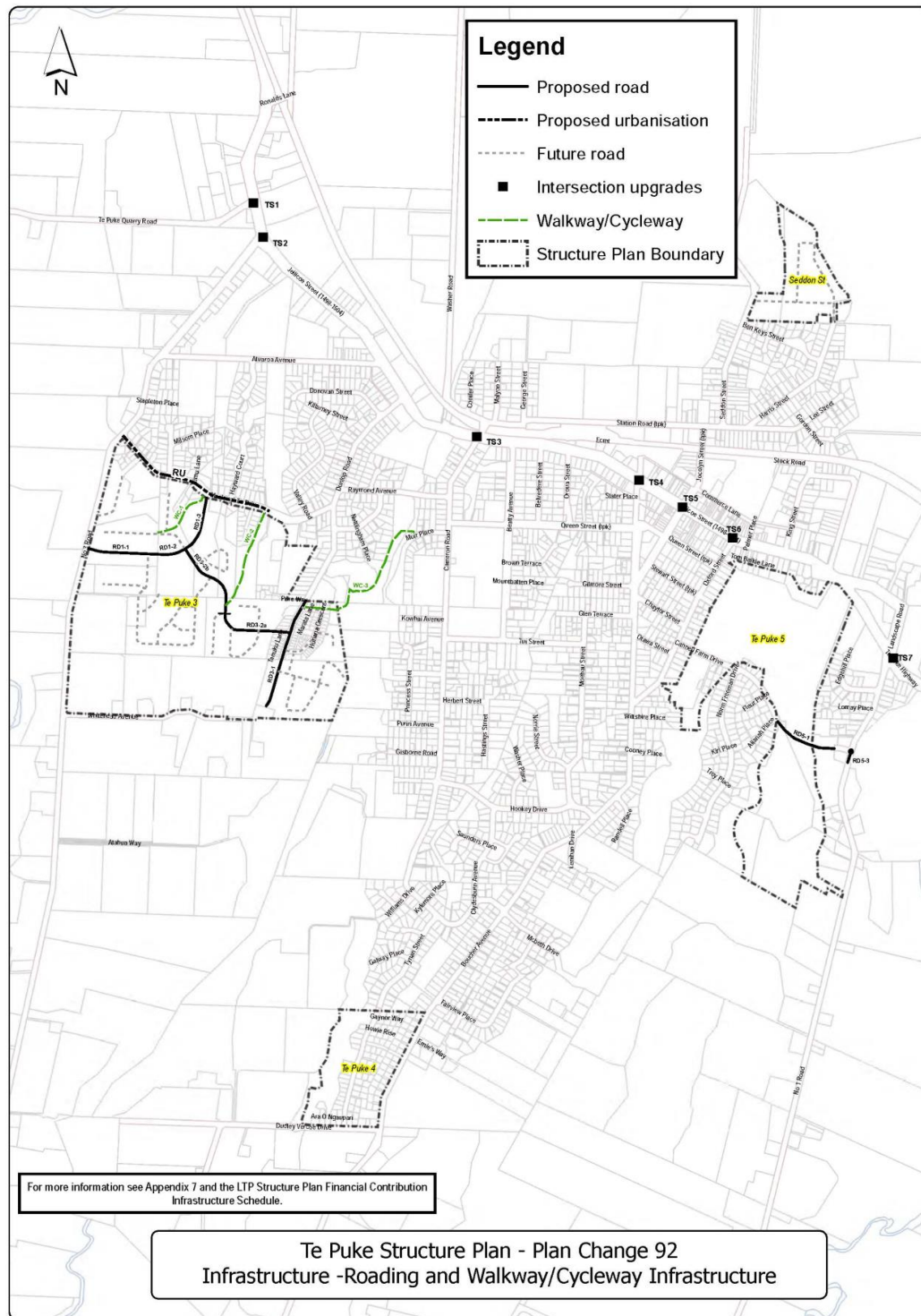
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## 8.2 Te Puke Structure Plan - Roding and Walkway/Cycleway Infrastructure



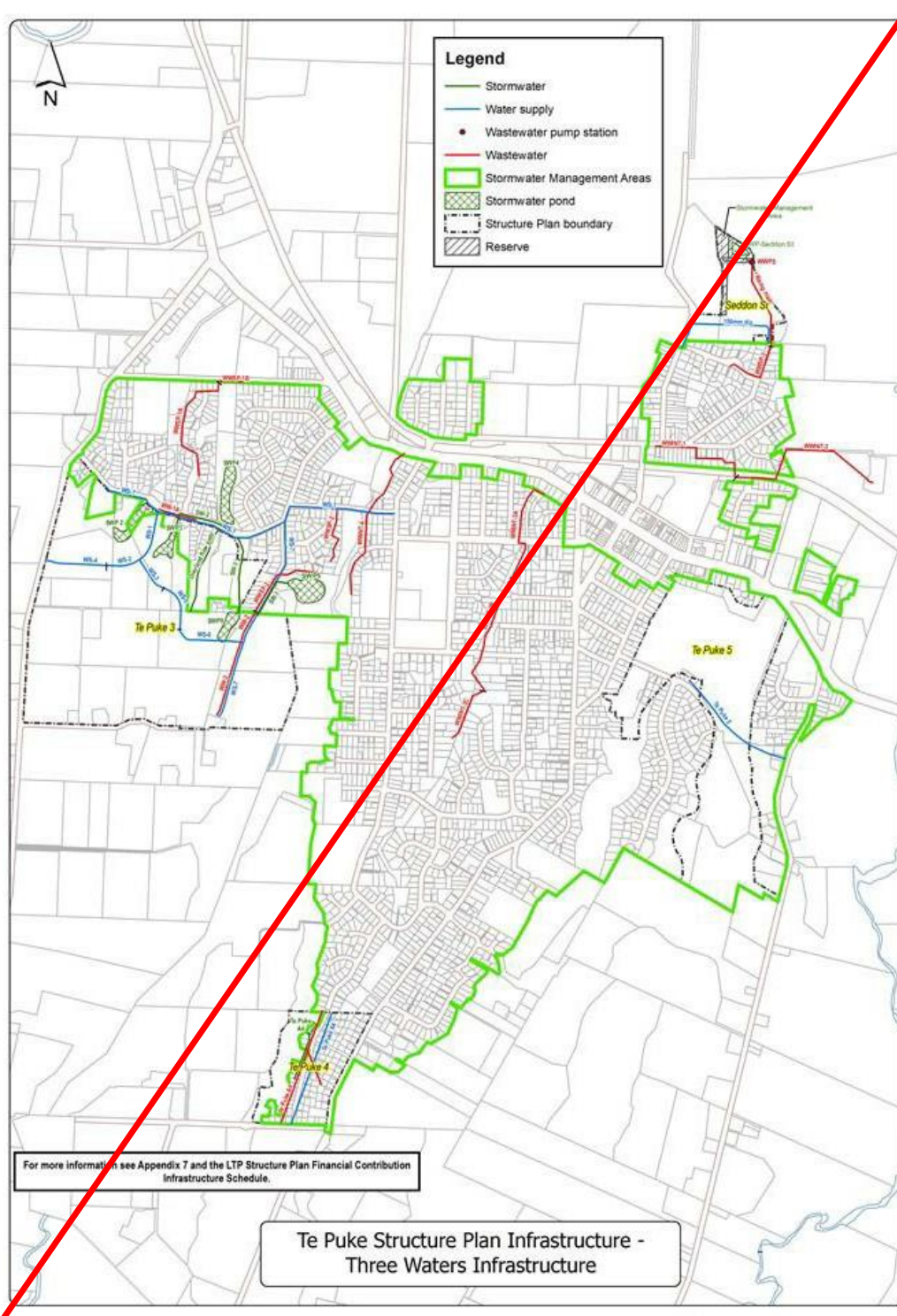
## Section 8: Te Puke Structure Plan

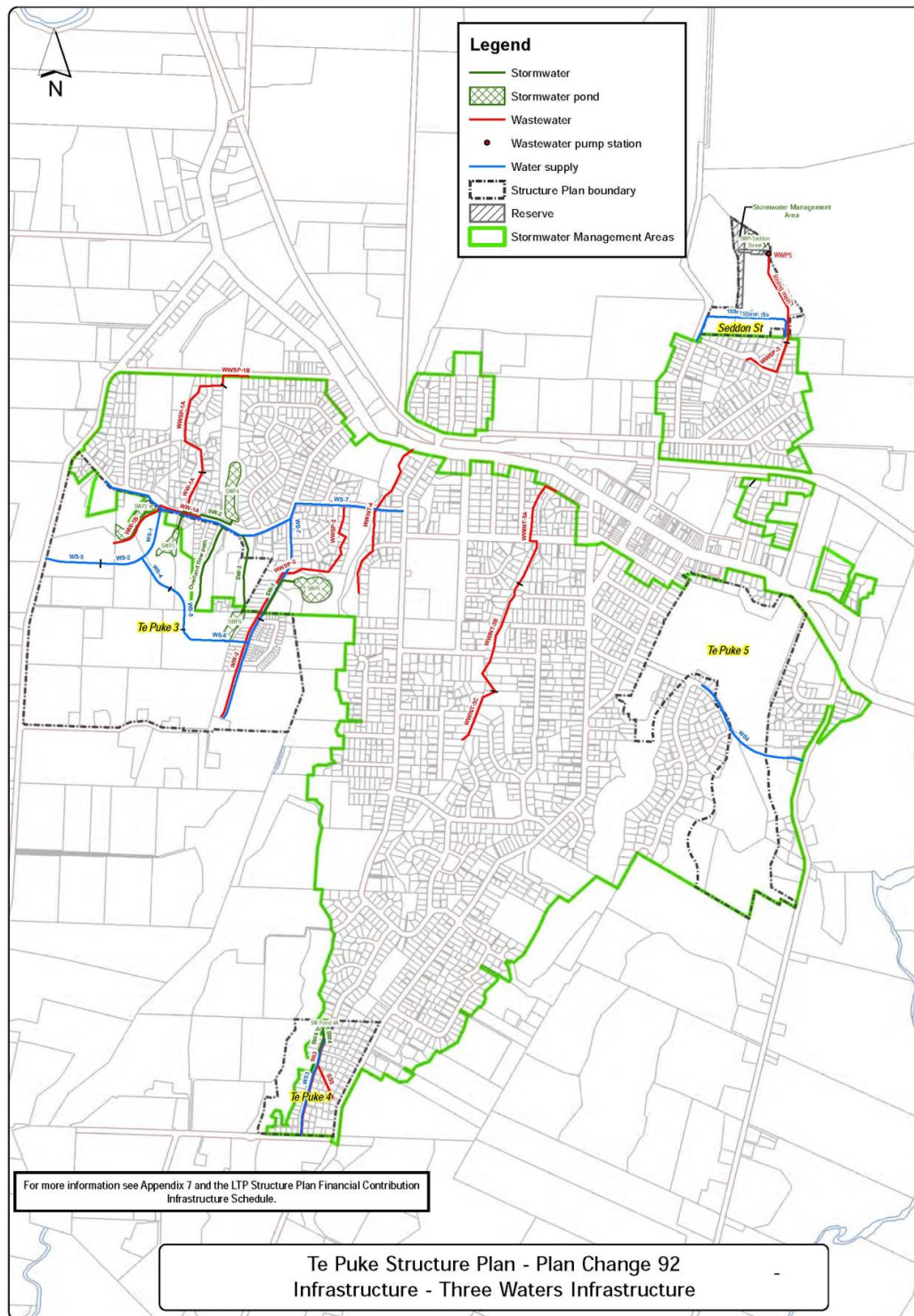
Operative: 16-Jun-2012





### 8.3 Te Puke Structure Plan - Three Waters Infrastructure







## **RECOMMENDATION REPORT OF THE INDEPENDENT HEARING PANEL (IHP)**

**NOTICE OF REQUIREMENT  
WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
*Active recreation reserve, Ōmokoroa*

**25 JANUARY 2024**

**INDEX OF ABBREVIATIONS**

The following list of abbreviations and acronyms are used in this report. This glossary is provided as a key to those unfamiliar with the references.

Abbreviation	Meaning
"IHP"	Independent Hearing Panel
"NoR"	Notice of Requirement
"PC92"	Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters
"PWA"	Public Works Act 1981
"RMA"	Resource Management Act 1991
"The Act"	Resource Management Act 1991
"The Council"	Western Bay of Plenty District Council
"The Panel"	Independent Hearing Panel
"IHP"	Independent Hearing Panel
"WBoPDC"	Western Bay of Plenty District Council

## EXECUTIVE SUMMARY

Western Bay of Plenty District Council is a Tier 1 Council undertaking a broad plan change process to provide for medium density residential development in accordance with the National Policy Statement for Urban Development. Over the next 30 years the population of Ōmokoroa is estimated to grow from approximately 3,500 people to in excess of 13,000.

This notice of requirement (NoR) addresses a discrete element of the overall package for Ōmokoroa, being the setting aside of land for active recreation. The NoR is undertaken in accordance with s168A of the Resource Management Act.

The panel has recommended the designation of land for this purpose, broadly consistent with the recommendation of Council officers. This decision follows a formal hearing process which raised significant issues for the panel's consideration. In particular, we note the concerns of submitters who currently occupy and actively use land which will be subject to this designation. It is especially the case for the early childhood education centre which was the subject of a resource consent process and for which consent was granted with the support of Council.

While the Council indicated a proactive approach has been taken to addressing the issues of landowners and users of the site in question, negotiations between the parties to address their concerns had not substantively started prior to the hearing and had not concluded at the close of the hearing. This is a disappointment, as Council has had a significant amount of time to work these matters through to avoid uncertainty for all parties.

The Council set out the relationship with mana whenua (Pirirākau) and the engagement process utilised to develop and advance the proposal to hearing. It appears to the panel that the relationship is robust, however it is noted that the issues raised by Pirirākau representatives in the hearing have not been resolved. It is the panel's view that the strength of relationships and appropriate conditions can provide for these important interests.

On balance, the panel finds that the merits of the proposal outweigh the deficiencies. There are substantial positive benefits that will accrue to the community of Ōmokoroa in respect of the proactive process of designating land to provide for a consolidated area for active recreation. The Council has a 10-year window to exercise the opportunity presented by the designation. It is the panel's view that the concerns raised by submitters need to be a focus for Council, both for the period prior to site development and beyond that.

The panel thanks the submitters to the NoR hearing for their thoughtful and clear submissions. Equally, the team recognise the effort, knowledge, and experience of Council officers.

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RECOMMENDATION REPORT OF THE INDEPENDENT HEARING  
PANEL TO WESTERN BAY OF PLENTY DISTRICT COUNCIL IN  
RELATION TO NOTICE OF REQUIREMENT ACTIVE RECREATION  
RESERVE, ŌMOKOROA

*Proposal Description:*

Notice of Requirement – Active Recreation Reserve, Ōmokoroa.

*Independent Hearing Panel:*

Mr Greg Carlyon – Independent Hearing Commissioner, Chair

Ms Pia Bennett – Independent Hearing Commissioner

Ms Lisa Mein – Independent Hearing Commissioner

Mr Alan Withy – Independent Hearing Commissioner

*Date of Hearing:*

11<sup>th</sup> – 15<sup>th</sup> September 2023

*Hearing officially closed:*

3<sup>rd</sup> November 2023

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## 1. INTRODUCTION

### Report purpose and background

- 1.1. This report sets out our recommendation to the Western Bay of Plenty District Council (**the Council, WBOPDC**) as the requiring authority for their decision on the Notice of Requirement – Active Recreation Reserve, Ōmokoroa (**the NoR**)<sup>1</sup>.
- 1.2. The NoR was notified by the Council, subject to s168A of the Act, alongside Plan Change 92. The reason for the NoR is to provide a sufficient level of service for recreation for the current, and particularly for the future residents of the Ōmokoroa Peninsula.
- 1.3. The land identified for the proposed Active Recreation Reserve is located to the west of the intersection of Ōmokoroa and Prole Roads, on land that is currently divided among six owners.
- 1.4. The NoR for the use of that land received six submissions, four of which were opposing submissions. All four opposing submissions were from either owners or lessees of land parcels subject to the NoR.

### The role of the Independent Hearing Panel

- 1.5. The Independent Hearing Panel (**the IHP, the Panel**) was appointed by the Council to hear and consider the NoR, along with submissions, evidence and Reporting Officer's recommendations on the matters raised. The Panel was appointed under s34 of the Resource Management Act (**RMA, the Act**) and makes recommendations to the Council.
- 1.6. The authority delegated to the IHP includes all the powers necessary under the RMA to hear and make a recommendation to the Council, who then make the ultimate decision regarding the NoR.

### Comments to the parties to the proceedings

- 1.7. The panel would like to acknowledge and record our appreciation to all of the parties that took part in the proceedings. Those who made submissions and those who attended the hearings enabled a clearer understanding of the issues at play in relation to the NoR, the existing environment and the context at this location in Ōmokoroa. All of the material greatly assisted us in assessing the issues and determining the recommended response. We acknowledge and appreciate the time, thought and effort that went into preparing them.

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<sup>1</sup> Western Bay of Plenty District Council, Notice of Requirement – Ōmokoroa Active Reserve Document, 1 August 2022, p8, p31- and Appendix 6.

**Report outline**

- 1.8. The content of this report is intended to satisfy the Council's obligations related to decision-making and reporting under s171 of the RMA.
- 1.9. This report is organised into five sections:
  - a. Context for the NoR (section 2)
  - b. Submissions (section 3)
  - c. Analysis and Considerations (section 4)
  - d. Environmental Effects (section 5)
  - e. Recommendation (section 6)

**2. CONTEXT****Background**

- 2.1. The Council has identified two areas of their district where the medium density residential standards (MDRS) are appropriate and, as a Tier 1 council, they are obliged to provide for levels of intensification set out in the MDRS and the National Policy Statement for Urban Development (NPS-UD).
- 2.2. The resident population of the Ōmokoroa peninsula is estimated to increase from around 3,500 in 2018 to around 13,000 in 30 years' time. This is expected to be developed on land between State Highway 2 (SH2) and the railway line, on land currently zoned "Future Urban". Plan Change 92, which was notified at the same time as the NoR, is the key instrument to introduce those changes in density and to rezone that area, as well as the existing urban area of Ōmokoroa, to Medium-density residential zone (MRZ).
- 2.3. Due to the increase in density that the plan will enable, there is both a need for greater provision for the recreation needs of current and future residents, but it is also important that the necessary land is set aside prior to the bulk of development taking place. For that reason, the NoR sits alongside PC92 and needs to be understood in the context of a rapidly urbanising township.

**Notice of Requirement for a Public Work by a Territorial Authority**

2.4. The criteria for a decision on a new NoR are set out in s168A(3) RMA<sup>2</sup> (and are also repeated in s171). That section directs decision-makers to consider the effects on the environment, having particular regard to:

- (a) *any relevant provisions of—*
  - (i) *a national policy statement;*
  - (ii) *a New Zealand coastal policy statement;*
  - (iii) *a regional policy statement or proposed regional policy statement;*
  - (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
  - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
  - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

2.5. In this context, the word 'environment' has a broad meaning (as used in the RMA), and includes ecosystems, people, communities, and amenity values.

2.6. These clauses are not tests.<sup>3</sup> These are matters that must be carefully considered making an overall judgement under Part 2 as to whether the requirement is reasonable under Part 2 of the Act.

**Relationship with the Public Works Act**

2.7. The hearing and recommendation in relation to the NoR is a separate process from that of the Public Works Act (PWA). The NoR is limited to exploration of the case for requiring that specific land for the stated purpose and, should that be accepted as justified, the imposition of conditions on those works to ensure that it is well integrated with its surrounding environment and community, especially the mitigation of adverse effects on neighbours. This was explained to submitters during the hearing.

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<sup>2</sup> As cited in the evidence of Ms Barry Piceno, counsel for Mr and Mrs Bruning, landowners and one party that submitted in opposition to the NoR.

<sup>3</sup> As pointed out by Ms Barry Piceno, as well as Mr Danby, the author of the s42a report.



- 2.8. In relation to the compulsory acquisition under the PWA, the requirements of the acquiring authority were to leave owners in a position that is no better or worse than their current position. This was explained to submitters alongside their entitlement to consult a lawyer and that, as part of that process, the Council would cover all fair and reasonable costs relating to legal advice.
- 2.9. The submitters were also made aware that the Council has acknowledged that they have a preference for current owners and occupiers to remain at their respective locations until the proposed designation is given effect to, anticipated to be before the mid-2030s. However, landowners have submitted that they would like to have more certainty around dates, sums, and ongoing tenure in relation to a future compulsory acquisition.
- 2.10. If the decision of the Council (as requiring authority) is to confirm the requirement, submitters are encouraged to negotiate with WBOPDC's property team to agree on terms that are fair and reasonable to the submitters in terms of timelines and fair compensation.
- 2.11. The decision before the Panel is therefore largely separate from the issue of compensation.

#### **Relevant planning documents**

- 2.12. The NoR for the Active Reserve was notified together with the intensification planning instrument of PC92, which gives effect to the direction of the NPS-UD. It is appropriate that developers look not only at providing higher densities, but that they also achieve integrated management of resources by providing appropriate areas of open space, especially necessary where greater densities are being provided for as there is often an accompanying loss of private outdoor space. There is also already a recognised need for more active recreation facilities in and around Ōmokoroa, and this will only intensify as the population grows.
- 2.13. In the context of Part 2 of the Act, the panel accepts the assessment by Mr James Danby, the Council reporting officer, who presents a brief but useful analysis of Part 2 relevant to this NoR. The actual and potential effects on the environment are set out in Section 5 of this Decision.
- 2.14. In brief, Mr Danby's conclusions were that there is a benefit to the wider community of the active reserve, principally through providing for their health and social wellbeing. He also argued that the provision of the Active Reserve serves the requirements of greater intensification generally, which centre around providing for well-functioning urban environments, by providing valuable outdoor amenity in lieu of the foregone private outdoor living of less intensive suburban environments.

**Designation area**

2.15. The Designation takes up the length of Ōmokoroa Road from the proposed Park & Ride facility to Prole Road. Opposite the proposed reserve to the south (on Ōmokoroa Road) is a proposed industrial area, to the east on the other side of Prole Road is the school, and some of the area to the north is the Open Space set aside for the gully system and active transport network.

2.16. The area subject to the designation is currently home to a number of land uses. This includes:

- (a) An early childcare education centre;
- (b) A storage business;
- (c) A campground;
- (d) A small area of native forest;
- (e) A number of residential buildings;
- (f) Pasture; and
- (g) Avocado groves

2.17. The location of the Reserve will be largely buffered from residential zones by adjacent land uses. However, there is a small area on the western edge of the proposed reserve where the proposed Medium density residential zone (MRZ) will directly adjoin the Reserve.

2.18. An indicative Concept Plan has been developed, showing three large playing fields, 4 junior playing fields, a multi-purpose artificial turf, hard courts, a bowling green, areas for parking, and three buildings. The concept plan also includes landscaping and an area for stormwater retention.

2.19. Stormwater and an active transport network will be connected to the gully system. The stormwater retention area will catch and filter stormwater and ensure that the gully system is protected against erosion resulting from the increase in stormwater volumes. Also using the gully system, a network for cyclists and pedestrians is proposed across the natural areas provided for in the gully system.

### 3. SUBMISSIONS

3.1. The following submissions were received:

Submitter	Position/ Interest	Support / Oppose
Annette Giles	Trustee 468 Ōmokoroa Road (campground)	Oppose
Mornay and Rachel Jacobs	Owners and operators of The Garden Early Childcare Centre located at 7 Prole Road	Oppose
Patricia and David Cummins (Rascal Holdings)	Landowners of 7 Prole Road	Oppose
TDD Ltd	Landowners of 477 Ōmokoroa Road (storage business)	Oppose
Heritage New Zealand	Concerned with appropriate archaeological protocols (obtaining an archaeological authority for the development).	Support
Ōmokoroa Country Club	Supportive of additional green space and active reserves within the peninsula.	Support

3.2. There were three key themes evident in submissions:

- a. The compulsory requiring of land.
- b. The appropriateness of the designation.
- c. The process of engagement.

3.3. The submission received from Ms Giles challenged the legitimacy of the NoR. Ms Giles cited s22 of the Public Works Act (1981) (**PWA**), which directed that only land required for essential works may be compulsorily taken. It is understood that the owners operate a campground and caravan park at this location.

3.4. There may be arguments for and against the land in question being considered 'essential'. However, since s22 of the PWA has been repealed, that matter is less

relevant than the submitters rights under both the NoR process and the PWA itself. Since those rights are relevant to several submitters, those are dealt with in Section 4.

- 3.5. Mornay and Rachel Jacobs and Patricia and David Cummins made similar submissions. They argued that the childcare centre was in an ideal location for that business and that finding a similar facility on a similarly sized land parcel elsewhere was very difficult. Both submitters sought that the childcare centre be allowed to remain in the location or that they be fairly compensated for the loss of the facility, including the loss of business. They also suggested that the area of the childcare centre property be excluded from the area subject to the NoR.
- 3.6. TDD Ltd, through Aaron Collier, and in written evidence by Chris Taylor, also submitted in opposition to the NoR, citing insufficient or inadequate consultation, and lack of justification for the inclusion of TDD land. They sought more clarity over the timing of land acquisition, a masterplan showing the need for their land, and for the Council to begin the process of acquisition.
- 3.7. A legal submission for TDD Ltd was presented by Ms Barry Piceno. The matters raised in that submission related to matters set out in s168A(3) of the RMA, including whether the designation is reasonably necessary, consideration of alternatives, and consideration of adverse effects. Each of those matters is addressed in the latter sections of this Decision.
- 3.8. Two of the submitters have challenged the need for the Council to take their land for the Active Reserve.
- 3.9. The submissions relating to the early childhood centre highlighted that the decision on their application for resource consent from 2017 found that the location was ideal for that activity. We have a great deal of sympathy for the applicants and do accept that their activity is well-located and well-suited to serve the needs of the community. However, the NoR is for an area much larger than the early childcare centre and the loss of that activity must be weighed against the benefit to the community of designating the land in its proposed location, having regard to the suitability of potential alternatives.
- 3.10. Some submitters have raised concerns in terms of the process of engagement with them as landowners. Landowners are in an awkward position, knowing that their land is to be taken for the reserve, but that development is still perhaps 10 years away.
- 3.11. The panel agrees that the Council could have engaged in a more proactive and constructive way to provide greater certainty. We expect that the future approach of the Council will be more disciplined and show more in-depth understanding for the position of the submitters. This means engaging with them on a timeline and in a manner that suits their needs both in terms of being able to use their current property

and on deciding when it works for them to be bought out and move to an alternative location. In the case of the storage facility, it is expected that the activity would be allowed to continue to operate in that location until the requiring authority was ready to give effect to the designation.

- 3.12. The panel also notes the submission from Heritage NZ, which acknowledges that the applicants have begun the application for an Archaeological Authority, and that that permission will be obtained prior to any development of the subject land. The Council has volunteered a condition that any recommendations of the Archaeological Authority will be adhered to in the development and maintenance of the Active Reserve.
- 3.13. Another submission, from the Ōmokoroa Country Club, is noted in the s42a report, one that supports the additional provision of green space and active reserve in the peninsula.

## 4. ANALYSIS AND CONSIDERATIONS

### Reasonably necessary

- 4.1. For any NoR, it is important to address the question of whether the requirement is 'reasonably necessary', weighing the wellbeing benefits derived from the proposed designation with the costs of its implementation.
- 4.2. The NoR document is relatively brief in its discussion as to whether the Designation is reasonably necessary, simply stating that *"a key part of the structure plan is the identification of the Active Reserve"* and *"the Designation is required to 'safeguard' the proposed public work in accordance with the proposed structure plan"*<sup>4</sup>.
- 4.3. In his evidence, Mr Geoff Canham (Council's consultant Parks and Recreation Specialist) explained that there was an existing need for recreational facilities at Ōmokoroa to service not only the recreational needs of the resident population, but also the needs of the wider rural community. He reported that, with the anticipated increase in population that PC92 would enable, this need would be greatly expanded.
- 4.4. Mr Canham outlined that the Council's level of service was based on a qualitative assessment of need, with some of the facilities planned to be provided at the Active Reserve being explicitly mentioned in the council 2021–2031 Long-Term Plan (LTP). Furthermore, he explored levels of service across the district and provided a discussion paper that draws upon the various structure plans and council strategies to explain why an active reserve providing these facilities is needed in Ōmokoroa.

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<sup>4</sup> Western Bay of Plenty District Council, Notice of Requirement – Ōmokoroa Active Reserve Document, 1 August 2022, p34.

- 4.5. The Panel has considered the evidence of Mr Taylor, Director of TDD Ltd, and the legal submissions of Ms Barry Piceno on behalf of TDD Ltd regarding the requirements for active recreation and the size of the land area proposed by the NoR. Mr Taylor considers that there is a lack of information justifying the need for, or purpose of, the reserve<sup>5</sup>.
- 4.6. We understand that the proposed layout of the Active Reserve is indicative only. We refer to the evidence of Mr Hextall with respect to the concept plan for the reserve, stating it is "in draft to inform active reserve requirements and to provide a better understanding of the possible park development"<sup>6</sup>.
- 4.7. Mr Canham provides greater detail as to the need for an Active Reserve in the preferred location. In paragraph 28 of his evidence, Mr Canham states:

*The Ōmokoroa Active Reserve will be essential in alleviating the future proofing requirement pressure arising from PC 92 and Ōmokoroa, as well as providing one of the few multi-functional active reserves in the overall Western Bay reserve network.*

- 4.8. Although the levels of service (LOS) assessment is qualitative rather than quantitative (i.e. based on provision per thousand population served), the material presented by Mr Canham has laid out the case for a variety of facilities to serve the community into the future in a consolidated location. This included provision of a swimming pool, indoor recreation centre, and the relocation of the Ōmokoroa bowling greens<sup>7</sup>.
- 4.9. In her legal submission, Ms Barry Piceno argued that it is anticipated that a large proportion of the future residents of Ōmokoroa will be in the older age brackets and that without the level of detail (from a developed concept plan) the Council is in no position to know what extent of land it can justifiably purchase and develop as active reserve<sup>8</sup>. Putting aside the question of whether or not that is true, the Panel does not accept that as justification for not providing the community with facilities to support a more active lifestyle. Certainly, the IHP is aware of brochures promoting an active lifestyle for retirees, which would suggest that there is both demand and need for recreational facilities to serve that age bracket. In addition, the scope of PC92 and NoR is such that it will effectively lock the structure plan into the urban fabric for many decades. Areas that are developed now (and those left undeveloped) will likely be the pattern serving communities far into the future.
- 4.10. We therefore agree with the Requiring Authority that as population increases demands on recreation spaces for both passive and active recreation increase and that the

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<sup>5</sup> Statement of Evidence of Mr Chris Taylor, 22 August 2023, pp 20(i).

<sup>6</sup> Statement of Evidence of Mr Jeffrey Peter Hextall, 28 August 2023, pp24.

<sup>7</sup> Relocation of the bowling greens is required as the current location leaves them susceptible to coastal erosion.

<sup>8</sup> Legal submissions TDD Ltd Ms Barry Piceno, pp 38

provision of sports fields is part of providing for a well-functioning urban environment as defined by the NPS-UD. In our view, it is essential that planning for future demand for open space and recreation is considered at the same time as the zoning for future residential and commercial development as this will have far-reaching implications.

- 4.11. The Active Reserve space to be provided aligns with the Western Bay of Plenty District Council's Recreation and Open Space Strategy as well as the Bay of Plenty Regional Spaces and Places Strategy. The latter document also identifies the possibility of sharing the cost of the requirement; in addition to serving the wider community, the Active Reserve is anticipated to provide for the specific sporting needs of the new schools to be established nearby.
- 4.12. In her legal submissions, Ms Barry Piceno raised the possibility of the new schools providing sports fields and other recreational facilities on their own grounds. However, this would likely take a similar amount of space, could also be subject to a NoR, and would provide only for the needs of the school students. It is considered an efficient use of land to provide for a facility that could be shared between the Ministry of Education and the wider community.
- 4.13. The Panel therefore accepts the Requiring Authority's position that the NoR is reasonably necessary to enable the development of the Active Recreation Reserve to support urbanisation of Ōmokoroa and to address the shortfall for community needs.

#### Consideration of alternatives

- 4.14. It is important for any proposed designation that all reasonable alternatives have been explored and that adequate consideration has been given to the assessment of those alternatives, where the land required for the designation belongs to someone other than the requiring authority, or where the designation will likely have significant adverse effects on the environment.
- 4.15. The NoR sets out that the proposed site has gone through a detailed site selection process and various alternative locations have been considered within the Stage 3 Structure Plan for Ōmokoroa. A discussion paper<sup>9</sup> sets out possible locations for future sports fields within Stage 3 of Ōmokoroa. Each of these seven sites was evaluated against LOS assessment criteria for the purchase and development of Sport and Recreation Parks including topography, soil suitability, strategic alignment to community's needs, and were considered in terms of their overall benefits and constraints.

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<sup>9</sup> Appendix 6 to the NoR documentation, prepared by Tracey Miller, April 2021.

- 4.16. The alternative sites were judged less acceptable due to cost, lack of visibility and connectivity, poor soils, and for the fact that several were currently being progressed for development under the higher densities that PC92 is intended to enable.
- 4.17. According to the information within that report, Option 1 (the subject site) was identified as having *“good access opportunities with access from Ōmokoroa Road via the future Francis Road extension as well as Prole Road. The site is also immediately opposite the future school site creating the possibility of shared use and cost sharing of facilities”*.<sup>10</sup>
- 4.18. However, we note that one of the key disadvantages of this site is that it requires purchase of six properties. Consideration of alternative sites was not directly raised by any of the submitters, however the four submissions in opposition to the NoR are either landowners or leaseholders directly affected by the land area identified as being required for the future recreation reserve.
- 4.19. We accept the criteria as read and that the subject site was selected for its high visibility with road frontages to Prole and Ōmokoroa Roads, good future transport access to the north and west, because it is relatively flat, close to the school and town centre, and because the Council already owns approximately 2.67 ha at 452 Ōmokoroa Road, forming part of the wider 10 ha area required.
- 4.20. The Panel accepts that the listed criteria, considered together, constitute a fair assessment of suitability. A fair comparison has been made of the potential sites for the Active Reserve. The Panel therefore accepts that a fair assessment of alternatives has been made and the chosen site is the most suitable based on those criteria.
- 4.21. In applying a broad overall judgement (subject to Part 2), we are satisfied that adequate consideration has been given to alternative sites and that Option 1 is the most suitable.
- 4.22. In the next section, our attention turns to assessment of the effects of the proposal, including the ability to address those effects. Included in that assessment is a consideration of the potential adverse effects and mitigations for the alternative sites.

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<sup>10</sup> Appendix 6 to the NoR documentation, prepared by Tracey Miller, p 17.



## 5. ENVIRONMENTAL EFFECTS

- 5.1. Under s168A(3)(b)(ii), it is important to look at the actual and potential effects on the environment resulting from the proposed Designation. Although the final design of the Active Reserve is yet to be determined, it is possible to a large degree to outline the anticipated effects of this Designation. These effects are likely regardless of the final design of the Active Reserve, though may differ in the degree to which effects impact particular properties.

### Positive effects

- 5.2. The positive effects have been well traversed by the Reporting Officer in the s32 assessment and later in the s42a response to submissions. The area of Active Reserve will serve the recreational needs of the whole Ōmokoroa community. Benefits have been identified in relation to the school, members of the current Ōmokoroa Bowling Club, future residents living in the higher-density dwellings, and residents of the wider rural area.

### Property

- 5.3. The most adverse of effects relating to this requirement is undoubtedly the imposition of the Designation over existing land uses. Most of the submissions received were in relation to the taking of land for the Designation. Landowners oppose the NoR and argue that they should be able to retain their land. The Panel notes that all of the alternative sites were privately owned and a NoR over any of them would likely face similar opposition from landowners.
- 5.4. In relation to the submission from the early childhood centre that suggested that the childcare be allowed to continue to operate in that location, Mr Canham provided a memo following the Hearing explaining the practicalities of operating the large Active Reserve. It made a compelling argument as to why the childcare facility surrounded by Active Reserve was not a feasible proposition. He argued persuasively that this would present many practical issues with continuing to operate the childcare in the manner to which it is accustomed, as well as presenting real challenges in terms of functionality and efficiency of the new reserve.
- 5.5. While it is important to differentiate the imposition of the Designation (the focus of this Decision) from the taking of land (subject to the PWA and a separate process to be implemented at a later date), it is important to recognise the effects of imposing that Designation in terms of how it impacts on the future use of that land by the current landowners and leaseholders.

**Bulk and location**

- 5.6. The Concept Plan for the Active Reserve includes the construction of several large buildings. These buildings are likely much larger with greater areas of blank wall than those anticipated in the surrounding residential zones, even at higher density. Those buildings have the potential to cause unreasonable shading or dominance over the neighbouring properties.

**Cultural**

- 5.7. This NoR, and indeed the whole plan change, involves urban development over an area of great significance to tangata whenua, in particular the Pirirākau hapū of Ngāti Ranginui. The Panel heard from representatives of Pirirākau during the hearing for PC92. The hapū restated their qualified support for the urbanisation of Ōmokoroa Peninsula, with appropriate conditions and on the understanding that the other areas of the Pirirākau rohe would not be subject to further urbanisation.
- 5.8. It is beyond the scope of this NoR or the PC92 to impose limitations on urban development elsewhere in the district. However, it is noted that one of the benefits of the changes brought about in the NPS-UD is the ability to provide for more efficient use of land for urban development and the ability to limit the 'urban sprawl' into the rural zones. It is also noted that any future plan change that contemplates further rezoning of rural land will need to engage directly with Pirirākau.
- 5.9. Mr Danby acknowledges the connection of Pirirākau to the Peninsula and supports the volunteering of a condition to ensure the involvement of Pirirākau in development of the Active Reserve. He stated, "*potential effects of land development on cultural values should be given appropriate consideration through the outline plan process*". The panel agrees with that assessment, noting that 'land development' should encompass more than the earthworks Mr Danby mentions, as there may be design decisions that the hapū would like input on, or design elements that the hapū might wish to see incorporated into future work at the Active Reserve.

**Traffic**

- 5.10. The NoR points out that large recreation reserves such as the proposed Active Reserve are likely to draw many visitors, especially during weekend sports and other events. The s42A addendum Concept Plan shows that the Active Reserve could cater for the anticipated needs of the community and also provide bus circulation areas and car parking for more than 300 vehicles.
- 5.11. The proposed design of the Active Reserve has the potential to mitigate potential traffic effects. The proposed pedestrian underpass to the school is anticipated to relieve a large amount of the parking demand for school use, since children will be able to safely make their way between the two locations without needing to be taken by vehicle. To

the west, the Active Reserve will be directly adjoining the proposed Park & Ride/Transport area, which will provide reserve parking on weekends, if needed. And to the north, the reserve will be connected to the walking and cycling network via the gully system, which would allow residents to make their way to the Reserve by means other than private transport.

#### Noise

- 5.12. Active Reserves can occasionally be high generators of noise, usually on weekends and (if used by schools) on sports days. There are some areas to the west and to the north that are adjacent to the reserve. While the proposed landscaping will protect the privacy of neighbouring residential areas, they may still be exposed to moderate levels of elevated noise on those occasions.

#### Antisocial behaviour

- 5.13. As with any public reserve, poor layout may create secluded pockets with little foot traffic or passive surveillance. This is particularly the case where a building is built close to a boundary with blank, windowless walls facing the fence or adjoining property.

#### Stormwater and erosion at the head of the gully system

- 5.14. The increased hard surfacing proposed will result in increased stormwater runoff. As indicated in the concept plan, it is likely that the stormwater will be directed into a stormwater retention pond, to keep the playing fields from becoming waterlogged. However, the increased volumes of stormwater risk introducing contaminants, including sediment, into the gully systems and out into the estuary.
- 5.15. A stormwater retention area allows for the filtration of stormwater so that discharge to the water also provides an opportunity to filter and slow the stormwater, thereby reducing the potential impact on the wider environment.

#### Uncertainty of development scope and timeframes

- 5.16. Council has pointed out that their anticipated timeframe for development of the Active Reserve is longer than the typical five years that a requiring authority would have to give effect to the Designation. Likewise, because the final design for the Active Reserve has not been produced yet, there is also uncertainty around whether the final configuration will require all of the land identified as subject to this NoR.

#### Alternative sites

- 5.17. As referenced in the previous section, the alternative sites identified for the Active Reserve all have one or more of the following, less desirable, characteristics. Below

each is a discussion of the potential additional adverse effects that such characteristics would produce:

- (a) Not on main roads into and out of the peninsula;
  - Problems with wayfinding for visiting teams.
  - If the Reserve has less public visibility there may be an increased risk of antisocial behaviour.
- (b) Lack of proximity to key locations;
  - Additional traffic effects, in particular being further away from the school.
  - Lack of proximity to the Park n Ride would mean no option for overflow parking on weekends.
- (c) Less connectivity to the active transport network;
  - If people's option to walk or cycle to the venue safely is affected, this may result in increased traffic and parking effects.
- (d) On poorer soils with more difficult drainage;
  - Lack of functionality of the playing fields, especially in the winter and after heavy rain events.
  - Difficulty growing quality turf and/or heavier use of fertilisers needed to create good playing surfaces.
- (e) Natural hazard issues (flooding and/or liquefaction);
  - Potential disruption and damage to playing surfaces following storms and/or quakes.
- (f) Slope and site configuration issues (providing enough flat surfaces for sporting activities);
  - Less able to accommodate all playing surfaces;
  - Would require large-scale earthworks and retaining structures,
  - Poor amenity outcomes resulting from multi-tiered playing fields and the necessary terracing.
- (g) Being developed for housing;
  - The need to purchase and remove recently developed housing;
  - Cost implications for land purchase.
- (h) Are bisected by future roads.

- Loss of functionality of either the roading network or the Active Reserve.

(i) Cost

- The effect on the budget of land purchasing means a greater burden on the ratepayer or diminished quality of facilities if the budget is adjusted to compensate.

**Ability to address effects**

5.18. The panel makes the following comments in relation to the ability to address the adverse effects mentioned above.

5.19. In relation to property effects, those adverse effects mostly relate to disruption of the activities on the subject land. It is expected that those effects will be mitigated through open and fair engagement with those landowners under the subsequent PWA process. The panel urges Council to engage in a sensitive and proactive manner with landowners to arrange for acquisition of their property within a timeframe that suits each landowner's unique situation.

5.20. Bulk and location standards are relevant at the boundary of the site, particularly where it borders the Medium-density Residential Zone. A condition has been volunteered to ensure that the buildings on the Active Reserve do not cause inappropriate levels of shading and visual dominance over neighbouring properties.

5.21. In terms of cultural effects, it is appropriate that Pirirākau are involved in development at the site, not only in terms of overseeing earthworks, but also in ensuring that development is respectful of, or ideally reflects, their relationship with the peninsula. The volunteered condition seemed focused on the potential for disturbance of archaeological material, but also included wider considerations such as naming and signage.

5.22. To ensure that parking and circulation of traffic is safe and efficient, Council has volunteered a condition requiring a transportation assessment to be submitted alongside the outline plan.

5.23. In relation to the lapse date for giving effect to the Designation, Council has requested a term of 15 years to give effect to the Designation, to give surrounding areas time to develop the residences that will ultimately be served by the Active Reserve. The panel feels that 15 years is too long a timeframe to give effect to the designation and feel that, if the standard lapse time is to be extended, ten years is a more appropriate length.

5.24. In relation to noise, large events are anticipated to be infrequent enough that any adverse noise effects will be no more than minor.

- 5.25. In Attachment 1 to his evidence in reply, Mr Danby usefully provided an amended set of draft conditions for the designation. These conditions have been used as a good starting point for the panel's recommended conditions to address the effects listed above.
- 5.26. The panel accepts the amended conditions in line with the commentary above, subject to the following recommended further amendments:
1. An additional paragraph should be inserted to the purpose condition, strengthening the wording to reference s176A of the RMA and clarifying when an outline plan will be required (amended condition 2).
  2. A requirement that the final design submitted with the outline plan show how the site will be developed to protect the head of the gully from erosion and to ensure that the principles of Crime Prevention Through Environmental Design (CPTED) are followed. The former is to effectively mitigate the potential erosion effects around the gully, as well as potential ecological effects on the gully system and the estuary. The latter is to ensure that the design considers the most appropriate layout in terms of matters like passive surveillance and social management (new condition 4).
  3. An additional condition relating to cultural values has been inserted. This effectively divides the former condition into two. One condition (new condition 6) deals with engagement with Pirirākau on site design, which includes place names, signage, and interpretation, and the other (amended condition 7) deals with procedures around earthworks, which also includes the need to engage with Pirirākau.
  4. A further condition requires the submission of records of any consultation with the wider community and key stakeholders, including outcomes sought, discussion and incorporation into the final design (new condition 9).
  5. A review clause is also recommended, requiring that a formal review of the designated area be conducted within 12 months of lodgement of the outline plan, and that the removal of any excess land from the Designation is expedited under a s182 process (new condition 10).
  6. The lapse date is amended to give the Requiring Authority 10 years from incorporation of the designation into the plan (amended condition 11).

## 6. RECOMMENDATION

- 6.1. It is the recommendation of the Independent Hearing Panel, subject to its deliberations and s171 of the Act, that the Requiring Authority **confirm** the requirement **with modifications to the conditions**, as set out below.

### Conditions

- 6.2. At the hearing, the Panel raised a number of questions regarding the proposed conditions, in particular strengthening the wording of condition 2 to reference s176A of the RMA, specifically referencing engagement with Pirirākau and engagement with other stakeholders and shortening the lapse period.
- 6.3. In response to those matters, the Requiring Authority has amended the proposed conditions and agreed these with Mr Danby on behalf of the Council. The Panel generally accepts the proposed conditions set out by Mr Danby in the s42a supplementary evidence, subject to the following additions (underlined).

### Purpose

1. *The purpose of the designation is to provide an Active Reserve for the following activities:*
  - a. *Playing fields and associated lighting structures.*
  - b. *Clubrooms and changing facilities.*
  - c. *Playgrounds.*
  - d. *Indoor sports centre.*
  - e. *Aquatic centre.*
  - f. *Access and parking facilities*
  - g. *Associated service connections.*

### Outline Plan

2. *Prior to any works being undertaken to give effect to the Notice of Requirement excepting provisional works such as soil sampling and geotechnical investigative works, an outline plan pursuant to Section 176A of the Resource Management Act 1991 shall be submitted to the territorial authority in general accordance with the matters following.*

*Any separate outline plan application submitted to Western Bay of Plenty District Council for the purpose of giving effect to the designation on a staged basis is appropriate and subject to all other designation conditions.*

*Building height and location*

3. Any new building (excluding light poles, goal posts or similar structures) shall be designed to comply with height and height in relation to boundary performance standards for the underlying zone at the external boundaries.
  - a. Where a building exceeds the height standard the outline plan of works will assess:
    - i. The extent and scale of the additional height
    - ii. The visual dominance of the building.
    - iii. Whether the height of the building supports a positive relationship with the surrounding environment.
    - iv. Architectural design and built form
    - v. Amenity effects on surrounding properties, including shading and loss of daylight.
  - b. Where a building exceeds a height in relation to boundary performance standard the outline plan of works will assess:
    - i. The extent and scale of the building beyond the HIRB envelope and the associated shading, loss of daylight and building bulk effects on the surrounding environment

*Site development*

4. The final design for the site shall show:
  - a. how landscaping and ecological values at the head of the gully will be protected;
  - b. the incorporation of CPTED principles.

*Vehicle Access and Parking*

54. The design and location of vehicle access and exit points and parking areas associated with supporting the purpose of the designation shall be subject to a transportation assessment which shall be submitted with the outline plan application. The purpose of the transportation assessment is to assess the effects of the proposed work on the continued safe, effective, and efficient operation of the surrounding transport network.

*Cultural values*

- 6.5 The outline plan shall demonstrate how Pirirākau have been given the opportunity to provide input on development of the site, including:



- a. evidence that the engagement was early, meaningful, and open;
- b. a record of topics discussed, which may include place names, signage, interpretation and/or site design;
- c. a record of the outcomes sought, discussion and how these have been incorporated into the plan.

#### Earthworks

- 7. The outline plan shall demonstrate how earthworks within site will be undertaken in accordance with the 'good earthworks practice' Ōmokoroa Earthworks Procedures within the District Plan. This includes, but is not limited to:
  - a. Undertaking meaningful consultation with Pirirākau regarding the planned earthworks prior to the outline plan application.
  - b. Procedures for informing Pirirākau of earthwork start dates and opportunities for site blessings and monitoring of earthworks activities.
  - c. Discovery protocols for archaeology, koiwi; other artefacts; habitation sites or middens.
  - ~~d. Any discussions or agreement for input into place names and signage.~~
- 86. The outline plan application shall include a copy of any archaeological authority applied for under the Heritage New Zealand Pouhere Taonga Act 2014.

#### Consultation

- 9. The outline plan shall detail consultation undertaken by the Requiring Authority with key stakeholders, including providing a record of outcomes sought, discussion and how these have been incorporated in the development plan, and where there is disagreement, why they have not been incorporated.

#### Review of extent of designation

- 10. The Requiring Authority shall, within 12 months of lodgement of the outline plan, in conjunction with landowner(s) review the extent of designation required for the Active Recreation Reserve, including identification of any areas that are no longer required; and give notice in accordance with section 182 of the Resource Management Act 1991, for the removal of those parts of the designation.

#### Lapse Date

- 117. The designation shall lapse on the expiry of a period 10~~15~~ years after the date it is incorporated in the District Plan



Greg Carlyon



Pia Bennett



Lisa Mein



Alan Withy

**12.4 MAYOR'S REPORT TO COUNCIL****File Number:** A5953914**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO**Authoriser:** James Denyer, Mayor**EXECUTIVE SUMMARY**

The purpose of this report is for the Mayor to provide (verbal) updates to Council on the below subjects.

**RECOMMENDATION**

That the Executive Assistant – Mayor/CEO's report dated 22 February 2024 titled 'Mayor's Report to Council' be received.

**BACKGROUND**

External functions and meetings attended by me between 23 November 2023 and 25 January 2024 include:

Tauranga Brand steering group, Tauranga	27 November
Opening of NZ Woman's Senior Golf Foursomes competition, Katikati	27 November
Takitimu North Link site visit, Te Puna	28 November
Meet and thank children from Ōmokoroa Point School for signs at Waitekohekohe Park, Katikati	28 November
Sam Uffindell MP	28 November
Mapping Our Future, spatial planning lecture/panel discussion, Tauranga	28 November
Waihi Beach Stormwater Liaison Group, Katikati	29 November
Travel Safe Orange Day walk, Mt Maunganui	30 November
Port of Tauranga annual client function, Tauranga	30 November
Blessing and opening event for Ōmanawa Falls project, Ōmanawa	1 December
Te Puke Christmas Float Parade, Te Puke	2 December
Katikati Christmas Float Parade and Christmas in the Park, Katikati	2 December
Waihi Beach Summer Kick-off event, Waihi Beach	2 December
MTFJ mayors' programme update, Teams	4 December
Village Radio interview, Tauranga	4 December
FfLG next steps for LGNZ, Zoom	4 December
Mayors Len Salt, Adrienne Wilcock, Toby Adams, quarterly catch up, Zoom	6 December
BOP Agricultural Advisory Committee, Te Puke	7 December
Scott Campbell	8 December
Jan Tinetti MP	8 December
Christmas & Carols in the Park, Ōmokoroa	9 December
Katikati Red Cross Christmas morning tea, Katikati	11 December
Western Bay Museum AGM, Katikati	11 December
LGNZ SGM, Zoom	11 December
Katikati College Senior Prizegiving, Katikati	11 December

BOPRC Komiti Maori, Tuapiro Marae	12 December
Chair Tolley et al, City Deal discussions, Tauranga	12 December
Rangiuru Business Park site visit, Rangiuru	13 December
Civil Defence Emergency Management Awards, Whakatāne	15 December
Tracey Lankshear, Pahoia	18 December
Tauranga Brand steering group, Teams	20 December
RNZ phone interview re Matakana fire	24 December
RNZ phone interview re Matakana fire	26 December
Katikati Avocado Festival, Katikati	13 January
Rotary Youth Exchange farewell function, Tauranga	15 January

**13 INFORMATION FOR RECEIPT****14 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>14.1 - Confidential Minutes of the Council Meeting held on 14 December 2023</b>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7