



WHAKATĀNE
DISTRICT PLAN

Te Ihorangi Tuāpapa o Whakatāne

Whakatāne District Plan

Update Record

Date	Change/Update	Provisions Affected
21 June 2017	Final outstanding matters from the Proposed District Plan	Amend: <ul style="list-style-type: none"> • 15.2.1(9) Activity Status Table • 15.4.1 Clearance of Indigenous Vegetation (Activity Status 15.2.1), including placement or construction of a building • 15.4.4 Harvesting of kānuka and mānuka where restricted discretionary activity status is due to grazing during regeneration in Schedule C sites • Definition: Indigenous Vegetation Add: <ul style="list-style-type: none"> • 15.2.6 Harvesting of kānuka and manuka • Definition: Naturally Regenerate
17 November 2017	Correction of minor errors pursuant to Schedule 1, Clause 20A of the Resource Management Act 1991 and the changes required by Environment Court Decision No. [2016]NZEvc067 relating to the Ōpihi block	Amend: <ul style="list-style-type: none"> • Chapter 2 - Policy 8 and 9 • 2.2.2.3 Ōpihi Structure Plan • 2.2.3.2 Method 18 of the RPS • 2.3.1.1(c), (f), (Advice note) Subdivision and development of residential zoned land identified in the Ōpihi Structure Plan • 2.4.1.1(c), (f), (Advice note) Subdivision and development of land within the Ōpihi Structure Plan area not in accordance with Structure Plan • 2.4.2 Comprehensive Development Plans • 3.4 Activity Status Table (Activity 11 Advice Note) • 4.2 Residential and Urban Living Zones • 4.2.1.1, 4.2.1.5, 4.2.1.6 and 4.2.1.7 Height • 18.2.7.4 2060 and 2100 ERZs) • District Plan Maps 105B, 106A, 106B, 505A, 505B and 508B Add: <ul style="list-style-type: none"> • 22.10 Guideline for ecological protection and enhancement in the Ōpihi Structure Plan area • 3.4 Activity Status Table (Activity 52)
28 January 2020	Designation removal notified by Minister of Education under Section 182 of the Resource Management Act 1991, for surplus education land at 1127 State Highway 38, Murupara.	Remove: <ul style="list-style-type: none"> • Designation D142 • District Plan Map 520B – removal of designation D142
29 March 2021	Plan Change 1: Awatarariki Fanhead Risk reduction measures for Awatarariki Debris Flow Policy Area.	Amend: <ul style="list-style-type: none"> • 3.4.1.1 Activity Status Table <ul style="list-style-type: none"> ○ Items 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 16, 17, 30 and 63 ○ All Coastal Protection items • 3.7.25.1(d) Natural Hazard Effects

		<ul style="list-style-type: none"> • 18.2.6.2 (Advice note) Permitted activities in areas described in 18.2.6.1 • 18.7.1 Other methods • District Plan Map Index • District Plan Maps 101A & 101B <p>Add:</p> <ul style="list-style-type: none"> • 3.2.5 Awatarariki Debris Flow Policy Area • 3.5.1.1(o) General Information Requirements • Chapter 18 Objective 1 Policy 13 and 14 • 18.2.6.3 Permitted activities within the Awatarariki High Risk Debris Flow Policy Area on Planning Map 101A Matatā • 18.2.6.4 Restricted Discretionary activities within the Awatarariki High Risk Debris Flow Policy Area on Planning Map 101A Matatā • 18.2.6.5 Prohibited activities within the Awatarariki High Risk Debris Flow Policy Area on Planning Map 101A Matatā • 18.2.6.6 Permitted activities within the Awatarariki Medium Risk Debris Flow Policy Area on Planning Map 101A Matatā • 18.2.6.7 Restricted Discretionary activities within the Awatarariki High Risk Debris Flow Policy Area on Planning Map 101A Matatā • 18.4.2 Awatarariki Medium Risk Debris Flow Policy Area • Definition: Awatarariki High Risk Debris Flow Policy Area • Definition: Awatarariki Medium Risk Debris Flow Policy Area • Definition: Awatarariki Low Risk Debris Flow Policy Area • Definition: Suitably Qualified and Experienced Practitioner <p>Planning Maps</p> <ul style="list-style-type: none"> • Index • Matatā 101A • Matatā 101B • Pikowai 502A • Pikowai 502B
5 May 2021	Correction of minor error pursuant to Schedule 1, Clause 20A of the Resource Management Act 1991	<p>Add:</p> <ul style="list-style-type: none"> • Definition: Minor Structures or Works <p>Deleted in error from the proposed Plan the decisions version of the proposed Plan in December 2015 addressed certain submission points pertaining to the definitions of Minor and Minor Works</p>
5 May 2021	Designation update under Section 181(3) of the Resource Management Act 1991	<p>Amend:</p> <ul style="list-style-type: none"> • Designation D140 – from Rangitāiki Independent School to Te Kura Kaupapa Maori o Te Orini
17 December 2021	Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38)	<p>Remove:</p> <ul style="list-style-type: none"> • 3.7.30.1(a-d) On-site Parking • 13.2.9 Onsite Parking Rate • Table 13.7 Onsite Parking Rate • 13.2.11 Diminution of Onsite Parking • 13.2.12 Assessing Parking Requirements • 13.4.8 On-site Parking

		<ul style="list-style-type: none"> 14.2.3 Financial Contribution in lieu of On-site Car Parking in the Whakatāne Business Centre Zone and Kōpeōpeō Business Centre Zone <p>Amend:</p> <ul style="list-style-type: none"> 13.2.7.2 Traffic Flow Generation
13 July 2022	<p>Inclusion of Ngāti Rangitihi statutory acknowledgement areas following Ngāti Rangitihi Claims Settlement Act 2022. Dataset / mapping from Bay of Plenty Regional Council.</p> <p>Boundary adjustment of statutory acknowledgement areas due to adjustment in Bay of Plenty Regional Council statutory acknowledgement area datasets / mapping.</p>	<p>Amend:</p> <ul style="list-style-type: none"> Map 102B Map 105B Map 106B Map 107B Map 108B Map 110B Map 112B Map 113B Map 116B Map 121B Map 127B Map 128B Map 129B Map 131B Map 133B Map 135B Map 136B Map 137B Map 138B Map 502B Map 504B Map 505B Map 506B Map 507B Map 508B Map 511B Map 515B Map 516B Map 520B Map 523B Map 524B Map 527B Map 528B Map 531B Map 532B
27 January 2023	<p>Plan Change 3 (Matters of Control)</p> <p>Add assessment criteria or matters of control for 8 activities lacking them.</p>	<p>Add new sections:</p> <ul style="list-style-type: none"> 5.4.7 Four or more dwellings per lot in the Mixed Use Zone 5.4.8 Papakāinga Housing in the Mixed Use Zone 5.4.9 Places of assembly (not provided for by any other category): designed to have a maximum occupancy of between 10 to 50 people in the Large Format Retail Zone 5.4.10 Places of Assembly (not provided for by any other category) in the Mixed Use, Business Centre, Commercial and Large Format Retail Zones 5.4.11 Car Parking in the Business Centre and Commercial Zones 6.4.5 Places of assembly (not provided for by any other category): designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Light Industrial and Industrial Zones 7.3.2 Places of Assembly (not provided for by any other category): designed to have a maximum attendance of less than 10 people at any one time in the Rural Ōhiwa Zone 7.3.3 Places of assembly (not provided for by any other category): additions, alterations or extensions where the extension is to buildings less than 50m² in floor area used for a place of assembly which will not increase the existing occupancy or attendance in the Rural Ōhiwa Zone 7.3.4 Emergency services facilities in the Rural Ōhiwa Zone 7.3.5 Exploration of aggregate, sand, gravel or pumice in the Rural Ōhiwa Zone 7.3.6 Accessory Buildings to any Permitted Activity (not for habitation); See also Item 10 Buildings on Public Reserves in the Rural Ōhiwa Zone

		<ul style="list-style-type: none"> • 7.4.7 Places of assembly (not provided for by any other category) designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Rural Plains and Rural Foothills Zones • 7.4.8 Emergency services facilities in the Rural Coastal Zone • 7.4.9 Car Parking in the Rural Plains and Rural Foothills Zones • 12.8.7.1(c) <p>Changes to 12.8.6.1 (Esplanade Reserve or Strip Waivers)</p> <ul style="list-style-type: none"> • Replace (c) • Renumber (d) (e) (f) to (f) (g) (h) • Add (d), (e) and (i) <p>Amend:</p> <ul style="list-style-type: none"> • 5.3.1 Activities in the Large Format Retail Zone (see Activity Status Table 3.4 Items 19, 26, <u>45</u> and 48).
27 January 2023	Plan Change 7 (Removal of Significant Indigenous Biodiversity Site BS6B / 8 Koromiko Street, Murupara)	<p>Remove:</p> <ul style="list-style-type: none"> • Significant Indigenous Biodiversity Site BS6B on 8 Koromiko Street, Murupara from 15.7.2 Schedule B Foothills <p>Update:</p> <ul style="list-style-type: none"> • Map 136A – remove Significant Indigenous Biodiversity Site BS6B

WHAKATĀNE DISTRICT DISTRICT PLAN:

PLAN CHANGE 7

Removal of Significant Indigenous
Biodiversity Site BS6B /
8 Koromiko Street,
Murupara

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan, with Plan Change 7 (Removal of Significant Indigenous Biodiversity Site BS6B / 8 Koromiko Street, Murupara), approved by resolution on the 15th of December 2022. The District Plan shall become Operative on the 27th of January 2023.

The Common Seal of the Whakatāne District Council was hereunto affixed this 25th day of January 2023.



Dr Victor Luca
Mayor Manukura

Steph O'Sullivan
Chief Executive Toihautū

WHAKATĀNE DISTRICT
DISTRICT PLAN:
PLAN CHANGE 3
Matters of Control

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan, with Plan Change 3 (Matters of Control) approved by resolution on the 15th of December 2022. The District Plan shall become Operative on the 27th of January 2023.

The Common Seal of the Whakatāne District Council was hereunto affixed this 25th day of January 2023.



Dr Victor Luca
Mayor *Manukura*



Steph O'Sullivan
Chief Executive *Toihautū*



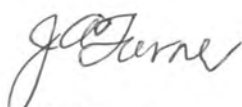
WHAKATĀNE DISTRICT DISTRICT PLAN:

*Update under National Policy Statement
on Urban Development 2020*

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan, with changes mandated under the National Policy Statement Urban Development 2020, adopted under Section 55 of the Resource Management Act 1991. The District Plan shall become Operative on the 17th of December 2021.

The Common Seal of the Whakatāne District Council was hereunto affixed this 17th day of December 2021.



Judy Turner
Mayor *Manukura*



Steph O'Sullivan
Chief Executive *Toihautū*



WHAKATĀNE DISTRICT DISTRICT PLAN:

Plan Change 1 *(Awatarariki Fanhead)*

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan, with Plan Change 1 (Awatarariki Fanhead), approved by resolution on the 11th day of February 2021. The Council has further resolved that the District Plan shall become Operative on the 29th day of March 2021.

The Common Seal of the Whakatāne District Council was hereunto affixed this 29th day of March 2021.



Judy Turner
Mayor *Manukura*



Steph O'Sullivan
Chief Executive *Toihautū*



WHAKATĀNE DISTRICT DISTRICT PLAN: *First Review*

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan, with the previously outstanding parts of the Proposed District Plan, approved by resolution on the 8th day of June 2017. The Council has further resolved that the District Plan shall become Operative on the 21st day of June 2017.

The Common Seal of the Whakatāne District Council was hereunto affixed this 8th day of June 2017.



Tony Bonne
Mayor



Marty Grenfell
Chief Executive



WHAKATĀNE DISTRICT DISTRICT PLAN: *First Review*

Whakatāne District Plan

It is certified that this is the Whakatāne District Plan approved in part by resolution on the 8th day of March 2017. The Council has further resolved that the District Plan shall become operative in part on the 13th day of April 2017. The part that remains under appeal and therefore not approved as the new Operative District Plan is Rule 15.2.1.2 (Activity 9) of Chapter 15 Indigenous Biodiversity.

The Common Seal of the Whakatāne District Council was hereunto affixed this 9th day of March 2017.



Tony Bonne
Mayor



Marty Grenfell
Chief Executive



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Foreword

This foreword “Shaping Whakatāne” sets out the Council’s vision and aspirations for the Whakatāne District. It reflects the key themes that run through all of the Council’s Strategic documents and is designed to assist the reader to understand how the responsibilities under the Resource Management Act 1991 (RMA) align with the responsibilities the Council has under the Local Government Act 2002. The foreword is not a chapter of the Plan, has no legal standing and should be given no statutory weight.

SHAPING WHAKATĀNE

The Whakatāne District Council (**Council**) believes that economic development is a key contributor to a vital business sector and a prosperous community. The role of the District Plan is to establish **objectives, policies and rules** to enable development, while protecting the values which make the Whakatāne District (**District**) a great place to live.

We are proud of our rich history, strong cultural identity and our diverse and beautiful natural landscape. Our vision is to embrace and safeguard those qualities so that they can continue to be enjoyed by future generations.

To provide for our community’s wellbeing, we must also ensure that we make the most of the opportunities our natural and physical resources provide. Shaping the **District** of the future therefore requires us to find the right balance between protecting our heritage, maintaining quality living environments and enabling development and growth.

In preparing this Plan, hundreds of views and suggestions from the community have been carefully considered and changes incorporated to balance all of the factors illustrated below. Achieving the right balance for the **District** will allow us to meet the community’s, economic, social, environmental and cultural aspirations.

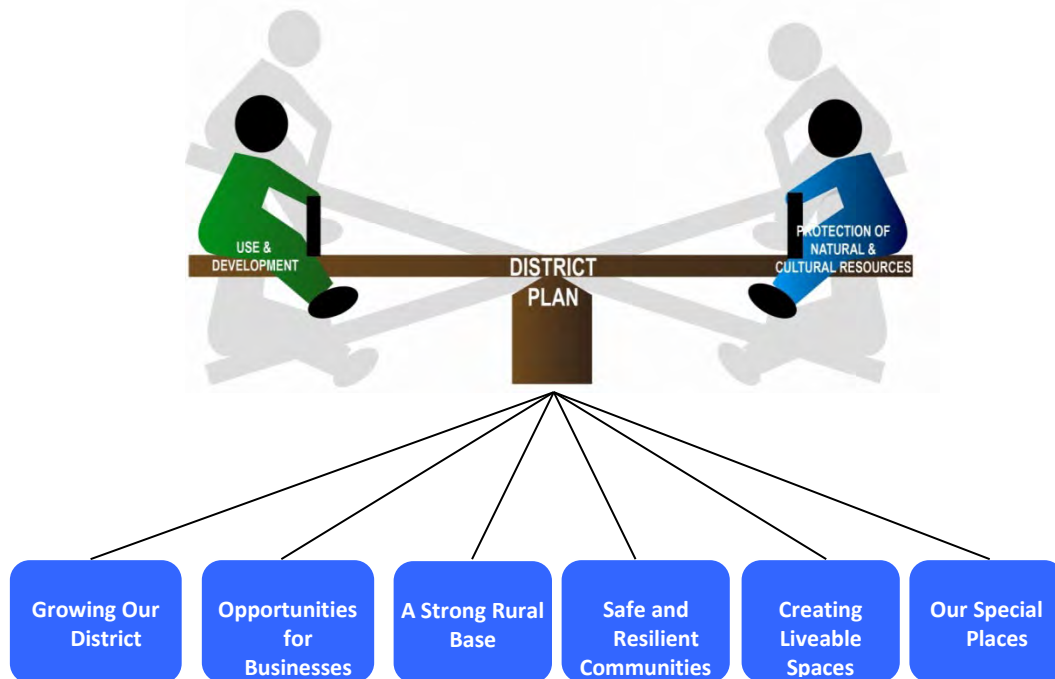


Figure 1 Balancing Use & Development and Protection of Natural & Cultural Resources

The key themes running through the District Plan are as follows:

Growing our Urban Areas: Providing for urban growth in Whakatāne and Ōhope, identifying where new residential growth can occur elsewhere in the **District** and ensuring that a range of housing choices is available. Examples include;

- a. identification of future growth areas at Shaw/Huna Road and Maraetōtara;
- b. the development of the Kōpeōpeō Urban Living Zone for more intensive housing;
- c. **Papakāinga** housing provisions;

- d. subdivision rules that allow establishment of rural lifestyle development in the Rural Foothills Zone;
- e. development plans for residential land at Piripai/Ōpihi, Shaw/Huna Road and Port Ōhope; and
- f. providing for retirement villages.

Opportunities for Businesses: Identifying areas available for commercial, retail and industrial activities. This includes protecting the vibrancy of Whakatāne's central business district and nurturing the District's smaller business centres. Examples include;

- a. enabling provisions in business zones to allow a wide range of activities (For example. apartments, retail, and commercial);
- b. a Mixed Use Zone to provide a range of residential, retail and commercial activities;
- c. a Community and Cultural Zone to allow iwi to take full advantage of Treaty of Waitangi settlements;
- d. a Large Format Retail Zone;
- e. height provisions to promote development in the Whakatāne Town Centre and in other Business Zones in the District;
- f. enabling small rural enterprises;
- g. an Education Zone to streamline future development initiatives; and
- h. Enabling provisions around renewable energy.

Retaining a Strong Rural Base: The productivity of our rural land is a core strength of our economy and the Plan aims to retain rural capacity and ensure that we continue to gain the maximum economic benefit from our agricultural sector. Examples include;

- a. permitted activity status for most primary production activities;
- b. protection of land in the Rural Plains Zone and maintenance of the productive capacity of land;
- c. managing potential for reverse sensitivity from new activities located in the Rural Zones;
- d. exclusion of horticultural structures from yard provisions; and
- e. provision for services to support rural production.

Safe and Resilient Communities: Providing for the on-going management of a range of natural hazards, such as flooding, and addressing land contamination and nuisance effects like noise and traffic. Examples include;

- a. identification of hazards (coastal and escarpments) for certainty and safety;
- b. provisions for contaminated sites and **hazardous substances**;
- c. rules on sight distances at rail crossings for safety reasons and to protect rail operations;
- d. rules to protect the roading network;
- e. rules to protect the integrity of flood protection works and avoid development of flood prone areas; and
- f. provisions that ensure a secure and resilient electricity supply.

Creating Liveable Spaces: Ensuring consideration is given to amenity values (the qualities that contribute to pleasant and attractive living and working conditions and lifestyles) in public areas and private spaces, so that existing residents enjoy our towns and villages and new residents and businesses are attracted to the District. Examples include;

- a. standards to make community events easier to authorise;
- b. reducing requirements for consents for minor works in reserves;
- c. minimum infrastructure standards for quality living environments; and
- d. urban design standards and guidelines (For example, Strand Character Guidelines) to retain high amenity standards in business areas.

Our Special Places: Protecting the natural, cultural and heritage qualities which make the District unique, including our outstanding native forests and wetlands, coastal and harbour foreshores, special landscapes and heritage sites; providing a base for tourism; and giving Whakatāne the competitive edge that attracts and retains highly-skilled people and successful businesses. Examples include;

- a. a Rural Ōhiwa Zone and Rural Coastal Zone to protect the values of the Ōhiwa Harbour and coastal character;
- b. identification of important biodiversity, landscape and heritage features and rules to make sure that any effects on these places are carefully managed;
- c. protection of identified heritage features; and

d. recognising and providing for tangata whenua and their culture and traditions.

The District Plan is a statutory document required by the Resource Management Act 1991 (RMA). It aims to achieve the objectives detailed above through sustainable management, with guidance drawn from Part II of the RMA, and the application of the objectives, policies, methods and rules set out in the Plan.

The District Plan necessarily involves the use of planning and legal terminology which may be unfamiliar to some readers. The following section provides guidance on how to interpret and use the Plan. If you need further assistance or advice, please contact the Council – our planning staff will be happy to help.



CHAPTER 01

INTRODUCTION

He Kupu Whakataki

1 Introduction

1.1 ORGANISATION AND FORMAT (HOW TO USE THE PLAN)

1.1.1 Content

The District Plan is made up of the following sections:

Chapter 1: Introduction

This chapter describes the key requirements that district plans are required to take into account or give effect to. It also sets out the format of the Plan and how to apply its provisions to particular proposals and what the various zones and policy areas mean. This chapter describes the District's environment, including people, communities, growth trends, and the District's economy.

Chapter 2: Strategic

This chapter contains the objectives and policies that provide a strategic framework for the Plan. In addition Chapter 2 also defines new urban growth areas, along with the objectives, policies and rules relating to development in growth areas.

Chapter 3: Zone Descriptions, Activity Status Information Requirements and Criteria for Resource Consents.

This chapter includes a description of all zones and policy areas. The activity status table defines the resource consent status for residential, business, community, rural and other activities for each zone in the District. It also lists the information requirements for resource consents and the criteria used for the assessment of Discretionary and Non-Complying activities.

Chapters 4 to 10: Zone Provisions

These chapters provide the issues, objectives, policies and rules for each zone in the District. These zone specific provisions apply, together with the provisions contained in the "all of Plan" Chapters 11 to 20. Assessment criteria for Controlled and Restricted Discretionary Activity resource consents are provided at the end of each section and assessment criteria for Discretionary and Non-Complying resource consents are provided for in Chapter 3 of the Plan.

Chapters 11 to 20: All of Plan Provisions

The "all of plan" provisions contain the issues, objectives, policies and rules that apply across all zones for activities such as development, subdivision, transportation and noise. In addition, they contain the rules for the protection of special landscapes, biodiversity areas, trees and heritage. The assessment criteria for Controlled and Restricted Discretionary resource consents are provided at the end of each section. Criteria for Discretionary and Non-Complying Activities are also provided in Chapter 3 of the Plan.

These chapters also contain schedules of sites which have specific plan provisions relating to them including the Development Plans for specified educational facilities, designations and a list of streams, rivers, lakes and coastline identified for esplanade reserve purposes.

Chapter 21: Definitions

The definitions chapter defines terms used throughout the Plan.

Chapter 22: Appendices

The appendices contain information that supports the provisions referred to in the Plan.

Planning Maps

The Planning Maps are contained in a separate document and show the District Plan zones as well as the various special landscapes, biodiversity areas, trees and heritage items specified for protection. Designations and other provisions such as hazard provisions are also shown.

1.1.2 Chapter Format

The format of Chapters 4 to 20 is outlined below:

Objectives: Defines the direction the **Council** has taken in response to the resource management issues identified and the outcomes it is seeking to achieve through the District Plan.

Policies: Defines the effects based course of action that the **Council** is taking to achieve the District Plan objectives.

Rules: The general and specific rules which apply to the activities listed in the activity status tables and which define acceptable degrees of environmental effect.

Assessment Criteria: When considering a resource consent application, the **Council** assesses the application, having regard to the assessment criteria. For Discretionary and Non-Complying activities, the **Council** can decide what matters it considers, but may use the standards and criteria in Chapter 3.7 as a guide in assessing applications and determining decisions. The criteria for Controlled activities and Restricted Discretionary activities are listed in the relevant plan chapters.

Other Methods: The non-regulatory and other non RMA methods that will also be used to achieve objectives.

1.1.3 How to use the Plan

The flow chart below will help you to navigate through the District Plan process and determine whether a resource consent from the **Council** is required. Staff can also provide advice on this matter.

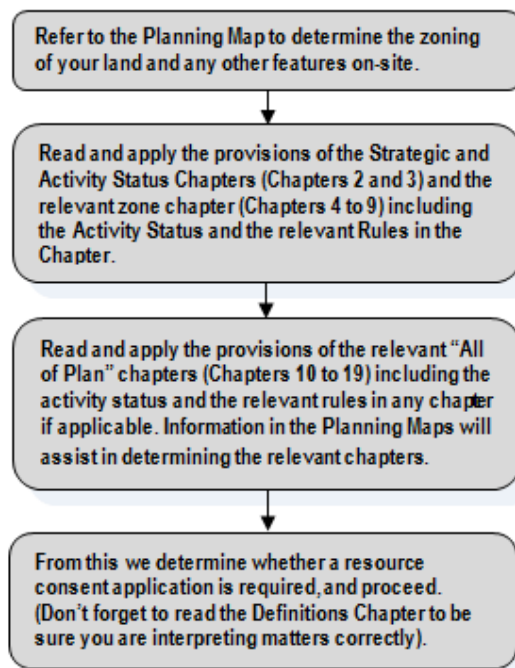


Figure 1.1 How to Use the Plan

1.1.4 Next Steps/If You Need Further Assistance

If a resource consent is required, you will need to follow the process shown in the diagram below:

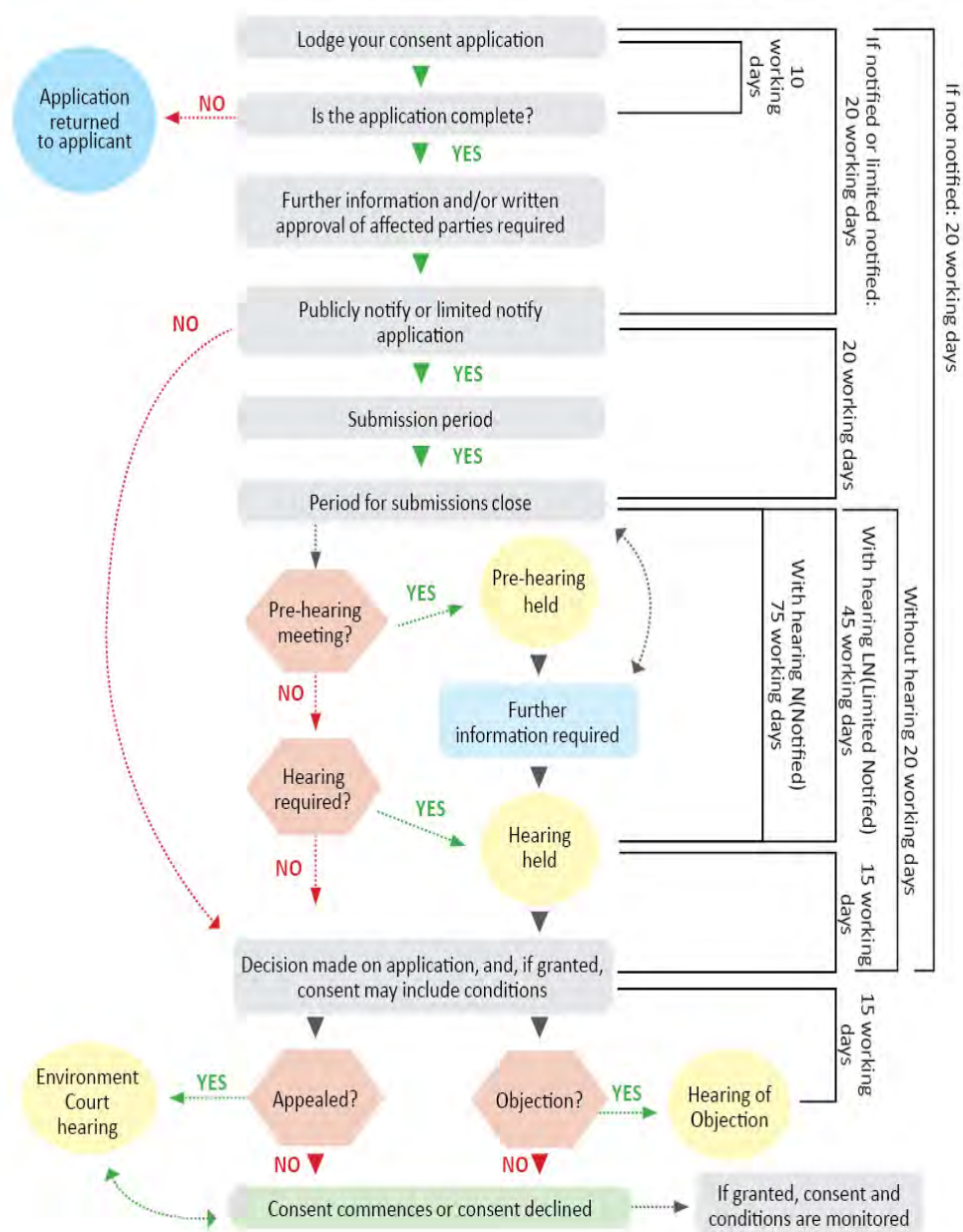


Figure 1.2 Resource Consent Process

However, there may be other matters (outside of the District Plan) which will affect your development and it is recommended that you discuss your project with a Council planner and/or engineer so that appropriate advice can be provided at the earliest opportunity.

Below are some key questions that you should consider before progressing:

- Are there sufficient services (e.g. water and wastewater) in place to cater for my development?
- Do I need a **building** consent?
- Do I need resource consent from the Bay of Plenty Regional Council?
- What information would I need to submit with a **building** consent (if required) to satisfy Council that a resource consent is not required?
- Do I need specialists to assist me – planning, traffic, ecological, etc.?

- f. Would a financial or development contribution apply to my development?
- g. Do I need to consult with my neighbours?
- h. What information do I need to submit with my resource consent application?
- i. What is the likely process for my resource consent application (non-notified, limited notified, publicly notified) and are there aspects of the proposal that should be amended to make it easier to gain approval?
- j. Are there any issues for tangata whenua that may be affected by my application?
- k. What type of costs will be incurred in getting the consents I need?

1.2 SUPPORTING DOCUMENTS AND SECTION 32 DOCUMENTATION

The Council has prepared several reports in the process of considering the future sustainable management of the District's resources. In total, they document the Council's responsibilities under Section 32 of the RMA, to consider alternatives, benefits and costs. They also contain references to other supporting documents (e.g. relevant strategies or research reports). These documents are available from the Whakatāne District Council, 14 Commerce Street, Whakatāne or www.Whakatāne.govt.nz.

1.3 LEGISLATION AND PLANNING DOCUMENTS

1.3.1 Resource Management Act 1991 (RMA)

The RMA requires the Council to have a District Plan. The purpose of the district plan is to help the Council carry out its responsibilities under the RMA, including controlling of the effects of use, development and protection of land (refer Section 31 of the RMA).

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Anything that is done under the provisions of the RMA must advance this statutory purpose. Sustainable management is defined in Section 5(2) of the RMA but in general it means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while;

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- b. safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c. avoiding, remedying or mitigating any adverse effects of activities on the environment.

Sections 6, 7 and 8 of the RMA contain principles which provide guidance about how the purpose of the RMA is to be achieved.

Section 6 sets out the matters of national importance that Council must recognise and provide for. Provisions include the preservation or protection of the natural character of the coast from inappropriate subdivision and development; outstanding natural features and landscapes; areas of significant indigenous vegetation; historic heritage and public access to and along the coast, rivers and lakes. It also provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and the protection of recognised customary activities.

Section 7 outlines matters that Council must have particular regard to including kaitiākitanga, stewardship, the efficient use and development and finite characteristics of natural and physical resources, renewable energy and the efficient end use of energy, effects of climate change, amenity values, the habitat of trout and salmon, the maintenance and enhancement of the quality of the environment and the intrinsic values of ecosystems.

Section 8 states that the principles of the Treaty of Waitangi should be taken into account.

The following diagram describes the position of the District Plan within the RMA planning framework.

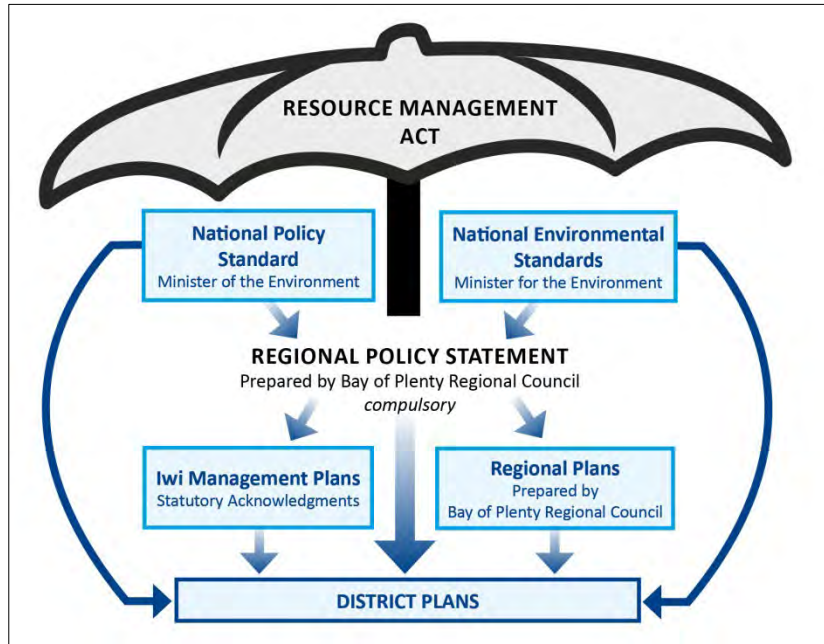


Figure 1.3 RMA Context of the District Plan

1.3.2 National Policy Statements

National policy statements are prepared by a Minister of the Crown under the RMA. They prescribe policies and objectives, methods and other requirements for environmental matters of national significance. Local authorities must give effect to national policy statements in regional and district planning documents. Examples of national policy statements include:

- New Zealand Coastal Policy Statement
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- National Policy Statement for Freshwater Management

1.3.3 National Environmental Standards (NES)

National environmental standards (NES) are regulations issued under the RMA which apply nationally. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional councils must enforce these standards. In some circumstances, councils can impose stricter standards. In this way, NES ensure consistent minimum standards are maintained throughout New Zealand. Examples of NES include:

- NES for Air Quality
- NES for Sources for Drinking Water
- NES for Telecommunication Facilities
- NES for Electricity Transmission Activities
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health

1.3.4 Regional Policy Statement

Under the RMA, regional council functions include integrated resource management, effects of regional significance, control of the use of land for specified purposes, managing the coastal marine area (with the Minister of Conservation) and water, and controlling discharges to land, air, and water.

The Whakatāne District falls within the Bay of Plenty Regional Council's boundaries. The District Plan must give effect to the Bay of Plenty Regional Policy Statement and have regard to any proposed Regional Policy Statement.

1.3.5 Regional Plans

Under the RMA, regional councils must prepare regional plans, where specific issues require more detailed management than can be achieved through regional policy statements. The Bay of Plenty Regional Council has prepared a number of regional plans and the District Plan cannot be inconsistent with these. Relevant plans are referred to in Section 32 reports.

1.3.6 Treaty of Waitangi Settlement Acts and Statutory Acknowledgement Areas

The Treaty of Waitangi Settlement Acts are Acts that have been passed by the Government in recognition of settlements of historical grievances. This process is an opportunity for Māori to obtain redress for breaches by the Crown of the guarantees set out in the Treaty of Waitangi. They can include redress in the form of financial compensation, co-management agreements, use of traditional place names, consultation requirements and statutory acknowledgements.

A number of Settlement Acts relating to iwi within the Whakatāne District have been enacted, including the Ngāti Awa Settlement Act 2005, the Ngāti Tūwharetoa Settlement Act (2005), the Ngāti Manawa Claims Settlement Act (2012), the Ngāti Whare Settlement Act (2012), the Ngāti Māhino Claims Settlement Act (2012), the Tūhoe Claims Settlement Act (2014), Te Urewera Act (2014) and the Central North Island Forest Land Collective Settlement Act (2008). A list of all Treaty of Waitangi settlements and Statutory Acknowledgement areas is maintained by the Bay of Plenty Regional Council. The document is called “Ngā Whakaaetanga-ā-Ture Ki Te Taiao ā Toi Statutory Acknowledgements in the Bay of Plenty” and is available on the Council’s website.

Statutory acknowledgements are statements in Treaty of Waitangi settlements between the Crown and iwi partners that are intended to recognise the mana of iwi partners in relation to identified sites and areas. Statutory acknowledgements are an acknowledgement by the Crown of the particular cultural, spiritual, historic and traditional association of an iwi partner with each statutory site and area. Consent authorities, the Environment Court and the Heritage New Zealand Pouhere Taonga are required to have regard to statutory acknowledgements when determining whether the relevant iwi may be adversely affected by the granting of a resource consent for activities within or adjacent to, or impacting directly on the statutory area. The statutory acknowledgements are shown on the Planning Maps.

As a result of settlements, a co governance forum called the Rangitāiki River Forum has been established for the protection and enhancement of the Rangitāiki River. Integrated planning protocols and memorandums of understanding also contribute to collaborative planning between Local Government and iwi and hapū.

1.3.7 Iwi and Hapū Management Plans

The RMA states that the Council must take into account any relevant planning document by an iwi authority and lodged with the Council. A number of iwi management plans have been received by Council’s Iwi Liaison Committee and the minutes acknowledged by Council.

Hapū management plans may be prepared by hapū within the District and can form part of an iwi management plan, or be standalone documents. Iwi and hapū management plans provide useful information and guidance to Council when assessing the impact of activities on the environment and also assist our consultation process. These plans provide an understanding of iwi and hapū aspirations. As iwi and hapū build capacity through Treaty settlements, the number of plans is likely to increase as iwi and hapū become more engaged in resource management issues.

1.3.8 Marine and Coastal Area (Takutai Moana) Act 2011

The purpose of Marine and Coastal Area Act is to ensure the protection of all legitimate interests of all New Zealanders in the coastal marine and coastal area, including recognising the mana tuku iho of iwi, hapū and whānau as tangata whenua. Under the Act, whānau, hapū and iwi can seek recognition and protection of longstanding customary interests and these are called protected customary rights. Customary marine

title recognises the relationship that has existed and will continue to exist between iwi, hapū and whānau and the common marine and coastal area. When an application is made the iwi or hapū must be consulted where resource consents may affect the area concerned. Once granted, the holders of customary marine title have specific rights, including the right to permit (or withhold permission) activities requiring resource consent in the area covered by the title.

1.3.9 Relevant Strategies and Plans

To help shape the District's future, a number of strategies, plans and approaches have been developed by Council and other organisations. Some examples of documents that have been referred to in the development of the District Plan are listed below;

1. The Long Term Plan (2012-2022);
2. Whakatāne Integrated Urban Growth Strategy (2012, updated 2012);
3. Whakatāne Built Heritage Study (2007);
4. Bay of Connections (2011);
5. Whakatāne Walking and Cycling Strategy (2007);
6. Ōhiwa Harbour Strategy (2008);
7. Bay of Plenty Regional Land Transportation Strategy (2011-2041);
8. Whakatāne Town Vision Plan (2008);
9. The Whakatāne Airport Master Plan (2011);
10. The Whakatāne Airport Business Plan (2012);
11. Ports Operational Plan (2011);
12. Floodway and Drainage Bylaw (2008); and
13. Bay of Plenty Civil Defence Emergency Management Group Plan (2012-2017).

1.4 CROSS BOUNDARY ISSUES

1.4.1 Identified Cross-Boundary Issues

Cross-boundary issues which have arisen to date include;

- a. protection of Ōhiwa Harbour, particularly its natural character, recreational and cultural values;
- b. the potential adverse effects of discharges into the air and into the Tarawera River, and on amenity values for nearby residents, from industries operating in the Kawerau District. These activities, particularly noise, have the potential to cause adverse environmental effects in the District. The management of these effects is a function of the Kawerau District Council (industry), Whakatāne District Council (waste disposal), and Bay of Plenty Regional Council (discharges to land, air and water);
- c. areas of significant landscape and indigenous biological value extend into neighbouring districts. The Council will work with the adjacent councils to achieve consistency in the management of these district areas;
- d. the Kawerau Geothermal Power Station is located in the Kawerau District with some production and reinjection wells located within the Whakatāne District. The supply of electricity from the Kawerau Geothermal Power Station is both regionally and nationally significant in terms of social and economic wellbeing. The need to enable the continued operation and expansion of the Kawerau Geothermal Power Station and its associated infrastructure is recognised as a cross boundary issue;
- e. the management and protection of route security in the Eastern Bay of Plenty; and
- f. the management of contaminated sites.

1.4.2 Liaison between Agencies

The Council will maintain liaison with adjacent iwi/hapū authorities, territorial authorities (Kawerau, Ōpōtiki, Rotorua, Western Bay of Plenty, Wairoa, Gisborne and Taupo District Councils), the Bay of Plenty Regional Council, the New Zealand Transport Agency and the Department of Conservation.

As cross-boundary issues arise, the Council will encourage;

- a. regular discussion between authorities and iwi/hapū authorities;
- b. co-operation on issues of common interest to both/all authorities and iwi/hapū authorities, e.g. environment plans;
- c. joint studies; and
- d. joint hearings.

Whenever practicable, where a hearing is required for any activity which requires the consent of two or more local authorities, this shall be held jointly by a hearings panel acting under delegated authority, at a mutually agreeable time and location. Hearings may not be held jointly if all the consent authorities agree that the applications are sufficiently unrelated that a joint hearing is unnecessary and the applicant agrees that a joint hearing need not be held. Integrated planning protocols and memorandums of understanding will also contribute to collaborative planning between Local Government and iwi and hapū.

1.4.3 Integrated Management with Bay of Plenty Regional Council

The Regional Council has primary responsibility under the RMA for the management of the coastal marine area, the control of discharges to land, air and water, control of the taking, using, damming and diversion of water and structures fixed to or over river or lake beds. It also controls the use of land for specified purposes such as for soil conservation, and an overlapping responsibility with district councils for the avoidance or mitigation of natural hazards, hazardous substances, for the maintenance of indigenous biodiversity and for activities within the coastal environment. The District Plan deals with some of these functions to achieve better integrated management of natural and physical resources. The Bay of Plenty Regional Policy Statement provides guidance where functions and responsibilities are overlapping.

1.5 WHAKATĀNE DISTRICT BACKGROUND

1.5.1 Population

There are approximately 34,700 people in the Whakatāne District¹. About 50.7% of the population are female and 49.3% male and there is a population density of 7.7 people per square km. Population growth across the District is expected to be in line with the medium population projection by Statistics New Zealand. However the Council has higher expectations and has developed an Integrated Urban Growth Strategy to identify new areas for urban growth and is actively working with businesses to stimulate economic development in the District. Economic growth in neighbouring districts is also likely to have a positive effect on the population of Whakatāne.

Māori make up approximately 42% of the District's population compared to 14% nationally. Māori culture is a strong and vibrant aspect of the Whakatāne community and apart from English, Te Reo Māori is the most common language spoken. Within the District there are 8 iwi: Ngāti Awa, Tūhoe, Ngāti Manawa, Ngāti Whare, Ngāti Rangitīhi, Ngāti Tūwharetoa (Bay of Plenty), Ūpokorehe and Ngāti Mākinō. Iwi are made up of various hapū and whānau.

1.5.2 Natural Environment

The District has a total area of 4,445km² encompassing a variety of natural characteristics and landscapes. In the north the coastline is predominantly sandy beaches including Otamarākau, Matatā, Thornton and Ōhope. Major river mouth systems along the coast are the Tarawera, Rangitāiki, and Whakatāne. Significant estuary systems are located at the Whakatāne River mouth and Ōhiwa Harbour.

The coastal lowlands centred on the Rangitāiki Plains have high quality, highly productive or versatile soils. The total area of the Rangitāiki Plains is approximately 30,000 hectares. About 45% of this area (14,000 hectares) is considered to be of sufficiently high quality soil to have potential for market gardening, cash

¹ New Zealand Census 2006. For updated census figures, please refer to Statistics NZ website – www.stats.govt.nz

cropping or fruit production. Low, rolling hill country reaches to the sea west and east of the plains. The area to the south rising into the Central Volcanic Plateau comprises the largest part of the District.

Approximately 48% of the District is covered by native forest, both within reserves and on private land. Inland, a significant proportion of the District is protected native forest within Te Urewera. Together with the adjoining Whirinaki Te-Pua-a-Tane Conservation Park, this represents the largest remaining indigenous forest tract in the North Island. Large tracts of multiple owned Māori lands within the Tūhoe rohe are adjacent to, or enclosed within the park and contain important biodiversity values. These indigenous ecosystems provide habitat for threatened flora and fauna, the latter including Kiwi, Kokako and Whio. Many landowners in the District voluntarily manage and protect natural areas on their land.

The natural environment plays an important part in the lifestyle of Whakatāne residents. The District offers many outdoor activities focused around our forests, harbours, rivers/streams and coastal environment. Whakatāne provides a tourist gateway to Whakaari (White Island) - an active volcano that can be visited by boat or helicopter. Whakatāne's premier game fishing waters extend to offshore islands, offering anglers a range of target species. The Rangitāiki, Tarawera and Whakatāne/Waimana Rivers offer recreational opportunities for rafting, canoeing, fishing and game hunting. Lake Āniwaniwa and Lake Matahina, both formed by hydroelectricity dams, are popular recreational resources but also have important wildlife values. Indigenous ecosystems also sustain a diversity of existing eco-tourism activity with potential for increasing eco-tourism to boost the opportunities and attractiveness of our District to local, national and international visitors.

1.5.3 Economy

The District has a strong rural economy based upon the primary industries of agriculture and forestry and support industries such as the processing of logs. In 2011, the District's largest contributor to the nation's Gross Domestic Product, was rural production. Dairy farming dominates the District's agricultural sector and is supported by the Edgecumbe Dairy Manufacturing Site. There is potential for expansion of agriculture support industries in Edgecumbe.

Industry in Whakatāne is focused on serving the local market and surrounding rural area, with some heavy industry such as the Whakatāne Mill located on the outskirts of Whakatāne. This pattern is likely to continue into the future, with heavy industry (e.g. pulp and paper) predominantly located in Kawerau where the road and rail links to the Port of Tauranga, geothermal energy supply, and availability of appropriately zoned land offer key benefits. The availability of a reliable renewable electricity supply within the District is a fundamental enabler of economic development. Whakatāne industrial areas provide support for local and smaller scale industry. Murupara has a large area of industrial, but low employment in this sector.

Exotic plantation forestry occupies 125,000 hectares of land in the District (29 %). The plantation forests are variously owned by Māori and local and overseas interests. A large number of people who reside in the District are employed in harvesting and forestry activities, and in wood processing both within the District and in adjacent districts.

Horticulture also makes an important contribution to the District economy, and this is expected to grow. Over 600 hectares of kiwifruit orchards are located in rural zones of the District, representing approximately \$200 million in orchard investment. As well as full time employment, seasonal employment in pack houses and orchards contributes to the District economy.

Whakatāne also has a vibrant tourism sector, based on the quality and accessibility of our natural environment. Visitor arrivals to the combined Whakatāne/Kawerau Districts staying in commercial accommodation totalled 101,383 during the September 2010 year. Domestic visitors accounted for 76% of total night-stays in commercial accommodation in the District and overseas visitors the balance of 24%.

Council and other agencies (Kawerau and Ōpōtiki District Council's and the Bay of Plenty Regional Council) promote activities aimed at increasing employment, income and investment in the District. Potential economic growth areas include but are not limited to geothermal energy, wood processing, forestry and marine resources (e.g. aquaculture). There are also considerable opportunities associated with investment by Māori in their lands and the potential for economic growth in this area, with a resulting

enhancement of cultural wellbeing noted.

1.6 MĀORI RESOURCE MANAGEMENT PERSPECTIVES

The following is a broad description of Māori perspectives on resource management. It is intended to summarise these concepts, not to define them. The interpretation of these values may differ between and within iwi.

1.6.1 Mātauranga Māori (Māori Knowledge) and Environmental Resource Management.

From a Māori environmental resource management perspective, all living things are connected. Land, people, forests, sea and sky are seen to be equal importance and have a holistic spiritual relationship with the natural world. All of these entities are deemed to have histories and therefore whakapapa (genealogical ancestry) and kinship ties with humans. Humans are bound to this natural world framework through Papatuanuku (earth mother) and Ranginui (sky father). Papatuanuku is viewed as a nurturing entity, providing the physical, intellectual, spiritual and cultural connectedness of humans with nature. The positioning of humans in the natural world is expressed through whanaungatanga (relationships), a system in which all elements of the world are related. The survival of the world is seen to depend upon those relationships.

Section 6 of the RMA requires that the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, treasures, property or resources which are historically and culturally significant, be recognised and provided for as a matter of national importance. In addition, Section 7 states that, when managing the use, development and protection of natural and physical resources, particular regard needs to be given to kaitiākitanga (guardianship).

1.6.2 Kaitiākitanga

Kaitiākitanga is a knowledge system derived from Mātauranga Māori and can be described as the effective influence over and management of the use and sustainability of natural resources. The practice of kaitiākitanga is commonly associated with actively guarding, protecting, nurturing, preserving, sheltering, conserving and/or keeping watch over the natural world and its resources. Kaitiākitanga obliges this generation to pass on, resources equal to those they have inherited, to their descendants.

Under the RMA, kaitiākitanga means the exercise of guardianship, and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

From an Mātauranga Māori perspective the spiritual and physical relationships between humans and the natural world are regulated by tikanga (Māori customary values and practices). Underpinning kaitiākitanga and derived from tikanga are fundamental elements which include mana, tapu, noa and mauri. These traditional concepts are relevant to the sustainable management of natural and physical resources.

1.6.3 Te Tiriti o Waitangi

In carrying out its functions and powers in relation to managing the use, development and protection of natural and physical resources, the Council has a duty, under Section 8 of the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Iwi partners consider their rangatiratanga (right of self-management) over their taonga has never been extinguished and that resource management decisions should be in accordance with Treaty principles.

Recognising that there are different understandings of resource issues between iwi partners and the Council is an important first step towards achieving an approach to resource management which accommodates Māori cultural knowledge systems and values.

1.6.4 Mauri

Mauri has been described as the vital wellspring of life. If a natural resource is under stress or its environment is unhealthy, the resource will present a mauri that lacks in vitality. When mauri is **absent**, there is no life.

Tangata whenua are **kaitiaki** (guardians) of their natural and physical resources. As such they have assumed the responsibility to ensure that the mauri of natural and physical resources is safeguarded. Protecting the mauri ensures the **maintenance** of its integrity and protection of resources for future generations.

Mauri can be harmed by insensitive resource use. For example, the health and vitality of the sea, streams and rivers, and the plants and animals they support can be threatened by activities such as discharges of pollutants; stormwater and sewage; runoff of contaminants from land; excessive water use; changing the course of water bodies, or diverting the water between catchments and rivers. Māori consider that rivers are the life-blood of the land, and that the wellbeing of natural resources is reflected in the wellbeing of people. Similarly, mauri of land and air and the ecosystems they support can be harmed by practices such as clearance of vegetation, soil disturbance and waste disposal. Of all taonga, tuku iho (something handed down through the generations) mauri is one of the most precious and therefore **kaitiakitanga** as the process by which mauri is protected has deep significance in Māori environmental management. Mauri and its **maintenance** is the key to the Māori view of environmental resource management.

1.6.5 Tino Rangatiratanga

Rangatiratanga generally relates to the principle of self-management or autonomy. Te tino rangatiratanga refers to the right of iwi partners to retain control over their tribal resources and taonga. **Kāwanatanga** is the exercise of governmental authority by the Crown and its delegates – local authorities. A shared understanding of the relationship between tino rangatiratanga and kāwanatanga is necessary for the mutual recognition by the Crown and tangata whenua of each other's rights and responsibilities.

Activities involving the use, development and protection of resources should provide adequate recognition of the responsibilities which are inherent in the Treaty of Waitangi. Practices such as discharging **effluent** into water and allowing development over urupā and other waahi tapu were often undertaken because developers and authorities did not appreciate the significance of these matters to iwi partners. Multiple **Māori land** ownership and Māori consensus decision-making processes also need to be taken into account in planning and consenting procedures.



CHAPTER 02

STRATEGIC

Te Tirohanga Whakamua

2 Strategic

2.1 OBJECTIVES AND POLICIES

Growing our District

Strategic Objective 1

Growth is encouraged in a carefully planned, sustainable way while minimising the impact on the environment, including existing communities; retaining the characteristics and values of the District; and managing risk by avoiding or mitigating natural hazards.

Policy 1

Urban development shall be enabled through the:

- a. rezoning from Deferred Residential to Residential the following sites:
 - i. Maraetōtara East (Area 12) (see Figure 2.1); and
 - ii. Rezoning Shaw/Huna Road (approximately 10ha to Residential and 12ha to Deferred Residential) (see Figure 2.2).
- b. facilitating more intensive housing in Kōpeōpeō and mixed use development adjacent to the Whakatāne Town Centre; and
- c. extending commercial opportunities into land adjacent to the Whakatāne Town Centre by creating a new Mixed Use Zone that supports both residential and commercial activities.

Policy 2

To enable residential zoning and development by way of a Plan Change process in Maraetōtara East (Area 12) (see Figure 2.1) subject to the completion of site investigations particularly in relation to potential natural hazard risks including flooding geotechnical suitability; degree of soil working and foundation design and the preparation and implementation of a Structure Plan through a Plan Change process.

Policy 3

To enable staged residential subdivision and development at Shaw/Huna Road subject to mitigation of stormwater effects and provision of infrastructure in accordance with the Shaw/Huna Rd Structure Plan (see Appendix 2.6.3). A separate Plan Change process is required before development of the Deferred Residential portion of the site can take place.

Policy 4

To require the location of urban development in existing urban zones including areas subject to Structure Plans as identified in Appendix 2.6, where it can be serviced by existing reticulation or planned and funded networks and where there is sufficient capacity to service that development.

Policy 5

To enable the development of residential zoned land in accordance with the Port Ōhope Structure Plan (see Appendix 2.6.1); Ōpihi Structure Plan (see Appendix 2.6.2); and the redevelopment of reserves and business areas in accordance with the Port Ōhope Structure Plan.

Policy 6

To avoid the conversion of rural land, outside of the urban growth areas identified in this plan to residential, retail, commercial or industrial activities, except where those activities have a functional, technical or locational need to be located in a rural area.

Policy 7

To ensure that activities in the Deferred Residential Zone do not compromise future urban development options.

Policy 8

To provide for a wide range of housing opportunities including;

- a. traditional residential development in the Whakatāne urban area and in small townships;
- b. infill development and intensification in the Kōpeōpeō Urban Living

Zone;

- c. residential and commercial style development in the Mixed Use Zone;
- d. apartment-style development in the Whakatāne Town Centre;
- e. retirement-style development in the Residential Zones;
- f. marina-styled residential development in appropriate locations;
- g. rural residential development in the Rural Zones, where appropriate;
- h. papakāinga development;
- i. infill development and redevelopment in existing rural townships.

Policy 9

To recognise the potential social and economic benefits of marine precinct activities in, or in proximity to, the Whakatāne River. If marine precinct activities are pursued, further investigation and assessment will be required to ensure there is integrated management of cultural and environmental effects (including natural hazards) and sufficient provision of infrastructure. Any such development shall have regard to the objectives and policies of the Coastal Protection Zone.

Advice Note 1: Areas that have Deferred Residential Zoning require a change to the District Plan to activate a Residential Zoning. In the longer term these areas will be progressively rezoned as housing demand requires and infrastructure is established.



Figure 2.1 Maraeōtara East (Pohutukawa Avenue / Bluett Road)



Figure 2.2 Shaw / Huna Road / State Highway 30

Strategic Objective 2 *The adverse effects of incompatible use and development on the environment are avoided, remedied or mitigated.*

Policy 1 To ensure that where the adverse effects of activities cannot be avoided, remedied or mitigated, those activities are separated from other activities.

Policy 2 To discourage activities locating where they are sensitive to the effects of, or may compromise the continued operation of, lawfully established activities.

Policy 3 To protect regionally significant infrastructure by avoiding subdivision, use and development which may compromise the efficient, affordable, secure and reliable operation and capacity of existing, designated and consented regionally significant infrastructure.

Opportunities for Business

Strategic Objective 3 *Economic development and growth is stimulated by providing for a wide range of business activities.*

Policy 1 To support the vibrancy and resilience of businesses in the District by providing for a range of activities in appropriate zones and retaining a high level of amenity and service.

Policy 2 To ensure that subdivision, use and development does not compromise the ability of legally established business activities to operate effectively in appropriate zones, and to protect them from reverse sensitivity from inappropriate activities in those zones or adjacent zones.

Policy 3 To support the business heart of townships by enabling business activities in those areas and by avoiding out-of-zone retail, commercial and industrial developments unless provided for as part of an approved Structure Plan.

Policy 4 To enable business opportunities, including tourism, that may take advantage of natural landscapes, biodiversity, cultural and heritage assets, provided that potential adverse effects are avoided, remedied or mitigated.

A Strong Rural Base

Strategic Objective 4 *The rural character of the District is retained and rural productive capacity is provided for.*

Policy 1 To ensure that rural zones continue to be utilised for rural production activities, while giving effect to national policy statements on renewable electricity generation and electricity transmission and national environmental standards for telecommunication facilities and electricity transmission.

Policy 2 To enable primary productive use in the Rural Plains Zone and to protect land in that zone from further subdivision, development and activities that could detract from its primary production focus.

Policy 3 To provide for rural residential subdivision and development in the Rural Foothills Zone while maintaining the rural character and environmental values and not compromising primary productive use.

Policy 4 To enable new technologies that enhances productive capacity while reducing adverse environmental effects.

Policy 5 To recognise industry good practice and industry specific manuals and guidelines.

Policy 6 To ensure that subdivision, use and development of rural areas does not compromise the efficient operation of rural production activities or result in reverse sensitivity effects on lawfully established activities.

Safe and Resilient Communities

Strategic Objective 5 A high level of community connectivity, resilience, health and safety.

Policy 1 To promote the establishment, operation and maintenance of infrastructure which supports connected and healthy communities and businesses.

Policy 2 To identify areas susceptible to natural hazards.

Policy 3 To avoid or mitigate the adverse effects of natural hazards on people, communities and infrastructure by managing the subdivision, use, development and protection of land.

Creating Liveable Places

Strategic Objective 6 Development within urban areas will contribute positively to sustainable communities and enhance the amenity and character of these areas.

Policy 1 To require that development on deferred residential zoned land at Ōhope Maraetōtara East (Area 12) and Shaw/Huna Road implement the following design principles:

- a. Roads and **Accessways** – the design of road treatments and private vehicle **accessways** within future subdivisions and developments need to provide for connectivity to the adjoining areas.
- b. Pedestrian and Cycle Links and Routes – provide for pedestrian and cycle links and identify the size, location and design of those links.
- c. Reserves – identify the location, size, design and purpose of active and passive reserves within future subdivisions.
- d. Stormwater Reserves – provide for low impact design stormwater methods (e.g. using principles of hydrological neutrality) and identify how those methods integrate into the public stormwater system.
- e. Energy Efficiency – incorporate design elements which can contribute to energy-efficient practices within the design of new subdivisions and the use and development of **buildings**.

Policy 2 To ensure energy and resource efficiency through:

- a. The design and layout of new subdivisions by ensuring that all sites are orientated to achieve maximum solar **access** for new **dwellings**;
- b. The design and layout of new multi-modal transport networks, by ensuring that all new development is integrated and linked into existing development and that existing transport networks are at the time of upgrade, **retrofitted with multi-modal opportunities**; and
- c. Utility systems within new development areas take into consideration the sustainability of the whole workings of the utility - e.g. stormwater runoff, **storage and treatment**; construction materials **selection**, on-going energy and **maintenance** costs; renewal cycles and opportunities for retention devices on individual sites as well as

actively encouraging water conservation measures on residential sites.

Policy 3 To enable comprehensive development within Structure Plan areas where higher quality urban design and environmental outcomes will be achieved.

Our Special Places – Māori and Iwi

Strategic Objective 7 ***Subdivision, use and development are managed so that tangata whenua, including kaitiaki maintain and enhance their culture, traditions, economy and society.***

Policy 1 To facilitate consultation with tangata whenua, including kaitiaki, and to take into account the outcomes of this consultation in the sustainable management of the District's resources.

Policy 2 To recognise marae and papakāinga as an essential focus of the retention of Māori culture, traditions, society and the development of a self-sustaining economy.

Policy 3 To recognise the cultural and historic relationship tangata whenua, including kaitiaki have with their ancestral land, water, waahi tapu and other taonga.

Policy 4 To maintain and safeguard the mauri of water, land and other natural resources of significance to tangata whenua by managing the effects of subdivision, use and development.

Policy 5 To recognise and provide for the role of tangata whenua as kaitiaki in the sustainable management of resources and taonga under their guardianship, and in consultation processes.

Policy 6 To work with tangata whenua, including kaitiaki and consent applicants to promote the culturally correct use of privileged and sensitive information held by the tangata whenua, which may be necessary for informed decision-making.

Policy 7 To recognise and provide for protected customary rights, traditional Māori uses and practices, relating to natural and physical resources such as māhinga kai, waahi tapu, papakāinga housing and taonga raranga.

Our Special Places

Strategic Objective 8 ***The outstanding and significant natural and historic heritage resources that contribute to the character of the District are identified, retained and protected from inappropriate subdivision, use and development.***

Policy 1 To avoid, remedy or mitigate the adverse effects of growth and development on natural resources and historic heritage of the District.

Policy 2 To recognise the contribution that natural character, landscapes, biodiversity and historic heritage resources make to the social, cultural and economic wellbeing of people; and to provide for the maintenance and enhancement of those resources in resource management decisions.

Policy 3 To maintain the special character and provide for the health of Ōhiwa Harbour by managing adverse effects within the Rural Ōhiwa Zone.

Policy 4 To have regard to the ethic of stewardship in the management of natural and physical resources.

2.2 RULES

The following rules apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

2.2.1 Density for **Maraetōtara East (Figure 2.1) and Shaw/Huna Road (Figure 2.2) Development**

2.2.1.1 All residential subdivision and development shall be to a net density of not less than 15 houses per hectare.

2.2.2 Structure Plans for **Ōpihi, Port Ōhope and Shaw/Huna Road**

2.2.2.1 Any subdivision and development at Ōpihi, Port Ōhope and Shaw/Huna Road shall be undertaken in general accordance with the Structure Plans in Appendix 2.6.1, 2.6.2 and 2.6.3 as a Controlled Activity.

2.2.2.2 Non-compliance with Rule 2.2.2.1 shall be a Restricted Discretionary activity.

2.2.2.3 Any application for a Comprehensive Development within the Opihi Structure Plan area that does not comply with Rules 4.2.2 to 4.2.14 will be assessed as a Restricted Discretionary activity, subject to the following rules:

- a. The site shall have a minimum area of 4 hectares; and
- b. A Comprehensive Development shall be supported by a design statement that is proportional to the scale and complexity of the development and considers the following matters;
 - i. The New Zealand Urban Design Protocol (March 2005) key urban design principles;
 - ii. Consistency with the Structure Plan;
 - iii. An assessment of the context of the site and surroundings including heritage and landscape values;
 - iv. Architectural approach;
 - v. Built form, scale and character;
 - vi. Stormwater management;
 - vii. Infrastructure provision;
 - viii. Vehicle and pedestrian movement and access;
 - ix. CPTED (Crime Prevention through Environmental Design) principles; and
 - x. Staging (if proposed).

Advice Note 1: The underlying zone provisions still apply.

Advice Note 2: The provisions of the applicable zone and other relevant District Plan provisions (such as those contained in Chapters 15 and 17) continue to apply to the subdivision and development of land within the Port Ōhope Structure Plan area.

2.2.3 New Structure Plans for Residential Development

2.2.3.1 Any proposed Plan Change, request for a Plan Change, and/or application for subdivision consent that proposes land use change that requires connection to public infrastructure over 5 ha in area shall include a structure plan and associated documentation which at least:

- a. Shows proposed land uses;
- b. Identifies all existing and consented, designated, or programmed infrastructure and infrastructure corridors (water, wastewater, stormwater, roading and reserves);
- c. Identifies all infrastructure requirements (water, wastewater, stormwater, roading and reserves), of the proposed development, including the provision of and responsibility for that infrastructure (such as staging of infrastructure development by the developer);

- d. Demonstrates how provision has been made for public transport, cycleways, and pedestrian connections, and roading connectivity with adjacent blocks of land.

2.2.3.2 In addition, prior to lodgement of the request or application the applicant shall arrange a pre-lodgement meeting with the Council and supply a Draft Assessment of Environmental Effects. The Council will review the Draft and, having regard to the matters listed in Method 18 of the Regional Policy Statement, advise the applicant which, if any, of those matters must be recognised in the structure plan to be submitted with the application.

2.2.4 Incompatible Activities

2.2.4.1 Within the Maraetōtara East (Area 12) and Shaw/Huna Road Deferred Residential Zones, the Rural Foothills Zone provisions shall apply with the exception that the following activities shall be Non-Complying activities:

- a. **Intensive farming;**
- b. **Production forestry;**
- c. Warehousing and Depots; and
- d. **Mining and Quarrying.**

2.2.4.2 Non-compliance with Rule 2.2.4.1 as it relates to the standards and terms shall also be a Non-Complying activity.

2.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

2.3.1 Subdivision and Development of Residential Zoned Land Identified in the Ōpihi Structure Plan

2.3.1.1 Council shall exercise its control over;

- a. the Criteria listed in 12.7.1; 13.2.27; 13.2.28; 13.2.29.
- b. the measures to be put in place to protect and enhance the **Coastal Protection Zone (CPZ)** and the public dune land margin along the foreshore, including minimising access points, addressing potential effects associated with human disturbance and plant and animal pests arising from residential development at Ōpihi, and measures including, but not limited to:
 - i. use of fencing and access controls to minimise access points and to discourage dumping of green waste, control garden escapes and prevent encroachment;
 - ii. ongoing pest control (animals including cats, dogs, rabbits, hedgehogs and mustelids and weeds) within the **CPZ** and in the margins of adjoining reserve land and avoidance of the introduction of new pest plants and pest animals into the **CPZ**;
 - iii. prohibiting entry of all vehicles, apart from emergency service vehicles;
 - iv. managing light spill and noise;
 - v. providing detailed information for residents, workers and visitors on the habitats and fauna of the coastal dune lands and their significance and vulnerability with a focus on what is appropriate behaviour and what behaviour must be avoided; and
 - vi. other measures to maintain and enhance the habitat.
- c. the measures to maintain and enhance indigenous coastal vegetation within the Landscape and Urupā Buffers, reserve areas, to retain ecological corridors, and to enhance coastal habitat through native replanting and pest plant and animal control (this is distinct from the **CPZ**) including:
 - i. restoration planting of Thornton's kānuka to provide additional cover and ecological

- connectivity;
 - ii. seeds and other plant material eco-sourced from stock within the site;
 - iii. provision of indigenous vegetation plantings to link ecological features within and through the Structure Plan area.
- d. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and buffer zones and clustering or grouping development within areas that will have least impact on natural character and its components including dune landforms, indigenous vegetation and natural patterns;
- e. the means by which urban built form is broken up with open green space and there is a low rise and low density open development along the coastal strip when viewed from the Whakatāne township;
- f. the means by which the culturally sensitive urupā (Opīhiwhanaungakore) is protected from the effects of intrusion of urban activities, through a management plan prepared in consultation with tangata whenua and kaitiaki which includes measures relating to;
- i. the ownership, control and management of the Urupā Buffer;
 - ii. the role of the kaitiaki of the urupā;
 - iii. the protection of the aural and visual privacy for cultural practices undertaken on the urupā and its environs from the urban activities;
 - iv. use of fencing and access controls to minimise access points and to discourage dumping of green waste, control garden escapes and prevent encroachment on the urupā and buffer;
 - v. minimising the visibility of urban development as viewed from within the urupā;
 - vi. the timely establishment and maintenance of appropriate coastal indigenous planting;
 - vii. signage and other information to create awareness of the cultural and spiritual significance of the urupā; and
 - viii. the protocols that have been established to manage the accidental discovery of koiwi and taonga tuturu.
- g. the means by which vehicle, cycle, pedestrian and infrastructure connectivity is provided with the adjoining land to the west of the Structure Plan area;
- h. the means by which effects on landscape and visual values, the Opīhi Urupā and views from the Whakatāne Township are managed within the Landscape Sensitivity Area, including the mitigation of effects through measures such as controls on building heights, earthworks, building colour and materials and landscape planting to minimise landscape and visual effects;
- i. the provision of a retail or commercial component appropriate to the context of the site and surroundings including landscape, natural character, and cultural values, to service the Structure Plan and wider residential area; and
- j. measures to reduce potential impacts and facilitate recovery from tsunami.

Advice note 1: See Guidelines for Ecological Protection and Enhancement in the Opīhi Structure Plan Area in Appendix 22.10.

2.3.2 **Subdivision and Development of Residential Zoned Land located at Port Ōhope identified in the Port Ōhope Structure Plan.**

2.3.2.1 Council shall exercise its control over;

- a. the Criteria listed in 12.7.1;
- b. the measures to be put in place to protect and enhance the coastal margin along the foreshore;
- c. the measures to maintain coastal shrub land in reserve areas, to retain ecological corridors, and to enhance coastal habitat;

- d. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat;
- e. the means by which the north-south visual and physical corridor will be enabled;
- f. the means by which street permeability and pedestrian networks, optimal solar orientation, and preservation of view shafts are achieved;
- g. the extent to which local convenience retail is located nearest to harbour road frontage, and other commercial uses are clustered around the public open space;
- h. the extent to which community activities are associated with the port and/or harbour-related uses; and
- i. the measures to be put in place to ensure other outcomes shown on the Port Ōhope Structure Plan in section 2.6.1 are achieved (i.e. The location of harbour and retail activities, low density and medium density residential areas, and open grassed areas for passive recreation while retaining the identified areas of revegetated coastal shrubland).

2.3.3 Subdivision of Residential Zoned Land at Shaw/Huna Road

2.3.3.1 Council shall exercise control over;

- a. the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29 with particular regard to 13.2.28.8.
- b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided to the Deferred Residential land to the west;
- c. the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
- d. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;
- e. the means by which the stormwater ponding/attenuation area shown on the Structure Plan is integrated into the design of the subdivision;
- f. the means by which the building platforms comply with Rule 18.2.3.2;
- g. the means by which direct access from the residential zone to State Highway 30 is avoided;
- h. the means by which the subdivision design ensures that dwellings are not built within 40m of State Highway 30 (see Rule 11.2.8.2) and that dwellings within 80m of State Highway 30 address reverse sensitivity effects of traffic noise; and
- i. the consistency of the development with the Structure Plan in Appendix 2.6.3.

2.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

2.4.1 Subdivision and Development of Land within the Ōpihi Structure Plan Area not in accordance with Structure Plan

2.4.1.1 Restricted Discretionary criteria for subdivision and development of land within the Bunyan Road Structure

Plan that is not in general accordance with the Structure Plan as follows:

- a. The criteria listed in 12.7.1; 13.2.27; 13.2.28 and 13.2.29;
- b. The measures to be put in place to protect and enhance the Coastal Protection Zone (**CPZ**) and the public dune land margin along the foreshore, including minimising access points, addressing potential effects associated with human disturbance and plant and animal pests arising from residential development at Ōpihi, and measures including, but not limited to;
 - i. use of fencing and access controls to minimise access points and to discourage dumping of green waste, control garden escapes and prevent encroachment;
 - ii. ongoing pest control (animals including cats, dogs, rabbits, hedgehogs and mustelids and weeds) within the **CPZ** and in the margins of adjoining reserve land and avoidance of the introduction of new pest plants and pest animals in the **CPZ**;
 - iii. prohibiting entry of all vehicles, apart from emergency service vehicles;
 - iv. managing spill and noise;
 - v. providing detailed information for residents, workers and visitors on the habitats and fauna of the coastal dune lands and their significance and vulnerability with a focus on what is appropriate behaviour and what behaviour must be avoided; and
 - vi. other measures to maintain and enhance the habitat.
- c. The measures to maintain and enhance indigenous coastal vegetation within the Landscape and Urupā Buffers, reserve areas, to enhance coastal habitat through native replanting and plant pest and animal control (this is distinct from the **CPZ**) including;
 - i. restoration planting of Thornton's kānuka to provide additional cover and ecological connectivity;
 - ii. seeds and other plant material eco-sourced from stock within the site;
 - iii. provision of indigenous vegetation plantings to link ecological features within and through the Structure Plan area.
- d. The means by which coastal natural character and landscape values will be protected, including retention of natural dune features and buffer zones and clustering or grouping development within areas that will have least impact on natural character and its components including dune landforms, indigenous vegetation and natural patterns;
- e. The means by which urban built form is broken up with open green space and there is a low rise and low density open development along the coastal strip when viewed from the Whakatāne township;
- f. The means by which the culturally sensitive urupā (Opihihanaungakore) is protected from the effects of intrusion of urban activities, through a management plan prepared in consultation with tangata whenua and kaitiaki which includes measures relating to;
 - i. the ownership, control and management of the Urupā Buffer;
 - ii. the role of the kaitiaki of the urupā;
 - iii. the protection of the aural and visual privacy for cultural practices undertaken on the urupā and its environs from urban activities;
 - iv. use of fencing and access controls to minimise access points and to discourage dumping of green waste, control garden escapes and prevent encroachment of the urupā buffer;
 - v. minimising the visibility of urban development as viewed from within the urupā;
 - vi. the timely establishment and maintenance of appropriate coastal indigenous planting;
 - vii. signage and other information to create awareness of the cultural and spiritual significance of the urupā; and
 - viii. The protocols that have been established to manage the accidental discover of koiwi and taonga tuturu.
- g. The means by which vehicle, cycle, pedestrian and infrastructure connectivity is provided with the adjoining land to the west of the Structure Plan area;

- h. The means by which effects on landscape and visual values, the Ōpihi Urupā and views from the Whakatāne Township area managed within the Landscape Sensitivity area, including the mitigation of effects through measures such as controls on building height, earthworks, building colour and materials and landscape planting to minimise landscape and visual effects;
- i. The provision of a retail or commercial component appropriate to the context of the site and surroundings including landscape, natural character, and cultural values, to service the Structure Plan and wider residential area; and
- j. Measures to reduce potential impacts and facilitate recovery from tsunami.

Advice note 1: See Guidelines for Ecological Protection and Enhancement in the Opihi Structure Plan Area in Appendix 22.10.

2.4.2 Comprehensive Development Plans

2.4.2.1 Council shall restrict its discretion to;

- a. those matters listed in 2.3.1 where applicable;
- b. the relevant Restricted Discretionary activity criteria listed in 4.4 that correspond to the aspects of non-compliance with Rules 4.2.1 – 4.2.14;
- c. the visual effects associated with the scale, bulk and external appearance of the proposed building(s) including whether the extent of the height of the proposed building(s) or structure(s) will be compatible with the visual character of the surrounding area;
- d. the likelihood that the proposed activity will contribute to cumulative adverse effects on rural character, the coastal environment, cultural values, general amenity values and recreational values;
- e. the nature and degree of adverse effects from the proposed activity upon the existing and future amenities of the locality, including recreational values, and on the health and safety of the community;
- f. the nature and extent of any planting or landscaping including the replacement of specimen trees;
- g. the cumulative visual effect of the length and height of building bulk without any details or change in building fact that would give interest;
- h. potential adverse effects on people such as neighbouring property owners or the immediate community through increased overshadowing or loss of visual privacy;
- i. the compatibility with the existing character and pattern of land development in proximity to the site; and
- j. any adverse effect from vehicles entering or leaving the site.

2.4.3 Subdivision and development of land shown in the Port Ōhōpe Structure Plan

2.4.3.1 Council shall restrict its discretion to the following:

- a. The Criteria listed in 12.7.1;
- b. The measures to be put in place to protect and enhance the coastal margin along the foreshore;

- c. The measures to maintain coastal shrub land in reserve areas, to retain ecological corridors, and to enhance coastal habitat;
- d. The means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat;
- e. The means by which the north-south visual and physical corridor will be enabled;
- f. The means by which street permeability and pedestrian networks, optimal solar orientation, and preservation of view shafts are achieved;
- g. The extent to which local convenience retail is located nearest to harbour road frontage , and other commercial uses are clustered around the public open space;
- h. The extent to which community activities are associated with the port and/or harbour-related uses;
- i. The measures to be put in place to ensure other outcomes shown on the Port Ōhope Structure Plan are achieved; being: the location of harbour and retail activities, low and medium density residential development, open grassed areas for passive recreation, and areas for passive recreation, and areas of revegetated coastal shrub land; and
- j. The sensitivity of any lawfully established existing uses to the actual or potential adverse effects of the proposed activity.

2.4.4 Subdivision of Residential Zoned Land at Shaw/Huna Road

2.4.4.1 Council shall restrict its discretion over matters listed below;

- a. the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29 with particular regard to 13.2.28.8.
- b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided to the Deferred Residential land to the west;
- c. the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
- d. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;
- e. the means by which the stormwater ponding/attenuation area shown on the Structure Plan is integrated into the design of the subdivision;
- f. the means by which the building platforms comply with Rule 18.2.3.2;
- g. the means by which direct access from the residential zone to State Highway 30 is avoided;
- h. the means by which the subdivision design ensures that dwellings are not built within 40m of State Highway 30 and that dwellings within 80m of State Highway 30 address reverse sensitivity effects of traffic noise; and
- i. the consistency of the development with the Structure Plan in Appendix 2.6.1.

2.5 OTHER METHODS

2.5.1 Council will work with tangata whenua to identify and formalise appropriate consultation processes, for example through Iwi Management Plans, memorandums of understanding and other

agreements, the use of iwi and hapū contact databases, and spatial information systems.

2.5.2 Council will consider entering joint management agreements with iwi and will consider the appointment of Māori Commissioners on Hearings Committees, where issues are of importance to tangata whenua.

2.5.3 Council will work with tangata whenua to recognise and support the post-Treaty settlement context (e.g. for example where tangata whenua have become landowners and co-managers), and to reflect this in plan implementation and the delivery of services.

2.5.4 Council will continue to investigate route security within the District, including matters such as road widening, pedestrian access and bridge approaches.

2.5.5 Council will review the Whakatāne Integrated Urban Growth Strategy to identify residential growth opportunities, and consider developing a District wide growth strategy to investigate the potential for new urban development and the redevelopment of housing and infrastructure in existing rural settlements.

2.5.6 Council will be proactive in providing information to land owners in the Deferred Residential Zones on development options for their land to ensure optimum subdivision once the area is rezoned.

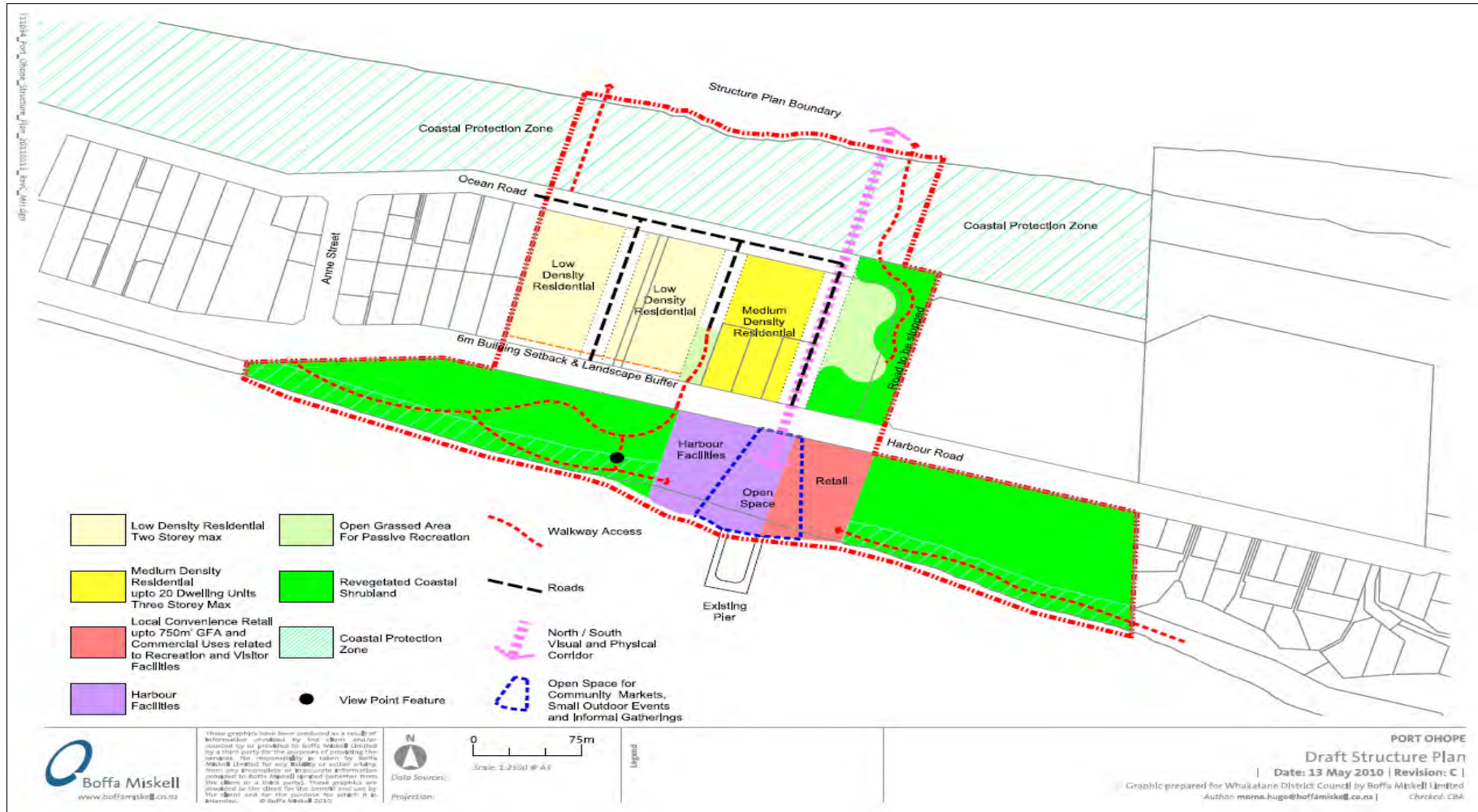
2.5.7 **Council** will work with other agencies to provide information to developers of greenfields developments that border sensitive indigenous areas on the effects of cats and dogs on kiwi and other indigenous flora and fauna.

2.5.8 Council will work with tangata whenua to recognise and promote the economic and social benefits of protecting cultural and natural resources.

2.5.9 Council will notify all tangata whenua of identified outstanding and significant natural and cultural resources of proposed developments that may have an effect on those resources.

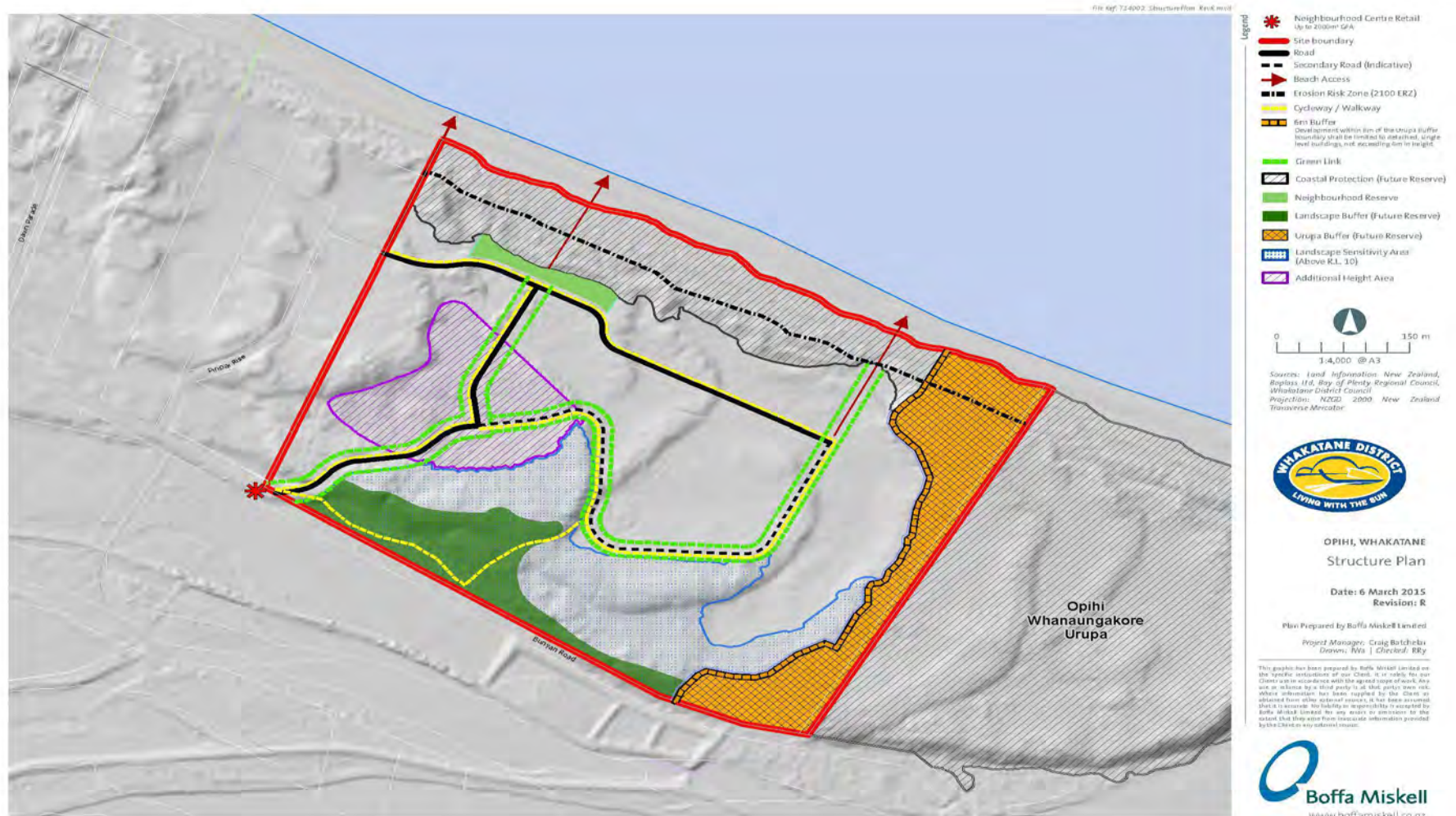
2.6 APPENDICES

2.6.1 Port Ōhope Structure Plan

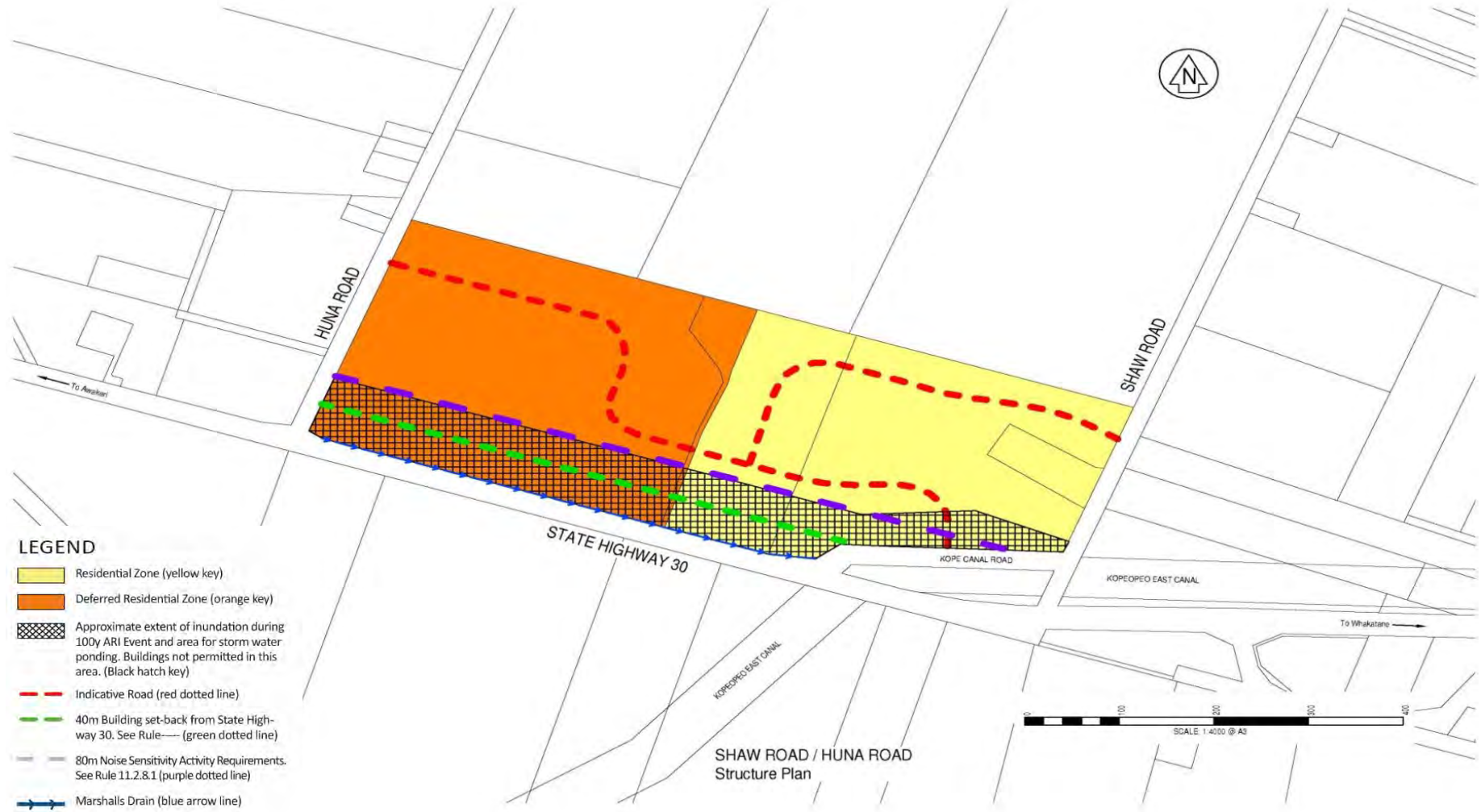


2.6.2 Ōpihi Structure Plan

Note: Development within 6m of the boundary with the Urupa Buffer shall be limited to detached, single level buildings not exceeding 6m in height.



2.6.3 Shaw / Huna Road Structure Plan





CHAPTER
03

**Zone Descriptions, Activity
Status, Information Requirements
and Criteria for Resource Consents**

Te Taumata Whakarite

3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Consents

3.1 ZONES

The following are the zones in the Whakatāne District Plan:

3.1.1 Rural Plains Zone

3.1.1.1 The Rural Plains Zone includes land which has the potential for high value production due to the inherent characteristics of the land including high ratings for versatility under the New Zealand Land Resources Inventory System (i.e. versatile land). The primary purpose of this zone is to retain the characteristics of the finite land resource and protect the rural production potential and economic growth of the **District**. There is also a need to provide for other activities which have a fundamental need to be located within the zone.

3.1.2 Rural Foothills Zone

3.1.2.1 The Rural Foothills Zone covers much of the rural area of the **District**. It includes areas where the land is subject to some limiting factors, such as gradient, erosion and drainage, although is still of high value for **rural production activities**. Provision is also made for other activities including rural residential activity where **rural production activities** are not compromised and activities that have a functional need to be located within the zone.

3.1.3 Rural Coastal Zone

3.1.3.1 The Rural Coastal Zone has been created to manage important coastal values in coastal areas between Whakatāne and Matatā and between Matatā and Ōtamarākau, while enabling the continuation of existing rural production in the area. Activities such as subdivision and structures are controlled in this zone in response to;

- a. natural hazards from coastal processes;
- b. the sensitivity of coastal wetlands, indigenous vegetation and foredunes to subdivision, use and development; and
- c. the preservation of the existing natural character, particularly its landscape value.

3.1.4 Rural Ōhiwa Zone

3.1.4.1 The Rural Ōhiwa Zone has been created to manage important landscape and natural character values and to support the significant ecological and visual values of Ōhiwa Harbour, while enabling the continuation of existing rural production in the area. The zone extends from the harbour's edge (Mean High Water Springs) to a landward boundary defined by the extent of its visual catchment as shown in the Planning Maps. It also includes Ōhakana and Uretara Islands.

3.1.5 Deferred Residential Zone

3.1.5.1 The Deferred Residential Zone has been identified as land suitable for future residential development subject to further investigations and planning. Before the land can be used for residential development, it will need to be rezoned to a Residential Zone through a plan change or a resource consent will have to be obtained. Until such a change is operative, existing rural land uses are able to continue. The Deferred Residential Zone includes areas in Maraetōtara East and Shaw/Huna Road.

3.1.6 Residential Zone

3.1.6.1 The Residential Zone applies to densely settled residential areas in Whakatāne, Ōhope, Edgecumbe, Murupara, Te Teko, Te Māhoe, Taneātua, Matatā, Minginui, Waimana and Awakeri. A full range of residential accommodation occurs in this zone including **dwelling**s, **accessory dwelling**s and retirement villages, but other non-residential activities compatible with the amenity of a residential area also exist or may be able to establish. Retaining amenity values such as privacy and daylight, servicing and streetscape is an important aim in this zone.

3.1.7 Urban Living Zone

3.1.7.1 The Urban Living Zone applies to the urban residential area in Kōpeōpeō. It is similar to the Residential Zone except that it provides for higher residential density rates and more on-site intensive design matters. Yards and height controls differ from the Residential Zone.

3.1.8 Business Centre Zone

3.1.8.1 This zone has been applied to the main shopping centres as well as some isolated retail premises throughout residential areas. This includes the Whakatāne, Edgecumbe, Taneātua, Te Teko, Matatā and Murupara town centres, Ōhope shops, Kōpeōpeō and other individual retail sites in Whakatāne.

3.1.8.2 These areas contain a wide range of business activities located close to each other, or are occupied by established retail activities. A high standard of amenity is to be maintained in the Business Centre Zone. New larger **buildings** need to be integrated with existing development (particularly in the larger Business Centre Zones).

3.1.8.3 Public parking areas are provided within the Whakatāne Town Centre so a lower parking requirement for most activities is allowed. The joint use of parking areas and the different parking demands for different activities mean that on-site parking is not necessary for all activities, nor is it desirable to have parking areas, and vehicle crossings, breaking up the continuity of street frontages. A range of activities is a feature of the larger integrated centres in the Business Centre Zone, which warrant conveniently located common (public) parking areas.

3.1.9 Commercial Zone

3.1.9.1 Land on the periphery of the Whakatāne Town Centre and close to the Kōpeōpeō Town Centre, and the business centres of Te Teko, Taneātua and Matatā has been included in the Commercial Zone. The standard of amenity existing within these areas differs from that in the Business Centre Zone. However, the interface between business and residential activities needs to be carefully managed.

3.1.10 Large Format Retail Zone

3.1.10.1 This zone is applied to the Hub area at the town entrance and is intended to accommodate large format retail activities. Different standards are imposed on these sites in order to protect the amenity of surrounding land uses and streetscapes and in order to ensure economic and social effects on existing town centres are minimised. Controls on minimum floor area and the nature of the activities will ensure that these areas satisfy demand for large format retail use, whilst avoiding adverse effects on other retail environments in the District. As this zone adjoins industrial land, controls are also imposed to avoid reverse sensitivity issues.

3.1.11 Mixed Use Zone

3.1.11.1 The Mixed Use Zone provides for a range of residential, retail and commercial activities. The Mixed Use Zone is situated immediately adjoining the Business Centre Zone and Commercial Zones of the Whakatāne Centre. The zone aims to provide a transition zone from residential to business activities within identified

residential neighbourhoods where business activities are established. Over time the Mixed Use Zone will become more commercially focused. The amenity of existing residential activities is provided for, although new residential activities are discouraged at ground level.

3.1.12 Light Industrial Zone

3.1.12.1 This zone has been applied to light industrial areas which are characterised by a dominance of manufacturing or processing activities or commercial services. Some retail activities are permitted where they are either small-scale or ancillary for the convenience of workers. Controls have been imposed on new activities to ensure the protection of physical and natural resources as well as to reduce the effects on adjoining land uses, but these are less restrictive compared with other business zones.

3.1.13 Industrial Zone

3.1.13.1 This is a site-specific zone occupied by major industrial activities and which have the potential to accommodate new, large-scale, industrial activities. The zone is generally separated from more sensitive land uses, and has been applied to the Whakatāne Board Mill site, the Edgecumbe Dairy Manufacturing Site and open land at Murupara (on Kopuriki Road) which has in the past been used for forestry operations and has the potential for similar uses in the future. Environmental standards have been imposed to reduce the effects on adjoining land uses, but these are less restrictive compared to other business zones.

3.1.14 Coastal Protection Zone

3.1.14.1 The **CPZ** is a strip of land adjacent to the Coastal Marine Area along the coastline and part of the Whakatāne River, where development or use may have a direct effect on the visual amenity and/or ecology of the coast, harbour and river margins. The Zone may also provide a level of protection against coastal hazard events. This zone will predominantly be an open space zone, not generally intended for development. The **CPZ** will apply between the Mean High Water Springs and any other defined zoned boundary to any land above the Mean High Water Springs on the margins of the coast or any Ōhiwa Harbour islands within the Coastal Marine Area, that are not otherwise shown on the Planning Maps. Land by the Whakatāne Harbour that is not zoned will adopt the zoning of adjacent land. Land zonings shall apply to the centre line of the water body.

3.1.15 Active Reserve Zone

3.1.15.1 This zone applies to Council-administered public reserves used for passive and active recreation, and ancillary uses primarily within urban areas. Reserves can include commercial and community facilities allied to the reserve use, such as playgrounds, toilets, picnic areas and open space areas. Reserve Management Plans under the Reserves Act 1977 can provide for specific uses within **public reserves**. Not all **public reserves** are within the Active Reserve Zone. Larger reserves with high conservation values are generally within relevant rural zones.

3.1.16 Community and Cultural Zone

3.1.16.1 The Community and Cultural Zone provides for **places of assembly, offices, limited business activities, meeting and conference facilities, cultural events, education facilities** and associated ancillary on-site catering and visitor accommodation. The Zone recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

3.1.17 Education Zone¹

3.1.17.1 The Education Zone applies to three education institutions in the District. The Zone is intended to enable the continued development and operation of integrated schools within which people's educational,

¹ The activity status for the Education Zone is identified in Chapter 9

recreational, spiritual and training needs, including directly associated activities, can be met while minimising environmental effects of development at the periphery of the site and on the wider community. Development Plans provide for permitted activities within this zone. The Education Zone applies to;

- a. Seventh Day Adventist School
- b. Rangitāiki Independent School, and
- c. Te Whare Wānanga O Awanuiārangi.

3.1.18 Surface of Water

- 3.1.18.1 There is no Surface of Water Zone. Activities on the surface of water bodies (rivers, lakes), in all zones, shall comply with the rules of Activity Status Table 3.4 along with relevant rules in other Chapters of the Plan. Water bodies (rivers, lakes) will adopt the zoning of the adjacent land. Land zonings shall apply to the centre line of the water body.

3.2 POLICY AREAS

3.2.1 Whakatāne Riverbank Reserve Policy Area

- 3.2.1.1 The Whakatāne Riverbank Reserve area between the Landing Road Bridge and The Heads is a finite resource of open space enjoyed by the public. As the original landing site of the Mātaatua waka, there is cultural significance in the riverbank area, including the paru site and Mātaatua Reserve, which provide a vista and link to the river from the Wairaka Marae. Views to the river, harbour and harbour entrance are an important amenity and therefore the height levels for structures on the river margin are to be lower than those likely in the business zones inland.
- 3.2.1.2 Maritime-related activities are anticipated to maximise appreciation of the open character of the riverbank area. Buildings are sometimes not appropriate because they would potentially adversely affect the view of the river/harbour, and compromise the green space available for the public, the recreational opportunities provided, and the maritime character of the area.
- 3.2.1.3 The Whakatāne Riverbank Reserve area encompasses stop banks and other structures that are critical in protecting parts of Whakatāne from flooding. It is important that the integrity of these assets is maintained and that they are able to be upgraded if necessary.

3.2.2 The Strand Character Policy Area

- 3.2.2.1 The Strand and The Strand East are focal points for Whakatāne community life and the town's business centre. The area is pedestrian-orientated and comprises business activities focused on retailing and commercial services including leisure activities. It is also a focal point for associated community activities. Many of the original commercial **buildings** in Whakatāne remain in this area and provide a unique design character to the town centre which has been retained by more recent **buildings**. The scale of development provides an attractive pedestrian area, with links to other key urban spaces shown on Planning Map 110B.
- 3.2.2.2 The area also comprises a natural rock feature, known as Pohaturoa, which has significant cultural values and is a scheduled cultural heritage site in the Plan. This feature is in public ownership and unlikely to be subject to development. Any other 'cultural values' within this defined area would, upon discovery as archaeological sites when a property is developed, be subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

3.2.2.3 The Whakatāne River and the escarpment also provide a natural backdrop and contain the area. Design guidelines (The Strand Character Area Design Guidelines) in Appendix 22.6 have been developed to ensure that new development harmonises with the design, scale, massing and appearance of adjacent development and reinforces the character of the town centre.

3.2.3 Coastal Hazard Erosion Policy Area (CHEPA)

3.2.3.1 The **CHEPA** means the land that comprises the Current Erosion Risk Zone (CERZ), the 2060 Erosion Risk Zone (2060 ERZ) and the 2100 Erosion Risk Zone (2100 ERZ), being that area of land located between the Mean High Water Springs and the landward extent of the 2100 ERZ boundary along the District's coastline as shown on the Whakatāne District Planning Maps. The coastal erosion risk zones are:

- a. **Current Erosion Risk Zone (CERZ):** The CERZ includes that area of land between the Mean High Water Springs and the CERZ line as shown on the Planning Maps. This area is subject to storm erosion, short-term fluctuations and dune instability. It includes all land currently at risk from erosion plus sufficient safety factors.
- b. **2060 Erosion Risk Zone (2060 ERZ):** The 2060 ERZ includes that area of land between the CERZ and 2060 ERZ lines as shown on the Planning Maps. This zone begins at the CERZ and includes additional areas predicted to be subject to shoreline movements caused by the predicted sea level rise up to the year 2060.
- c. **2100 Erosion Risk Zone (2100 ERZ):** The 2100 ERZ includes that area of land between the 2060 ERZ and 2100 ERZ lines as shown on the Planning Maps. This zone begins at the 2060 ERZ and includes additional areas predicted to be subject to shoreline movements caused by sea level rise up to the year 2100.

3.2.4 Coastal Hazard Flood Policy Area (CHFPA)

3.2.4.1 The **CHFPA** means the land potentially affected by coastal inundation and wave run-up and identified on the Planning Maps as either the Moderate Inundation Risk Zone or the Extreme Inundation Risk Zone.

The coastal inundation risk zones are:

- a. **Extreme Inundation Risk Zone:** The Extreme Inundation Risk Zone includes that area of land generally between the Mean High Water Springs and the 2060 ERZ line. In some cases the Extreme Inundation Risk Zone extends higher than the 2060 ERZ as shown on the Planning Maps. This area includes land that is generally below the calculated 2% **Annual Exceedance Probability** combined tide and storm surge level, including 2% **Annual Exceedance Probability** wave run-up and sea level rise to 2100.
- b. **Moderate Inundation Risk Zone:** The MIRZ includes that area of land between the Extreme Inundation Risk Zone and the contour line for that land at the inundation level identified for that zone, as shown on the Planning Maps. It includes areas where land elevation is generally below the calculated 2% **Annual Exceedance Probability** combined tide and storm surge level including sea level rise to 2100, but excluding wave run-up.

3.2.5 Awatarariki Debris Flow Policy Area

3.2.5.1 The Awatarariki Debris Flow Policy Area means the land susceptible to debris flow hazards and identified on Planning Map 101A as either high, medium, or low risk.

The risk areas are:

- a. **Awatarariki High Risk Debris Flow Policy Area:** The High Risk area includes land that is subject to a high risk to life and property from debris flows due to the likelihood of future debris flows and the potential for such flows to contain high impact boulders and woody debris, combined with the

volume, density, and velocity of any future flow. Existing residential uses should retreat from the High Risk area because other forms of risk mitigation cannot practicably reduce the high likelihood of loss of life. There is also a risk to life for visitors to the area. Urban activities are prohibited in the High Risk area, with other activities only allowed where they relate to transitory recreational use of open space or other specifically identified low risk activities;

- b. **Awatarariki Medium Risk Debris Flow Policy Area:** The Medium Risk area includes land that is subject to risk to life and property from debris flows, but is beyond the area where previous debris flows have contained high impact boulders and woody debris. Development is allowed only where a risk assessment establishes that the level of risk is reduced to a level that is as low as reasonably practicable.
- c. **Awatarariki Low Risk Debris Flow Policy Area:** The Low Risk area includes land that is subject to risk to property from debris flows, but is beyond the areas where previous debris flows have contained high impact boulders and woody debris. There is potential for flows, predominantly containing sand, silt and gravel, with variable boulder and timber content.

3.3 ACTIVITY STATUS

3.3.1 Introduction

3.3.1.1 The Activity Status Table (see 4.4 below) lists the activities anticipated in the District. Activities may be in one of six categories, depending on the zone in which they are located and their potential effects on the environment. These six categories and codes used in the Plan, as determined by the RMA are:

- a. P = Permitted
- b. C = Controlled
- c. RD = Restricted Discretionary
- d. D = Discretionary
- e. NC = Non-Complying
- f. Pr = Prohibited

In addition, if the activity status is not applicable for a particular activity or zone, then the code used is "NA".

3.3.2 Activity Status Hierarchy

3.3.2.1 The provisions of chapters 2-20 apply to any proposal.

3.3.2.2 Where there are different activity statuses between chapters, the more restrictive provision will apply.

3.3.2.3 All activities not specifically provided for in the activity status tables are Discretionary Activities, except in the **CPZ** where such activities shall be Non-Complying.

3.3.2.4 Non-compliance with any rule will make an activity Discretionary unless otherwise stated in the rule.

3.3.2.5 If more than one activity status applies to an activity, the activity will be assessed overall under the more restrictive status. For example, if a second dwelling is a Controlled Activity in the Residential Zone but it is also a Discretionary Activity because it is located within an identified natural hazard, then the activity status for the proposal will be Discretionary.

3.3.3 Permitted Activities

3.3.3.1 Permitted activities must comply with the general and specific standards in the relevant zone and all of the relevant sections of the District Plan. Resource consent is not required.

3.3.4 **Controlled Activities**

3.3.4.1 A Controlled activity is an activity that;

- a. is identified as a controlled activity by a rule in the Plan;
- b. is allowed only if a resource consent is granted by the **Council** in respect of that activity;
- c. complies with the standards and rules specified in the Plan for that activity; and
- d. is assessed according to matters the consent authority has reserved control over in the Plan.

3.3.4.2 Conditions may be placed on a resource consent in reference to those matters over which the **Council** has reserved its control.

3.3.5 **Restricted Discretionary Activities**

3.3.5.1 A Restricted Discretionary activity is an activity that;

- a. is provided as a Restricted Discretionary activity by a rule in the Plan;
- b. is allowed only if a resource consent is granted by the **Council** in respect of that activity;
- c. complies with the standards and rules specified in the Plan for that activity, and
- d. is assessed according to matters the consent authority has restricted its discretion to in the Plan.

3.3.5.2 In some cases the Restricted Discretionary activity criteria refer to Discretionary/Non-Complying criteria matters listed in Section 3.7.

3.3.5.3 Where an activity or non-compliance with a rule is specified as a Restricted Discretionary activity, the Council's decision to grant or refuse consent is restricted to those matters listed in the relevant rule.

3.3.6 **Discretionary Activities**

3.3.6.1 A Discretionary activity is an activity that;

- a. is provided for as a discretionary activity by a rule in the Plan;
- b. is allowed only if a resource consent is obtained in respect of that activity;
- c. may have standards and terms specified in the Plan; and
- d. where one permitted standard is not met unless the Plan states otherwise.

3.3.6.2 Section 3.7 sets out the criteria that the **Council** will have regard to when considering an application for a Discretionary activity. The Criteria do not limit the **Council's** discretion.

3.3.6.3 It is within the Council's powers to grant a resource consent (with or without any condition it thinks necessary to avoid, remedy or mitigate the adverse effects of the proposal on the environment), or to refuse consent.

3.3.7 **Non-complying Activities**

3.3.7.1 A Non-Complying activity is an activity that;

- a. is provided for as a Non-Complying activity in the Plan; and
- b. is allowed only if a resource consent is obtained in respect of that activity.

3.3.7.2 Section 3.7 sets out criteria to which the **Council** will have regard when considering an application for a non-complying activity. The criteria do not limit the **Council's** discretion.

3.3.8 Prohibited Activities

3.3.8.1 A Prohibited activity is an activity that is expressly not allowed to take place under any circumstances. An application cannot be made to undertake a prohibited activity and a consent cannot be granted by the Council.

3.3.9 Existing Uses

3.3.9.1 Activities that were lawfully established before the introduction of a rule in a plan or proposed plan requiring a resource consent for that activity may enjoy existing use rights under Section 10 of the RMA. Such activities may continue as long as their effects remain the same or similar in character, intensity and scale. When an activity's effects in terms of the character, intensity and scale are altered, a resource consent must be obtained for the activity.

3.3.9.2 On application, Certificates of Compliance can be provided for activities that are Permitted activities and are in compliance with the Plan rules.

3.3.10 Zoning and Roads

3.3.10.1 All **formed roads** are designated and have an underlying zoning as at the boundary of the road. Where the zoning is not the same on both sides of the **formed road**, the **centreline of the formed road** shall be the boundary of the underlying zone. The activity status in the **formed road** column of the Works and Utilities Chapter 20 takes precedence over the activity status listed in other zone columns.

3.3.11 Designations

3.3.11.1 Designations are shown on Planning Maps and are listed in Appendix 22.1. A designation is a provision in a district plan which provides notice to the community that a requiring authority intends to use land in the future for a particular work or project. There may be conditions on a designation that define how the public work will be undertaken. Where the land is privately owned, a designation can limit the use of the land by its owners. The designation process is set out in the RMA 1991.

3.4 ACTIVITY STATUS TABLE – ALL ZONES

Resource consents are required for Controlled, Restricted Discretionary, Discretionary and Non-Complying activities. The Council can assist in determining the status of your activity.

The statuses of activities in this table are subject to the standards and terms in the relevant Chapters of the Plan, and this table must be read in conjunction with the provisions in all Chapters of the Plan

Key

- P = Permitted
- C = Controlled
- RD = Restricted Discretionary
- NA = Not applicable
- D = Discretionary
- NC = Non-Complying
- Pr = Prohibited

3.4.1 Activity Status Table

3.4.1.1 All activities not specifically provided for in the Activity Status Table or provided for in a rule in the Plan shall be Discretionary, except in the Coastal Protection Zone where such activities shall be Non-Complying.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Community & Cultural
	Residential Activities																	
1.	One dwelling per lot	House, flat, dwelling, residential unit, apartment, papakāinga housing, kaumatua flats, includes relocated or resited dwellings	P	P or RD ¹	P	P	P	P	D	D ²	D	NC or Pr ³	D	P	P	D or P ⁴	P ⁴ or RD ⁵ or D ⁶	P
2.	Two or three dwellings per lot (not including accessory buildings) (see also Rules in 4.2.6)		D	C or RD ¹	C	C	P	P	D	NC ²	NC	NC or Pr ³	NC	D	D	D	D	NC
3.	Four or more dwellings per lot		D	RD	RD	RD	P	P	NC	NC ²	NC	NC or Pr ³	NC	NC	D	D	D	NC
4.	One accessory building for habitation per lot		P	P or RD ¹	P	P	P	P	D	NC ²	NC	NC or Pr ³	NC	P	P	RD	P ⁴ or RD ⁵ or D ⁶	P
5.	Papakāinga		C ⁷	RD ¹	RD	RD	P	P	NC	NC	NC	NC or Pr ³	NC	C	C	D	D	NC

¹ In the **Awatarariki Medium Risk Debris Flow Policy Area** this activity is a Restricted Discretionary Activity.

² This rule does not apply to Allotments 28B3C2A and 28B3C2B. Rule 6.2.6 applies.

³ In the **Awatarariki High Risk Debris Flow Policy Area** this activity is a Prohibited Activity.

⁴ If it is a permitted activity under Rule 7.2.6 or, for Activity (4) accessory buildings, if it is located outside the Coastal Environment Line and complies with Rule 17.2.2.1.

⁵ Unless it is a permitted activity under Rule 7.2.6 this activity status applies if the building is proposed to be sited where its roofline or its highest point is to be within 5m of the natural ground level of a **Significant Identified Ridgeline**, as shown on the Planning Maps.

⁶ Unless it is a permitted activity under Rule 7.2.6 this activity status applies if the building is proposed to be located in the Rural Ōhiwa zone and is also in the area between MHWS and the Coastal Environment Line, as shown on the Planning Maps.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhwiwa	Community & Cultural
6.	Accessory buildings for papakāinga ⁵		C ⁷	C or RD ¹	C	P	P	P	D	C ⁷	D	NC or Pr ³	D	C	C	D	C	NA
7.	Retirement Villages excluding a Hospital		D	C or RD ¹	C	D	D	D	NC	NC	NC	NC or Pr ³	NC	D	D	D	D	NC
8.	Retirement Villages including a Hospital		D	RD	RD	D	D	D	NC	NC	NC	NC or Pr ³	NC	D	D	D	D	NC
	Community Activities																	
9.	Activities (excluding buildings) on public reserves operating in accordance with an, or that are provided for in, an approved Conservation Management Strategy or Management Plan under the Conservation Act 1987, National Parks Act 1980 and Reserves Act 1977, or a Reserve Management Plan under the Reserves Act.	Sports grounds, playing fields, camping grounds, walking tracks	P	P or RD ¹	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	NA
10.	Buildings on public reserves (excluding those in the Whakatāne Riverbank Reserve where Rule 8.2.5 applies): that are provided for in a Management Plan under the Reserves Act 1977 and complying with all other Rules See Rule 8.2.5 Greenway Concept; all buildings less than 20m ² on public reserves and seats, accessways and paths on public reserves not provided for in a Reserve Management Plan, but consistent with the purpose of the reserve; all other buildings	Clubrooms, ablution buildings, Swimming pools	P	P or RD ¹	P	P	P	P	P	P	P	D or Pr ³	P	P	P	D	D	NA
			P	P or RD ¹	P	P	P	P	P	P	P	NC or Pr ³	P	P	P	C	C	NA
			D	D or RD ¹	D	D	D	D	D	D	D	NC or Pr ³	D	D	D	D	D	NA

⁷ Refer to Rule 7.3.1.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhwiwa	Community & Cultural
11.	<p>Places of assembly (not provided for by any other category):</p> <p>Advice Note: For temporary activities places of assembly refer to Item 42.</p> <p>designed to have a maximum occupancy or attendance of less than 10 people at any one time;</p> <p>designed to have a maximum occupancy or attendance of between 10 to 50 people at any one time;</p> <p>designed to have a maximum occupancy or attendance of more than 50 people at any one time;</p> <p>additions, alterations or extensions where the extension is to buildings less than 50m² in floor area used for a place of assembly which will not increase the existing occupancy or attendance.</p>	<p>Places of worship, marae halls, sports grounds, clubrooms, tourist facilities (but not accommodation), art galleries, conference centres, theatres, funeral directors premises</p>	P	P or RD ¹	P	P	P	P	P	P	P	NC or Pr ³	D	P	P	D	C	P
			P	D or RD ¹	D	C ⁸	P	P	RD	P	P	NC or Pr ³	D	P	P	D	D	P
			D	D or RD ¹	D	R ⁹	RD	RD	RD	RD	RD	NC or Pr ³	D	RD	RD	D	D	P or C
			P	P or RD ¹	P	P	P	P	D	P	P	NC or Pr ³	P	P	P	D	C	P
12.	<p>Educational facilities:</p> <p>a) home-based education and care service;</p> <p>b) designed to have a maximum occupancy or attendance of ten or fewer people at any caregiving or education session;</p> <p>c) designed to have a maximum occupancy or attendance of between 10 and 50 people at any caregiving or education session;</p>		P	P or RD ¹	P	P	P	P	D	D	D	NC or Pr ³	D	P	P	P	P	P
			P	P or RD ¹	P	P	P	P	D	D	D	NC or Pr ³	D	RD	RD	D	RD	P
			P	D or RD ¹	D	C ⁸	P	P	D	D	D	NC or Pr ³	D	RD	RD	D	RD	P

⁸ See Rule 5.3.4.

⁹ See Rule 10.2.5.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhewa	Community & Cultural	
	d) designed to have a maximum occupancy or attendance of 50 or more than 50 people at any caregiving or education session.		D	D or RD ¹	D	D	P	P	D	D	D	NC or Pr ³	D	D	D	D	D	D	
13.	New cemeteries and urupā, except for Ōpihi (see also 3.6.1)		RD	RD	RD	RD	RD	RD	RD	RD	RD	NC or Pr ³	RD	RD	RD	RD	RD	RD	NC
14.	Crematorium; or additions, alterations, or extension to buildings containing a cremator(s)		D	D	D	D	D	D	D	D	D	NC or Pr ³	D	D	D	D	D	D	NC
15.	Emergency service facilities	Fire stations, police stations	D	D	D	D	P	P	P	P	P	NC or Pr ³	D	P	P	RD	C	D	
	Business																		
16.	Home occupation (see also Rule 11.2.22)		P	P or RD ¹	P	P	P	P	P	D	D	NC or Pr ³	NC	P	P	P	P	P	P
17.	Mobile sale of goods occupying road reserve excluding SH or reserve operating in compliance with the Whakatāne District Council Consolidated Bylaw		P	P or RD ¹	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	P	NC
18.	Retail activity <30m ² GFA.	Roadside stalls, shop associated with a home occupation	D	C ¹⁰ or D	D	P	P	P	NC	P	P	NC or Pr ³	P	D	D	D	D	D	P
19.	Retail activity > 30m ² GFA	Shops, restaurants, cafes, taverns and bars ancillary to a sports club	NC	C ¹¹ or NC	D	D	P	P	C	P	P	NC or Pr ³	NC ¹²	NC	NC	NC	NC	NC	P ¹³
20.	Bars and taverns	Stand-alone taverns, bars	NC	NC	NC	D	P	P	D	D	D	NC or Pr ³	NC	NC	NC	NC	NC	NC	NC
21.	Supermarkets		NC	NC	NC	NC	P	P	NC	D	NC	NC or Pr ³	NC	NC	NC	NC	NC	NC	NC
22.	Catteries and Kennels		D	D	D	D	D	D	D	P	P	NC or Pr ³	NC	P	P	P	P	P	D
23.	Commercial service	Medical and/or veterinary centres, offices	D	D	D	P	P	P	D	P	D	NC or Pr ³	D	NC	NC	NC	NC	NC	P
24.	Professional offices	Lawyers, accountants	D	D	D	P	P	P	D	P	D	NC or Pr ³	NC	NC	NC	NC	NC	NC	P

¹⁰ Retail activity within an approved Structure Plan Area is a Controlled activity under Rule 8.2.6.1.

¹¹ Retail activity within an approved Structure Plan Area is a Controlled activity under Rule 8.2.6.2.

¹² Refer to Rule 8.2.6.2 for retail activities in the Port Ōhope Structure Plan Area.

¹³ Refer to Rule 10.2.4 in the Community and Culture Zone.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhwiwa	Community & Cultural
25.	Industrial including manufacturing activities	Panel beaters, vehicle servicing, painters	NC	NC	NC	D	D	D	D	P	P	NC or Pr ³	NC	NC	D	NC	NC	NC
26.	Yard based outdoor retail activities	Auto wreckers, car sales yards	NC	NC	NC	NC	NC	D	C	P	P	NC or Pr ³	NC	NC	NC	NC	NC	NC
27.	Service stations		NC	NC	NC	D	D	P	D	P	P	NC or Pr ³	NC	NC	NC	NC	NC	NC
28.	Drive in food premises		NC	NC	NC	D	D	P	D	P	P	NC or Pr ³	NC	NC	NC	NC	NC	NC
29.	Carparking		D	D	D	D	RD	RD	D	D	D	D or Pr ³	D	RD	RD	D	D	D
30.	Accommodation facilities designed to have: a. a maximum of five guests at one time; b. in excess of five guests at any one time	Nursing and elderly person's homes, retirement villages, Travellers accommodation including hotels, motels, lodges, hostels, boarding houses, homestays, farmstays and camping grounds	P D	P or RD ¹ D or RD ¹	P D	P P	P P	P P	D D	D D	D D	NC or Pr ³ NC or Pr ³	NC NC	P D	P D	P D	P D	P D
Rural Activities																		
31.	Farming	Dairying grazing, crops, horticulture and orcharding]	P	D	NC	NC	NC	NC	NC	P	P	NC or Pr ³	NC	P	P	P	P	P
32.	Intensive farming excluding greenhouses	Piggery and mushroom farming	NC	NC	NC	NC	NC	NC	NC	D	D	NC or Pr ³	NC	D	D	D	D	NC
32.a	Greenhouses		NC	NC	NC	NC	NC	NC	NC	D	D	NC or Pr ³	NC	RD	RD	RD	RD	NC
33.	Production Forestry		NC	D	NC	NC	NC	NC	NC	P	P	NC or Pr ³	NC	P	P	NC	P ¹⁴ or C	P
34.	Management and restoration of indigenous vegetation , habitat for indigenous fauna (animals) or trout, or a wetland or natural watercourse. See also Chapter 15	Weed and pest eradication, replanting of indigenous species found in the local habitats riparian planting with indigenous vegetation , removal of dead or diseased vegetation where necessary to maintain the health of the feature or for public safety	P	P	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	P
35.	Prospecting for mineral deposits		P	P	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	NC

¹⁴ Production Forestry less than 5ha in size is a Permitted activity.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhwiwa	Community & Cultural
36.	Exploration of aggregate, sand, gravel or pumice See also Rules 11.2.1-11.2.4.		D	D	D	NC	NC	D	D	P	P	D or Pr ³	D	P	P	D	C	NC
37.	Mining and Quarrying and the processing of minerals ¹⁵		NC	NC	NC	NC	D	D	D	D	D	NC or Pr ³	NC	D or P	D or P	Refer to Rule 17.2.1 Activities 5 and 6.	Refer to Rule 17.2.1 Activities 5 and 6	NC
37.a	Rural processing activities		NC	NC	NC	NC	NC	NC	NC	P	P	NC or Pr ³	NC	D	D	NC	NC	NC
37.b	Rural contractor depots: a. ancillary to the main farming activity on a site and employ a maximum of seven staff; b. ancillary to the main farming activity on a site and employ more than seven staff; c. not ancillary to the main farming activity on a site and employ a maximum of seven staff; d. not ancillary to the main farming activity on a site and employ more than seven staff.		NC	NC	NC	NC	NC	NC	NC	NC	NC	NC or Pr ³	NC	P	P	NC	P	NC
			NC	NC	NC	NC	NC	NC	NC	NC	NC	NC or Pr ³	NC	RD	RD	NC	RD	NC
			NC	NC	NC	NC	NC	NC	NC	P	P	NC or Pr ³	NC	RD	RD	NC	RD	NC
			NC	NC	NC	NC	NC	NC	NC	P	P	NC or Pr ³	NC	NC	D	NC	NC	NC
37.c	Small-scale rural enterprise activities		NC	NC	NC	NC	NC	NC	NC	NC	NC	NC or Pr ³	NC	P	P	NC	P	NC
	Surface of the Water																	
38.	Structures accessory to a recreational activity on the surface of water, with the exclusion of maimai provided that such structures do not obstruct navigation of vessels in waterways	Jetties, moorings, wharves, pontoons, ramps, ski and float-planes lanes	D	D	D	D	D	D	NA	D	D	D or Pr ³	D	D	D	D	D	D

¹⁵ Refer to Rule 11.2.4.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhewa	Community & Cultural
39.	Private recreational activities on the surface of water (excluding jet-boat or personal watercraft events).	Canoeing, rafting, boating, kayaking (excluding jet boat or personal watercraft events)	P	P	P	P	P	P	NA	P	P	P or Pr ³	P	P	P	P	P	P
40.	Commercial activities on the surface of the water, and associated structures.	Commercial jet boating	D	D	D	D	D	D	NA	D	D	D or Pr ³	D	D	D	D	D	D
41.	Jet-boat and/or personal watercraft events.		D	D	D	D	D	D	NA	D	D	D or Pr ³	D	D	D	D	D	D
	Temporary Activities (see also Rule 11.2.20 and 11.2.21)																	
42.	Places of assembly for a maximum of four consecutive days excluding jet-boat or personal watercraft events.	Festivals, carnivals, fairs, bazaars, conventions, concerts, public meetings	C	C	C	P	P	P	P	P	P	C or Pr ³	P	C	C	C	C	NA
43.	Building or construction projects for a period not exceeding 12 months where the activity is not provided for elsewhere in the plan or where construction effects have been consented to as part of a resource consent for the activity that is under construction.	Earthworks, stormwater control	P	P	P	P	P	P	P	P	P	NC or Pr ³	D	P	P	P	P	P
44.	Temporary Military Training activities.		P	P	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	P
	General																	
45.	Accessory buildings to any permitted activity (not for habitation) See also Item 10 Buildings on Public Reserves)	Garages, carports	P	P	P	P	P	P	C	P	P	NC or Pr ³	P	P	P	D	C	P
46.	Demolition of buildings and structures, except those listed in Schedule 16.7.1		P	P	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	P
47.	Marine precinct activities		D	D	D	D	D	D	D	D	D	NC or Pr ³	D	D	D	D	NC	D
48.	Heliport	Commercial or private helicopter hangars, bases or facilities	D	D	D	D	D	D	D	D	D	D or Pr ³	D	D	D	D	D	D

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhewa	Community & Cultural
49.	Helicopter Landing Areas used for less than 10 flight movements in any 30 day period (refer to Table 11.2) excluding that permitted in Activity 50.b.	Helicopter landing areas associated with tourism, recreational activities and emergency operations.	P	P	P	P	P	P	P	P	P	P or Pr ³	P	P	P	P	P	P
50.	Helicopter Landing Areas used for more than 10 flight movements in any 30 day period (refer to Table 11.2: Specific Activity Noise Limits) excluding that permitted in Activity 50.a and 50.b.	Helicopter landing areas associated with tourism and recreational activities.	P	P	P	P	P	P	P	P	P	NC or Pr ³	D	P	P	P	P	P
50.a	Helicopter Landing Areas used for more than 10 and fewer than 30 movements in any 30 day period, with a maximum of six movements per day.	Helicopter landing areas associated with tourism, recreational activities and emergency operations	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA or Pr ³	RD ¹⁶	NA	NA	NA	NA	NA
50.b	Helicopter Landing Areas for primary productive use	Frost protection, spraying	P	NA	NA	NA	NA	NA	NA	NA	NA	NA or Pr ³	NA	P	P	P	P	NA
51.	All other activities not specifically provided for in other sections.		D	D	D	D	D	D	D	D	D	NC or Pr ³	D	D	D	D	D	D
52.	Buildings and activities in the Urupa Buffer in the Opihi Structure Plan not provided for in the Management Plan under 2.3.1.1(f) and 2.4.1.1(f)		NA	NC	NA	NA	NA	NA	NA	NA	NA	NC or Pr ³	NA	NA	NA	NA	NA	NA
Site Specific																		
53.	Activities on Allots 28B3C2A and 28B3C2B	See Rules in 6.2.6																
54.	Education Development Plans	See Chapter 9																
55.	Signs	See Rules in 11.2.20																
56.	Subdivision	See Chapter 12																
57.	Activities on sites identified as a scheduled feature: Significant Indigenous Biodiversity Site Cultural Heritage Features, Outstanding Natural Features and Landscape	See Chapter 15 See Chapter 16 See Chapter 17																
58.	Activities on the site of an identified natural hazard	See Chapter 18																
59.	Activities involving hazardous substances or on contaminated land	See Chapter 19																
60.	Activities involving Works and Network utilities, including any building, structures and earthworks in a National Gird Yard	See Chapter 20																

¹⁶ Discretionary activity status applies where any structure is required (excluding that required for public safety) specifically for helicopter landing area.

Item	Activity	Example	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Commercial	Large Format Retail	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhewa	Community & Cultural
61.	Earthworks		See Chapters 11, 16, 17, 18															
62.	Activities at the Edgecumbe Dairy Manufacturing Site. See rules in 6.2.12		See Chapter 6															
63.	Activities in the Awatarariki High, Medium, and Low Risk Debris Flow Policy Areas		See Rules 18.2.6.3 – 18.2.6.7															

Advice Note: Common residential activities (e.g. paving, dog kennels, washing lines) are not controlled under the District Plan. However the keeping of animals that might create a nuisance in a residential area is controlled by a bylaw.

3.5 INFORMATION FOR RESOURCE CONSENT APPLICATIONS

This section provides guidance about the information that may be required with consent applications. The amount of information that may be required will reflect the scale and effect of the activity, and Council can provide guidance about the information that will be required with your application.

Council can provide you access to any documents or information sources referred to in this section and can provide an up-to-date list of **statutory acknowledgement** areas. Other sources of information may also be available from Council and the planning maps will include useful information (e.g. scheduled features, some natural hazard areas).

Council recognises that preparing information can be costly and information will only be requested when this is necessary and relevant.

3.5.1 General Information Requirements

3.5.1.1 As relevant and necessary to understand the effects of an activity and in accordance with the scale of effects, the information accompanying an application for resource consent shall include;

- a. **a description of the activity** for which consent is sought;
- b. **a description of the site including** and may include details and location of;
 - i. land uses buildings and structures (and/or building platforms);
 - ii. topographical features such as vegetation, landforms, watercourses, open drains, vehicle access points;
 - iii. parking, access and loading areas for vehicles;
 - iv. earthworks;
 - v. utilities such as effluent disposal, water, stormwater and telecommunication lines;
 - vi. soil types and the existence of peat, high water tables and the potential for erosion;
 - vii. scheduled features;
 - viii. any other known historic sites including archaeological sites and waahi tapu;
 - ix. natural hazards or hazard-prone areas identified on any planning map, (including overland flow paths) and other natural hazards known to exist;
 - x. any designation or heritage orders that apply to the subject land;
 - xi. known existing site contamination, and an assessment where required under the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health;
 - xii. legal restrictions such as easements, restrictive covenants;
 - xiii. recreational uses of the site or neighbouring sites;
 - xiv. wildlife habitats; and
 - xv. stages of development.

- c. **any relevant statutory acknowledgements** by the Crown or any protected customary right under the Takutai Moana Act 2011;
- d. a **management plan** required for **mining/quarrying** activities or **exploration** that recommends how any adverse effects identified in the **Assessment of Environmental Effects** are to be avoided, remedied or mitigated;
- e. a **development plan** for a papakāinga development involving three or more **dwellings** and/or other **buildings**, which indicates how the Criteria in 7.3.1 will be met. A development plan shall be signed by the Trust (as constituted under Part XII of Te Ture Whenua (**Māori land**) Act 1993, and whose authority is defined in a Trust Order or other empowering instrument to enable on-going management of the development;
- f. **an assessment of environmental effects** which includes an analysis of the suitability of the site for the proposed activity and avoidance, remediation or mitigation of adverse effects having regard to, but not limited to;
 - i. topography and other physical features;
 - ii. transport assessment including **traffic volume, type and movement to the site as well as on-site movements**. An assessment must include details of the width and grade of proposed vehicular **accessways** and proposed roads and impacts on the roading network including bridge/s over **waterways (if applicable)**;
 - iii. provision of services including an assessment of the means, location and direction of **telecommunication lines, sewage, stormwater disposal and drainage**, and considering any off-site effects. Details on ground water levels may be required to confirm compliance with the "Operative On-site **Effluent Treatment Regional Plan—December 2006**". For activities exceeding a combined site coverage of 1,000m², the **Council** will require technical evaluations of the existing and anticipated stormwater flows and the necessity or otherwise of retention ponds or other stormwater control and/or mitigation devices;
 - iv. impacts on indigenous vegetation or habitat of **indigenous fauna**, or known significant biodiversity areas including the scale of any vegetation clearance and methods of restoration;
 - v. the relationship of tangata whenua with **lands, resources and taonga** including statutory areas of significance to Tangata Whenua and settled iwi;
 - vi. **heritage features**, including Scheduled Heritage and Archaeological Sites (see Appendix 16.7.1 and 16.7.2) and the means by which these areas will be managed;
 - vii. the scale and staging of earthworks (including cut-and-fill **details**), **mining/quarrying** and **exploration** (including stripping, stockpiling of topsoil and overburden) and programme of restoration;
 - viii. the proposed method of addressing any potential or actual reverse sensitivity effects that may arise as a result of the activity;
 - ix. visual impact on the surrounding landscape of;
 - the scale of the activity;
 - height, cross-sectional area, colour and texture of structures;
 - distance of structures to site boundaries;
 - degree of compatibility with surrounding properties;
 - site location in terms of the general locality, topography, geographical features, adjoining land uses, i.e. landscape character, rural houses;
 - proposed planting, fencing and other landscaping treatments;
 - proposed signs;
 - civil aviation requirements for height, colour and design requirements of buildings;
 - lighting on site;
 - the opportunity for site sharing of works and network utilities;
 - the visual quality, visual absorption, visual rating of outstanding landscape units;
 - any earthworks necessary for the creation of **building platforms, fire breaks, access**;
 - whether existing landscape features are **integrated into the new activity**; and
 - such an assessment may include the preparation of a Landscape Plan.

- x. the provisions of any relevant management plan under any other legislation;
 - xi. any possible alternative locations or methods for undertaking the activity;
 - xii. amenity values existing in the area and in particular the ambient sound levels currently experienced, any shadowing effects, lighting, glare and vibration effects;
 - xiii. noise effects and mitigation including noise insulation methods associated with the use of generators, fans, blowers, refrigeration equipment, forklifts and outdoor loading operations;
 - xiv. the probability of risk or harm to the environment (including people and communities) from the operation of the activity, including the use of hazardous substances;
 - xv. the provisions of any relevant iwi or hapū planning document;
 - xvi. natural hazard risk to human health and safety and to the social, economic and cultural well-being of people and communities and other aspects of the environment;
- g. all profiles (**cross-sections**) must be carried out to accepted surveyors' standards and practice. All levels must be in terms of mean sea level to **Moturiki datum**;
- h. **A report from a certified geotechnical engineer** shall be submitted detailing the effects of proposed **building** development on the stability of escarpments and the means of avoiding or mitigating potential adverse effects from slips or rockfalls, including, if necessary, alternative locations for **buildings**, and alternative **building** design features;
- i. **plan information** illustrating the proposal shall include;
- i. a plan to scale, showing the location of the site, with;
 - road name;
 - street number;
 - legal description;
 - north point; and
 - scale.
 - ii. a site plan of the property showing;
 - site boundary lengths and other dimensions in metres;
 - location with distances to site boundaries, of all existing **buildings** which are to remain on the site, and all proposed **buildings** and structures (including, where applicable, eaves, balconies, courts and verandahs);
 - proposed use of each **building**;
 - position of services and network utilities;
 - vehicle parking, access and loading;
 - existing levels and contours where this is appropriate to define **building** platform and drainage patterns. All contours must be shown in terms of **Moturiki datum** plus 100m;
 - proposed contours; and
 - position of existing and proposed easements and other legal restrictions.
 - iii. for a subdivision of land, the following additional information is to be provided:
 - Each **lot** shall be shown on a plan of subdivision. Five copies of the plan shall be provided to the **Council**
 - Each **lot** shall have a number, area (except in the case of a cross-lease, company lease or by the deposit of a unit plan), boundary dimensions and in the case of a rear lot, the net area (excluding access) as well as the total area
 - The whole of the property(ies) concerned shall be shown on the plan. Where this is not practicable, the entire block is to be shown on a scaled diagram inserted on the page
 - Proposed **esplanade reserves** or strips or proposed **access strips** on the **lot(s)** being subdivided and the location of existing **esplanade reserves**, **esplanade strips** or **access strips** on adjoining **lot(s)**
 - The location and areas of any land below the Mean High Water Springs of the sea, or of any part of the bed of a river or lake which is required under Section 235 of the Act

to be shown on a survey plan as land to be vested in the Crown

- j. **within the CHEPA;**
 - i. unless the **Council** otherwise determines that some other assessment is appropriate, an application for resource consent for a building, structure, site works or site vegetation clearance (or any extension to these) within the **CHEPA** shall include a report on its suitability prepared by a **Chartered Professional Engineer** experienced in coastal processes confirming that the proposed building, structure, site works or vegetation clearance is not likely to accelerate, worsen or result in material damage to that land, other land or any structure through erosion;
 - ii. applications for new buildings and structures, or extensions to these shall include confirmation from a suitably qualified **Chartered Professional Engineer** and from a house removal company that the building or structure is able to be relocated out of the **CHEPA** and to the Alternative Building Site (where applicable);
 - iii. if the applicant considers the location of the 2060 and 2100 ERZ boundaries to be different from those boundaries defined on the Planning Maps, then the **Assessment of Environmental Effects** submitted with the application shall include such additional information as is considered necessary to determine the appropriate location of these boundaries at that site; and
 - iv. the information submitted in support of the application shall include the most recent data available from the **Council's** GIS as to the precise location of the ERZ boundaries.
- k. **within the CHFPA** an application for consent for a **building**, structure, site works or site vegetation clearance (or extension to these) within the **CHFPA** may require a report on its suitability prepared by a suitably qualified **Chartered Professional Engineer**, confirming that the proposed **building**, structure, site works or vegetation clearance is not likely to accelerate, worsen or result in material damage to that land, other land or any structure through inundation;
- l. **planting management plans** for applications within the Rural Ōhiwa and Rural Coastal Zones. The management plan for planting shall state the methodology for the establishment and **maintenance** of mitigation planting through to full establishment and the design and location of fencing of planted areas to be formally protected. The management plan should identify the person or organisation that will be responsible for the establishment and **maintenance** of the planting and fences; and
- m. an assessment against the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health to determine whether the land proposed to be developed, and the activity is covered by the NES. The assessment must include an investigation into the likelihood of the development site having ever been used for an activity listed in the Hazardous Activity and Industries List (HAIL); and
- n. if the applicant considers the location of a **Significant Indigenous Biodiversity Sites** to be different from those boundaries defined in the Planning Maps, then the Assessment of Environment Effects submitted with the application shall include such additional information as considered necessary to determine the appropriate location of the boundaries of the **Significant Indigenous Biodiversity Sites**.
- o. within the **Awatarariki Medium Risk Debris Flow Policy Area (AMRDFPA)**;
 - i. Unless the Council otherwise determines that some other assessment is appropriate, an application for resource consent for an extension to a building, a new building, or any other new structure within the AMRDFPA, shall include a report on its suitability, prepared by a **Suitably Qualified and Experienced Practitioner**, certifying that the extension, building or other new structure will reduce the risk to the activity, and any building and its occupants from a debris flow, to a level that is as low as reasonably practicable, and will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow.

3.5.2 Hazardous Substances

3.5.2.1 Applications involving **hazardous substance** use, storage and management that are subject to the provisions in this Plan require;

- a. information about the nature and quantity of the hazardous and environmentally damaging substances used, stored and transported, including United Nations classifications of those substances and material safety data sheets;
- b. information about other site occupiers and their type of business;
- c. details of cumulative effects and risks with other hazardous facilities on the *site* or nearby;
- d. information about the function of the installation, including a process description and design;
- e. information about the mode of delivery of **hazardous substances** to and from the facility;
- f. site plans to scale showing tank layout, compounded/bunded areas, and the location of transfer/load-out areas;
- g. details of tank construction;
- h. isolation distances between tanks and public places
- i. the capacity of compounded/bunded areas;
- j. the height and thickness of bund wall and the materials used;
- k. drainage system details, including site drainage and off-site infrastructure for example, stormwater drainage system, sewer type and capacity, and plans to alleviate the risk of contamination of these systems;
- l. the location of the facility in relation to the nearest aquifer, waterway, coast, or sensitive environment;
- m. the nature of the subsoil and site geology;
- n. spill contingency and emergency planning, monitoring and maintenance schedules and associated equipment on-site;
- o. identification of potential hazards, failure modes and exposure pathways;
- p. adherence to the provisions of the **Hazardous Substances and New Organism Act (HSNO Act)**;
- q. the method of disposal/recovery of dangerous goods and water from compounded areas;
- r. proposed signs;
- s. transport access details and proposed frequency of movements and routes;
- t. assessment of the probability and potential consequences of an accident leading to a release of a **hazardous substance** or loss of control;
- u. information on waste management strategies and the nature and quantities of the expected waste stream;
- v. built plans of the facility; and

- w. written confirmation from the New Zealand Fire Service stating it has received the same information and commented on it, and copy of its comments.

3.5.2.2 It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the adjoining road network and that vehicles transporting **hazardous substances** will not use high use roads or local roads in residential areas. Conditions may be imposed that require **access along specified routes**, in particular the arterial road network.

3.5.3 Hazardous Substances – Site Risk Mitigation and Management

3.5.3.1 Consideration will be given to the adoption of 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, and site management systems. This may include a requirement to provide;

- a. written confirmation from the New Zealand Fire Service stating it has received the same information and commented on it, and a copy of its comments;
- b. evidence that persons and facilities are licensed according to the requirements of the HSNO Act;
- c. written confirmation from the Occupational Safety and Health section of the Department of Labour that on-site manufacturing processes are in accordance with good practice; and
- d. a description of any possible alternative locations or methods of production where it is likely an activity will result in any significant adverse effects on a receiving environment.

3.5.4 Frost Fans or Bird Scaring Devices

3.5.4.1 In addition to the General Information Requirements, applications involving the installation and use of frost fans or bird scaring devices shall include:

- a. A producer statement from the manufacturer or, where the site has special characteristics to that the producer statement does not apply, a report prepared by a suitably qualified person that specifies the noise level and noise characteristics that the proposed device generates at specified distances.
- b. Information about other potential methods that could be utilised for crop protection and why they are not proposed or are not considered to be suitable in the specific circumstances of the application. In the case of frost protection, alternative options may include irrigation, application of chemicals, physical barriers, and alternative types or brands of fixed or mobile frost fans. In the case of bird scaring devices, alternatives may include other types or brands of noise generating devices or deterrents, physical barriers or management practices.
- c. Information regarding the proposed operating conditions of the device and proposed management practices that will or may help manage the effects on the environment.

3.6 Assessment Criteria – Restricted Discretionary Activities

3.6.1 Urupā and cemeteries

3.6.1.1 Council shall restrict its discretion to:

1. Landscaping – including proposed planting, fencing and other appropriate landscape treatments required to maintain amenity.
2. Noise – particularly maximum sound levels, the nature, character, frequency and timing of noise and methods to avoid, remedy and mitigate adverse effects on adjacent sites or activities.

3. Access – including appropriate provision for vehicle, cycle and pedestrian access to and within the site.
4. Transportation – including provision of adequate car parking and traffic management measures to ensure the safe and efficient operation of the surrounding road network.
5. Signage.
6. Lighting.
7. Public safety – including consideration of the National Guidelines for Crime Prevention Through Environmental Design in New Zealand principles.
8. Social and Cultural effects – particularly the impacts on surrounding activities.

3.6.2 Sensitive Activities within the Awakeri Quarry Setback Buffer Area

3.6.2.1 Council shall restrict its discretion to:

- a. the sensitivity of the proposed activity to any lawfully existing activities including mineral exploration, mining, quarrying and associated activities and ancillary facilities.
- b. the noise environment of the locality.
- c. the degree of noise attenuation achieved by the noise sensitive activity, including provision of on-site mitigation measures to address noise and vibration.
- d. the location of proposed sensitive activity on the site in relation to existing lawfully established activities where there is a potential for reverse sensitivity effects (e.g. where the existing activity may generate noise, dust, odour, vibration, traffic).
- e. design details – including the location and orientation of buildings housing the sensitive activity, as well as treatment of habitable rooms with such measures as double glazing, air conditioning for rooms where windows do not open, and/or acoustic attenuation design features.
- f. special topographical, building features or ground conditions which will mitigate vibration impacts.
- g. the degree to which the proposal addresses the reverse sensitivity effects caused by vibration from Awakeri Quarry.
- h. the effects of reverse sensitivity on the operation of Awakeri Quarry and the ability and suitability of mitigation measures to enable continued and uninterrupted operation of Awakeri Quarry.
- i. landscaping including proposed planting, fencing, shelterbelts, artificial screening and other landscaping treatments required to maintain amenity.
- j. the impact on existing activities' provision for risk management, including:
 - i. emergency procedures and plans in the events of a fire or accidental release of hazardous substances;
 - ii. separation of the location of the use, management and disposal of hazardous substances from sensitive activities (for example residential or community activities); and
 - iii. potential to compromise existing buffer areas for the purpose of mitigation risk to the environment, (including human health and safety)

3.6.3 Greenhouses

3.6.3.1 The Council shall restrict its discretion to:

- a. Rule 3.7.10 (Noise Effect)
- b. Rule 3.7.11 (Odour and Dust Effects)
- c. Rule 3.7.17 (Traffic Effects)
- d. Rule 7.4.1 (Natural Light)
- e. Rule 7.4.2 (Distance to Boundaries)
- f. For greenhouses within the coastal environment, Rule 3.7.2.1(a)-(i) (Resource consent in the Rural Coastal Zone, Rural Ōhiwa Zone, or within an Outstanding Natural Feature Landscape (ONFL)).

3.7 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

The following Criteria are a guide to the matters the Council can have regard to when assessing an application. This does not restrict the Council's discretionary powers under section 104(1)(a) of the RMA to consider any actual or potential effects on the environment of allowing the activity.

The scope of information provided to understand the potential effects of the activity should be consistent with the scale and intensity of the proposed subdivision, development or land use. Council can provide you access to the documents referred to in this section.

3.7.1 Landscape and Visual Effects

3.7.1.1 Council shall have regard to;

- a. the surrounding environment with particular consideration being given to residential accommodation, **public reserves**, scheduled outstanding natural features and landscapes, and significant heritage features, **places of assembly** and key urban spaces shown on Planning Map 110B in the vicinity of the proposal including whether the development acknowledges and contributes to the specific characteristics of the key urban spaces; for example. scale, colour, function and structural materials and the relationships between the individual key urban spaces;
- b. the visual backdrop including ridgelines, skylines and headlands from public places (including roads) and the general landscape character;
- c. design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
- d. natural character of the coastal environment;
- e. landform and vegetation;
- f. natural character of wetlands, rivers, lakes and their margins;
- g. the degree to which **buildings** on elevated ridgelines in the Rural Foothills and Rural Ōhiwa Zones are avoided and structures set back towards the toe of the rolling hills to provide a landform backdrop to build form.
- h. the scale of the activity;

- i. height, cross-sectional area, colour and texture of structures;
- j. distance between **buildings** and the degree of clustering of **dwelling**s in the Rural Coastal and Rural Ōhiwa Zones;
- k. degree of compatibility with surrounding properties;
- l. site location in terms of the general locality, topography, geographical features, adjoining land uses;
- m. proposed planting, fencing, shelterbelts, artificial screening and other landscaping treatments as detailed in a submitted landscape plan;
- n. the extent and location of proposed earthworks and the degree to which disturbed ground is contoured to integrate with the natural landform and cut faces are avoided, screened and/or vegetated;
- o. whether any native vegetation removed is to be replaced and maintained on-site;
- p. proposed signs;
- q. civil aviation requirements for height, colour and design requirements of **buildings**;
- r. the intensity of lighting when viewed from a distance;
- s. the directional spill and location of lights, and whether light adversely affects the use and enjoyment of adjoining properties;
- t. the location of network utilities and whether there is site-sharing of works and network utilities to reduce cumulative visual effects;
- u. the visual quality, visual absorption, visual rating of outstanding natural features and landscapes and/or significant amenity landscapes and significant landscape units;
- v. whether the new activity integrates into existing landscape features; and
- w. whether there are technical limitations on the location of the activity.

3.7.2 **Resource consent in the Rural Coastal Zone, Rural Ōhiwa Zone, or within an Outstanding Natural Feature Landscape (ONFL)**

3.7.2.1 Council shall have regard to;

- a. any adverse effect on existing indigenous vegetation, particularly kānuka stands, which contributes to the natural character of the site;
- b. the effect of stormwater resulting from within the development on **māhinga kai** and the natural character of the coastal environment, particularly Ōhiwa Harbour;
- c. the visual quality, visual absorption and visibility of the proposal in the context of the outstanding natural feature or landscape; and
- d. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- e. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;

- f. the foreground vegetative context and how this is used to mitigate visual effects;
- g. the extent and nature of other vegetative mitigation proposed;
- h. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding environment;
- i. the degree of mitigation to be achieved through planting and timeframes for this to be achieved; and
- j. Matters set out in Section 3.7

3.7.3 **Planting on all Development and Subdivision in Rural Ōhiwa and Rural Coastal Zones**

3.7.3.1 Council shall have regard to;

- a. whether the **lot** includes or adjoins a natural riparian margin (coastal or freshwater) and the extent and nature of planting adjacent to the waterway;
- b. the extent to which planting can achieve ecological linkages or extend existing natural features;
- c. the degree to which additional planting is to be located to visually integrate/mitigate proposed **buildings** or structures or access tracks, and to reinforce the natural pattern of the landform as seen from a public place or road or Ōhiwa Harbour;
- d. whether the proposed planting of riparian areas and natural features will be legally covenanted to ensure its long term retention; and
- e. whether substantial areas of existing vegetation already exist on the proposed **lots** to be created (particularly where this provides adequate riparian protection and visual mitigation for future built development of the **lot**).

3.7.4 **Establishment of New Production forestry within ONFLs and Rural Coastal Zone**

3.7.4.1 Council shall have regard to;

- a. the landscape and visual effect of land preparation for forestry including roading and cultivation;
- b. avoidance of **quarrying** for the use of material for road and site preparation;
- c. the pattern of future harvesting relative to topographic form and its visibility when seen from public roads;
- d. the species that are to be replanted and the timing of the replanting programme that shall follow harvesting;
- e. the management measures put in place to enhance water and soil conservation within the forestry plot, including conditions of any resource consent granted by the Regional Council;
- f. retention of remnant indigenous vegetation particularly along riparian margins;
- g. the rehabilitation of the land post-harvest and post **production forestry** operations to ensure the factors, values and associations to the landscape or feature are maintained or enhanced; and
- h. management of wilding trees which may detract from the factors, values and associations attributed

to the identified ONFL.

3.7.5 Resource Consent in the Rural Coastal Zone

3.7.5.1 Council shall have regard to;

- a. whether **buildings** or **building platforms** have been located to avoid, remedy or mitigate potential adverse visual effects of the development and preserve the natural character of the coastal environment by;
 - i. **assessing the visual effect, including cumulative effect, of additional dwellings** and/or other buildings in regard to the proximity and location of existing buildings and approved building platforms;
 - ii. retaining coastal landforms and large areas of open space;
 - iii. assessing whether the **scale, bulk, location and roof pitch** of buildings respond to the landforms in the coastal environment and avoid buildings being visually dominant when viewed from the beach, foredune and public road;
 - iv. ensuring that the position of new or adjusted boundary lines or the area or shape of a **lot** does not prevent **dwellings** and other buildings being appropriately located; and
 - v. recognising that different forms of subdivision may be appropriate in different parts of the **Rural Coastal Zone**, for example, the clustering of **buildings** within a 50m radius in some locations may enable a higher proportion of open space to be maintained while reducing the overall visual impact of the development.

3.7.6 Buildings within 5m of Significant Identified Ridgelines

3.7.6.1 Council shall have regard to;

- a. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- b. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- c. the foreground vegetative context and how this is used to mitigate visual effects;
- d. the extent and nature of other vegetative mitigation proposed;
- e. proposed **building materials** and finish and, in particular, choice of finishes that tone with the surrounding environment; and
- f. adverse effects on identified cultural heritage places and values.

3.7.7 Modification of Landform and Earthworks Proposed within an ONFL, SAL, Rural Coastal or Rural Ōhiwa Zone

3.7.7.1 Council shall have regard to;

- a. the minimisation of areas of cut-and-fill during earthworks and the avoidance of cumulative vertical faces greater than 1.5m in height;
- b. downhill visual screening on the face of any cut or filled area (including retaining walls) to minimise visual effects;
- c. final contours (batters) following any earthworks to ensure a slope is maintained which is capable of being revegetated and re-contouring shall complement the surrounding landform;

- d. earthwork cuts that maintain the existing landform profile when viewed from public locations;
- e. earthworks for roads and access tracks that are aligned with the contour of the land wherever possible;
- f. in relation to **buildings/structures**, and access to a **building site**, any earthworks that exceed what is required for the **building(s)**, vehicle access and turning, and outdoor living court(s);
- g. where the finished landform is steeper than 1:4m, the slope shall be stabilised by planting vegetation, preferably indigenous to the locality;
- h. vegetation cover on cut faces or fill slopes shall be consistent with the surrounding vegetation patterns;
- i. the avoidance or mitigation of the effects of earthworks within 50m vertical distance of the identified ridgeline or spur on the Planning Maps, in an **ONFL**, **SAL**, and the Rural Ōhiwa Zone; and
- j. The measures to control stormwater runoff and avoid sedimentation being transported off-site or where it may enter waterways.

3.7.8 Business Centre and Commercial Zones

3.7.8.1 Council shall have regard to;

- a. The degree to which the proposal will contribute to or enhance the economic viability and integrity of the business activities within zones;
- b. whether the proposal will have an adverse effect on the amenity values of the business area in which it is located or proposed to be located: In particular whether it will detract from the form and character of the business area and be appropriate in terms of **scale and function**, as defined in the Strand Character Area Design Guidelines in Appendix 22.6;
- c. whether the proposal will have an adverse effect on the quality of the dominant landscape features in the **business area**, or **surrounding areas**;
- d. in the Business Centre Zone within the Whakatāne Town Centre, the visual effect of the **building** or structure on the continued enjoyment of key urban spaces shown on Planning Map 110B; including whether the development acknowledges and contributes to the specific characteristics of the key urban spaces: for example, **scale**, **colour**, **function** and **structural materials** and the **relationships between the individual key urban spaces**; and
- e. the intrusiveness of a **building** or structure on;
 - i. the view of the escarpment, particularly the continuum of the ridgeline, when viewed from the Whakatāne Riverbank walkway; and
 - ii. the vista across the Whakatāne River and to the coast particularly when viewed from the Seaview Road lookout.

3.7.9 Any Application on the Property at 1B Muriwai Drive (Lot 2 DPS2301 or Subsequent Legal Description), Whakatāne

3.7.9.1 In addition to all other relevant assessment criteria Council shall have regard to;

- a. the degree to which the design;
 - i. modulates the building form and reduces horizontal banding through, for example, **variable patterns of openings and shadow lines**;
 - ii. avoids dominance of its distinctive landscape and coastal surroundings having regard to the overall height and bulk of the building;
 - iii. minimises impact on the cultural landscape of Te Koohi, including on the view shaft from

- iv. Te Whare o Toroa **Marae**;
provides an activated pedestrian frontage and pedestrian amenity on the north-western boundary of the **site**;
 - v. utilises natural low-reflective materials and natural colours which are compatible with the surroundings; and
 - vi. mitigates the height and bulk of the **building** by the incorporation of pohutukawa and/or other native vegetation; and
- b. the degree to which vehicular activities and the impacts of parking along the pedestrian frontage of the **building** are minimised; and
 - c. the degree to which the development maintains or improves the level of safety for maritime vessels using the Whakatāne Heads entrance.

3.7.10 Noise Effect

3.7.10.1 Council shall have regard to;

- a. the nature of the zone within which the noise generating activity is located and the activity's compatibility with the expected environmental results for that zone;
- b. the nature of any adjoining zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining zone(s);
- c. existing ambient sound levels;
- d. the length of time for which specified sound levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused;
- e. the potential for cumulative noise effects to result in an adverse outcome for receivers of noise;
- f. the likely adverse impacts of noise generating activities both on and beyond sites, on a site, on visitors, users of business premises, or on public places in the vicinity;
- g. the extent to which the noise may detract from enjoyment of any recreation or conservation area;
- h. the maximum sound level likely to be generated, its nature, character and frequency, and the disturbance this may cause to people in the vicinity;
- i. whether the noise generated would be of such a level as to create a threat to the health or well-being of persons living or working in the vicinity;
- j. the proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant;
- k. the value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites;
- l. the extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial or recreational activities;
- m. the extent to which achieving the relevant limits is practicable where the existing noise environment is subject to significant noise intrusion from road, rail or air transport activities;
- n. the level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options to reduce noise emissions;

- o. whether the internal sound levels within a residential unit in a business zone will be such that the internal living environment will result in an acceptable level of noise intrusion from adjoining units or from activities within the business area;
- p. whether the design, including location, and methods and construction techniques proposed are likely to avoid or mitigate reverse sensitivity effects on the strategic road and rail network;
- q. the effects of reverse sensitivity on the operation of the network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transport network; and
- r. the degree of noise attenuation achieved by the noise sensitive activity.

3.7.11 Odour and Dust Effects

3.7.11.1 Council shall have regard to;

- a. any relevant currently adopted Codes of Practice;
 - i. to determine the appropriate separation of buildings from adjacent houses and residential zones; and
 - ii. to determine the appropriate level of odour management.
- b. odour management associated with;
 - i. industrial;
 - ii. human and animal effluent;
 - iii. activities involving animal and fish or parts thereof;
 - iv. fertiliser;
 - v. paint;
 - vi. varnish and chemical manufacture including the cleaning of containers; and
 - vii. solid waste storage and disposal; and
- c. the effect of and the probability of offensive odours from the activity and in particular the location of **dwelling**s, educational facilities and **places of assembly** in relation to the proposed activity;
- d. the location of proposed **dwelling**s on the site in relation to existing activities that are known to have the potential to generate objectionable odour effects;
- e. the duration of bare soil exposed to wind and rainfall and the management techniques proposed to avoid, remedy or mitigate adverse effects on the environment;
- f. the timing of the activity; and
- g. in a business zone, whether the proposal will generate levels of dust, smoke, fumes or other discharges to air which potentially would detract from the amenity values of the area, including areas outside of the business zone that are potentially adversely affected.

3.7.12 Vibration

3.7.12.1 Council shall have regard to:

- a. The size, nature and location of the building on the site;
- b. Special topographical, building features or ground conditions which will mitigate vibration impacts;

- c. Any characteristics of the proposed use which make compliance with the standard unnecessary;
- d. The degree to which the proposal addresses the reverse sensitivity effects caused by vibration from adjacent zones and/or activities; and
- e. The effects of reverse sensitivity on the operation of the network and the ability and suitability of mitigation measures to enable continued and uninterrupted operation of the rail network.

3.7.13 Indigenous Biodiversity Effects

3.7.13.1 Council shall have regard to;

- a. any adverse effect on ecosystems including;
 - i. coastal ecosystems;
 - ii. estuarine margins;
 - iii. rivers and streams, wetlands and their margins;
 - iv. habitats of indigenous fauna or flora;
 - v. the cumulative effects of the activity on habitat of indigenous vegetation and fauna;
 - vi. the degree to which the activity will result in the fragmentation of indigenous habitat and adversely impact on the sustainability of remaining vegetation;
 - vii. the impact on ecological linkages and connectivity between significant natural areas;
 - viii. the degree to which the effects are reversible and the resilience of the feature to change;
 - ix. the long-term sustainability of an affected coastal ecosystem, waterway, estuarine margin, wetlands and their margins, indigenous vegetation or habitat;
 - x. the indigenous vegetation to be retained and the degree to which the proposal will protect, restore or enhance indigenous vegetation and the net ecological gain as a consequence of the activity; and
 - xi. the means to protect fish habitats by maintaining riparian vegetation;
 - xii. for any development affecting indigenous biodiversity within SIBS BS74A and BS110B on Kawerau A8D Block, the information and values identified in the Ngāi Tamarangi Ngā Tikianga Whakahaere Taonga Environmental Management Plan 2016.
- b. the effect on Significant Biodiversity areas identified in Appendix 15.7.1, 15.7.2 and 15.7.3, or other sites considered significant according to criteria in the Bay of Plenty Regional Policy Statement;
- c. the location of buildings, structures and services (such as accessways) in relation to how that may adversely affect ecological features;
- d. specifically, the management of existing kākara stands in the Rural Coastal Zone, and means of restoring or rehabilitating this regionally significant feature;
- e. whether there is a reasonable alternative siting for the proposed activity or any alternative subdivision layout that will avoid, remedy or mitigate a significant adverse effect on the environment;
- f. location of the activity relative to any indigenous area and its vulnerability to the pest species; method of containing the pest plant or animal; other barriers to the spread of the plant or animal pest; method of identifying animals (for example, branding); method of dealing with escapes;
- g. plant and animal pest management
- h. the means to manage the adverse effects of pets, for example, cats, dogs, ferrets and rabbits on wildlife and vegetation;
- i. whether there will be adverse effects on ecosystems, including effects that;
 - i. may deplete the abundance, diversity or distribution of native species; or
 - ii. disrupt natural successional processes; or
 - iii. disrupt the long term ecological sustainability of Significant Biodiversity sites, including through increased fragmentation and vulnerability to pests; or
 - iv. obstruct the recovery of native species and the reversal of extinction trends, or the restoration of representative native biodiversity within an ecological district, ecological region, or nationally, or

- v. reduce representative biological values within an ecological district, ecological region, or nationally, or
- vi. reduce the area, or degrade the habitat value of an area set aside by statute or covenant for the protection and preservation of native species and their habitat, or
- vii. degrade landscape values provided by native vegetation, or
- viii. degrade soil or water values protected by native vegetation, or
- ix. degrade a freshwater fishery, or
- x. degrade aquatic ecosystems.

j. the degree of clearance in relation to the area retained or protected property.

3.7.14 Riparian Management

3.7.14.1 Council will shall have regard to;

- a. the need to plant and/or fence a riparian margin to;
 - i. protect and/or enhance ecological values;
 - ii. avoid natural hazard risk; and
- b. the Council will generally require the planting of a riparian margin within the Ōhiwa Harbour catchment;
- c. the need to provide public access to, and/or conservation of, riparian margins;
- d. the use of indigenous species in riparian planting where appropriate; and
- e. the pest management techniques employed.

3.7.15 Stormwater and Sewage/Effluent Disposal

3.7.15.1 Council shall have regard to;

- a. the extent to which the system and its maintenance prevents pollution and contamination of māhinga kai or the Council's stormwater system;
- b. the necessity to use such techniques as bunding, impermeable layers under bund, and interceptors;
- c. the adequacy of proposed measures to avoid, remedy or mitigate an adverse effect, having regard to the Building Code, and the sensitivity of the receiving environment;
- d. the effect that soil disturbance or deposition will have on established stormwater or effluent disposal systems; and
- e. whether the activity will result in increased run-off or diffused discharges to a waterway or another site.

3.7.16 Water Supply

3.7.16.1 Council shall have regard to;

- a. the potability of any proposed supply;
- b. the accessibility to the supply for maintenance;
- c. whether there is sufficient water available for the activity;
- d. the capability of the supply to receive and maintain a Grade A classification from the Ministry of Health Water Supply Grading System;
- e. the design life of the supply; and
- f. the on-going monitoring of the potability of the supply and service maintenance arrangements, particularly where the supply is deemed a public water supply.

3.7.17 Traffic Effects

3.7.17.1 Council shall have regard to;

- a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking and loading on-site;
- b. pedestrian and cyclist safety;
- c. hours of operation relative to the existing and future neighbourhood amenity;
- d. construction traffic volumes, traffic mix and hours of operation;
- e. the ability of the site to accommodate the traffic anticipated and the nature of the adjacent roading pattern, including the position of the road in the roading hierarchy;
- f. design (including gradient or slope) and location of deceleration and acceleration lanes on to roads, including state highways;
- g. formation of the road or location and formation of the access;
- h. the practicality of combining access ways serving more than one site or lot;
- i. the total land area proposed to be used for access, parking and loading in the Rural Plains Zone;
- j. aspects of the proposal that could compromise the safety and convenience of pedestrians as well as the avoidance of individual and cumulative adverse effects associated with traffic movements;
- k. in the case of Ōhakana Island, the desirability and practicability of new activities requiring structures off-site, including car-parking on the mainland and/or a jetty, boat ramp, or boatsheds;
- l. the provision of bus bays, student drop off zones and measures to separate pedestrians, buses, cyclists and vehicles for education facilities; and
- m. effects of the activity on the function and the safe and efficient operation of the transport network.

3.7.18 Traffic Flow Generation

3.7.18.1 Council shall have regard to;

- a. the extent to which safety of pedestrians and other users of the site is affected;
- b. the extent to which location, number and configuration of vehicular accesses adversely affects the provision of on street parking;
- c. the extent to which location, number and configuration of vehicular access points affects the safe, efficient functioning of the road network including the movement of pedestrians and cyclists;
- d. the extent to which loading and unloading can occur without affecting the safe and efficient functioning of the road network including the movement of pedestrians and cyclists;
- e. the opportunities for shared access; and
- f. the effects of the activity on the function and the safe and efficient operation of the transport network.

3.7.19 Social, Economic and Cultural Effects

3.7.19.1 Council shall have regard to;

- a. the likely impact of construction, operation and maintenance activities on social, recreational and heritage values, places of assembly (including marae and papakāinga), public reserves and about scheduled outstanding natural features and landscapes and scheduled heritage features (particularly the functioning of community and recreational facilities in the vicinity of the proposed activity);
- b. the impact on public safety including crime and crime prevention design such as National Guidelines for Crime Prevention through Environmental Design in New Zealand 2005;
- c. the impacts on surrounding activities and access to the respective sites;
- d. economic effects including growth opportunities and employment opportunities that are anticipated to be provided or reduced;
- e. a cultural impact assessment on cultural values, where applicable, including;
 - i. the impact of the activity on mauri;
 - ii. the degree to which the activity has regard for kaitiākitanga and stewardship; and
 - iii. the degree to which the activity provides for protected customary activities; and
- f. the degree to which the proposal complies with any management plan of the site including plans prepared under the National Parks Act 1975, Reserves Act 1977 and the Conservation Act 1987.

3.7.20 Heritage: **Built, Archaeological, Cultural and Significant Specimen Trees**

3.7.20.1 Council shall have regard to;

- a. the significance of the heritage features sites, or the values attributed to them, as assessed against the Heritage Criteria contained in Appendix F of the Bay of Plenty Regional Policy Statement;
- b. the impact of the proposed activity on the values, character and integrity of the heritage feature including;
 - i. the location, design, scale, dimensions and materials of any structures or buildings or alterations, and how any adverse effect on the scheduled feature may be avoided, remedied or mitigated;
 - ii. the nature of vehicle traffic about the site; and
 - iii. the effects of the activity, particularly in regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to the values inherent in the feature; for example, the effect on a protected tree and its ability to continue to grow and flourish.
- c. the degree to which the proposal might result in the restoration of the heritage feature that may be affected by the activity;
- d. the effect on existing or proposed formalised public access to the feature and whether:
 - i. it is sustainable in terms of the continued protection of the feature, and
 - ii. consent has been obtained from affected landowners.
- e. whether there is a reasonable alternative siting for the proposed activity or any alternative subdivision layout that will avoid or reduce the impact on the feature;
- f. whether there are technical limitations on the location of the activity;
- g. whether the proposed activity detracts from the intrinsic value of the resource;
- h. the compatibility of the addition or alteration and the degree to which it overshadows or dominates the scheduled place;
- i. the cumulative effects on heritage values;
- j. the degree to which the activity will reduce the mauri of the heritage feature;
- k. the degree to which the activity will result in the loss of a finite resource;
- l. the impact of the activity on the connectivity and relationship between heritage features, including heritage landscapes;
- m. the degree to which the effects are reversible;
- n. where the proposal involves the alteration or demolition of heritage items, the feasibility and costs of maintaining and repairing the item and the ability of the applicant to develop, use or obtain economic benefit from the site without altering or demolishing the existing item;
- o. where the proposal involves the relocation of heritage items, the extent to which the original site and location are important to the heritage value of the item;
- p. where the **building** presents an earthquake risk, fire risk or other safety risk and demolition of the item is proposed, the feasibility and costs of upgrading the heritage item to address the safety risk and the effect of such work on the heritage value of the item. In some instances, community safety, the costs of upgrading the item and/or effects of upgrading on the heritage value of the item may imply that the item should not be retained; and
- q. the degree of restoration works and remediation of heritage features or other degraded environments; and
- r. the redevelopment of a scheduled cultural heritage **building** not in conformity with the District Plan's performance standards but consistent with the objectives and policies where;
 - i. conformity with the District Plan's performance standards would detrimentally change the intrinsic value and character of the heritage item; and
 - ii. the proposed activity will positively encourage the protection and preservation of the scheduled item.

3.7.21 Wind Effects

3.7.21.1 Council shall have regard to;

- a. the effect of an activity on the micro-wind climate of the neighbourhood.

3.7.22 Risk Management

3.7.22.1 Council shall have regard to;

- a. the probability of risks to the environment (including human health and safety) associated with the construction and operation of the activity and the measures inherent in the proposal which will avoid remedy or mitigate the potential for that effect to occur. For example;
 - i. unstable land conditions arising as a result of the proposal;
 - ii. the technology used by the activity, for example. high voltage electricity, radioactive material, electromagnetic radiation, and
 - iii. risk of rupture, breakage, collapse, failure, movement, of components of the activity as it relates to the design and maintenance of the activity and the effects of natural hazards on the facility.

3.7.23 Hazardous substances

3.7.23.1 Council shall have regard to;

- a. separation distances to people-sensitive activities (residential/settlement zones and facilities such as schools, rest homes, hospitals);
- b. location in relation to the nearest aquifer and/or surface water body;
- c. nature of soils and subsoils;
- d. location in relation to risk posed by natural hazards;
- e. location in relation to environmentally sensitive areas, including the location in relation to waahi tapu or other sites of significance to tangata whenua;
- f. systematic identification of hazards and potential exposure pathways, and assessment of associated risks;
- g. potential cumulative risks arising in conjunction with neighbouring activities or from cumulative effects in the receiving environment;
- h. implementation of an environmental management system—a range of management systems are considered suitable, including the NZCIC (New Zealand Chemistry Industry Council), Responsible Care Programme, the ISO (International Standard Organisation) 9,000 and 14,000 systems, the ISRS (International Safety Rating System), or any other recognised or accepted system which achieves the same objectives or intent;
- i. fire safety and fire water management;
- j. monitoring and maintenance schedules and plans;
- k. contingency plans for spills and other accidental releases of hazardous substances;
- l. emergency procedures and plans;
- m. rehabilitation proposals in the event of spills;
- n. site management systems for waste disposal and transportation of hazardous substances;
- o. intended transport routes and the placement of these routes in the roading hierarchy.
- p. the extent to which the use, management and storage of hazardous substances is in accord with national guidelines and expert advice.

3.7.24 Contaminated Site Remediation

3.7.24.1 Council shall have regard to;

- a. the type, volume, extent and levels of contaminants;
- b. the remediation plan including methodology, level of remediation proposed, remediation techniques, disposal of material and validation sampling;
- c. on-going monitoring and maintenance of the site;
- d. established standards and guidelines for the remediation of a contaminated site;
- e. the future activity proposed (if known), the types of activities anticipated by the zone provisions and nearby land uses;
- f. any limitations on subsequent land use where justified based on the level of remediation;
- g. any adverse effects on the environment during remediation, including increased risk of contamination dust, noise, lighting, glare, vibration and traffic effects; and
- h. the effects of remediation on resources of significance to Tangata Whenua.

3.7.25 Natural Hazard Effects

3.7.25.1 Council shall have regard to;

- a. Risks (as a measure of likelihood and consequence) associated with natural hazards;
- b. whether the land is appropriate for the development proposed and/or the conditions under which development will be appropriate;;
- c. whether the land, and any building site is not likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. In relation to inundation from any source, the Council shall have regard to;
 - i. the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
 - ii. flood plain management measures proposed and consistency with the Bay of Plenty Regional Council Floodplain Management Strategies where applicable;
 - iii. the erection of sea walls and their environmental effects;
 - iv. any proposed boundary drainage to protect surrounding properties;
 - v. the adequacy of existing outfalls and any need for upgrading;
 - vi. any need for retention basins to regulate the rate and volume of surface run-off;
 - vii. the effects on any **māhinga kai** or other sites of significance to tangata whenua;
 - viii. the potential impact of climate change; and
- d. in relation to erosion, falling debris or slippage, and debris flows, the need for on-going conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of covenants on the lot's Certificate of Title. The Council will have regard to where **buildings** or building platforms will be located, and the specific design of **buildings** or other structures to avoid, remedy or mitigate the effect of the hazard;
- e. in relation to subsidence, the provision of suitability certificates, such as NZS:4431:1989 Code of practice for earth fill for residential development or if not appropriate, the setting of on-going conditions, with covenants registered on the Certificates of Title;
- f. the activity or any subsequent use that is likely to be made of the land which is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage or inundation from any source;
- g. slope stability, foundations of structures and retaining walls, earthworks, removal of vegetation, including access tracks, roads, cuts and fills;
- h. ground water table levels and the permeability of the land;
- i. the ability of natural features such as beaches, sand dunes, mangroves, wetlands and barrier islands to protect subdivision, use or development;
- j. in the case of coastal hazards;

- i. erosion impacts of sea level rise;
 - ii. shoreline response to storm erosion and flooding;
 - iii. planning horizon;
 - iv. long-term trends;
 - v. short-term fluctuations;
 - vi. dune stability factors;
 - vii. **factor of safety**;
 - viii. tsunami;
 - ix. risk; and
- k. the risk to land and any nominated **building** platform from fire in recognised high fire risk areas and high fire risk situations, (as a result of soil type, vegetation, topography) including;
- i. access to and from the site for **emergency services** and evacuation purposes;
 - ii. **water supply**;
 - iii. the distance between the building platform for the principal use on the land (or any associated **accessory building**) and areas of **production forestry** and/or areas containing **high fire risk vegetation** (regard should be given to the use of fire retardant species near boundaries with these adjoining land uses); and
 - iv. any other reasonable restriction on the activity that will avoid or reduce the risk of fire in these areas.

3.7.26 Subdivision Activities within the CHEPA (see Rule 12.4.10)

3.7.26.1 Council shall have regard to;

- a. whether the proposed subdivision increases social, environmental and economic risks from coastal hazards through consideration of whether;
 - i. at the time of subdivision the development of the land is considered concurrently as a **comprehensive development**;
 - ii. all buildings within the **CHEPA** are to be removed before certification of the subdivision pursuant to Section 224 of the RMA;
 - iii. any new buildings are to be constructed within the **CHEPA**;
 - iv. a building platform of at least 10m by 15m with complying yards is to be provided outside of the **CHEPA**;
 - v. all proposed buildings and activities comply with the performance standards for permitted activities;
 - vi. all new **lots** created comply with the minimum lot size applicable within the zone;
 - vii. conditions of consent to be complied with on an on-going basis are to be registered by consent notice on the certificates of title of the new **lots** created. Such conditions may include, but are not limited to, maintaining the **CHEPA** clear of any buildings;
 - viii. an Alternative Building Site for each new **lot** created is provided;
 - ix. decks at first floor level and above are cantilevered over the **CHEPA** in a manner that will not adversely affect dune vegetation and thus dune integrity; and
 - x. any outdoor **living area** required by the rules of this Plan is located within the **CHEPA**.

3.7.27 Versatile Land Used for Non-Rural Purposes and Rural Contractors Depots

3.7.27.1 Council shall have regard to;

- a. in the Rural Plains Zone,
 - i. the degree to which versatile land on the site is already compromised or has lost its life-supporting capacity;
 - ii. constraints on the ability to use the soil. For example, stability of slopes, climatic conditions, drainage, topography, gradient of land, need for irrigation or the location of small isolated

- iii. pockets of higher quality soil;
- iv. how the proposal facilitates or sustains the use and inherent versatility of high quality soils;
- v. the effect of the proposal on soil structure and health, including physical, chemical or biophysical changes such as compaction or removal of soils, or degradation of soil through a loss of moisture or sunlight;
- vi. the loss of future productive rural land use options resulting from the proposal;
- vii. the proposed lot size(s) to allow a range of permitted productive rural land use activities to occur; and
- viii. the requirements of the land use to be located on versatile land, including technical or logistical requirements.

3.7.28 **Amenity Values and Rural or Urban Character Effects**

3.7.28.1 Council shall have regard to;

- a. the likelihood that the proposed activity will contribute to cumulative adverse effects on rural character, the coastal environment, general amenity values and recreational values;
- b. the nature and degree of adverse effects from the proposed activity upon the existing and future amenities of the locality, including recreational values, and on the health and safety of the community;
- c. the location of **buildings/buildingplatforms** within the subdivision/development so that they are clustered within a 50m radius rather than dispersed in the Rural Coastal and Rural Ōhiwa Zones;
- d. the nature and extent of any planting including the replacement of specimen trees;
- e. in the Whakatāne Town Centre, the extent to which features of the proposed development will enhance or obstruct view shafts between the Whakatāne River harbour and the escarpment; and
- f. the cumulative visual effect of the length and height of **building** bulk.
- g. in relation to applications for Non-Compliance with any bulk and location or lot size requirements, site characteristics such as;
 - i. aspect, shape, substandard area or frontage;
 - ii. topographical constraints;
 - iii. the location of existing **buildings** or mature specimen trees on site;
 - iv. potential risk from a natural hazard, and
 - v. the location of a cultural heritage site;
- h. potential adverse effects on people such as neighbouring property owners or the immediate community through increased overshadowing or loss of visual privacy;
- i. the compatibility with the existing character and pattern of land development in proximity to the site;
- j. any adverse effect from vehicles entering or leaving the site (see also Rules in 3.7.17);
- k. the ability to gain exterior pedestrian access to the rear of the **building**; and
- l. the potential for reverse sensitivity effects on existing lawfully established activities.

3.7.29 **Signs**

3.7.29.1 Council shall have regard to;

- a. the design, size and appearance of the sign in relation to the character of the locality;
- b. the need for the sign in promoting visitor-orientated recreation facilities;
- c. the number and location of existing signs and the avoidance of a proliferation of signs;
- d. the effects on pedestrian, cycle and road and rail safety.; and
- e. where relevant, the Strand Character Area Guidelines in Appendix 22.6.

3.7.30 **On-site Parking**

3.7.30.1 Council shall have regard to;

- a. Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).
- b. Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).
- c. Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).
- d. Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).
- e. modification of parking and loading standards;
 - i. the degree of variance from the number of parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;
 - ii. whether the proposed layout of the vehicle parking area will be able to function efficiently. The size of the parking spaces, manoeuvring areas and access onto and from the site must not lead to traffic congestion on the adjoining road, or prevent the parking spaces being able to be easily accessed by the intended users. The regular use of a parking space (compared with casual short-term parking) may give support to a modification;
 - iii. whether the location design and layout of the parking area will have an adverse effect on the safety and efficiency of the roading network in the area, having regard to the modifications sought, the location of vehicle crossings, the likely hours of use, and the nature of the parking use;
 - iv. whether a modification of the **loading space** dimensions will enable the efficient and safe use of the **loading space** with all manoeuvring taking place on the site or in a service lane, and without causing any adverse effects on the safety and efficiency of the roading network in the area, or on adjoining sites,
 - v. whether the location of the new vehicle access from a public road associated with parking or **loading spaces** will provide for the safe and efficient ingress and egress of vehicles. Particular consideration shall be given to the location of the new crossing in relation to intersections and other crossings, the nature of the road and the existing and projected traffic movements on the road, and the likely effects of vehicle turning movements on traffic management and safety; and
- f. modification of Vehicle Access Standards –the effects on the function and the safe and efficient operation of the transport network including;
 - i. the relationship to existing vehicle crossings and intersections;
 - ii. the nature of the road;
 - iii. existing and projected traffic movements on the road;
 - iv. existing and projected pedestrian movements adjacent to the site;
 - v. the projected traffic movements on and from the site;
 - vi. the likely hours of use;
 - vii. the relationship to parking and loading use;
 - viii. the potential effects of vehicle turning movements into and from the site on traffic management and safety; and
 - ix. alternative locations for new vehicle accesses.

3.7.31 Surface of the Water

3.7.31.1 Council shall have regard to;

- a. the impact of the activity on the natural character, ecological values, landscape quality and amenity values of the waterway;
- b. the speed, frequency of use and size of the vessel used for the activity;
- c. the likelihood of bank erosion as a consequence of the activity. This will include the cumulative effect of the activity;
- d. the impact of the activity on public access to the waterway and on the surface of the water;
- e. the impact of the activity on adjacent scheduled heritage features, or other sites or waahi tapu of significance to iwi/hapū, including those identified in statutory acknowledgements;
- f. the effect of the activity on the recreational values on the Whakatāne, Rangitāiki, Tarawera, Waimana and Whirinaki Rivers and their tributaries;

- g. any ancillary activities on land;
- h. the potential for conflict between other users of the same waterway, and any mitigation measures proposed to avoid conflict;
- i. the noise effects of the activity; and
- j. the impact of the activity on customary use of water.

3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42)

3.7.32.1 Council shall have regard to;

- a. the management of solid waste collection and disposal;
- b. the provision and location of services, including effluent disposal, potable water, stormwater treatment and disposal facilities and electricity;
- c. the site restoration programme;
- d. the duration of the activity;
- e. scale of the activity;
- f. traffic movement on and off of the site including access, parking and loading of vehicles for attendees and for emergency and security vehicles;
- g. nuisance effects such as dust, glare, vibration, lighting;
- h. hours of operation; and
- i. the bulk and location of buildings and structures.

3.7.33 Temporary Activities

3.7.33.1 Council shall have regard to;

- a. the duration of the temporary activity;
- b. the permanent structures to be constructed;
- c. earthworks and the restoration of land after the activity;
- d. flying activities which are to be in compliance with civil aviation regulations;
- e. the provisions of the zone that the activity is within and any adverse effects, in particular noise; and
- f. the Criteria in 3.7.15 and 3.7.16.

3.7.34 Retail Activities Ancillary to a Business activity (including Service Stations) in the Light Industrial and Industrial Zones not provided for as a permitted activity

3.7.34.1 Council shall have regard to;

- a. whether the area of the building to be occupied by the retail activity is clearly ancillary to the main or dominant business or industrial activity on the site;
- b. the extent to which retail sales to be undertaken will impact on the site and surrounding sites: In particular, the effects associated with traffic generation will be closely examined to ensure the site can accommodate all vehicles associated with the on-site activities; and
- c. whether the proposed activity does not compromise, by itself or in combination with other existing or consented activities, the vitality and viability of town centres.

3.7.35 Retail Activities in the Large Format Retail Zone

3.7.35.1 Council shall have regard to;

- a. whether the goods being traded are large and require delivery by motor vehicle/truck;
- b. whether the goods being traded are comparison goods and not for day to day convenience;
- c. whether the retail activity is subordinate to wholesale or manufacturing;
- d. whether the retail activity requires a specialised type of building appropriate for the Large Format Retail Zone;
- e. whether the retail activity comprises a single large retail activity and tenancy on the site;

- f. whether the retail activity has the potential to result in adverse effects on the transport network; and
- g. whether the proposed retail activity will have an adverse effect on the economic viability and vibrancy of the town centres.

3.7.36 **Community Activities in the Light Industrial and Industrial Zones**

3.7.36.1 Council shall have regard to;

- a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of parking proposed;
- b. whether the location of the community activity will present a risk to the concentration of people through noise, odour or dust from business activities, or from the storage or transportation of hazardous substances, and permitted activities in the zone, and the ability to safely evacuate people in an emergency; and
- c. whether the effects of any community activity will be sensitive to the operation of industrial and other business activities anticipated by the zone.

3.7.37 **Residential Activities in the Light Industrial and Industrial Zones**

3.7.37.1 Council shall have regard to;

- a. whether the proposed **residential activity** is required to be located in the Light Industrial and Industrial zones in order to provide accommodation for persons required to reside on the site, or for any other site-related purpose;
- b. whether the effects of any **residential activity** in the Light Industrial and Industrial Zones will be sensitive to the operation of industrial and other business activities anticipated by the zone, and
- c. the location and scale of proposed residential activities in relation to surrounding residential activities and the nature and location of industrial and other business activities.

3.7.38 **Outdoor Retail Activities and Service Stations in the Business Centre Zone**

3.7.38.1 Council shall have regard to;

- a. whether the activity would have an adverse effect on retail-type activities in pedestrian streets and the streetscape, particularly the continuous frontage of display windows;
- b. the significance of a loss of pedestrian shelter across the front of the site and the adverse effect the movements of vehicles would have on pedestrian safety, and the ability to access the site from more than one frontage to mitigate potential adverse effects, and
- c. whether there are potential adverse effects on adjoining properties and activities, particularly in terms of noise, vibration, air emissions, odours and the risk of accident or emergency with hazardous substances, and the potential impact of these effects on the integrated business environment within the Business Centre Zone.

3.7.39 **Modifications to Maximum Height**

3.7.39.1 Council shall have regard to;

- a. whether the extent of the height of the proposed **building** or structure will be compatible with the

visual character of the surrounding area, especially any residential, reserve or coastal protection zone in the locality, in regard to the height of existing structures, and what is permitted by the District Plan;

- b. whether the degree of modification sought will have an adverse effect on the access to sunlight and daylight to adjoining sites, and the amount of shadow cast on adjoining sites during the year. In particular the loss of sunlight to public gathering areas must be avoided, particularly the key urban spaces shown on Planning Map 110B.
- c. whether the development acknowledges and contributes to the specific characteristics of the key urban spaces: for example, scale, colour, function and structural materials and the relationships between the individual key urban spaces;
- d. whether or not the location and design of the **building** will create adverse wind effects at street level;
- e. the extent of the visual effects associated with the scale, bulk and external appearance of the proposed **building**. In the Business Centre Zone the proposal will be considered in regard to The Strand Character Area Guidelines (see Appendix 22.6) which apply within The Strand Character Area;
- f. whether the modification to the maximum height limit will result in a **building** or structure that has a disrupting visual influence. In this regard the potential adverse effects associated with **buildings** and structures that would interrupt visually-dominant landscape features or introduce new structures in a natural or uncompromised landscape setting and whether measures to avoid or mitigate potential adverse effects have been addressed;
- g. whether the proposed **building** height preserves the natural character of the coastal environment in which it will be sited;
- h. whether the proposed **building** height will have an adverse effect on the cultural landscapes of the environment in which it will be sited; and
- i. whether the proposed **building** height will have an adverse impact on views of the escarpments at Whakatāne and Ōhope, including the measures put in place to minimise these effects.

3.7.40 **Modifications to Visual Amenity (See Rule 5.2.12)**

3.7.40.1 Council shall have regard to;

- a. whether the appearance of the front wall of the proposed **building** or redesigned **building**, when viewed from the public footpath level, contributes towards maintaining or enhancing the quality of the shopping environment or the attractiveness of the business centre or locality, particularly the amenity values of the streetscape; and
- b. the extent of modification sought and the effect of a lesser level of clear glass on amenity values within the immediate vicinity of the site, and means of avoiding remedying or mitigating any adverse effects arising from the proposal by way of enhancement of the overall appearance of the street level frontage of the **building**.

3.7.41 **Reverse Sensitivity**

3.7.41.1 Council shall have regard to;

- a. the sensitivity of the proposed activity to any lawfully existing activities including customary activities;

- b. the Criteria in 3.7.1;
- c. the noise environment of the locality;
- d. the location of proposed **dwelling**s on the site in relation to existing lawfully established activities where there is a potential for reverse sensitivity effects (e.g. where the existing activity may generate noise, odour, dust, vibration, traffic);
- e. the impact on existing activities' provision for risk management, including;
 - i. emergency procedures and plans in the events of a fire or accidental release of **hazardous substances**;
 - ii. separation of the location of the use, management and disposal of **hazardous substances** from sensitive activities (for example, residential or community activities); and
 - iii. potential to compromise existing buffer areas for the purpose of mitigating risks to the environment, (including human health and safety) associated with the spray irrigation or disposal of wastewater or solid waste as identified in 20.2.1;
- f. the Criteria in 3.7.27 (Versatile land use for non-rural purposes);
- g. the Criteria in 3.7.28 (Amenity values and Rural and Urban Character Effects); and
- h. the compatibility with the existing character and pattern of land development within 300m of the site.

3.7.42 Crematoria

3.7.42.1 Council shall have regard to;

- a. the Criteria in 3.7.1 (Landscapes and Visual Effects), particularly appropriate screening of a **crematorium** to ensure visual intrusion beyond the boundary of the site is avoided, remedied or mitigated;
- b. the Criteria in 3.7.10 (Noise Effect);
- c. the Criteria in 3.7.19 (Social and Cultural Effects) and the actual and potential social and cultural effects of the location of the **crematorium** near sensitive land uses, such as houses and schools;
- d. the Criteria in 3.7.25 (Natural Hazard Effects);
- e. the Criteria in 3.7.27 (Versatile Land Used for Non-Rural Purposes);
- f. the Criteria in 3.7.28 (Amenity Values and Rural or Urban Character Effects), particularly the proposed external appearance of the **crematorium**, including the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone; and
- g. the Criteria in 3.7.29 (Signs).

Advice Note: A resource consent (discharge permit to air) may be required for crematoria under the Regional Air Plan.

3.7.43 Mining, Quarrying, Earthworks and Site Restoration

3.7.43.1 Council shall have regard to;

- a. any temporary adverse effects of mining, quarrying, and earthworks on land uses in the vicinity of

the site, including noise, dust, vibration, traffic movement or cultural impact;

- b. any adverse effects on the natural character of the coastal environment, wetlands, lakes, rivers and their margins;
- c. any adverse effects on indigenous biodiversity;
- d. any adverse visual or landscape effect on an Outstanding Natural Feature or Landscape listed in Schedule 17.7, or dominant landscape feature listed in Objective LS1 Policy 4;
- e. any increased risk associated with a natural hazard event that may arise from undertaking earthworks. For example, the undermining of the integrity of a stopbank or lowering frontal dunes;
- f. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment; including on-site retention of the topsoil stripped from the working area of the quarry or mine for future restoration of the land, and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment.
- g. the control of erosion, sediment and stormwater including riparian planting;
- h. any adverse effects on identified historic heritage, customary rights, cultural heritage places, traditions and values;
- i. in the Rural Coastal Zone and the Rural Ōhiwa Zone, the alignment of the access route and location for **buildings** and structures relative to the natural contour; and
- j. any effects on public access to and along the coastal marine area, lakes and rivers.
- k. the provision of an adequate internalised buffer area for blasting between the core extraction site and boundary of the buffer area on the site; and
- l. the management and extent of open working area(s) at any one time.

3.7.44 Community Activities in the Large Format Retail Zone.

3.7.44.1 Council shall have regard to;

- a. whether the use of the community facility will be in conflict with the business activities on neighbouring sites and elsewhere in the Large Format Retail Zone;
- b. the numbers of people to be accommodated;
- c. the intended hours of use; and
- d. the level of parking proposed.

3.7.45 Buildings and Structures Within a National Grid Yard

3.7.45.1 Council shall have regard to;

- a. the risk to the structural integrity of the transmission line;
- b. the effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;

- c. the proximity of **buildings** and structures to electrical hazards;
- d. the risk of electrical hazards affecting public safety, and risk of property damage;
- e. the risk of electrical faults causing disruption to electricity supply;
- f. the extent of earthworks required, and use of mobile machinery near transmission line which may put the line at risk;
- g. the risk of electrical hazards due to the mature height of any associated vegetation, including within landscaped areas;
- h. the siting of **buildings** in relation to transmission lines to minimise visual effects from transmission line;
- i. the potential for reverse sensitivity effects which could compromise Transpower's ability to operate, maintain, upgrade and develop the transmission line;
- j. the risk of generating radio interference or earth potential rise;
- k. any other matters set out in plans for **buildings**; and
- l. extent of compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34: 2001).

3.7.46 Subdivision within a National Grid Corridor

3.7.46.1 Council shall have regard to;

- a. the extent to which the subdivision design including the location of roads and reserves, landscaping and building platforms, allows for activities to be set back from National Grid Transmission lines to ensure adverse effects on, and from the National Grid and on public safety are appropriately avoided, remedied or mitigated;
- b. the extent to which the subdivision and development will minimise the potential reverse sensitivity on, and amenity and nuisance effects of, the **National Grid**;
- c. the provision for ongoing operation, maintenance, inspection and development of the **National Grid**, including reasonable access;
- d. the extent to which the design and development will minimise the risk or injury and/or property damage from such lines;
- e. the ability to provide a complying **building (platform)**;
- f. compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and
- g. outcomes of any consultation with Transpower New Zealand Limited.

3.7.47 Earthworks Within a National Grid Yard

3.7.47.1 Council shall have regard to;

- a. any effects on the integrity of the **transmission line**;
- b. volume, area and location of the works, including temporary activities such as stockpiles;

- c. duration of the works;
- d. site remediation;
- e. the use of mobile machinery near transmission lines which may put the line at risk;
- f. compliance with New Zealand Electrical Code of Practice for Electrical Safe Distance (NZECP 34:2001); and
- g. outcomes of any consultation with the relevant line owner.

3.7.48 Drive In Food Premises

3.7.48.1 Council shall have regard to:

- a. whether the location of the drive in food premise is located at the edge of a town centre, or on a corner site; and
- b. where practicable whether the **buildings** are located fronting a street, and provide an active edge to the public realm;
- c. landscaping to be provided around the perimeter of the site in order to enhance the appearance of the site from the road, define the street boundary and where appropriate, to provide separation and visual mitigation of activities from the footpath (unless the **building fronts the street**);
- d. screening of outdoor storage and rubbish containers from the street and adjoining residential properties by fencing or landscaping;
- e. where drive through restaurants adjoin residentially zoned sites, the landscaping to be provided adjacent to the common boundary to enhance on-site amenity, and provide screening and separation within the residential site;
- f. screening of mechanical plant and equipment including that located on top of a **building** from view from the street or surrounding sites;
- g. design of the development to mitigate the adverse effects of noise on neighbouring activities having regard to such matters as site layout, separation distances, screening and sound dampening;
- h. design of the development to ensure the use of outdoor lighting, illuminated outdoor features or reflective surfaces does not adversely impact on the streetscape or surrounding amenities. The **Council** may require a report from a lighting engineer to confirm that the luminance will not result in an adverse effect on the environment;
- i. the location of vehicle access to the site should avoid, remedy or mitigate adverse effects on the transport network and result in minimal disturbance to safe and convenient vehicular movement on the street;
- j. parking and service areas should be located so that they do not dominate the streetscape or the appearance of the development as viewed from adjoining residential or recreation zoned sites. When located at the rear of a **building**, they should be screened from adjoining residential zoned sites;
- k. the design of the internal circulation of parking and service areas to enable the safe and efficient movement of vehicles on and off the site, through an easily comprehended layout, the provision of adequate sight lines and appropriate surface markings and signs;
- l. the construction of outdoor parking, service and access areas with all-weather materials to enable

adequate drainage; and

- m. the extent to which a safe and convenient pedestrian environment with a good standard of amenity is created on site which;
 - i. provides direct and well defined routes;
 - ii. links carparking areas to building access points;
 - iii. where appropriate, incorporates pedestrian linkages to adjacent sites, streets and public open spaces; and
 - iv. meets the needs of people with mobility impairments.

3.7.49 Renewable Electricity Generation

3.7.49.1 Council shall have regard to;

- a. electromagnetic interference to broadcast or other signals;
- b. identified sites of significance to tangata whenua;
- c. effects on amenity including noise, glare or vibration and mitigation of effects on residential areas;
- d. effects on aircraft safety, radar stations and navigation sites and facilities;
- e. the benefits to be derived from the proposal, including its contribution to Central Government energy objectives and renewable energy targets as set out in the National Policy Statement for Renewable Electricity Generation 2011;
- f. where there are technical limitations on the location of the activity, such as the need to locate renewable electricity generation activities where the renewable energy resource is located;
- g. locational requirements and technical constraints associated with developing, operating and maintaining the renewable electricity generation activities;
- h. the potential use of adaptive management measures, and the use of offsetting measures or environmental compensation, where significant environmental effects from renewable electricity generation activities cannot be avoided, remedied or mitigated); and
- i. the reversibility of the effects on the environment

3.7.50 Redefined Lot

3.7.50.1 Council shall have regard to;

- a. whether the newly created amalgamated lot creates a rural property with more capability of farming than the original two lots; and
- b. the Criteria in 3.7.1 (Landscape and Visual Impact) 3.7.15 (Stormwater and Sewage/Effluent Disposal) 3.7.16 (Water Supply) 3.7.25 (Natural Hazards) 3.7.27 (Versatile Land Used for Non-Rural Purposes) and 3.7.28 (Amenity Values and Rural or Urban Character).

3.7.51 Flood Control Stopbanks (see Rules in 18.2.1)

3.7.51.1 Council shall have regard to;

- a. construction effects including noise, lighting, vibration, traffic movement on and off the site, parking, loading and access, duration and timing of the construction programme, siting and appearance of structures associated with the construction programme, location of stockpiles of material, services

and waste disposal, land restoration;

- b. adverse effects on indigenous vegetation and habitat values, wetlands, and cultural heritage sites; and
- c. public access to water bodies.

3.7.52 Dwellings, Places of assembly, Production forestry and Scheduled Sites of Significant Indigenous Biodiversity (see Rules in 18.2.5)

3.7.52.1 Council shall have regard to;

- a. the planting of high-risk vegetation between the **dwelling** or place of assembly and the production forest or **Significant Indigenous Biodiversity Site**.

3.7.53 Railway Sight Lines

3.7.53.1 Council shall have regard to;

- a. the nature of the development and its ability to meet the unobstructed sight lines required for rail operations;
- b. whether the proposal will not have an adverse effect on the safety of the level crossing for vehicles and pedestrians; and
- c. whether the proposal will adversely affect visibility and safe sight distances particularly to the extent vehicles entering/exiting the level crossing can see trains.

3.7.54 Supermarkets in the Light Industrial Zone

3.7.54.1 Council shall have regard to;

- a. the extent to which the new activities would result in adverse effect on any existing or proposed town centre;
- b. the extent to which the overall availability and accessibility of town centre functions will be maintained in any existing business centre;
- c. the extent to which the new activities would result in a significant adverse effect on the character, heritage and amenity values of any existing or proposed town centre;
- d. the extent to which the benefits of a new development area able to directly or indirectly mitigate any adverse effects listed above; and
- e. any traffic, social, economic effects and any cumulative effect associated with the additional activity on any other area within the District.

3.7.55 Protection lot subdivision in the Rural Zones (Rule 12.4.8)

3.7.55.1 Where a feature covers more than one lot, and so the entire feature will not be protected, in deciding whether to allow an additional lot to be created under 12.4.8.1, in addition to the assessment matters in 3.7.13 the Council shall have regard to:

- a. the size of the portion of the feature contained in the lot relative to the size of the feature.

- b. the environmental benefit of protecting a portion of the feature.
- c. the adverse effects of providing for an additional lot to be created.



CHAPTER
04

RESIDENTIAL AND
URBAN LIVING ZONES

Te Nōhanga Ki Uta, Te Nōhanga Ki Tai

4 Residential and Urban Living Zones

Refer to Chapters 11 to 20 for additional rules that may apply to these zones.

4.1 OBJECTIVES AND POLICIES

- Objective Res1* *The maintenance and enhancement of the character and amenity for dwellings and residential activities within Residential and Urban Living Zoned areas.*
- Policy 1 To ensure a site is large enough for a proposed use, development or subdivision to ensure residents on-site or in the neighbourhood retain or will have a high level of residential amenity.
- Policy 2 To ensure adequate sunlight and daylight enters **dwellings** and other forms of residential **buildings**.
- Policy 3 To maintain spatial privacy, usable outdoor space and access about **dwellings** and other forms of residential **buildings**.
- Policy 4 To maintain and enhance a high level of amenity on residential sites by requiring the provision of;
a. screened service courts to be provided;
b. private indoor and outdoor **living areas**; and
c. safe on-site parking and manoeuvring.
- Policy 5 To enable changes in land use, including greater density of residential development in urban areas, without compromising the existing level of amenity.
- Policy 6 To maintain a pleasant, safe and functional streetscape in urban areas by;
a. restricting structures (including fences and signs) in the front yard;
b. incorporating street trees in the road reserve;
c. encouraging vegetated front yards;
d. requiring minimum areas of glazing; and
e. requiring garaging to be set back.
- Policy 7 To ensure comprehensive redevelopment in the Urban Living Zone does not compromise streetscape or **building** and site amenity.
- Objective Res 2* *The avoidance of business activities and incompatible home occupations, community facilities and accommodation facilities from establishing and operating within Residential and Urban Living Zones and along urban arterial routes through residential areas unless provided for as part of an approved Structure Plan.*
- Policy 1 To limit the scale of business activities including **home occupations**, community facilities and **accommodation facilities** to those that are domestic in scale and character having regard to;
a. the design and appearance of the **building**;
b. traffic generation, parking, access and manoeuvring;
c. signs; and
d. nuisance effects such as noise, light spill, dust, vibration and contaminants.

4.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rule will make the activity a Discretionary Activity unless otherwise stated in the rule.

Refer to Chapters 11 to 20 for additional rules that may apply to this zone.

For comprehensive developments within any of the Structure Plan areas defined in section 2.4 of this plan which do not comply with one or more of the Rules in 4.2.1 to 4.2.14 shall meet the requirements of Rule 2.2.2.3. In this event, Rule 2.2.2.3, associated assessment criteria shall take precedence over Rules 4.2.1 to 4.2.14 and assessment criteria in this Chapter.

For comprehensive developments within the Ōpihi Structure Plan areas defined in section 2.4 of this Plan which do not comply with one or more of the Rules in 4.2.2 to 4.2.14, Rules 2.2.2.2, 2.2.2.3 and 2.4.2.1 shall apply.

4.2.1 Height

4.2.1.1 No **building** shall extend above the following **height planes**:

Zone	Permitted Activity	Discretionary Activity
Residential, Education	9 metres	10 metres
Urban Living	10 metres	12 metres

Table 4:1 Building Height Planes

Rules 4.2.1.3 and 4.2.1.4 contain building height rules for the Ōpihi Structure Plan area.

4.2.1.2 In addition to the **height plane** Rule 4.2.1.1 above, in the areas subject to the 12m height restriction (maps 107B, 110B, 111B, 117B, 118B and 119B) no **building** will exceed a vertical height of 12m measured from the lowest point of the building, at the lowest finished site level which exists after all cut and fill for all new **buildings** has occurred to the highest point of the **building**.

Advice note: At the time that resource consent applications are processed, the appropriate ground level and associated controls are determined. This process represents the appropriate balance between enabling efficient development and managing potential adverse effects. Although **ground level** for the Whakatāne-Ōhope escarpment is determined at the time of resource consent, this is not sufficient to manage potential adverse effects along the Whakatāne-Ōhope escarpment. This is because along the Whakatāne-Ōhope escarpment, sloping land is associated with;

- a. Outstanding Natural Features and Landscapes;
- b. Significant Amenity Landscapes; and
- c. **Significant Indigenous Biodiversity sites.**

The controls in Rule 5.2.1.1 relating to “**height planes**”, and by definition to “**ground level**”, apply to all Residential and Urban Living Zone sites, including those along the Whakatāne-Ōhope escarpment, but they do not prevent “hill-side creep” on steep sites. “Hill-side creep” can have an adverse effect on landscapes and biodiversity sites (i – iii above). An additional rule, Rule 5.2.1.2, places an additional control on **building height** along the Whakatāne-Ōhope escarpment, because this is where “hill-side creep” could have an adverse effect on the places listed in (i) to (iii) above.

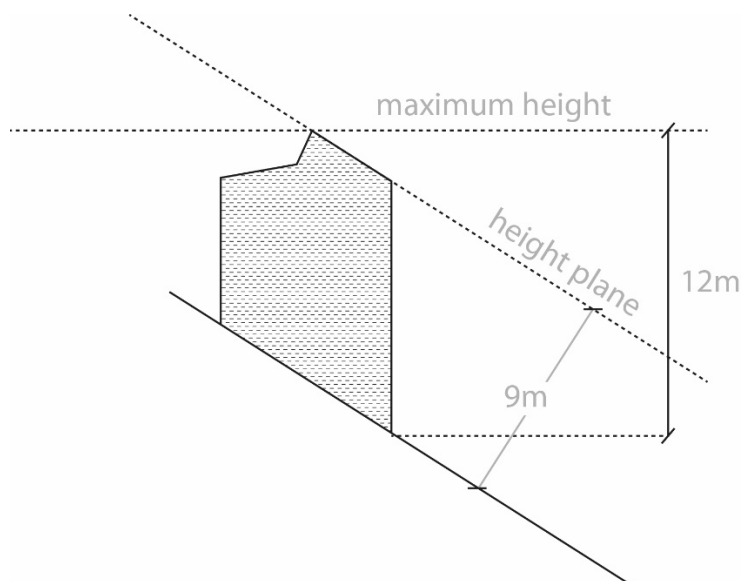


Figure 4.1 Height diagram

- 4.2.1.3 Where a site has a common boundary with the **CPZ**: In addition to yards required by the Rules in 4.2.4 within 6m of the common boundary, the maximum **building** height shall be 7m above **ground level**.
- 4.2.1.4 Non-compliance with the Rules in 4.2.1 shall be a Non-Complying activity.
- 4.2.1.5 Within the Ōpihi Structure Plan no building shall extend above the following height planes:

Ōpihi Structure Plan as shown in 2.6.2	Permitted Activity	Controlled Activity	Restricted Discretionary Activity	Discretionary Activity
Additional Height Area	9 metres	Not applicable	RL 20 metres where part of a Comprehensive Development Plan under Rule 2.4.2, and an Architectural Design Statement has been provided under Rule 4.2.1.6	Not applicable
Landscape Sensitivity Area	Up to 9 metres, or a lower height as may be imposed by a consent notice condition of subdivision consent under Rule 2.3.1 or 2.4.1	Not applicable		10 metres
Neighbourhood Centre	9 metres	Not applicable		10 metres
Within 6m of the Coastal Protection Zone boundary	7 metres	Not applicable		
Within 6m of the Urupa Buffer boundary	6 metres Detached single level buildings	Not applicable		

Landscape Buffer, Coastal Protection and Urupa Buffer Area	6 metres	Not applicable	9 metres
All other areas within the Ōpihi Structure Plan	9 metres	Not applicable	10 metres

4.2.1.6 Any resource consent application for height greater than 9m within the Additional Height Area shown on the Ōpihi Structure Plan under Rule 4.2.1.3 shall be supported by an Architectural Design Statement which shall include:

- a. Analysis of the buildings' purpose, function, and relationships with surroundings;
- b. Site opportunities and constraints, including coastal, landscape and cultural sensitivities as well as the anticipated patterns of surrounding development;
- c. Principles applied to the elements of the design, including functionality, unity and harmony, balance, hierarchy, scale and proportion, dominance and emphasis, and similarity and contrast;
- d. Building concept plans, including colours, external materials and landscaping.

Note: Assessment Criteria are set out in 4.4.13.

4.2.1.7 Within 6m of the Urupa Buffer as shown on the Opihi Structure Plan, development shall be limited to detached, single level buildings not exceeding 6m in height.

4.2.2 Natural Light

4.2.2.1 No part of any building shall exceed a height equal to 2.7m plus the horizontal distance between that part of the **building** and the nearest site boundary (including boundaries with public roads), except as provided for in 4.2.2.2 below;

4.2.2.2 Any part of a building may exceed a height beyond the natural light plane (shown in Figure 4.2 Natural Light Plane)

- a. up to maximum of 1m measured parallel to the plane; and
- b. with a maximum additional vertical face of 5m² (area that is seen by the adjoining neighbour); and
- c. where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- d. that written approval has been lodged with the **Council**.

4.2.2.3 For the purposes of Rules 4.2.2.1 and 4.2.2.2, the nearest site boundary shall be, where applicable, the midpoint of any adjacent right-of-way or access leg or access lot or permanent open space such as a road or reserve.

4.2.2.4 For buildings that are attached, Rules 4.2.2.1 and 4.2.2.2 shall not apply to the adjoining walls of the **building**.

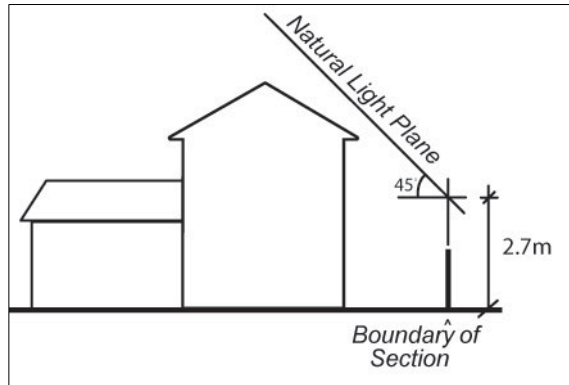


Figure 4.2 Natural Light Plane

4.2.2.5 Non-compliance with the Rules in 4.2.2 shall be a Restricted Discretionary activity (see Criteria in 4.4.2).

4.2.3 **Retail Activities at Pt Lot 2 DP 32234 within the Ōpihi Structure Plan**

4.2.3.1 Total retail activities at Lot 2 DP 32234 that have a maximum floor area of 2,000m² and a maximum individual tenancy size of 400m² shall be a Controlled Activity.

4.2.4 **Distance to Boundary (Yards)**

4.2.4.1 In the Residential and Urban Living Zones;

- a. no **building** shall be located within 4m of the front boundary;
- b. no **dwelling**s or **accessory buildings** for habitation shall be located closer than 3m to the side or rear boundaries, except as provided for in (d) below;
- c. no **accessory buildings** (not for habitation) shall be located closer than 1m to the side or rear boundaries, except as provided for in (d) below;
- d. for **dwelling**s and **accessory buildings** (for habitation or otherwise);
 - i. in the Urban Living Zone, one side or rear yard may be reduced to 1.5m and one side rear yard may be reduced to 0m;
 - ii. in the Residential Zone, one side or rear yard may be reduced to 1.5m.
- e. subject to the written approval of any affected adjoining neighbour having been obtained, and that written approval having been lodged with the Council, **dwelling**s and **accessory buildings** (for habitation or otherwise) may be constructed within the side or rear yards up to the boundary.
- f. no other **building** shall be located within 3m to the side and rear boundaries ;
- g. Notwithstanding all of the above;
 - i. the eaves of any building may project up to 600mm into any yard; and
 - ii. subject to the Rules in 11.2.19, signs and sign structures may be located within yards.

4.2.4.2 In addition to 4.2.4.1 above;

- a. where a garage door or carport entrance faces the street the door or carport shall be located at least 5.5m from the front boundary;
- b. where a planning map indicates proposed road widening or land to be used for other roading

purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred;

- c. all buildings shall be set back from the Mean High Water Springs mark a minimum distance of 20m plus the prescribed yard listed above;
- d. all **buildings** shall be located at least 20m from the bank of a river or the margin of a lake, as in section 230 of the RMA; and
- e. all dwellings and **accessory buildings for habitation** shall be located at least 40m from the boundary of State Highway 30.

4.2.4.3 Non-compliance with the Rules in 4.2.4 shall be a Restricted Discretionary activity (see Criteria in 4.4.3).

4.2.5 Location of Residential Activities

4.2.5.1 A minimum distance of 6m is to be maintained between;

- a. **dwellings** on the same lot (see Figure 4.3); or
- b. a **dwelling** and an **accessory building to be used for habitation** on the same lot (see Figure 4.4); or
- c. blocks of adjoining **dwellings** on the same lot (see Figure 4.5).

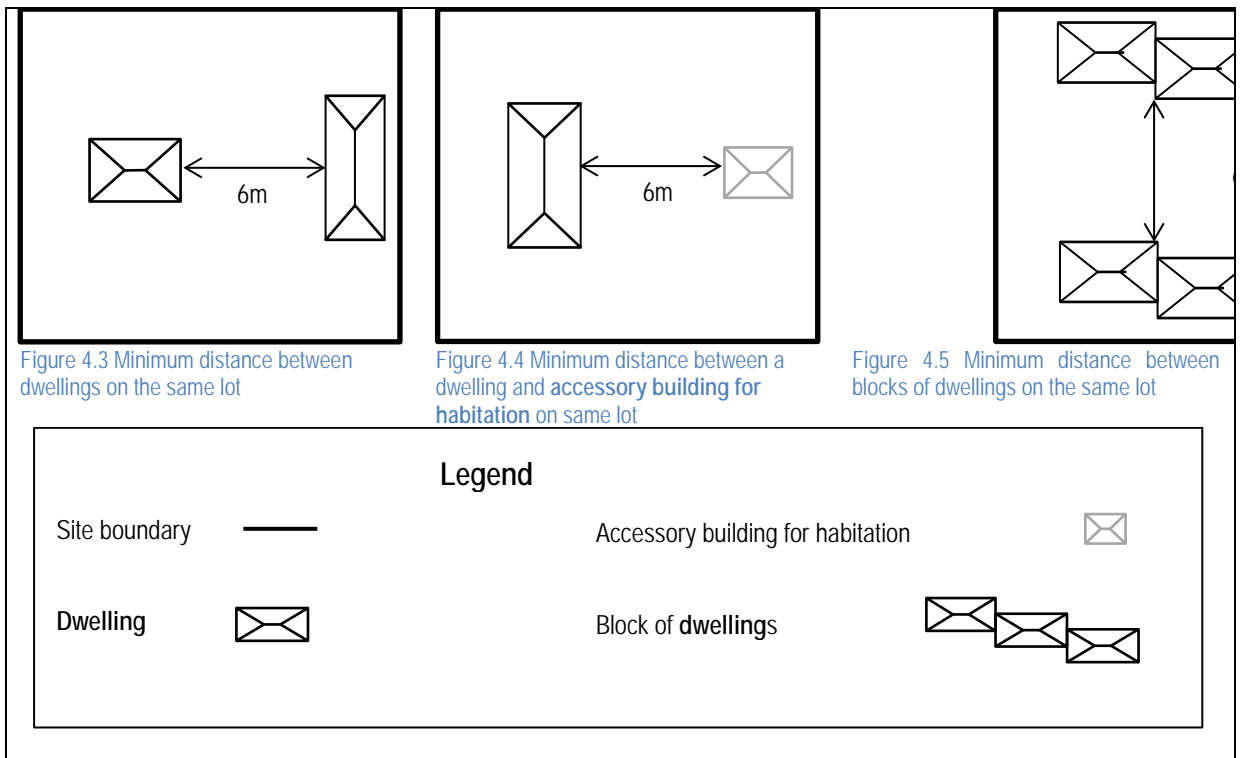


Figure 4.3 Minimum distance between dwellings on the same lot

Figure 4.4 Minimum distance between a dwelling and accessory building for habitation on same lot

Figure 4.5 Minimum distance between blocks of dwellings on the same lot

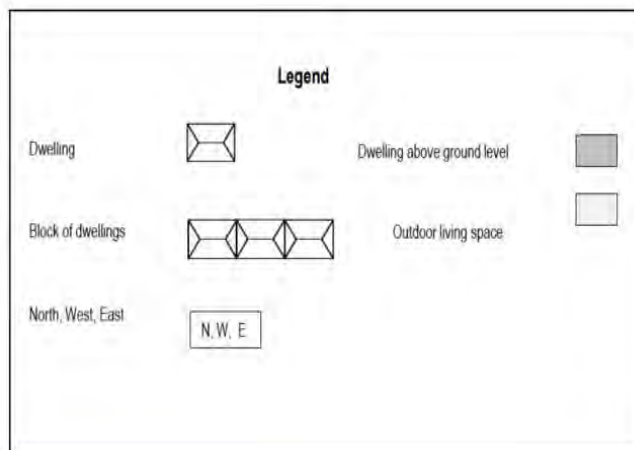
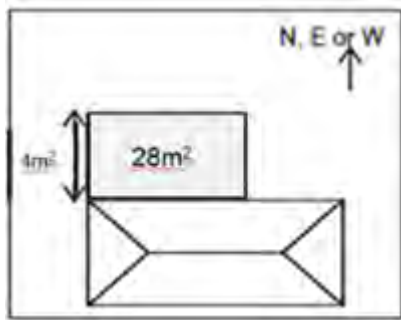
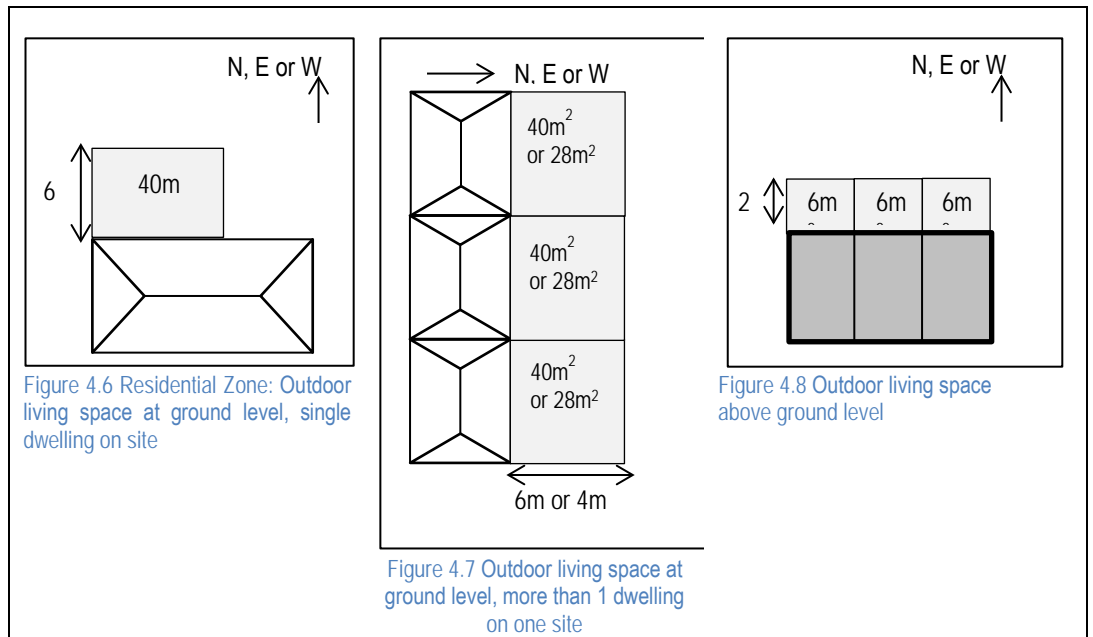
4.2.5.2 Non-compliance with the Rules in 4.2.5 shall be a Restricted Discretionary activity.

4.2.6 Density of Residential Dwellings

- 4.2.6.1 The maximum density for residential dwellings in the Residential Zone shall be one dwelling per 350m² of lot area (excluding any accessway) or one dwelling per 1,200m² of lot area if an on-site effluent treatment system is required.
- 4.2.6.2 The maximum density for residential dwellings in the Urban Living Zone shall be;
- a. one dwelling per 250m² of lot area if the dwellings are not attached (excluding any accessway);
 - b. one dwelling per 200m² of lot area if the dwellings are attached (excluding any accessway); and
- 4.2.6.3 The maximum density for **accommodation facilities** shall be one unit of accommodation per 50m² of lot area (excluding any accessway).
- 4.2.6.4 A comprehensive development within a Structure Plan area shall have a maximum average density within the development area of one dwelling per 350m².
- 4.2.6.5 A comprehensive development comprising a retirement village within a Structure Plan area shall have a maximum average density within the development area of one dwelling per 250m².
- 4.2.6.6 Non-compliance with the Rules in 4.2.6 shall be a Discretionary activity.

4.2.7 Outdoor Living Space

- 4.2.7.1 Each **dwelling** shall have outdoor living space which shall;
- a. if located at **ground level** (see Figure 4.6, Figure 4.7 and Figure 4.9);
 - i. have a minimum area of 40m² in the Residential Zone and a minimum area of 28m² in the Urban Living Zone;
 - ii. have a minimum dimension of 6m in the Residential Zone and a minimum dimension of 4m in the Urban Living Zones; and
 - iii. shall be unobstructed by **buildings**, parking spaces or vehicle access and manoeuvring areas;
 - b. if located above **ground level** (see Figure 4.8);
 - i. have a minimum area of 6m²;
 - ii. have a minimum dimension of 2m; and
 - iii. provide from the **main living area** a 10m unobstructed outlook either;
 - over the site; or
 - to an area of permanent open space such as a public road or a reserve; and
 - c. be directly accessible from the **main living area** of the **dwelling** (for example, living room) and be located to the north, east or west of the **dwelling**; and



4.2.7.2 Non-compliance with Rule 4.2.7 shall be a Controlled activity (see Criteria in 4.3.2) if the extent of variance does not exceed 10%; otherwise, non-compliance in excess of 10% or for any other non-compliance will be a Restricted Discretionary activity (see Criteria in 4.4.5).

4.2.8 Outdoor Service Courts

4.2.8.1 Each dwelling shall have an outdoor service court which;

- a. shall have a minimum area of 5m² and a minimum dimension of 1.5m for clothes drying and storage of rubbish bins;
- b. may be adjoining for a group of dwellings or serve an individual dwelling; and
- c. is not to be located in the front yard.

4.2.8.2 Non-compliance with Rule 4.2.8 shall be a Restricted Discretionary activity (see Criteria in 4.4.6).

4.2.9 Visual Privacy

4.2.9.1 There shall be no direct line of sight from the **main living area** of one **building** into the **main living** area of another **building** where any nominated **building platform**, **proposed dwelling** or **accessory building** to be used for habitation is to be sited within 10m of another;

- a. nominated **building platform**;
- b. **dwelling**; or
- c. **accessory building** to be used for habitation.

4.2.9.2 In order to avoid direct views from the living area(s) of one residential unit into the outdoor living space of another residential unit (whether on the same, or an adjoining site or delineated area), the main glazing of the living area(s) shall not be within 10m of the outdoor living space of another unit (measured at right angles to the glazing), unless;

- a. a visual screen between the glazing and the outdoor living space is provided by fencing, trellis, vegetative screen or other feature (for example, topography, garden shed); or
- b. the written approval of the affected owners has been obtained.

4.2.9.3 Where the required outdoor living spaces of two or more units on the same lot are within 6m of each other and visible to each other they shall be separated by a continuous line of vegetation, trellis or fencing having a minimum height of 1.2m.

4.2.9.4 Non-compliance with the rules in 4.2.9 shall be a Restricted Discretionary activity (see Criteria in 4.4.7).

4.2.10 Building Coverage and Site Permeability

4.2.10.1 Building coverage shall be subject to;

- a. in the Residential Zone, no **building** or combined area of **buildings** (including **accessory buildings**) shall exceed 40% of the land area of the **lot** or site.
- b. in the Urban Living Zone, no **building** or combined area of **buildings** (including **accessory buildings**) shall exceed 50% of the land area of the **lot** or site.
- c. for **lots defined in cross lease titles**, **building coverage** shall be calculated over the freehold title area.

4.2.10.2 Non-compliance with Rule 4.2.10.1 shall be a Restricted Discretionary activity (see Criteria in 4.4.10).

4.2.10.3 In the Residential Zone;

- a. total **impermeable surfaces** up to 55% of the land area of the **lot** or **site** shall be a Permitted

Activity; and

- b. total **impermeable surfaces** >55% and up to 65% of the land area of the lot or site shall be a Restricted Discretionary Activity (see Criteria in 4.4.11)

4.2.10.4 In the Urban Living Zone;

- a. total **impermeable surfaces** up to 65% of the land area of the lot or site shall be a Permitted Activity; and
- b. total **impermeable surfaces** >65% and up to 75% of the land area of the lot or site shall be a Restricted Discretionary Activity (see Criteria in 4.4.11)

4.2.11 Fencing

4.2.11.1 A fence shall be no higher than 2m except that a fence on a front boundary shall be no higher than 1.8m provided that where the outdoor living space is located within the front yard then the fence may be up to 2m to provide privacy.

4.2.11.2 A retaining wall shall be no higher than 2m provided that a retaining wall shall be no higher than 1.5m if located within a side or rear yard, unless the affected landowner has given written approval to a greater height, up to a maximum of 2m and that written approval has been lodged with the Council.

4.2.11.3 All fencing along the common boundary of the lot and the **CPZ**, or within the **CPZ** shall be a maximum height of 1.2m and be;

- a. constructed with timber, post and rail comprising round posts and three rails; and
- b. painted in earth tones or left to naturally weather (see Rules in 17.2.4).

4.2.11.4 Non-compliance with the Rules in 4.2.11 shall be a Restricted Discretionary activity (See Criteria in 4.4.8).

4.2.12 Accessory Buildings for Habitation

4.2.12.1 No accessory building for habitation shall exceed 65m² in GFA.

4.2.13 Reflectivity for Buildings Located on a Site Adjoining a Coastal Protection Zone

4.2.13.1 The provisions in Rule 17.2.4 shall apply.

4.2.14 Glazing

4.2.14.1 Building facades that face a street frontage shall have an area of at least 20% in glazing.

4.2.14.2 Non-compliance with the rules in 4.2.14 shall be a Restricted Discretionary activity (See Rule 4.4.9).

4.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

4.3.1 Two or Three Dwellings per Lot (see Activity Status Table 3.4 Item 2)

4.3.1.1 Council shall exercise its control over;

- a. the bulk and location of each dwelling and associated parking areas;

- b. the number, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;
- c. the provision of northerly orientated outdoor **living areas**;
- d. the fencing or screening of the respective residential areas and outdoor living space;
- e. the degree of natural sun light received in internal **living areas** and bedrooms of adjacent **dwellings**;
- f. the provision of exterior service courts;
- g. sight lines from living room windows to retain privacy of adjacent **dwellings**;
- h. the degree to which architectural elements have been used to;
 - i. break up the form of the façade to minimise linear form and monoclad surfaces of the building, to mitigate the apparent bulk of the building and create a varied design;
 - ii. modulate the form of the **building** so that its potential scale and impact is reduced for pedestrians. For example, a **building** may have a lower height along the frontage to partially screen and set back a taller form of **building**; and
- i. the use of a variety of cladding and colours compatible with the surrounding residential character;
- j. the provision of landscaping; and
- k. the degree to which the **building** incorporates elements that promotes sustainability, including but not limited to, energy efficiency and water conservation.

4.3.2 **Outdoor Living Space – less than 10% variance (see Rules in 4.2.7)**

4.3.2.1 Council shall exercise its control over;

- a. site layout—whether the outlook from the residential unit, privacy levels, and orientation of the unit will provide an acceptable standard of accommodation; and
- b. compatibility with adjoining uses—whether the location of adjoining uses and **buildings** is such that a modification will enable potential adverse effects on the unit to be mitigated or avoided, and the residential unit will not have an adverse effect on the character of the area.

4.3.3 **Retirement Villages which exclude a Hospital**

4.3.3.1 Council shall exercise its control over:

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - vii. screening;
 - viii. traffic safety;
 - ix. safe access to, and egress from the site;
 - x. safe on site manoeuvring of vehicles;

- xi. landscaping including vegetation that will;
 - enhance privacy and mitigate physical domination by **buildings**;
 - exacerbate shadowing and vehicle-pedestrian conflict; and
- b. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.

4.3.4 **Retail Activities within the Ōpihi Structure Plan Area**

4.3.4.1 Council shall exercise its control over:

- a. the matters contained in Section 2.3.1; and
- b. the type of retail and commercial uses to be provided.

4.3.5 **Temporary Places Of Assembly**

4.3.5.1 Council shall exercise its control over the matters listed in 11.3.1.

4.4 **ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

4.4.1 **Four or More Dwellings Per Lot and Retirement Villages which include a Hospital (see Activity Status Table 3.4 Item 8)**

4.4.1.1 Council shall restrict its discretion to;

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - vii. screening;
 - viii. traffic safety;
 - ix. safe access to, and egress from the site;
 - x. safe on site manoeuvring of vehicles;
 - xi. landscaping including vegetation that will;
 - enhance privacy and mitigate physical domination by **buildings**;
 - exacerbate shadowing and vehicle-pedestrian conflict; and
 - xii. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.

4.4.2 **Natural Light (see Rules in 4.2.2)**

4.4.2.1 Council shall restrict its discretion to;

- a. whether the proposed **building**, structure or dense planting of trees will have an adverse effect on the access of sunlight and daylight to adjoining sites, and the form of development on adjoining sites in rural locations; this will include an assessment of the effect of the dense planting of trees on soil conditions on adjoining sites; and

- b. the extent of modification sought with particular regard to the length of common boundary affected, the external appearance of the proposed **building** and intended activities, topographical features and the means of mitigating adverse effects.

4.4.3 Distance to Boundaries (**Yards**) (see Rules in 4.2.4)

4.4.3.1 Council shall restrict its discretion to;

- a. the amenity of sites and public areas nearby, including but not limited to transport corridors, in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. traffic safety;
 - vii. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - viii. landscaping;
 - ix. screening; and
 - x. safe access to, and egress from the site.

4.4.4 Location of Residential Activities (see Rules in 4.2.5)

4.4.4.1 Council shall restrict its discretion to;

- a. the amenity of the site in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. safe manoeuvring of vehicles;
 - vi. landscaping including vegetation that will;
 - enhance privacy and mitigate physical domination by **buildings**; and
 - exacerbate shadowing and vehicle-pedestrian conflict.

4.4.5 Outdoor Living Space (see Rules in 4.2.7)

4.4.5.1 Council shall restrict its discretion to;

- a. amenity in terms of;
 - i. the quality of the unobstructed outlook;
 - ii. the availability of contiguous public recreation reserve; and
 - iii. access to alternative recreation areas, including but not limited to on-site indoor swimming pool.

4.4.6 Outdoor Service Courts (see Rules in 4.2.8)

4.4.6.1 Council shall restrict its discretion to;

- a. the practicality of the outdoor space provided; and
- b. the practicality of the internal space provided for service functions.

4.4.7 Visual Privacy (see Rules in 4.2.9)

4.4.7.1 Council shall restrict its discretion to;

- a. amenity of **dwelling**s, **accessory buildings** used for habitation and sites nearby in terms of views and screening.

4.4.8 Fencing (see Rules in 4.2.11)

4.4.8.1 Council shall restrict its discretion to;

- a. amenity on the **site**, and on **sites and public areas nearby** (including but not limited to transport corridors) in terms of;
 - i. **passive surveillance**;
 - ii. **physical domination**; and
 - iii. **spaciousness and openness**;

4.4.9 Glazing (see Rules in 4.2.14)

4.4.9.1 Council shall restrict its discretion to;

- a. **passive surveillance**;
- b. **physical domination by the built environment**; and
- c. **character of the locality**, as viewed from neighbouring properties and public places.

4.4.10 Building Coverage (see Rules in 4.2.10)

4.4.10.1 Council shall restrict its discretion to;

- a. the extent to which the proposal mitigates any loss of amenity due to more intensive development.

4.4.11 Site Permeability (see Rules 4.2.10.3 (b) and 4.2.10.4 (b))

4.4.11.1 Council shall restrict its discretion to the extent to which the proposal achieves hydrological neutrality and avoids the potential adverse effects of stormwater run-off.

4.4.12 Papakāinga

4.4.12.1 Council shall restrict its discretion to the matters listed in 7.3.1.1 a to h.

4.4.13 Building in Ōpihi Structure Plan “Additional Height Area” over 9m (see Rules in 4.2.1.5)

4.4.13.1 Council shall restrict its discretion to:

- a. the assessment criteria for the Ōpihi Structure Plan in Rule 2.3.1.1 and Rule 2.4.1.1 including, in particular, 2.3.1.1(f) and 2.4.1.1(f);
- b. the assessment criteria for modification to maximum height in Rule 3.7.39; and
- c. the scope and adequacy of the architectural design statement submitted with the proposal.

4.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7

4.6 OTHER METHODS

4.6.1.1 Through other activities of Council, such as road safety, Council will consider initiatives in conjunction with other agencies to reduce the incidence of driveway run over injuries.

4.6.1.2 Council will encourage communities to develop neighbourhood plans that enable people and communities to provide for their social, economic and cultural well-being while adverse effects on the environment are managed. Plans could provide for Papakāinga housing and community gardens.

4.6.1.3 Council will provide information and advice to the community about urban trees



CHAPTER 05

BUSINESS

(Business Centre, Commercial,
Large Format Retail and Mixed Use Zones)

Ngā Nōhanga Tupākihi

5 Business (Business Centre, Commercial, Large Format Retail and Mixed Use Zones)

Refer to Chapters 11 to 20 for additional rules that may apply to these zones.

5.1 OBJECTIVES AND POLICIES

<i>Objective Bus1</i>	<i>The maintenance and enhancement of the level of amenity and the overall quality of the environment within the Business Centre, Commercial, Large Format Retail and Mixed Use Zones.</i>
Policy 1	Activities in the Business Centre, Commercial, Large Format Retail and Mixed Use Zones are to be sited, designed and operated to avoid, remedy or mitigate adverse effects on the visual amenity, the acoustic environment, air quality, integrated transport, traffic safety and other factors that contribute to the level of amenity within business zones.
Policy 2	To avoid incompatibility of effects of activities within the Business Centre, Commercial, Large Format Retail and Mixed Use Zones.
Policy 3	To recognise the high level of amenity in the Business Centre Zone.
Policy 4	To encourage the design of new buildings in The Strand Character Area to reflect the scale and character of established buildings with reference to; a. the urban design guidelines; b. heritage values; and the Strand Character Area Design Guidelines; and c. the interconnection and identity of key urban spaces as shown on Planning Map 110B.
Policy 5	To encourage a range of businesses and recognise that the level of amenity and the overall quality of the environment will vary between the Business Centre, Commercial, Large Format and Mixed Use Zones depending on the purpose of the zone and activities that it anticipates.
Policy 6	To avoid adverse effects on the retail environment in the Whakatāne Town Centre and the Kōpeōpeō shopping areas.
Policy 7	To ensure outdoor waste, loading and storage facilities are screened from public view.
Policy 8	To maintain a building height, bulk and density of development in the Business Centre, Commercial and Mixed Use Zones which; a. is compatible in scale and form with adjacent buildings , while enabling innovation in design; b. does not compromise the reasonable use and enjoyment of the adjoining residential or rural zoned land, or a reserve or open space; c. provides a high level of visual amenity, and d. recognises and provides for its contextual setting, for example, within a coastal or riverine environment.

Policy 9	To manage urban form in Area 6 (shown in Figure 5.1 Building Heights in Whakatāne) so that the urban form; <ul style="list-style-type: none"> a. takes into consideration existing, or creates additional views of the escarpment, river-front area and marine environment, as viewed from inside and outside Area 6; b. reflects the escarpment-river-marine setting; c. promotes activities at ground level and street edges; and d. provides public benefit by promoting physical connections within Area 6 and between Area 6 and the surrounding environment.
Policy 10	In the Mixed Use Zone, to avoid, remedy or mitigate adverse effects of business activities on established residential uses (established on or before 28 June 2013), and to retain the characteristics and values of those adjoining Mixed Use Zone residential uses.
<i>Objective Bus2</i>	<i>Serviced and accessible business-zoned land complements the function, amenity and character of the District, including but not limited to the function, amenity and character of the town centres of Edgecumbe, Murupara, Kōpeōpeō, Whakatāne, Te Teko, Taneātua and Matatā.</i>
Policy 1	To ensure that business activities maintain or enhance the intended character of the surrounding environment.
Policy 2	To ensure that new retail and commercial development does not adversely affect the economic integrity of retail businesses in the Whakatāne and Kōpeōpeō Business Centre Zones.
Policy 3	To ensure that retail development within the Mixed Use Zone establishes and operates only if ancillary to another use.
Policy 4	In the Mixed Use Zone, to ensure that businesses are able to establish and operate efficiently and effectively, while adverse effects on established Mixed Use Zone residential uses (established on or before 28 June 2013) are managed.
Policy 5	To ensure that large scale commercial development within an existing Commercial Zone integrates with the surrounding activities.
Policy 6	To provide for large format retail recognising that it facilitates access to bulky goods.
Policy 7	To ensure the clustering of large format retail to; <ul style="list-style-type: none"> a. minimise traffic effects; b. avoid compromising industrial activities through reverse sensitivity effects; and c. avoid adverse effects on town centres.
Policy 8	To recognise the contribution of businesses and their changing infrastructure needs.
Policy 9	To provide for walking and cycling, as long as the integrity of flood protection structures (including structures associated with operational requirements) are not compromised.

Objective Bus3	<i>The promotion of the efficient use and development of land zoned Business Centre, Commercial, Large Format Retail and Mixed Use.</i>
Policy 1	To recognise that the Business Centre, Commercial, Large Format Retail and Mixed Use Zones are appropriate locations for a variety of business activities and to discourage non-business activities that would be incompatible within a business zone.
Policy 2	To recognise that it is sometimes most efficient for large format retail activities to locate outside of town centres due to; <ul style="list-style-type: none"> a. space limitations in town centres; and b. potential adverse traffic effects generated by large format retail.
Policy 3	To ensure that large format retail does not compromise the efficient functioning of town centres by ensuring that large format retail; <ul style="list-style-type: none"> a. does not develop the critical mass that could undermine town centres; b. does not undertake general retailing; and c. plays a secondary and complementary function to town centres.
Policy 4	To recognise the potential positive social, economic cultural and environmental effects of business activities.
Policy 5	To promote the establishment of new businesses where this enables communities to provide for their economic wellbeing.
Objective Bus4	<i>To enable the Whakatāne Town Centre to continue to draw on its natural and cultural heritage to emphasise its relationship to the river and escarpment and to enable the Whakatāne Town Centre to continue to be a place with a strong local identity that is vibrant and highly valued by residents, businesses and visitors.</i>
Policy 1	To recognise the contribution of natural features to the identity and quality of the Whakatāne Town Centre environment and facilitate the interconnections between uses and these features. These natural features include the escarpment, river, spit, coastline, rock outcrops, water courses, off shore islands and visual access to them.
Policy 2	To recognise Ngāti Awa as tangata whenua and acknowledge the effect that significant successive occupation and use of the Whakatāne Town Centre area has had on heritage values.
Policy 3	To recognise the built heritage resources of the Whakatāne Town Centre as a unique feature.
Policy 4	To ensure new buildings are of a scale and design that enable activities at ground level and street edges to contribute positively to public life.
Policy 5	To encourage compatible mixed uses e.g. retail, residential, civic and tourism in the Whakatāne Town Centre to generate a vibrant, safe and attractive place for local people and visitors.
Policy 6	To manage urban form such that building height graduates from the river front towards the escarpment without obscuring the dominance of the escarpment as a natural feature, and recognising the views from the escarpment to the sea/islands and Whakatāne River.
Policy 7	To encourage car parking in combined facilities at key points (such as gateways to the town centre) that; <ul style="list-style-type: none"> a. reduce the need for on-site parking;

	<ul style="list-style-type: none"> b. encourage walking and cycling in the town centre; c. enable the use of surface parking for activities that contribute positively to the quality of the urban space; and d. do not adversely affect the function, including the safe and efficient operation, of the wider land transport network.
Policy 8	To manage the movement of people, cyclists and vehicles within the Whakatāne Town Centre by defining vehicle and pedestrian priority areas and streets.
Policy 9	To make walkable, cycleable and visual connections between the town and the river edge and to provide a continuous, wide and accessible river edge promenade.
Policy 10	To ensure that subdivision, land use, and development located alongside the main pedestrian shopping streets are designed to provide an active frontage including access, interaction between the activities within the building, the public space in the road and the display of the goods and services for sale within the building .
Policy 11	To ensure that the experience of arriving in and departing from the town centre is easily recognised by distinctive gateways.
Policy 12	To maintain the built environment in the historic centre of Whakatāne that is characterised by; <ul style="list-style-type: none"> a. a street pattern that creates small blocks (fine grained); b. active ground floor uses of continuous smaller shops with retail frontages to the street; and c. key sites occupied by feature buildings.
Policy 13	To ensure that key civic and cultural activities are integrated, physically grouped and located within the Whakatāne Town Centre, with a strong connection to the river, anchoring the future identity of the town.
Policy 14	To encourage activities that have regard to natural river processes and are sympathetic to the scale and level of amenity in the town centre.
Policy 15	To extend the built environment towards the river, incorporating the characteristics listed in Policy 12 (a) to (c) above into that built environment.
Objective Bus5	<i>A vibrant, sustainable Port that provides for the business and recreational needs of the community, while managing adverse effects on the environment.</i>
Policy 1	To recognise the infrastructure and servicing requirements of the Whakatāne Port to enable it to function as an effective commercial port.
Policy 2	To recognise and provide for environmental values and cultural and historic heritage.
Policy 3	To recognise the strategic significance of the Port in supporting business, recreation and tourism.

5.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities

and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

5.2.1 Height

5.2.1.1 No **building** shall exceed the following vertical height above ground level (refer to Figure 5.1).







Zone	Legend	Maximum Height (metres) as a Permitted Activity	Maximum Height (metres) as a Discretionary Activity
1. Building Centre Zone shown in Figure 5.1 Building Heights in Whakatāne.			
a. Area 1 (includes 10m wide strip along Kakahōroa Drive and eastern and western sides of Arts and Culture Street)		10	12
Area 2		10	15
Area 3		15	17
Area 4		12	15
Area 5		15	21
Area 6		10	15
2. Business Centre Zone – Part Lot 2 DPS 2301 (or subsequent legal description) located at 1B Muriwai Drive, Whakatāne.			
a. Within 8m from the north-western boundary of the site; and		7	9
b. Beyond 8m from the north-western boundary of the site		9	12
Business Centre Zone not provided for in (1) or (2) above		9	10
Commercial Zone		10	13
Mixed Use Zone		10	13
Commercial Zone in Taneātua, Te Teko and Matatā		8	9
Large Format Retail Zone		15	20

Table 5:1 Building Heights Above Ground Level

5.2.1.2 A **building** exceeding the maximum height as a Discretionary activity shall be a Non-Complying activity.

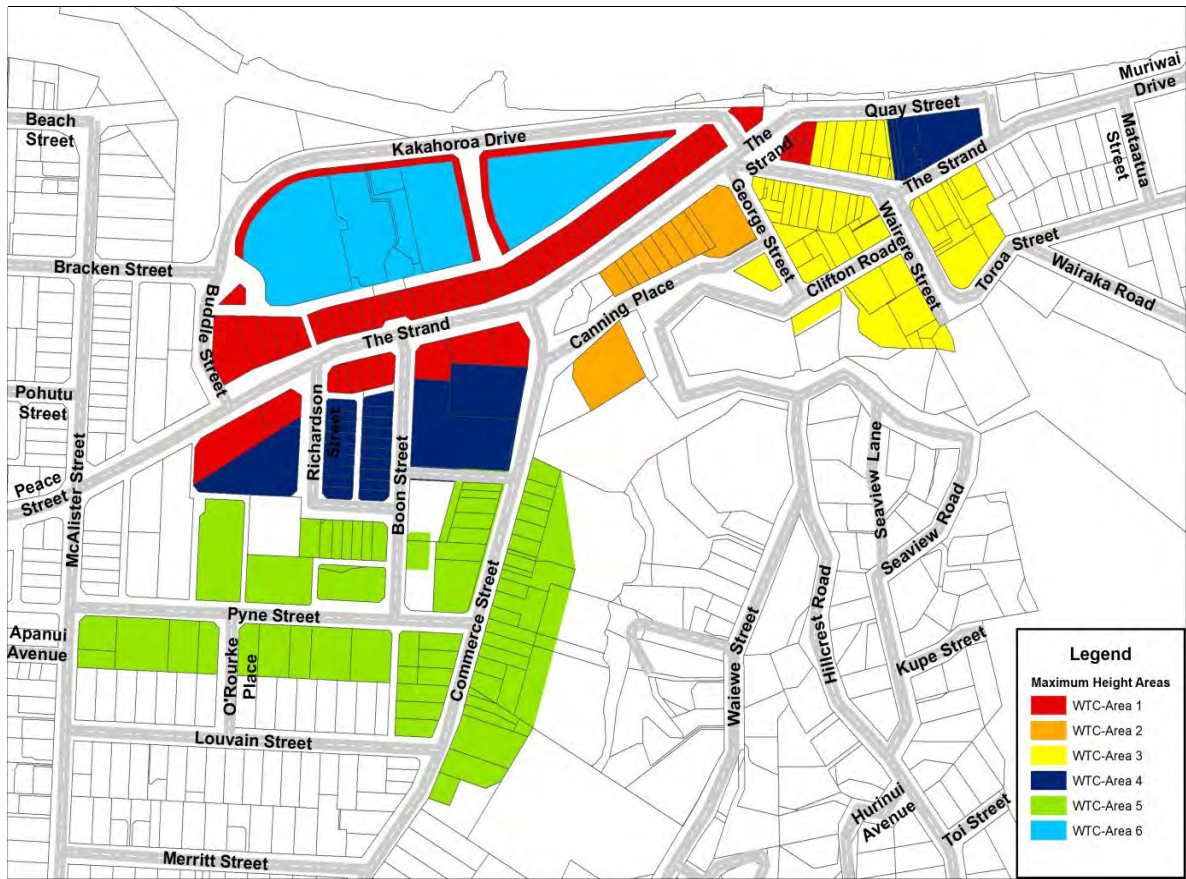


Figure 5.1 Building Heights in Whakatāne

5.2.2 Stud Height – Mixed Use Zone

5.2.2.1 All ground floor development shall have a minimum ground floor stud height of 3.6m, facilitating commercial activities at **ground level**.

5.2.3 Natural Light

5.2.3.1 On sites in the Business Centre, Commercial and Mixed Use Zones that share a common boundary with a Residential, Urban Living, Coastal Protection, Rural Plains, Rural Foothills, Rural Coastal, Rural Ōhiwa or Deferred Residential Zone, no part of any **building** shall exceed a height equal to 2.7m plus the horizontal distance between that part of the **building** and the nearest site boundary, except as provided for in 5.2.3.2 below;

5.2.3.2 Any part of a **building** may exceed a height beyond the natural light plane (shown in Figure 5.2 Natural Light Plane);

- a. Up to a maximum of 1m measured parallel to the plane; and
- b. Within a maximum additional vertical face of 5m² (area that is seen by the adjoining neighbour); and
- c. Where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- d. That written approval has lodged with the **Council**.

- 5.2.3.3 No part of a **building** located in The Strand Character Area shall exceed a height equal to 10m plus the horizontal distance between that part of the **building** and The Strand street frontage.
- 5.2.3.4 For the purposes of Rule 5.2.3.1 the nearest site boundary shall be, where applicable the midpoint of any adjacent right of way or access leg or access lot.
- 5.2.3.5 For buildings that are attached, this rule shall not apply to the adjoining walls of the buildings.

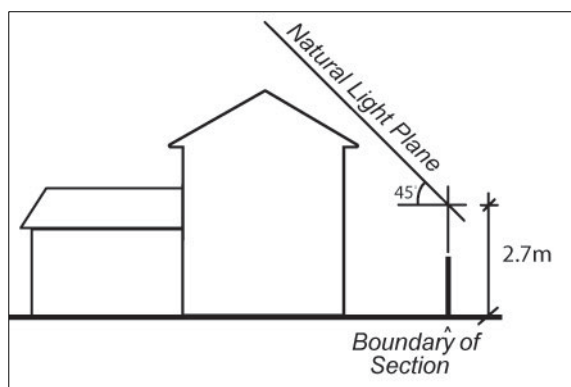


Figure 5.2 Natural Light Plane

- 5.2.3.6 Non-compliance with the rules in 5.2.3 shall be a Restricted Discretionary activity (see criteria in 5.4.1).
- 5.2.4 Distance to Boundaries (Yards)**
- 5.2.4.1 In the Business Centre Zone and Taneātua Commercial Zone, there shall be no front yard.
- 5.2.4.2 In the Commercial, Mixed Use, and Large Format Retail Zones and along Kakahōroa Drive and Quay Street, a front yard of at least 4m is required.
- 5.2.4.3 No side and rear yards are required except that;
- a. side and rear yards of at least 3m shall apply where the site abuts any Residential, Urban Living or Rural Zone.
- 5.2.4.4 Where a front yard is required in the Commercial, Mixed Use, and Large Format Retail Zones, where a garage door or carport entrance faces the street, the door or carport shall be at least 5.5m from the front boundary.
- 5.2.4.5 Vehicle parking or manoeuvring within a front yard shall be located and designed in accordance with the rules in Chapter 13.
- 5.2.4.6 Where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred.
- 5.2.4.7 In the Mixed Use Zone, the following distance to boundary rules shall apply to any boundary where the use adjacent to that boundary is Mixed Use Zone residential, and was a residential use at the time this Plan was notified (i.e. 28 June 2013);
- a. no **buildings** or **accessory buildings** shall be constructed closer than 1.5m to the **side** or **rear boundaries**, except as provided for in (b) below;
 - b. subject to the written approval of the affected **residential** adjoining neighbours having been obtained, and that written approval having been lodged with the **Council**, **buildings** may be

constructed up to the boundary.

5.2.4.8 Notwithstanding the above;

- a. the eaves of any **building** may project up to 600mm into any yard;
- b. a verandah attached to a **building** on a pedestrian street may project over a front yard.

5.2.4.9 Non-compliance with the rules in 5.2.4 shall be a Restricted Discretionary activity (see criteria in 5.4.1).

5.2.5 Location of Residential Activities

5.2.5.1 **Residential activity**, excluding associated carparking, in the Business Centre, Mixed Use and Commercial Zones shall not be located at ground level, with the exception of pedestrian access from the ground floor to the residential activity on an upper floor from the ground floor.

5.2.6 Density and Floorspace of Residential Activities in the Business Centre, Commercial and Mixed Use Zones

5.2.6.1 The maximum density for **dwellings** shall be;

- a. one **dwelling** or unit of accommodation per 50m² of lot area (excluding any accessway) in the;
 - i. Whakatāne Town Centre as shown on Planning Map 110B;
 - ii. 1B Muriwai Drive, Whakatāne, as shown on Planning Map 107B;
 - iii. Commercial and Mixed Use Zones as shown on Planning Map 110B; and
- b. one **dwelling** per 130m² of lot area (excluding any accessway) in all Business Centre Zones and Commercial Zones not listed in (a) above.

5.2.6.2 The minimum floor space (excluding garaging) for each residential unit shall be;

- a. one bedroom unit = 50m² provided that no more than 30% of the units within any development of 5 or more **dwellings** shall be less than 70m²;
- b. two bedroom units = 70m²; and
- c. three or more bedroom units = 85m².

5.2.7 Outdoor Living Space for Residential Activities in the Business Centre, Commercial and Mixed Use Zones

5.2.7.1 Each residential unit shall provide, either;

- a. a private outdoor living space which;
 - i. is able to contain a circle with a 3m diameter; and
 - ii. is directly accessible from the **living area**; or
- b. a balcony which;
 - i. is not less than 6m² in area;
 - ii. has a depth of not less than 1.8m; and
 - iii. is directly accessible from the **living area**.

5.2.7.2 Each non-**ground level** residential unit shall provide main glazing with a view of open space;

- a. that is unimpeded by **buildings**;
- b. that is immediately adjacent to that glazing; and
- c. with a minimum dimension of 10m, measured at right angles to the wall of the **building** within which the glazing is located.

5.2.7.3 The view required by Rule 5.2.7.2 may comprise;

- a. an area of on-site space which must be kept free of structures, service or carparking and manoeuvring areas;
- b. areas of road reserve; and
- c. areas of public open space.

5.2.7.4 In addition to 5.2.7.1 and 5.2.7.2 above, all comprehensive housing developments shall provide greenspace for a communal outdoor living space. The size of the green space required shall be based on a sliding scale, to a maximum of 5,000m² per development, as follows:

- a. Less than 5 units: no requirement for communal outdoor living space; and
- b. 5 or more units: required at 10m² per unit.

5.2.7.5 Non-compliance with the rules in 5.2.7 shall be a Restricted Discretionary activity (see criteria in 5.4.4).

5.2.8 **New Buildings, External Additions to Buildings and Accessory Buildings with over 10m of Road Front in The Strand Character Area**

5.2.8.1 New **buildings**, external **additions** to **buildings** or accessory **buildings** in The Strand Character Area (as shown on the Planning Maps) shall be no more than 10m along the Strand Street frontage.

5.2.8.2 Non-compliance with Rule 5.2.8.1 shall be a Controlled activity.

5.2.9 **New Buildings and additions over 400m² in the Business Centre, Commercial and Mixed Use Zones**

5.2.9.1 New **buildings** and **additions** to existing **buildings** shall have a maximum gross floor area (GFA) of 400m² in the Business Centre Zone, Commercial and Mixed Use Zones.

5.2.9.2 Non-compliance with the rules in 5.2.9 shall be a Controlled activity.

Advice Note 1: In the Large Format Retail Zone, new buildings, alterations and additions that comply with the Plan provisions do not require resource consent under this rule.

5.2.10 **Landscaping (see Rules in 5.2.4)**

5.2.10.1 Landscaping shall be provided in accordance with the table below:

Zone	Landscape Requirement
Commercial and Mixed Use and Kakahōroa Drive and Quay Street	a. At least 25 % of the front yard shall be landscape-planted; b. Where there are car-parking or driveway areas between a building and the road boundary , the landscape-planting referred to in (a) shall include a minimum 2m wide planted strip (excluding the area required for vehicular and pedestrian access) to screen the car-parking and driveway areas; and c. Where the site is 2000m ² or greater, a minimum of 5% of the site area shall be landscape planted.
Large Format Retail Development or redevelopment where the road boundary of a site is opposite a Residential, Urban Living or Rural Zone, or if the site adjoins State Highway 30 or is within 4m of it.	a. At least 50% of the front yard shall be landscape-planted; and b. Where there are car-parking or driveway areas between a building and the road boundary , the landscape-planting referred to in a. shall include a minimum 2m wide planted strip excluding the area required for vehicular and pedestrian access to screen the car-parking and driveway areas with plants that grow to a minimum height of 2m, providing that where the site adjoins State Highway 30 or is within 4m of it, the tree species shall be as identified in the Whakatāne Entranceway Stage Two dated 1 October 2008.

Table 5:2 Landscaping Requirements

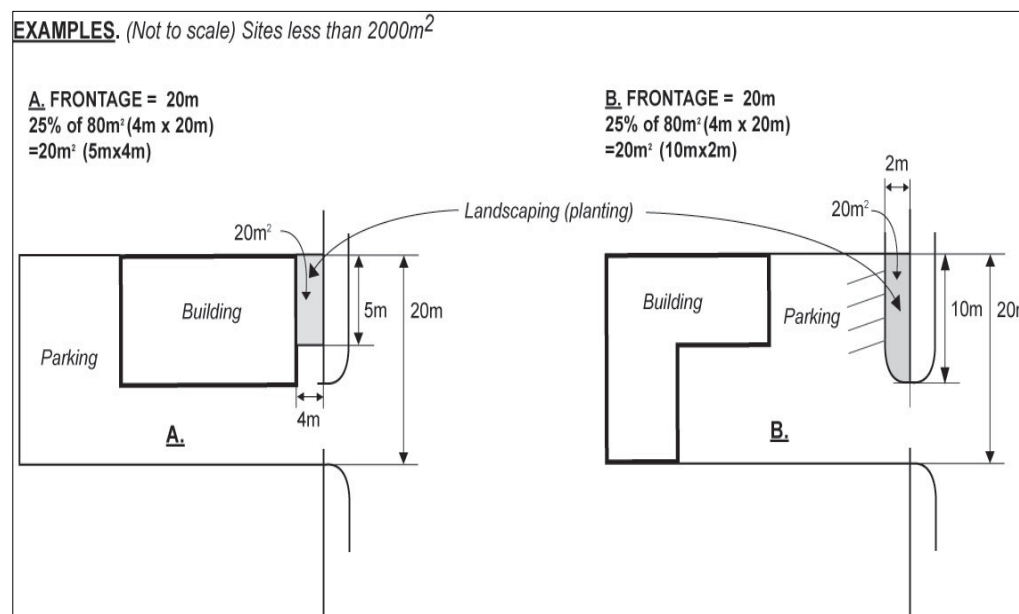


Figure 5.3 Landscaping

5.2.10.2

Alternatively, specimen tree planting shall be undertaken within the site and shall be;

- a. planted at a rate of one tree for every 15m of road frontage of the site (or part thereof);
- b. planted within 5m of the front boundary, but no closer than 1.5m of the front boundary;
- c. of sufficient size at the time of planting to be easily seen from the public street, having a minimum height of 1.5m, and a minimum calliper dimension of 70mm measured at 500mm above the **ground level**;
- d. a species consistent with the **Council's Urban Tree Strategy or Whakatāne Entranceway Stage Two** dated 1 October 2008;

- e. protected from damage by on-site activities and vehicles by raised kerbs, barriers, tree protectors, support staking or a combination of these methods;
- f. planted using good horticultural practice, including root barriers, and shall be maintained and replaced if the tree dies or is severely damaged; and
- g. planted to avoid underground or overhead services, and positioned to, as far as practicable, avoid damage to footpaths, driveways and kerb channels.

Advice Note 1: No front yard is provided in the Business Centre and Taneātua Commercial Zones, therefore no landscaping of the front yard is required.

5.2.10.3 Non-compliance with the rules in 5.2.10 shall be a Controlled activity (see criteria in 5.3.2).

5.2.11 Verandahs along a Pedestrian Street

5.2.11.1 All buildings in the Business Centre and Commercial Zones which adjoin and face a public footpath along a pedestrian street as shown on the Planning Maps, shall be provided with a verandah along their entire frontage, regardless of how far back the building is set from the street boundary. The verandahs shall;

- a. have a minimum depth of 3m except that this width shall be reduced to avoid overhanging a carriageway;
- b. be designed to provide continuity with adjoining verandahs;
- c. be designed to ensure the safety and convenience of pedestrians will not be compromised; and
- d. maintain continuity of coverage over a public footpath where a new building is set back further than adjoining buildings.

5.2.11.2 On other sites verandahs shall be optional, but if erected a verandah shall comply with the minimum depths stated above.

5.2.11.3 Non-compliance with the rules in 5.2.11 shall be a Restricted Discretionary activity (see criteria in 5.4.2).

5.2.12 Visual Amenity in the Business Centre and Commercial Zones

5.2.12.1 Where a site fronts a pedestrian street in the Business Centre and Commercial Zones, shown on a planning map, at least 75% of any ground floor wall adjoining and facing a public footpath shall be of clear glass, providing views of goods and services on display or providing views into the store.

5.2.12.2 Non-compliance with the rules in 5.2.12 shall be a Restricted Discretionary activity if the extent of clear glass referred to in 5.2.12.1 is less than 75% but not less than 50% (see criteria in 5.4.3).

5.2.12.3 Non-compliance with the rules in 5.2.12 shall be a Discretionary activity if the extent of the clear glass referred to in 5.2.12.1 is less than 50% (see Criteria 5.4.7).

5.2.13 Screening of Activities and Storage in the Business Centre, Commercial, Mixed Use and Large Format Retail Zones

5.2.13.1 Any outdoor storage, rubbish collection or storage area visible from neighbouring sites; or from any Residential, Reserve, or Rural Zone; or other reserve, public road or foreshore area, shall be screened from public view by planting, mounding, natural features or the erection of a screen fence.

5.2.13.2 A business or education activity shall be screened from an adjoining residential, **public reserve** or

community activity in a Residential or Urban Living Zone, unless the adjoining landowner(s) provide written consent to waive or vary this requirement along any part of, or the entire common boundary; and that written consent has been lodged with the Council.

5.2.13.3 Visual screening provided in accordance with this rule shall be maintained at all times.

5.2.13.4 Non-compliance with the rules in 5.2.13 shall be a Restricted Discretionary activity (see criteria in 5.4.5)

5.2.14 Retail Activities in the Large Format Retail Zone

5.2.14.1 The minimum GFA of any separate tenancy shall be 1,100m².

5.2.14.2 Despite 5.2.14.1 above, up to four separate tenancies on the development site may be co-occupied by two complementary activities, provided that no complementary activity shall occupy less than 500m² of GFA.

5.2.14.3 Two or more cafes shall be a Non-Complying activity.

5.2.14.4 Above 12 metres:

- a. retail activities shall be non-complying activities; and
- b. warehousing and associated commercial activities shall be permitted activities.

5.2.15 Retail Activities in the Commercial Zone at Whakatāne and Kōpeōpeō (Maps 109B and 110B)

5.2.15.1 Retail activities shall be greater than 500m² except that cafés and dairies must not exceed 100m² in GFA.

5.2.15.2 Retailing activities ancillary to a commercial activity on the same site shall occupy no more than 15% of the GFA of that part of the building which is occupied by the commercial activity, or 100m² GFA, whichever is the lesser.

5.2.16 Fencing

5.2.16.1 A fence shall be no higher than 2m provided that a perforated, netting or mesh fence shall be no higher than 3.6m.

5.2.16.2 Non-compliance with the rules in 5.2.16 shall be a Restricted Discretionary activity (see Criteria 5.4.6).

5.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

5.3.1 Activities in the Large Format Retail Zone (see Activity Status Table 3.4 Items 19, 26, 45 and 48)

5.3.1.1 Council shall exercise its control over;

- a. design development and site layout, the degree to which;
 - i. buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. a suitable buffer has been provided where activities adjoin existing industrial or any nuisance producing activities; and
 - iii. where visible from a public road, buildings have been designed to present an attractive

appearance to passing traffic and, in particular;

- large featureless building facades facing the road are avoided;
- any plant or machinery relating to the activity (except where displayed for sale) is not placed at the front of the **building** unless fully screened;
- any loading, storage, or service areas should not be located in an area immediately adjoining the road;
- the location of **buildings**, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and

b. vehicular, cycle and pedestrian provision, the degree to which;

- i. car parking areas have been designed to ensure they are, readily accessible and convenient for users and are designed to promote passive surveillance;
- ii. access has been designed and located to allow safe and efficient movement to and from the adjacent road network;
- iii. access has been designed to minimise effects on major arterial roads;
- iv. internal vehicular layout has been designed in order to minimise conflicts between pedestrian, cycle, vehicular, and service access; and

c. landscaping, the degree to which landscaping;

- i. mitigates the impacts of development on the amenity values of the surrounding neighbourhood and on the arterial road network;
- ii. incorporates plants that form a green edge to the site;
- iii. accentuates particular features of plants against a less prominent background;
- iv. uses plants to vary the width of the green edge;
- v. incorporates plants of different heights and textures;
- vi. incorporates a mixture of evergreen and deciduous plants;
- vii. is planted in lines and clumps, depending on visual context, including topography and surface appearance of the surrounds;
- viii. uses established plants (at least 3 years old) to reduce the exposure period and to provide amenity and mitigate potential adverse effects as soon as possible; and

d. retail activities, the degree to which the activity has the potential to compromise by itself, or in combination with other existing or consented activities, the vitality and viability of any Business Centre Zone.

5.3.2 Landscaping (see Rules in 5.2.10)

5.3.2.1 Council shall exercise its control over;

a. site layout and planting - whether the;

- i. proposed planting on the site is directed towards avoiding or mitigating any potential adverse effects on the amenity values of the business area and adjoining sites;
- ii. proposed planting softens the visual appearance of parking and manoeuvring areas, and breaks up or softens the appearance of continuous building forms visible from the road or a public place;
- iii. buildings close to the street are integrated into the planting proposal;
- iv. site layout mitigates or avoids any adverse effects on surrounding sites; and

b. landscape treatment - whether the;

- i. proposed planting comprises specimen trees rather than shrubs or low-profile vegetation;
- ii. planting contains a range of plants to give a variety in vegetation scale and form; and
- iii. building form, planting concept and methods to ensure maintenance of the planting are coordinated.

- c. the extent to which the built form on the site provides, or will provide, views (e.g. views towards the escarpment or river) and a sense of openness, when viewed from the neighbouring sites and adjacent public places, including but not limited to roads.

5.3.3 **New buildings and additions over 400m² in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)**

5.3.3.1 Council shall exercise its control over;

- a. design and appearance of **buildings** whether the;
 - i. design and external appearance of buildings or structures is compatible in terms of scale and form with adjoining buildings, and provides a high level of visual amenity and **active frontage**;
 - ii. building will impact on the visual amenity values of properties within the zone and in adjoining zones;
 - iii. buildings and site development respond to the visual character and quality of its surrounds; and
- b. pedestrian amenity, safety and convenience - whether the;
 - i. proposal impacts upon pedestrian amenity, safety and convenience;
 - ii. proposal facilitates pedestrian linkages, permitting access to adjacent sites, streets and public open spaces; and
- c. traffic matters - whether the;
 - i. site layout, parking and vehicle circulation areas avoid adverse effects on any road or adjacent site;
 - ii. development of a site includes the creation of additional car parking and loading and unloading bays; and
 - iii. layout integrates with surrounding parking areas, in particular the safe and efficient entry and exit points onto the surrounding roading system, and pedestrian safety, will be considered, as will the ability to utilise existing or proposed service lanes for goods deliveries.

5.3.4 **New Buildings, External Additions to Buildings and Accessory Buildings with over 10m of Road Frontage in The Strand Character Area (see Rules in 5.2.8).**

5.3.4.1 Council shall exercise its control over;

- a. site layout - whether the;
 - i. site layout ensures that potential effects on the use and enjoyment of the adjoining sites and the wider business centre are avoided or mitigated;
 - ii. proposed **buildings** are well related to existing and potential development on adjacent sites; and
- b. design and appearance of **buildings** - where a new **building** is located on a site within The Strand Character Area, the acceptability or appropriateness of the external appearance and design of the **building** will be assessed having regard to;
 - i. the Strand Character Area Design Guidelines contained in Appendix 22.6;
 - ii. the enhancement of Key Urban Spaces shown on Planning Map 110B including whether the development acknowledges and contributes to the specific characteristics of the key urban spaces: e.g. scale, colour, function and structural materials and the relationships between the individual key urban spaces;
 - iii. the suitability of the scale and design of new buildings within the river and harbour setting

- iv. and The Strand Character Area will be of particular importance; and whether the design and external appearance of **buildings** or structures;
 - is compatible in terms of scale and form with adjoining **buildings**;
 - provides a high level of visual amenity and **active frontage**;
 - is compatible with adjacent heritage **buildings**; and
- c. pedestrian linkages - whether the;
 - i. development of the site is co-ordinated with existing development on adjoining sites and provides internal/external covered pedestrian shelter and linkages; and
 - ii. new **buildings** and/or **additions** contribute towards maintaining the existing character of the business area, and where possible enhance the character for the benefit of the community.

5.3.5 **Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)**

5.3.5.1 Council exercise its control over;

- a. the bulk and location of each dwelling;
- b. the number, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;
- c. the provision of northerly orientated outdoor living areas;
- d. the fencing or screening of the respective residential areas and outdoor living space;
- e. the degree of natural sun light received in internal living areas of adjacent dwellings;
- f. the provision of exterior service courts;
- g. sight lines from living room windows to retain privacy of adjacent dwellings;
- h. the degree to which architectural elements have been used to;
 - i. Break up the form of the façade to minimise linear form and monoclad surfaces of the building to mitigate the apparent bulk of the building and create a varied design.
 - ii. Modulate the form of the building so that its potential scale and impact is reduced for pedestrians. For example, a building may have a lower height along the frontage to partially screen a set back of a taller form building;
- i. the use of a variety of cladding and colours compatible with the surrounding residential character;
- j. the provision of landscaping; and
- k. the degree to which the building incorporates elements that promotes sustainability, including but not limited to, energy efficiency and water conservation.

5.3.6 **Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)**

5.3.6.1 Council shall exercise its control over;

- a. design development and site development, the degree to which;
 - i. Buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;

- ii. A suitable buffer has been provided where activities adjoin existing dwellings;
- iii. Where visible from a public road, buildings have been designed to present an attractive appearance to passing traffic and, in particular;
 - Large featureless facades facing the road are avoided;
 - Any plant or machinery relating to the activity (except where displayed for sale) is not placed at the front of the building unless fully screened;
 - Any loading, storage, or service areas should not be located in an area immediately adjoining the road;
 - The location of buildings, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and
- b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);
- c. on-site stormwater management;
- d. landscaping;
- e. hours of operation.

5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)

5.3.7.1 Council shall exercise its control over;

- a. design development and site development, the degree to which;
 - i. Buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. A suitable buffer has been provided where activities adjoin existing dwellings;
 - iii. Where visible from a public road, buildings have been designed to present an attractive appearance to passing traffic and, in particular;
 - Large featureless facades facing the road are avoided;
 - Any loading, storage, or service areas should not be located in an area immediately adjoining the road;
 - The location of buildings, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and
- b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);
- c. on-site stormwater management;
- d. landscaping; and
- e. hours of operation.

5.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY

ACTIVITIES

5.4.1 Natural Light (see Rules in 5.2.3) and Distance to Boundaries (see Rules in 5.2.4)

5.4.1.1 Council shall restrict its discretion to;

- a. the adverse effects on the amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting; and
 - vi. traffic safety.
- b. the degree to which terms of the character and amenity of the zone is maintained by;
 - i. variation in building form (including but not limited to building facades and roof forms);
 - ii. spaciousness, as experienced from residential buildings and streets nearby;
 - iii. landscaping; and
 - iv. screening;
- c. safe manoeuvring of vehicles on the site, and the potential for conflict between vehicles and people on the site.

5.4.1.2 In relation to 5.2.4.7, Council shall restrict its discretion to the adverse effects on the amenity of the residential uses on the neighbouring sites referred to in 5.2.4.7, in terms of the elements listed in a (i) – (vi) above.

5.4.2 Verandahs — Business Centre Zone (see Rules in 5.2.11)

5.4.2.1 Council shall restrict its discretion to;

- a. design and appearance – particular site features will be considered as well as the desirability of the verandah on the site in question whether the;
 - i. design of the verandah will give shelter to pedestrians, with reference to the location and details of verandahs on adjoining sites, and the intensity of pedestrian movements and the nature of adjoining activities or facilities such as parking areas or public gathering places;
 - ii. design is compatible with the Strand Character Area Guidelines contained in Appendix 22.6; and
- b. visual amenity values – whether the;
 - i. appearance of the front wall of the proposed building or redesigned building, when viewed from public footpath level, contributes towards maintaining or enhancing the quality of the shopping environment or the attractiveness of the business centre or locality, particularly the amenity values of the streetscape; and
 - ii. reduced amenity resulting from the lack of a verandah is to be off-set by landscaped vegetation on the site.

5.4.3 Visual Amenity in the Business Centre and Commercial Zones (see Rules in 5.2.12)

5.4.3.1 Council shall restrict its discretion to;

- a. visual amenity values – whether the;
 - i. appearance of the front wall of the proposed building or redesigned building, when viewed from public footpath level, contributes towards maintaining or enhancing the quality of the shopping environment or the attractiveness of the business centre or locality, particularly the amenity values of the streetscape;
 - ii. reduced amenity resulting from lack of glazing is to be off-set by landscaped vegetation on the site; and
- b. design and appearance – whether the design is compatible with the Strand Character Area Guidelines contained in Appendix 22.6.

5.4.4 **Outdoor Living Space (see Rules in 5.2.7)**

5.4.4.1 If Rules 5.2.7.1 or 5.2.7.4 are not complied with, Council shall restrict its discretion to;

- a. the availability of public recreation reserve contiguous with the site; and
- b. access to alternative recreation areas, including but not limited to on-site indoor swimming pools.

5.4.4.2 If Rule 5.2.7.2 is not complied with, Council shall restrict its discretion to;

- a. the quality of the view from the residential unit.

5.4.4.3 If Rules 5.2.7.1, 5.2.7.2 or 5.2.7.4 are not complied with, Council shall restrict its discretion to;

- a. compatibility with adjoining uses – whether the location of adjoining uses and **buildings** are such that the degree of modification sought will enable potential adverse effects on the **residential activity** to be mitigated or avoided, and the residential unit will not have an adverse effect on the character of the area, or on surrounding sites.

5.4.5 **Screening of Activities and Storage in the Business Centre, Commercial, Mixed Use, and Large Format Retail Zones (see Rules in 5.2.13)**

5.4.5.1 Council shall restrict its discretion to;

- a. visual amenity values – whether the proposed screening through the erection of appropriate screen fencing or plantings, or other means, ensures that the potential adverse visual effect on the places listed in Rules 5.2.13.1 and 5.2.13.2 will be avoided, remedied or mitigated, and the amenity values of those places will not be lowered; and
- b. whether the activity detracts from the cultural and amenity values of the places listed in Objective Bus1, Policy 8.

5.4.6 **Fencing (see Rules in 5.2.16)**

5.4.6.1 Council shall restrict its discretion to;

- a. the degree to which the character of the zone is maintained or enhanced by the built form of the fence, including the extent to which the built form of the fence;
 - i. minimises physical domination of nearby properties and transport corridors;
 - ii. enables passive surveillance; and
 - iii. promotes a sense of spaciousness and openness.

5.4.7 Four or more dwellings per lot in the Mixed Use Zone

5.4.7.1 Council shall restrict its discretion to;

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in **building** form and **building** materials (including but not limited to **building** facades and roof forms);
 - vii. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
 - viii. **traffic safety**;
 - ix. **safe access to, and egress from the site**;
 - x. **safe on-site manoeuvring of vehicles**;
 - xi. **landscaping including vegetation that**
 - will enhance privacy and mitigate physical domination by **buildings**;
 - does not exacerbate shadowing and **vehicle-pedestrian conflict**; and
 - xii. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.

5.4.8 Papakāinga Housing in the Mixed Use Zone

5.4.8.1 Council shall restrict its discretion to;

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in **building** form and **building** materials (including but not limited to **building** facades and roof forms);
 - vii. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;

- viii. traffic safety;
- ix. safe access to, and egress from the site;
- x. safe on-site manoeuvring of **vehicles**;
- xi. landscaping including vegetation that;
 - will enhance privacy and mitigate physical domination by buildings;
 - does not exacerbate shadowing and **vehicle**-pedestrian conflict; and
- xii. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.
- xiii. the manner in which the matters identified in section 7.3.1.1a-g are met.

Advice Note: Refer to Rule 3.5.1.1e

5.4.9 **Places of assembly (not provided for by any other category): designed to have a maximum occupancy of between 10 to 50 people in the Large Format Retail Zone**

5.4.9.1 Council shall restrict its discretion to;

- a. design development and site development, the degree to which;
 - i. **buildings** have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. a suitable buffer has been provided where activities adjoin existing **dwellings**;
 - iii. where visible from a public **road**, **buildings** have been designed to present an attractive appearance to passing traffic; and
- b. traffic effects (including but not limited to access, on-site **vehicle** manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic and the practicability of combining **accessways** serving more than one site or lot);
- c. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, **effluent** and rubbish disposal, electricity, telecommunications, gas, utility;
- d. landscaping; and on-site amenity as outlined in Rule 3.7.1;
- e. signage as outlined in Rule 11.2.19;
- f. noise; and
- g. hours of operation.

5.4.10 **Places of Assembly (not provided for by any other category) in the Mixed Use,**

Business Centre, Commercial and Large Format Retail Zones

5.4.10.1 Council shall restrict its discretion to;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
- c. design development and site development;
- d. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- e. the criterion listed in 3.7.10 (Noise Effect);
- f. landscaping as outlined in Rule 3.7.1;
- g. traffic effects as outlined in Rule 3.7.17;
- h. signage as outlined in Rule 11.2.19; and
- i. the intended hours of use.

5.4.11 Car Parking in the Business Centre and Commercial Zones

5.4.11.1 Council shall restrict its discretion to;

- a. traffic effects (including but not limited to access, on-site **vehicle** manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, traffic volumes and traffic mix, parking and **loading**, pedestrian and cyclist safety, construction traffic and the practicability of combining **accessways** serving more than one site or lot);
- b. landscape and visual effects as outlined in Rule 3.7.1;
- c. site design, including formation and marking;
- d. natural light as outlined in Rule 5.4.1 and lighting;
- e. shadowing and physical domination if the proposal is for a carpark **building**;
- f. signage as outlined in Rule 11.2.19; and
- g. on-site stormwater management.

5.5 ASSESSMENT CRITERIA - DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

5.6 OTHER METHODS

- 5.6.1.1 The Council will gather information about business land development on an on-going basis.
- 5.6.1.2 When reviewing the Whakatāne Ports Operational Plan, Council will;
 - i. recognise opportunities for cluster development in the vicinity of the Port;
 - ii. recognise the strategic significance of the Port in supporting business, recreation and tourism
- 5.6.1.3 Council will plan for the District's economic development
- 5.6.1.4 Council will work with the community to enable the development of a conference centre in Whakatāne town, while managing adverse effects on the environment.



CHAPTER 06

INDUSTRIAL

(Light Industrial and Industrial)

Ngā Nōhanga Tupākihi

6 Industrial and Light Industrial Zones

Refer to Chapters 11 to 20 for additional rules that may apply to this zone.

6.1 OBJECTIVES AND POLICIES

Objective Ind1 *The management of the use, development and protection of the resources of the industrial areas of the District so that acceptable environmental quality is achieved within the industrial areas and beyond.*

- Policy 1 To establish a hierarchy of two industrial zones.
- Policy 2 To control building location, height and bulk to maintain the amenity values of adjoining public open space and residential zones, with particular consideration to be given to potential noise, visual effects, dominance, loss of privacy and shading.
- Policy 3 To impose controls which protect the environmental quality and amenity of neighbouring properties.
- Policy 4 To ensure that industrial or business activities on sites adjoining the places listed in (a) to (d) below, respect the cultural and amenity values of these places to iwi and hapū:
- a. Te Hokowhitu-a-Tu Marae, Keepa Road, Whakatāne (Allotment 28B3C1 Rangitāiki Parish, and Lot 1 DPS 18658 Planning Map 105B and Appendix 6.6.1);
 - b. Pupuaruhe church and urupā, Mill Road, Whakatāne (Rangitāiki Lot 29X No 1 and Allotment 29X2, Rangitāiki Parish, Planning Map 108B and Appendix 6.6.2);
 - c. Tipapa Marae, Kopuriki Road, Murupara (Karatia 3B2A1, Planning Map 135B and Appendix 6.6.3); and
 - d. Ōpihi Whanāunga Kore urupā, Bunyan Road, Piripai (Allotment 27 Rangitāiki Parish, Planning Map 106B).
- Policy 5 To manage the Industrial activities to avoid adverse effects on human health and safety.

Objective Ind2 **The efficient use and development of land zoned for industrial activities.**

- Policy 1 To recognise and provide for existing industry and its contribution to the economic development of the district.
- Policy 2 To enable the establishment and operation of a range of industrial activities that are compatible with the character of the relevant industrial zone, with characteristics that include:
- a. levels of noise and vibration that are higher than in other zones;
 - b. levels of glare and light spill onto neighbouring industrial properties that are higher than in other zones; and
 - c. levels of heavy vehicles travelling through and within the industrial sites and the industrial zones, that are higher than in other zones.
- Policy 3 To recognise the changing infrastructure needs of industrial activities and to facilitate the development of efficient and effective infrastructure to serve those

needs (including but not limited to new infrastructure technologies that reduce adverse environmental effects).

- Policy 4 To manage development so that it does not adversely affect the safe and efficient operation of the transport network.
- Policy 5 To avoid reverse sensitivity effects being experienced by industrial activities, including discouraging activities establishing in Industrial and Light Industrial zones, if those activities will be sensitive to existing industrial activity effects that cannot reasonably be avoided, remedied or mitigated within the two industrial zones.
- Policy 6 To avoid activities that do not support the primary function of the Light Industrial and Industrial zones. To avoid;
- residential activities other than for persons whose duties require them to live on-site;
 - in the Industrial Zone, office activities other than accessory office activities;
 - retail activities other than convenience-type retail to serve the local worker population;
 - in the Industrial Zone, the establishment of commercial activities that do not have a functional requirement to be located within that zone;
 - community, educational or medical facilities sensitive to the effects of industrial activities.

Objective Ind3 Industrial activities enable communities to provide for their economic wellbeing.

- Policy 1 To support the establishment of new industries that enable communities to provide for their economic wellbeing.

6.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

6.2.1 Height

6.2.1.1 No **building** shall exceed the following vertical height above **ground level**.

Zone	Maximum Height (metres) as a Permitted Activity	Maximum Height (metres) as a Controlled Activity	Maximum Height (metres) as a Restricted Discretionary Activity	Maximum Height (metres) as a Discretionary Activity	Non-complying Activity
Light Industrial	15		20		>20
Industrial	20			>20	
Edgecumbe Dairy Manufacturing Site	40		40-55	>55	

Table 6: 1 Building Heights Above Ground Level

6.2.2 Natural Light

6.2.2.1 On sites in the Light Industrial and Industrial Zones that share a common boundary with a Residential, Urban Living, Coastal Protection, Rural Plains, Rural Foothills, Rural Coastal, Rural Ōhiwa or Deferred Residential Zone, no part of any building shall exceed a height equal to 2.7m plus the horizontal distance between that part of the building and the nearest site boundary, except as provided for in 6.2.2.2 below.

6.2.2.2 Any part of a building may exceed a height beyond the natural light plane (shown in Figure 6:1 Natural Light Plane);

- up to a maximum of 1m measured parallel to the plane; and
- with a maximum additional vertical face of 5m² (area that is seen by the adjoining neighbour); and
- where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- that written approval has been lodged with the Council.

6.2.2.3 For the purposes of Rule 6.2.2.1, where applicable, the nearest site boundary shall be the mid-point of any adjacent right of way or access leg or access lot.

6.2.2.4 For buildings that are attached, this rule shall not apply to the adjoining walls of the buildings.

6.2.2.5 Non-compliance with the rules in 6.2.2 shall be a Restricted Discretionary activity.

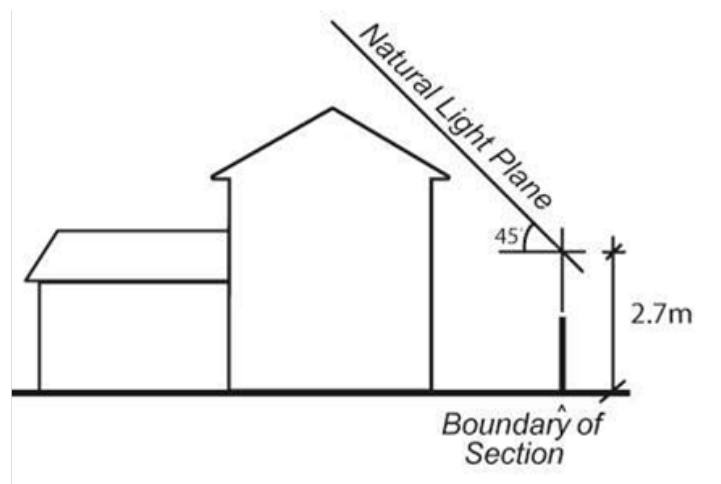


Figure 6:1 Natural Light Plane

6.2.3 Distance to Boundaries (Yards)

6.2.3.1 In the Light Industrial and Industrial zones front yard of at least 4m is required.

6.2.3.2 In the Light Industrial and Industrial zones no side and rear yards are required except as required by a - c below (see Appendices 6.6.1 to 6.6.3);

- a. side and rear yards of at least 5m shall apply on Allotments 28B3C2A (46C State Highway 30) and 28B3C2B (46B State Highway 30) Rangitāiki Parish (see Appendix 6.6.1 and Planning Map 105B);
- b. side and rear yards of at least 5m shall apply where the site abuts the Pupuāruhe urupā and church (Rangitāiki Allotments 29X1 and 29X2, Rangitāiki Parish, 93 and 95 Mill Road, Whakatāne) (see Appendix 6.6.2 and Planning Map 108B);
- c. side and rear yards of at least 3m shall apply where the site abuts any Residential, Urban Living or Rural Zone, except that;
 - i. the minimum yards for sites adjoining the eastern boundary of Lot 1 DPS 18658 Rangitāiki

Parish (25A Keepa Road) shall be 6m along that eastern boundary (see Appendix 6.6.1 and Planning Map 105B);

- ii. the minimum yards for sites adjoining the eastern boundaries of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish shall be 6m along those eastern boundaries (see Appendix 6.6.1 and Planning Map 105B); and
- iii. the minimum yard for sites adjoining the southern boundary of Allotment 28B3C2B Rangitāiki Parish shall be 5m along that southern boundary, unless a fence or wall (including a wall of a building) is provided along the entire southern boundary of Allotment 28B3C2B in accordance with the rules in 6.2.8 (Te Hokowhitu-a-Tu Marae Amenity, Location of Buildings), in which case this yard requirement shall not apply (see Appendix 6.6.1 and Planning Map 105B).

6.2.3.3 Where a garage door or carport entrance faces the street, the door or carport shall be at least 5.5m from the front boundary.

6.2.3.4 Vehicle parking or manoeuvring within a front yard shall be located and designed in accordance with the rules in 13.2.9.

6.2.3.5 Where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred.

6.2.3.6 Notwithstanding the above, the eaves of any building may project up to 600mm into any yard.

6.2.3.7 Non-compliance with the rules in 6.4.1 shall be a Restricted Discretionary activity.

6.2.4 Landscaping of Yards (required by 6.2.3)

6.2.4.1 Development or redevelopment where the road boundary of a site is opposite a Residential, Urban Living or Rural Zone, or if the site adjoins State Highway 30 or is within 4m of it;

- a. at least 50% of the front yard shall be landscape planted; and
- b. where there are car-parking or driveway areas between a building and the road boundary, the landscape-planting referred to in (a) shall include a minimum 2m wide planted strip, excluding the area required for vehicular and pedestrian access to screen the carparking and driveway areas with plants that grow to a minimum height of 2m, provided that where the site adjoins State Highway 30 or is within 4m of it, the tree species shall be as identified in the Whakatāne Entranceway Stage Two dated 1 October 2008.

6.2.4.2 Alternatively, specimen tree planting shall be undertaken within the site and shall be;

- a. planted at a rate of one tree for every 15m of road frontage of the site (or part thereof);
- b. planted within 5m of the front boundary, but no closer than 1.5m of the front boundary;
- c. of sufficient size at the time of planting to be easily seen from the public street, having a minimum height of 1.5m, and a minimum calliper dimension of 70mm measured at 500mm above the ground level;
- d. a species consistent with the Council's Urban Tree Strategy or Whakatāne Entranceway Stage Two dated 1 October 2008;

- e. protected from damage by on-site activities and vehicles by raised kerbs, barriers, tree protectors, support staking or a combination of these methods;
- f. planted using good horticultural practice, including root barriers, and shall be maintained and replaced if the tree dies or is severely damaged; and
- g. planted to avoid underground or overhead services, and positioned to, as far as practicable, avoid damage to footpaths, driveways and kerb channels.

6.2.4.3 Non-compliance with the rules in 6.2.4 shall be a Controlled activity (see criteria in 6.3.1).

6.2.5 Visual Screening of Activities and Storage in the Light Industrial Zone

6.2.5.1 In the Light Industrial Zone, any outdoor storage, rubbish collection or storage area visible from any Residential, Reserve or Rural Zone, or other reserve or foreshore area, shall be screened from public view by visual screening by planting, mounding, natural features or the erection of a screen fence.

6.2.5.2 Visual screening provided in accordance with this rule shall be maintained at all times.

6.2.5.3 Non-compliance with the rules in 6.2.5 shall be a Restricted Discretionary activity (see criteria in 6.4.2).

6.2.6 Activity Status on 46B and 46C State Highway 30, Allotments 28B3C2A and 28B3C2B Rangitāiki Parish (see Appendix 6.6.1 and Planning Map 105B)

6.2.6.1 For residential activities, home occupation activities, and mixed business/residential activities on Allotments 28B3C2A and 28B3C2B Rangitāiki Parish the following activity status apply:

Activity	Activity status
One or two dwellings	Controlled
A home occupation in an existing or approved dwelling	Controlled
Three or more dwellings	Discretionary
Any mix of business activities (excluding home occupations) and residential activities	Discretionary

6.2.7 Marae and Urupā Amenity Yard (see Appendices 6.6.1 to 6.6.3)

6.2.7.1 Rubbish collection areas, business activities or buildings used for business activities shall not be located within the following amenity yards;

- a. a 10m wide amenity yard adjoining the boundary of Lot Karatia 3B2A1 Murupara (Tīpapa Marae, 1567 Kopuriki Road), as shown on Planning Map 135B and Appendix 6.6.3; and
- b. a 20m wide amenity yard parallel to the eastern boundary of Allotment 28B3C1 (25B Keepa Road, Te Hokowhitu-a-Tu Marae) and a 6m amenity yard parallel to Lot 1 DPS 18658 Rangitāiki Parish (25A Keepa Road, Te Hokowhitu-a-Tu Marae) at Whakatāne as shown on Planning Map 105B and Appendix 6.6.1.

6.2.7.2 Those parts of a site located within the yards identified in 6.2.7.1 may be used for other activities and buildings for other activities, including car-parking, vehicle manoeuvring and outdoor storage provided that;

- a. all outdoor storage areas and car-parking areas visible from beyond the site shall be screened in accordance with the rules in 6.2.5; and
- b. the planting shall;
 - i. be located adjacent to the site boundary, in the associated yard identified in 6.2.7.1;
 - ii. extend the full length of the yard; and
 - iii. have a minimum dimension of 20% of the width of the amenity yard.

6.2.7.3 When the land comprising the 20m and 6m Marae amenity yard east of Te Hokowhitu-a-Tu Marae, vests in the Council as reserve, the marae amenity yard will no longer apply.

6.2.7.4 Non-compliance with the rules in 6.2.7 shall be a Restricted Discretionary activity.

6.2.8 Te Hokowhitu-a-Tu Marae Amenity, Location of Buildings (Planning Map 105B and Appendix 6.6.1)

6.2.8.1 No entranceway greater than 1m in width for a **business activity** shall face Te Hokowhitu-a-Tu Marae at Whakatāne, or associated dwellings on Lot 1 DPS 18658.

6.2.8.2 No opening window or door, other than a single door that has a width no greater than 1m, shall be located on the western side of any **building** on Lot 12 DP 372970 (36 Gateway Drive, or subsequent lot if subdivided) if the opening window or door (other than a door that is permitted by this rule) is less than 20m from and facing the eastern boundary of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish unless the written consent of the owners and occupiers of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish is obtained.

6.2.8.3 No opening window or door, other than a single door that has a width no greater than 1m shall be located on the northern side of any **building** on Lot 12 DP 372970 (36 Gateway Drive, or subsequent lot if subdivided) if the opening window or door (other than a door that is permitted by this rule) is less than 20m from and facing the southern boundary of Allotment 28B3C2B Rangitāiki Parish unless;

- a. the written consent of the owners and occupiers of Allotment 28B3C2B Rangitāiki Parish is obtained; or
- b. a solid wall (including a wall of a **building** with no openings) or acoustic fence with a minimum construction standard of a board-and-batten wooden fence, such solid wall or fence to be at least 2m in height, is constructed along the entire southern boundary of Allotment 28B3C2B Rangitāiki Parish.

6.2.8.4 No window, door or any other opening shall be located on the eastern side of any **building** on Lot 9 DPS 46433 (39 Gateway Drive) unless the written consent of the owners and occupiers of 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1 Rangitāiki Parish) is obtained.

6.2.8.5 Non-compliance with the rules in 6.2.8 shall be a Restricted Discretionary activity.

6.2.9 Te Hokowhitu-a-Tu Marae Amenity, Acoustic Fence (Planning Map 105B and Appendix 6.6.1)

6.2.9.1 The northern boundary of 25B Keepa Road (Allotment 28B3C1 Rangitāiki Parish) from the northwest corner of this lot up to a point in line with the eastern boundary of this lot shall be screened with an acoustic boundary fence, with a minimum construction standard of a board-and-batten wooden fence of at least 1.8m in height.

6.2.9.2 Non-compliance with Rule 6.2.9.1 shall be a Restricted Discretionary activity (see criteria in 6.4.3).

6.2.10 Retail Activities in the Light Industrial and Industrial Zones

6.2.10.1 Retail activities in the Light Industrial and Industrial Zones shall be limited to;

- a. **convenience shops**, not exceeding 100m² in retail floorspace;
- b. retail activity, ancillary to an **industrial activity** (other than a service station) on the same site, occupying not more than 15% of the **GFA** of that part of the **building** which is occupied by the **industrial activity**, or 100m² in retail floor space whichever is the lesser; and
- c. retail activity, ancillary to a service station, not occupying more than 200m² in retail floor space.

6.2.11 Fencing

6.2.11.1 A fence shall be no higher than 2m, unless it is a perforated netting or mesh fence through which the landscaping (required by 6.2.4) is visible from the road.

6.2.11.2 Non-compliance with the rules in 6.2.11 shall be a Controlled activity.

6.2.12 Edgcumbe Industrial Site (as shown on Planning Maps 128 and 129) and Whakatāne Board Mill Site (as shown on Planning Maps 104, 108 and 109);

6.2.12.1 At the Edgcumbe Industrial Site (as shown on Planning Maps 128 and 129), any activities relating to the processing and production of milk-related products are Permitted activities including;

- a. milk reception, processing and production facilities;
- b. parking;
- c. rail sidings;
- d. storage, processing and disposal of waste material;
- e. storage facilities;
- f. workshops;
- g. laboratories, research establishments;
- h. accessory buildings to any permitted activity (not for habitation) and ancillary activities including offices associated with any permitted activity;
- i. demolition of buildings and structures;
- j. energy generation, steam production and water heating and boilers; and
- k. export of surplus electricity off site.

6.2.12.2 At the Whakatāne Board Mill Site (as shown on Planning Maps 104, 108 and 109), the following activities associated with the processing of logs and paper pulp are Permitted activities;

- a. logs, pulp, coal and related chemical reception and dispatching facilities;
- b. parking;
- c. rail sidings;
- d. storage and processing of waste material;
- e. storage facilities;
- f. workshops;
- g. laboratories;

- h. accessory buildings to any permitted activity (not for habitation) and ancillary activities including offices associated with any permitted activities;
- i. demolition of buildings and structure; and
- j. energy generation, steam production and water heating and boilers.

6.3 Assessment Criteria For Controlled Activities

6.3.1 Landscaping of Yards, required by 6.2.3 (see 6.2.4)

6.3.1.1 Council shall exercise its control over;

- a. site layout and planting - whether the;
 - i. proposed planting on the site is directed towards avoiding or mitigating any potential adverse effects on the amenity values of the business area and adjoining sites;
 - ii. proposed planting softens the visual appearance of parking and manoeuvring areas, and breaks up or softens the appearance of continuous building forms visible from the road or a public place;
 - iii. buildings close to the street are integrated into the planting proposal;
 - iv. site layout mitigates or avoids any adverse effects on surrounding sites; and
- b. landscape treatment - whether the;
 - i. proposed planting comprises specimen trees rather than shrubs or low-profile vegetation;
 - ii. planting contains a range of plants to give a variety in vegetation scale and form; and
 - iii. building form, planting concept and methods to ensure maintenance of the planting are coordinated.

6.3.2 Fencing (see 6.2.11 Fencing)

6.3.2.1 Council shall restrict its discretion to physical domination of adjoining properties and transport corridors.

6.3.3 Residential activities and home occupations on Allotments 28B3C2A and 28B3C2B (see 6.2.6.1)

6.3.3.1 The Council shall exercise its control over the following;

- a. the bulk and location of buildings and other structures;
- b. fencing, screening and landscaping;
- c. provision and location of network utilities, including;
 - i. supply or upgrading of access;
 - ii. stormwater treatment and disposal facilities;
 - iii. water supply;
 - iv. effluent and rubbish disposal; and
 - v. electricity, telecommunications and gas utilities; and
 - vi. the requirements of Rules 12.3, 6.2 and 18.2.

6.4 Assessment Criteria For Restricted Discretionary Activities

6.4.1 Natural Light (see 6.2.2 Natural Light) and Distance to Boundaries (6.2.3 Distance to Boundaries (Yards)) and Height (6.2.1)

6.4.1.1 Council shall restrict its discretion to;

- a. the adverse effects on the amenity of adjoining sites and public areas (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting; and
 - vi. traffic safety.

6.4.2 Visual Screening (6.2.5 Visual Screening of Activities and Storage in the Light Industrial Zone)

6.4.2.1 Council shall restrict its discretion to;

- a. whether the proposed screening through the erection of appropriate screen fencing or plantings, or other means, ensures that the potential adverse visual effect on the places listed in Rules 7.2.5.1 and will be avoided, remedied or mitigated, and the visual amenity values of those places will not be lowered; and
- b. whether the activity detracts from the cultural and amenity values of the places listed in Objective Ind1, Policy 2.

6.4.3 Modifications to the Marae and Urupā Amenity (see Rules in 6.2.7, 6.2.8 and 6.2.9)

6.4.3.1 Council shall restrict its discretion to;

- a. whether the location of an **Industrial activity** or the erection of a **building** for an **Industrial activity** will have an adverse effect on the use of the adjoining **marae**. Particular regard will be given to the effect any **industrial activity** or the placement of a **building** or structure within the yard will have on the traditional use of the **marae**, and the cultural, spiritual and amenity values of the **marae**;
- b. whether the proposed use of the adjoining industrial zone will respect the traditional use of the **marae** site through the mitigation of potential adverse effects by way of controls on building location, types of activities, hours of operation, compliance with noise limits, outdoor use of the site, and the provision of screening and planting; and
- c. whether in regard to Ōpihi Whanāunga Kore urupā (Bunyan Road, Whakatāne) or the Pupuāruhe urupā and church (Mill Road, Whakatāne) the level of planting proposed will provide adequate screening of the site from adjoining activities and other methods of ensuring that the traditional use, cultural, spiritual and amenity values of the urupā/church sites are maintained or enhanced.

6.4.4 Edgecumbe Industrial Site, Buildings or Structures Higher than 37m but no Higher than 55m (See Rule 6.2.1 Height).

6.4.4.1 Council shall restrict its discretion to;

- d. Residential/Rural and Public Amenity;
 - i. residential privacy of nearby residential sites;
 - ii. whether the scale of the building is overly dominant in relation to nearby residential sites;
 - iii. whether the proposed building dominates the views from nearby residential sites;
 - iv. the shading effects of the proposed building on nearby residential sites;
 - v. the potential for the building to be screened to reduce any of the effects listed above (any proposed screening should be achievable in the short term i.e. 3-5 years); and
 - vi. the potential for mitigation measures, such as building, and or roof pitch orientation, and the use of recessive colours to reduce dominance.

6.4.5 **Places of assembly (not provided for by any other category): designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Light Industrial and Industrial Zones**

6.4.5.1 Council shall restrict its discretion to;

- a. design development and site development;
- b. provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- c. landscaping and on-site amenity as outlined in Rule 3.7.1;
- d. the intended hours of use and other criteria outlined in 3.7.36;
- e. **reverse sensitivity** as outlined in Rule 3.7.41;
- f. traffic effects as outlined in Rule 3.7.17;
- g. signage as outlined in Rule 11.2.19;
- h. the criterion listed in 3.7.10 (Noise Effect); and
- i. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone.

6.5 **Assessment Criteria – Discretionary Activities/Non Complying Activities**

See Section 3.7.

6.6 Appendices

6.6.1 Te Hokowhitu-a-Tu Marae (Planning Map 105B)

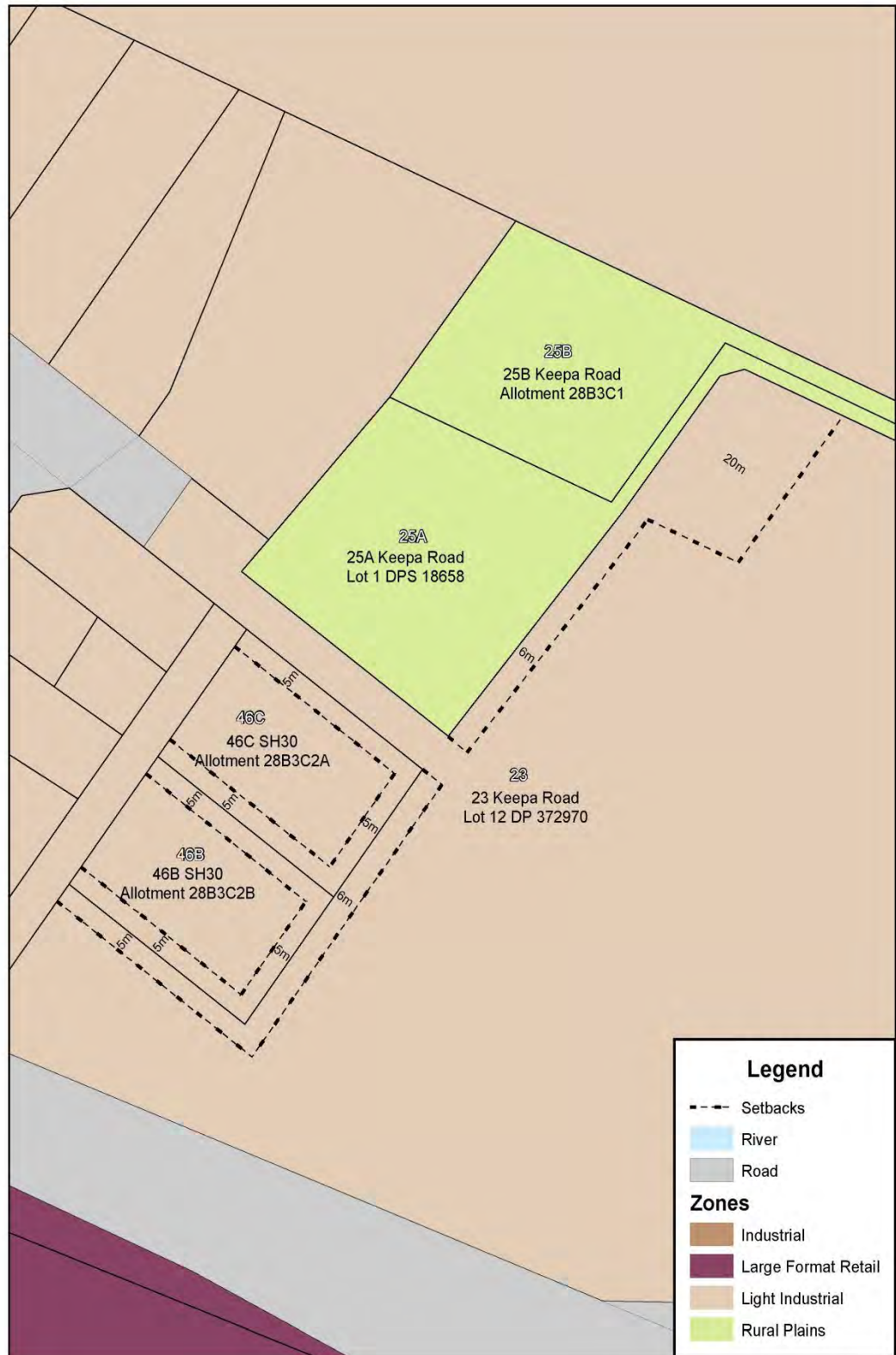


Figure 6: 2 Te Hokowhitu-a-Tu Marae (Planning Map 105B)

6.6.2

Pupūaruhe Urupā and Church (Planning Map 108B)

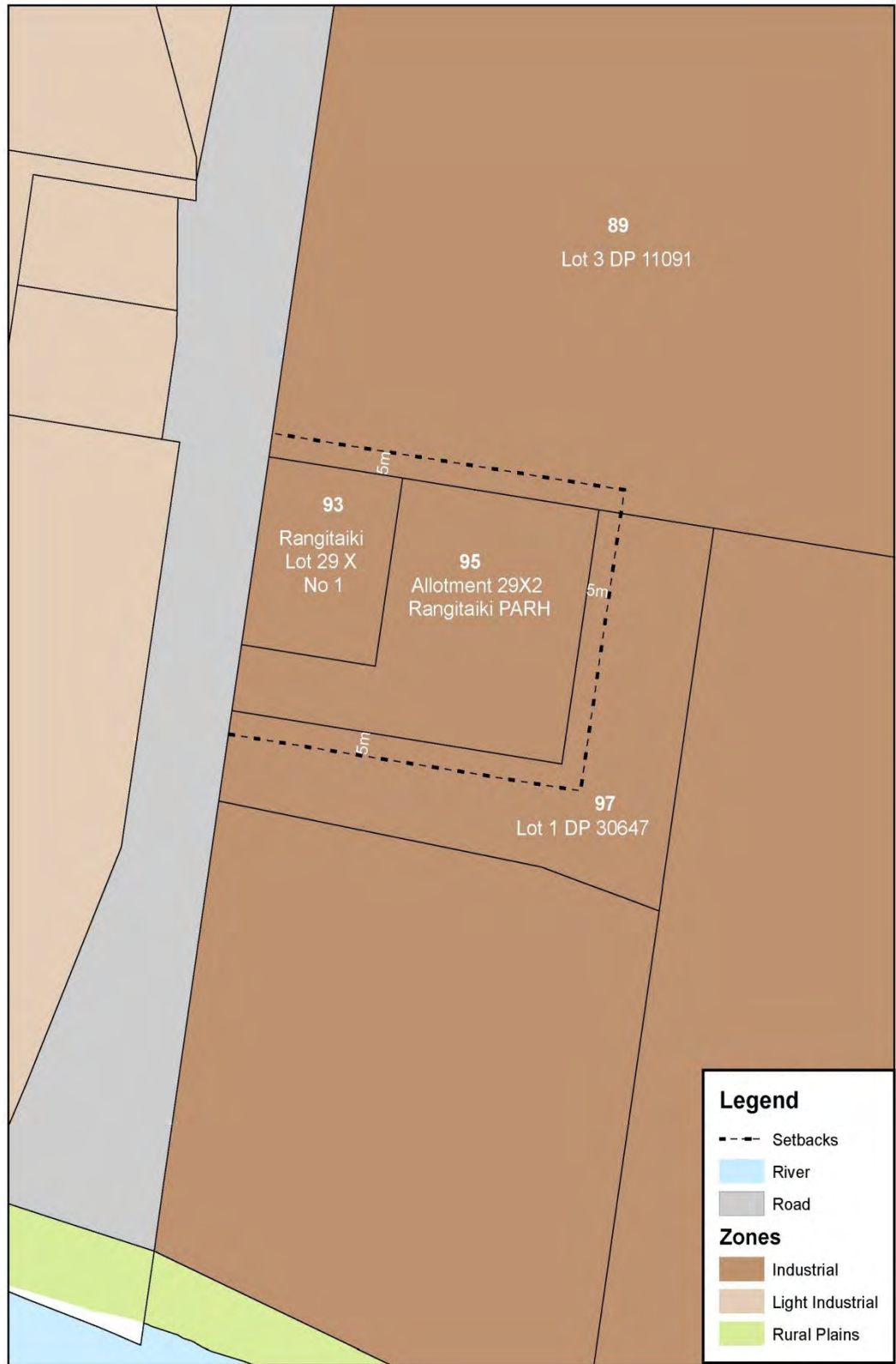


Figure 6: 3 Pupūaruhe Urupā and Church (Planning Map 108B)

6.6.3

Tipapa Marae (Planning Map 135B)



Figure 6: 4 Tipapa Marae (Planning Map 135B)



CHAPTER 07

RURAL

**(Rural Coastal, Rural Plains, Rural Foothills,
Rural Ōhiwa and Deferred Residential Zones)**

*Ngā Nōhanga mai i te Taha Moana
ki Ngā Pae Māunga, ki te Moana
ō Ōhiwa me Ngā Nōhanga Tūhāhā*

7 Rural (Rural Coastal, Rural Plains, Rural Foothills, Rural Ōhiwa and Deferred Residential Zones)

Refer to Chapters 11 to 20 for additional rules that may apply to these zones. Refer also to Chapter 17 in relation to the Rural Ōhiwa and Rural Coastal Zones.

7.1 OBJECTIVES AND POLICIES

Refer to Chapters 3, 4 & 17 for other objectives and policies for these Zones and to Chapters 11 to 20 for additional rules that may apply to activities.

Objective Rur1 To sustain the productive potential of rural land and provide for rural production activities.

Policy 1 To protect land in the Rural Plains Zone, which includes versatile land, for primary productive use and to maintain the productive land resources for future generations.

Policy 2 To provide for the growth and efficient operation of primary productive use and rural production activities in the Rural Zones.

Policy 3 Where land is degraded by a non-productive activity, it should be rehabilitated to a level similar to that of the surrounding area or to the original state of the site before degradation.

Policy 4 To require the sustainable use and development of rural land in a manner which does not reduce existing primary productive use or compromise existing and future primary productive use options.

Objective Rur2 To maintain and where appropriate, enhance rural character.

Policy 1 To avoid, remedy or mitigate the adverse effects of structures (including signs) in terms of location, size, height, bulk and materials.

Policy 2 To ensure physical separation of dwellings from boundaries is appropriate to the rural character of the rural area.

Policy 3 To maintain and, where appropriate, enhance rural amenity values including natural light and buffers to boundaries, within and around dwellings in the rural zones.

Objective Rur3 To ensure that development is located and operated to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety, while ensuring that adverse effects including cumulative effects on the rural environment are avoided, remedied or mitigated.

Policy 1 To enable rural activities such as **farming, intensive farming, production forestry and mining** to continue and prosper as part of the rural environment and provide for directly related rural service activities and rural processing, whilst avoiding significant adverse and/or cumulative effects on the surrounding environment.

Policy 2 To ensure Papakāinga development has infrastructure services and on-site household amenity at an appropriate level of service to provide for the future social and cultural well-being of the tangata whenua.

- Policy 3 To ensure that land use activities that are sensitive to the effects of rural activities such as horticulture, farming, production forestry and mining (including the processing of minerals) do not constrain the operation of these rural activities including through the use of physical separation requirements.
- Policy 4 To avoid activities within the Deferred Residential Zone that may compromise the future use of rural land for residential purposes.
- Policy 5 To avoid activities locating in the rural environment where they may compromise the development and operation of existing and consented activities.

7.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rules shall alter the status of the activity to Discretionary unless otherwise stated in the rule.

7.2.1 Height

7.2.1.1 No building shall exceed the following vertical height above **ground level**:

Zone	Height
Rural Plains	a. 8m on lots 5,000m ² or less in area; and b. 12m on lots larger than 5,000m ² in area.
Rural Foothills	a. 8m on lots 5,000m ² or less in area; and b. 12m on lots larger than 5,000m ² in area
Rural Coastal	7m
Rural Ōhiwa and Deferred Residential	8m or 7m ¹

Table 7:1 Heights Above Ground Levels

Advice Note: For rules relating to setbacks near National Grid Transmission Lines, refer also to Chapter 20.

7.2.1.2 All **buildings** and structures shall comply with Rule 13.2.23 (Whakatāne and Galatea Airports Approach Path Protection Path)

7.2.2 Natural Light

7.2.2.1 No part of any **building** exclusive of **artificial crop protection structures** and **artificial crop support structures** shall exceed a height equal to 2.7m plus the horizontal distance between that part of the building and the nearest site boundary including boundaries with public roads (defining the natural light plane).

7.2.2.2 Any part of a **building** may exceed a height beyond the natural light plane (shown in Figure 7.1 Natural Light Plane)

- a. up to a maximum of 1m measured parallel to the plane; and
- b. with a maximum additional vertical face area of 5m² (area that is seen by the adjoining neighbour); and

¹ This maximum height applies if the building proposed is to be located in the Rural Ōhiwa Zone and is also in the area between MHWS and the coastal environment line as shown on the planning maps.

- c. where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- d. where written approval has been lodged with the Council.

7.2.2.3 For the purposes of Rules 7.2.2.1 and 7.2.2.2, the nearest site boundary shall be, where applicable, the midpoint of an adjacent right-of-way or access leg or access lot.

7.2.2.4 For **buildings** that are attached, rules 7.2.2.1 and 7.2.2.2 shall not apply to the adjoining walls of the building.

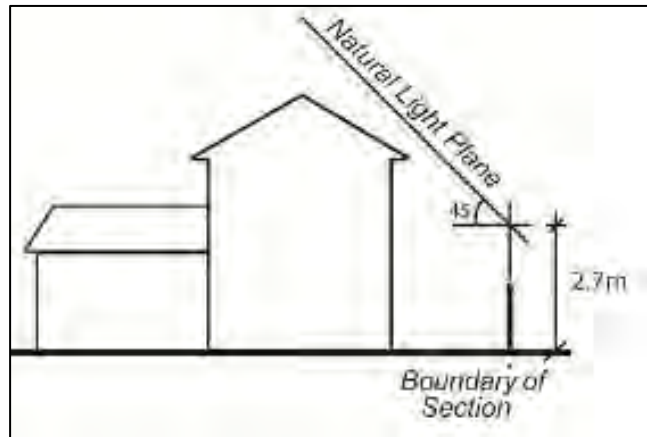


Figure 7.1 Natural Light Plane

7.2.2.5 Non-compliance with the Rules in 7.2.2 shall be a Restricted Discretionary activity (see Criteria in 7.4.1).

7.2.3 Distance to Boundaries

7.2.3.1 No **building** exclusive of **artificial crop protection structures** and **crop support structures** shall be located within 25m of all boundaries provided that;

- a. accessory **buildings** not for habitation may be constructed up to 5 m from the side and rear boundaries;
- b. **buildings** may be located up to 5 m from a side or rear boundary on lots with an area less than 5000 m² that had been granted subdivision consent as at 28 June 2013;
- c. **dwelling**s and accessory **buildings** may be constructed within the side and rear yard, up to the boundary, if the written approval of any affected, adjoining neighbour is obtained and that written approval has been lodged with the Council and the rules in 18.2.5.2 (Sites of Significant Indigenous Biodiversity) and 18.2.5.3 (**Production forestry**) and are met;
- d. the eaves of any **building** may project up to 600mm into any yard;
- e. where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the boundary of the site as if it would be the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred;
- f. all **buildings** shall be set back from the Mean High Water Springs a minimum distance of 20m plus the prescribed distance to a boundary in Rule 7.2.3.1. **Buildings** on Ōhākana Island shall be a minimum distance of 20m from the Mean High Water Springs; and
- g. all **buildings** shall be located at least 20m from the bank of a river or the margin of a lake, as in

section 230 of the RMA.

7.2.3.2 **Artificial crop protection structures** in the Rural Plains and Rural Foothills Zones may be located 0-5m from the side or rear boundary and 0-15m from the front boundary, provided that:

- a. green or black cloth is used on any faces within required setbacks to any boundary; or
- b. where the adjoining neighbour or the road controlling authority (in the case of an adjoining road) has provided written approval to the reduced setbacks and a copy of the written approval has been lodged with the **Council**.

7.2.3.3 No **sensitive activity** shall be located within 75m of:

- a. **buildings** that house livestock;
- b. intensive feed storage areas e.g. silage pits;

that are located on a site under separate ownership.

7.2.3.4 No **sensitive activity** shall be located within 50m of an area, on a site under separate ownership, that has Regional Council consent for the disposal of animal effluent and dairy factory wastewater, provided that the District Council has been provided with prior notice of that consent.

7.2.3.5 Non-compliance with the rules in 7.2.3 shall be a Restricted Discretionary activity (see criteria listed in 7.4.2 and 7.4.3).

7.2.4 Accessory Buildings for Habitation

7.2.4.1 One accessory building for habitation per site subject to the following requirements:

- a. a maximum gross floor area of 65m²;
- b. vehicle access shall be shared with the dwelling; and
- c. the maximum separation between the **accessory building for habitation** and the dwelling shall be 20m.

7.2.5 Location of Papakāinga Housing

7.2.5.1 The following Residential Zone amenity rules shall apply:

- a. Rules in 4.2.5 (Location of Residential Activities); and
- b. Rules in 4.2.7 (Outdoor Living Space).

7.2.6 Buildings in the Rural Coastal and Rural Ōhiwa Zones

7.2.6.1 Where a **building** platform has been identified and approved at the time of subdivision consent, the construction of new buildings or **accessory buildings** within the approved building platform shall be a permitted activity subject to compliance with any conditions imposed by that subdivision consent and any other relevant rules.

7.2.6.2 The status of all other **buildings** shall be as set out in Chapters 3 or 17. The Rules and Assessment Criteria in Chapter 17 shall apply.

7.2.7 Buildings on Ōhakana Island

7.2.7.1 New **buildings**, **external additions to buildings** and **accessory buildings** on Ōhakana Island that will be located above the nominated 25m or 35m contour area as shown on the Planning Maps shall be a discretionary activity.

7.2.8 Fencing (excluding Artificial Crop Protection Structures and Crop Support Structures)

7.2.8.1 A fence shall be no higher than 2m provided that a perforated, netting or mesh fence shall be no higher than 3.6m.

7.2.9 Sensitive Activities within the Awakeri Quarry Setback Buffer Area

7.2.9.1 Sensitive Activities, located wholly or partly within the identified Awakeri Quarry Setback Buffer Area, which is at least 300m from the boundary of Awakeri Quarry (including all operational areas and quarry pit) located at 1511 State Highway 30, as shown on Appendix 7.7 – Awakeri Quarry Setback Buffer Area shall be a Restricted Discretionary Activity.

Refer to Rule 3.6.2 for the assessment criteria for Rule 7.2.9.

7.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

7.3.1 Papakāinga Housing (see Activity Status Table 3.4, Items 5 and 6)

7.3.1.1 Council shall exercise its control over;

- a. the location and extent of the area to be used for papakāinga development;
- b. the management of indigenous habitat, wetland, cultural heritage features, wildlife features and riparian margins;
- c. the intensity and location of proposed **dwelling**s or other **buildings** and their intended use;
- d. traffic and parking effects including vehicle and pedestrian movement on and off the site including access, parking and loading of vehicles;
- e. management of stormwater and/or silt control during earthworks;
- f. landscaping to avoid, remedy or mitigate any adverse visual effects of the activity;
- g. provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- h. the need to plant and/or fence a riparian margin or to provide public access to avoid, remedy or mitigate the adverse effects of an activity on a waterway. The Council will generally require the planting of a riparian margin within the Ōhiwa Harbour catchment; and
- i. proximity of the papakāinga to on- site and off-site farming and production forestry activities.

7.3.2 Places of Assembly (not provided for by any other category): designed to have a maximum attendance of less than 10 people at any one time in the Rural Ōhiwa

Zone

7.3.2.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. any adverse effect on vegetation, particularly kanuka stands, which contributes to the natural character of the site;
- c. the extent and nature of other vegetative mitigation proposed;
- d. proposed **building** location;
- e. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment**;
- f. **reverse sensitivity** as outlined in Rule 3.7.41;
- g. the screening of **buildings** from beyond the boundary of the **site** and consistency with surrounding **buildings** within the zone (see Rule 5.4.5);
- h. adverse effects on identified cultural heritage places;
- i. adverse effects on **riparian margins** of the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- j. the hours of operation;
- k. the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site;
- l. the level of parking proposed;
- m. landscaping and planting;
- n. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, rubbish disposal, electricity, telecommunications, gas, utility;
- o. signage as outlined in Rule 11.2.19;
- p. the provision of on-site effluent treatment as set out in Rule 13.2.27; and
- q. the effect of stormwater resulting from within the development on **māhinga kai** and the **natural character** of the **Coastal Environment**, particularly Ōhiwa Harbour.

7.3.3 **Places of assembly (not provided for by any other category): additions, alterations or extensions where the extension is to buildings less than 50m² in floor area used for a place of assembly which will not increase the existing occupancy or attendance in the Rural Ōhiwa Zone**

7.3.3.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. any adverse effect on vegetation, particularly kanuka stands, which contributes to the natural character of the site;
- c. the extent and nature of other vegetative mitigation proposed;
- d. proposed **building** location;
- e. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment**;

- f. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings within the zone** (see Rule 5.4.5);
- g. **adverse effects** on identified cultural heritage places;
- h. **adverse effects** on **riparian margins** of the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- i. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, rubbish disposal, electricity, telecommunications, gas, utility;
- j. signage as outlined in Rule 11.2.19;
- k. the provision of on-site **effluent** treatment as set out in Rule 13.2.27;
- l. the effect of stormwater resulting from within the development on **māhinga kai** and the **natural character** of the **Coastal Environment**, particularly Ōhiwa Harbour; and
- m. landscaping and planting.

Advice Note: Refer to Section 17.2.4.

7.3.4 **Emergency services facilities in the Rural Ōhiwa Zone**

7.3.4.1 Council shall exercise its control over;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. **traffic effects** as outlined in Rule 3.7.17;
- c. the level of parking proposed;
- d. **noise effects** as outlined in Rule 3.7.10;
- e. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- f. **adverse effects** on identified cultural heritage places and values; and
- g. Rule 3.7.2.1(a-i).

7.3.5 **Exploration of aggregate, sand, gravel or pumice in the Rural Ōhiwa Zone**

7.3.5.1 Council shall exercise its control over;

- a. any temporary **adverse effects** of **earthworks** associated with the exploration of aggregate, sand, gravel or pumice on land uses in the vicinity of the site, including noise, dust, vibration or traffic movements;
- b. **adverse effects** on identified cultural heritage places and values;
- c. any **adverse effects** on **indigenous biodiversity**;
- d. any **adverse effects** on underground aquifers and/or groundwater seepage;
- e. any **adverse visual or landscape effect** on an **Outstanding Natural Feature Landscape** listed in Appendix 17.7, or dominant landscape feature listed in Objectives LS2 Policy 4;
- f. **reverse sensitivity** as outlined in Rule 3.7.41;
- g. **amenity values** and rural or urban character effects;
- h. any increased risk associated with a natural hazard event that may arise from undertaking exploration for aggregate, sand, gravel or pumice;

- i. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the **environment**;
- j. the control of erosion, sediment and stormwater, including riparian planting;
- k. any adverse effect on the ecological values of the Rural Ōhiwa Zone that adversely affects the ecological diversity and healthy function of the Ōhiwa Harbour; and
- l. site restoration as outlined in Rule 11.2.5.

Advice Note: Refer also to Rules 11.2.1 – 11.2.4.

7.3.6 **Accessory Buildings to any Permitted Activity (not for habitation); See also Item 10 Buildings on Public Reserves in the Rural Ōhiwa Zone**

7.3.6.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. the visual quality, visual absorption and visibility of the proposal in the context of the location as outlined in Rule 17.2.2;
- c. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment** as outlined in Rule 17.2.4;
- d. adverse effects on identified natural heritage places and values;
- e. **earthworks** and temporary construction effects;
- f. landscaping and planting;
- g. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5; and
- h. adverse effects on **indigenous biodiversity**.

7.4 **ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

7.4.1 **Natural Light (see Rules in 7.2.2)**

7.4.1.1 Council shall restrict its discretion to;

- a. amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing
 - ii. physical domination
 - iii. privacy
 - iv. noise
 - v. lighting
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms)
 - vii. spaciousness, as experienced from residential buildings and streets nearby
 - viii. landscaping; and
 - ix. screening.

7.4.2 **Distance to Boundaries (see Rules in 7.2.3)**

7.4.2.1 Council shall restrict its discretion to;

- a. amenity of sites, dwellings and public areas nearby (including but not limited to transport corridors)

in terms of;

- i. the Criteria listed in 3.7.28.1; and
- ii. safe access to, and egress from, the site; and
- iii. potential reverse sensitivity for rural production activities.

7.4.3 Assessment Criteria for Rules 7.2.3.4 and 7.2.3.5

7.4.3.1 Council shall restrict its discretion to:

- a. The criteria listed in 3.7.10 Noise Effect; and
- b. The criteria listed in 3.7.11 Odour and Dust Effect

7.4.4 Rural Contractors Depots

7.4.4.1 The Council shall restrict its discretion to:

- a. in the Rural Foothills and Rural Ōhiwa Zones:
 - i. the criteria listed in 3.7.10, 3.7.11, 3.7.17, 3.7.18, and 3.7.28 (including visual amenity)
- b. in the Rural Plains Zone this will include:
 - i. the criteria listed in 3.7.10, 3.7.11, 3.7.17, 3.7.18, 3.7.27 and 3.7.28 (including visual amenity)

7.4.5 Education Facilities

7.4.5.1 The Council shall restrict its discretion to:

- a. The sensitivity of the proposed activity to any activity that could lawfully be established on adjoining land. This shall include consideration of:
 - i. the location of the proposed activities, including outdoor activity areas, relative to the adjoining permitted lawful activities;
 - ii. the noise environment of the locality;
 - iii. the impact on existing activities' provision for risk management, including;
 - emergency procedures and plans in the events of a fire or accidental release of hazardous substances;
 - separation of the location of the use, management and disposal of hazardous substances from the sensitive activities; and
 - potential to compromise existing buffer areas for the purpose of mitigating risks to the environment, (including human healthy and safety) associated with spray irrigation or disposal of wastewater or solid waste as identified in 20.2.1

7.4.6 Accessory buildings for habitation in the Rural Coastal Zone

7.4.6.1 The Council shall restrict its discretion to:

- a. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- b. the nature of the surrounding landform (context) including the location of the **accessory building for habitation** in relation to ridgelines and how the proposed activity is sympathetic with these

values;

- c. the foreground vegetative context and how this is used to mitigate visual effects;
- d. the extent and nature of other vegetative mitigation proposed;
- e. proposed building materials and finish and, in particular, choice of finishes that tone with the surrounding environment. Refer to 17.2.4 Building Reflectivity;
- f. the degree of visual mitigation to be achieved through planting and timeframes for this to be achieved;
- g. the location and design of associated vehicle access, manoeuvring and parking areas; and
- h. the criteria listed in 3.7.2, 3.7.3, 3.7.5 and 3.7.6(f).

7.4.7 **Places of assembly (not provided for by any other category) designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Rural Plains and Rural Foothills Zones**

7.4.7.1 Council shall restrict its discretion to;

- a. hours of operation;
- b. landscaping and on-site amenity as outlined in Rule 3.7.1;
- c. traffic effects as outlined in Rule 3.7.17;
- d. the level of parking proposed;
- e. signage as outlined in Rule 11.2.19;
- f. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- g. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
- h. **reverse sensitivity** as outlined in Rule 3.7.41;
- i. the use of **versatile land** for non-rural purposes such as;
 - i. the degree to which **versatile land** on the site is already compromised or has lost its life supporting capacity;
 - ii. constraints on the ability to use the soil. For example, stability of slopes, climatic conditions, drainage, topography, gradient of land, need for irrigation or the location of small, isolated pockets of higher quality soil;
 - iii. the loss of future productive rural land use options resulting from the proposal;
 - iv. the requirements of the land use to be located on versatile land, including technical or logistical requirements; and
- j. **amenity values** and rural or urban character effects such as;
 - i. the likelihood that the proposed activity will contribute to cumulative adverse effects on rural character, the **Coastal Environment**, general **amenity values** and recreational values;
 - ii. the nature and degree of adverse effects from the proposed activity upon the existing and future amenities of the locality, including recreational values, and on the health and safety of the community;
 - iii. the nature and extent of any planting including the replacement of specimen trees;

- iv. the cumulative visual effect of the length and height of **building bulk**;
- v. potential adverse effects on people such as neighbouring property owners or the immediate community through increased overshadowing or loss of visual privacy; and
- vi. compatibility with the existing character and pattern of land development in proximity to the site.

7.4.8 Emergency services facilities in the Rural Coastal Zone

7.4.8.1 Council shall restrict its discretion to;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. traffic effects as outlined in Rule 3.7.17;
- c. the level of parking proposed;
- d. noise effects as outlined in Rule 3.7.10;
- e. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- f. adverse effects on identified cultural heritage places and values.; and
- g. Rule 3.7.2.1(a-i).

7.4.9 Car Parking in the Rural Plains and Rural Foothills Zones

7.4.9.1 Council shall restrict its discretion to;

- a. on-site stormwater management;
- b. the visual quality, visual absorption and visibility of the proposal in the context of the surrounding natural **environment**;
- c. traffic effects including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, parking and **loading**, pedestrian and cyclist safety, construction traffic, and traffic volumes and traffic mix;
- d. site design including formation and marking;
- e. **versatile land** used for non-rural purposes;
 - i. the degree to which **versatile land** on the site is already compromised or has lost its life-supporting capacity;
 - ii. constraints on the ability to use the soil. For example, stability of slopes, climatic conditions, drainage, topography, gradient of land, need for irrigation or the location of small isolated pockets of higher quality soil;
 - iii. the loss of future productive rural land use options resulting from the proposal;
 - iv. the requirements of the land use to be located on **versatile land**, including technical or logistical requirements; and
- f. adverse effects on riparian margins on the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- g. **indigenous biodiversity** effects;
- h. **amenity values** and rural character effects;
- i. **reverse sensitivity** as outlined in Rule 3.7.41;
- j. signage as outlined in Rule 11.2.19; and

k. landscaping and on-site amenity as outlined in Rule 3.7.1.

7.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

7.6 Other Methods

Council will provide information and advice to the community about nuisance trees.

7.7 APPENDIX – Awakeri Setback Buffer Area





CHAPTER
08

COASTAL PROTECTION
AND ACTIVE RESERVE ZONES

*Ngā Papa Rāhui-a-Tahatika me
Ngā Papa Rēhia ki Tai*

8 Coastal Protection and Active Reserve Zones

Refer to Chapters 11 to 20 for additional rules that may apply to these zones. Other objectives and policies related to the coastal environment, including the Rural Coastal and Rural Ōhiwa zone, are contained in Chapter 17.

8.1 OBJECTIVES AND POLICIES

Objective CP1 To preserve the natural character of the coastal environment and provide for the protection of significant natural features and landscapes in the CPZ and protect it from inappropriate subdivision, use and development.

Policy 1 To ensure the integrity of the **CPZ**, characterised by open space, and a high level of natural character and amenity, remains intact by;

- preserving the integrity of those features which give the zone its natural character and amenity, including, the cultural landscape and values and coastal wetlands and dune systems;
- avoiding the adverse effects of coastal erosion and inundation;
- avoiding adverse effects on the natural character and amenity that may result from the establishment of activities in the zone; and
- encourage the restoration and enhancement of coastal and river margins in the zone.

Policy 2 To protect areas of high natural character and significant landscapes, **historic heritage**, ecological and conservation values.

Objective CP2 To efficiently use the Whakatāne River edge in the urban area as public open space with minimal buildings and structures.

Policy 1 To maintain and enhance public access to and along the Whakatāne riverbank from the Landing Road bridge to "The Heads".

Policy 2 To ensure development along the western side of the Whakatāne River, from the Landing Road bridge to the coast, is sympathetic to the River's natural character and enhances public access to the river while managing land uses within the **CPZ** to maintain open spaces and natural character values.

Policy 3 To maintain and improve the open space visual character of the river edge adjoining the Whakatāne River, including its use for passive outdoor recreational and water sport activities, and **places of assembly**, by limiting the size, scale and location of **buildings** and activities.

Policy 4 To respect the cultural values associated with Mātaatua and Wairaka Parks and the vista across the reserve to the Whakatāne River by avoiding **buildings** and structures on the reserve that are incompatible with these values.

Policy 5 Recognise that the flood protection infrastructure is an integral component of the Whakatāne River edge environment.

Objective CP3 The maintenance, enhancement and development of open space and recreation areas for a wide range of conservation, recreational and community opportunities.

Policy 1 To enable a wide range of activities that reflect the values of the land and reserve purpose, and catering to the needs of users, whilst managing the effects on those

living within the surrounding environs.

- Policy 2 To enable the development of intensive activity nodes in which activities are clustered within reserves and other public open space areas.
- Policy 3 Recognising Reserve Management Plans and other public policy guidance documents in open space management and development.
- Policy 4 To create a mix of connected accessible open spaces that are safe and vibrant community focal points.

8.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

Refer to Chapters 11 to 20 for additional rules that may apply to these zones.

8.2.1 Height

8.2.1.1 No **building** shall exceed the following vertical height above **ground level**:

Zone	Maximum Height as a Permitted Activity	Maximum Height as a Discretionary Activity
Active Reserve and Coastal Protection Zone	6 metres	9 metres

Table 8:1 Heights Above Ground Levels

8.2.2 Natural Light

8.2.2.1 No part of any building shall exceed;

- a. a height equal to 2.7m plus the horizontal distance between that part of the **building** and the nearest site boundary (including boundaries with public roads); or
- b. a height beyond the natural light plane (as defined above) up to a maximum of 1m parallel to the plane with a maximum vertical face area of 5m² (area that is seen by the adjoining neighbour), where the adjoining neighbour has provided written consent to the additional height and that written consent has been lodged with the **Council**.

8.2.2.2 For the purposes of Rule 8.2.2.1 the nearest site boundary shall be, where applicable, the midpoint of any adjacent right-of-way or **access leg** or **access lot**.

8.2.2.3 For **dwellings** that are attached, this rule shall not apply to the adjoining walls of the **building**.

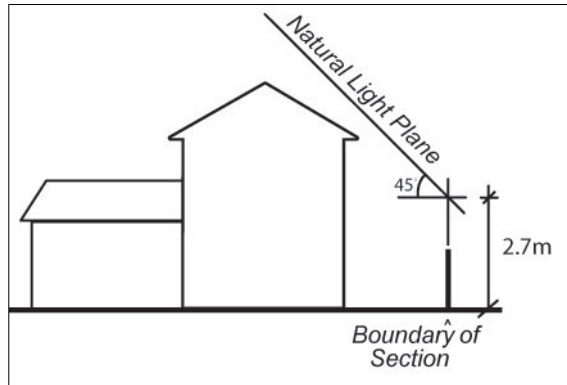


Figure 8.1 Natural Light Plane

8.2.2.4 Non-compliance with the Rules in 8.2.2, shall be a Restricted Discretionary activity (see criteria in 8.4.1).

8.2.3 Distance to Boundary (Yards)

8.2.3.1 No **building** shall be located within 4m of any boundary provided that;

- a. the eaves of any building may project up to 600mm over any yard;
- b. where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred;
- c. all buildings shall be set back from **MHWS** mark a minimum distance of 20 metres plus the prescribed yard listed above; and
- d. all buildings shall be located at least 20 metres from the bank or margin of a lake whose bed has an area of 8 hectares or more (consistent with Section 230 of the RMA); and

8.2.3.2 Non-compliance with Rule 8.2.3.1 shall be a Restricted Discretionary activity (see Criteria in 8.4.2).

8.2.4 Fencing

8.2.4.1 A retaining wall shall be no higher than 2m provided that a retaining wall shall be no higher than 1.5m if located within a side or rear yard, unless the affected landowner has given written approval to a greater height, with a maximum of 2m and that written approval has been lodged with the Council.

8.2.4.2 All fencing along the common boundary of the lot and the **CPZ**, or within the **CPZ** shall be a maximum height of 1.2m and be;

- a. constructed using timber, post and rail comprising round posts and three rails, and
- b. painted in earth tones or left to naturally weather.

8.2.4.3 A complying fence or retaining wall may comply with Rule 8.2.4.2 be constructed on a legal boundary or within any yard.

8.2.4.4 Non-compliance with the rules in 8.2.4 shall be a Restricted Discretionary activity.

8.2.5 Whakatāne Riverbank Reserve (Greenway Concept)

8.2.5.1 Any **building** of less than 10m² GFA in the Whakatāne Riverbank Reserve area, as shown on the Planning Maps, shall be a Permitted activity.

8.2.5.2 Any building of less than 50m² GFA in the Whakatāne Riverbank Reserve area and provided for in a management plan under the Reserves Act 1977, shall be a Permitted activity.

8.2.5.3 Any **building** of greater than 10m² GFA in the Whakatāne Riverbank Reserve area, to be used for recreation, water activity, or emergency service purposes, or of greater than 50m² GFA and provided for in a management plan under the Reserves Act 1977, shall be a Discretionary activity.

8.2.5.4 All other **buildings** shall be Non-complying activities.

Advice Note: Activities within the Whakatāne River Bank Reserve area may also require approval from the Bay of Plenty Regional Council under the provisions of the Floodway and Drainage Bylaw 2008 and any subsequent revisions (see also Chapter 18.2.2)

8.2.6 Retail Activities – Port Ōhope Structure Plan.

8.2.6.1 Total retail activity up to 30m² GFA in the area identified “Retail” on the Port Ōhope Structure Plan is a Permitted activity.

8.2.6.2 Total retail activity greater than 30m² and less than 750m² GFA in the area identified “Retail” on the Port Ōhope Structure Plan is a Controlled activity.

Advice Note: See also Chapter 2 (Strategic) and Activity Status Table 3.4

8.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

8.3.1 Retail Activities - Port Ōhope Structure Plan

8.3.1.1 Council shall exercise its control over;

- a. measures to protect and enhance the coastal margin along the foreshore;
- b. the measures to maintain coastal vegetation in reserve areas, to retain ecological corridors, and to enhance coastal habitat;
- c. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat;
- d. the means by which the north-south visual and physical corridor will be enabled;
- e. the means by which street permeability and pedestrian networks, optimal solar orientation, and preservation of view shafts are achieved;
- f. the extent to which local retail is located nearest to harbour road frontage, and other commercial uses are clustered around the public open space;
- g. ensuring community activities are associated with the port and or harbour related uses;
- h. the measures to be put in place to ensure other outcomes shown on the Ōhope Structure Plan are achieved; and

- i. the type of retail and commercial uses to be provided and the extent to which they are related to recreation and visitor facilities; and
- j. The sensitivity of any lawfully established existing uses to the actual or potential adverse effects of the proposed activity.

8.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

8.4.1 Natural Light (see Rules in 8.2.2)

8.4.1.1 Council shall restrict its discretion to;

- a. amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - vii. spaciousness, as experienced from residential buildings and streets nearby;
 - viii. landscaping; and
 - ix. screening.

8.4.2 Distance to Boundaries (see Rules in 8.2.3)

8.4.2.1 Council shall restrict its discretion to;

- a. amenity of sites and contiguous public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. public safety;
 - vii. visual character and variety through form and building materials (including but not limited to facades and roof forms);
 - viii. landscaping;
 - ix. screening; and
 - x. safe access to and egress from the site.

8.4.3 Fencing (see Rules in 8.2.4)

8.4.3.1 Council shall restrict its discretion to;

- a. amenity on sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. passive surveillance;
 - ii. physical domination; and
 - iii. spaciousness and openness.

8.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.



CHAPTER 09

EDUCATION ZONE

Te Puna Mātauranga

9 Education Zone

Refer to Chapters 11 to 20 for additional rules that may apply to this zone.

9.1 OBJECTIVES AND POLICIES

Objective Ed1 *The establishment, construction, and efficient and effective operation of education facilities to avoid adverse effects on the adjacent residential environment and transport network.*

Policy 1 To ensure that activities proposed to be located within education zones are essential to or directly associated with the educational centre and the needs of associated students, visitors and employees.

Policy 2 To ensure that the amenity values of areas adjoining educational centres and the safe and efficient operation of the transport network are protected from activities occurring within the Education Zone.

9.2 RULES

The following standards and terms apply to **Permitted, Controlled, and Restricted Discretionary** activities and will be used as a guide for **Discretionary and Non-Complying** activities.

Non-compliance with any rule will make the activity **Discretionary** unless otherwise stated in the rule.

Refer to Chapters 11-20 for additional rules that may apply to this zone.

9.2.1 Development Plans

9.2.1.1 Subdivision, use and development in accordance with an approved development plan as shown in Appendix 9.4 is a **Permitted Activity**, and where development is not in accordance with the development plan for the site, it shall be a **Discretionary activity**.

9.2.2 Some Plan Rules Continue to Apply

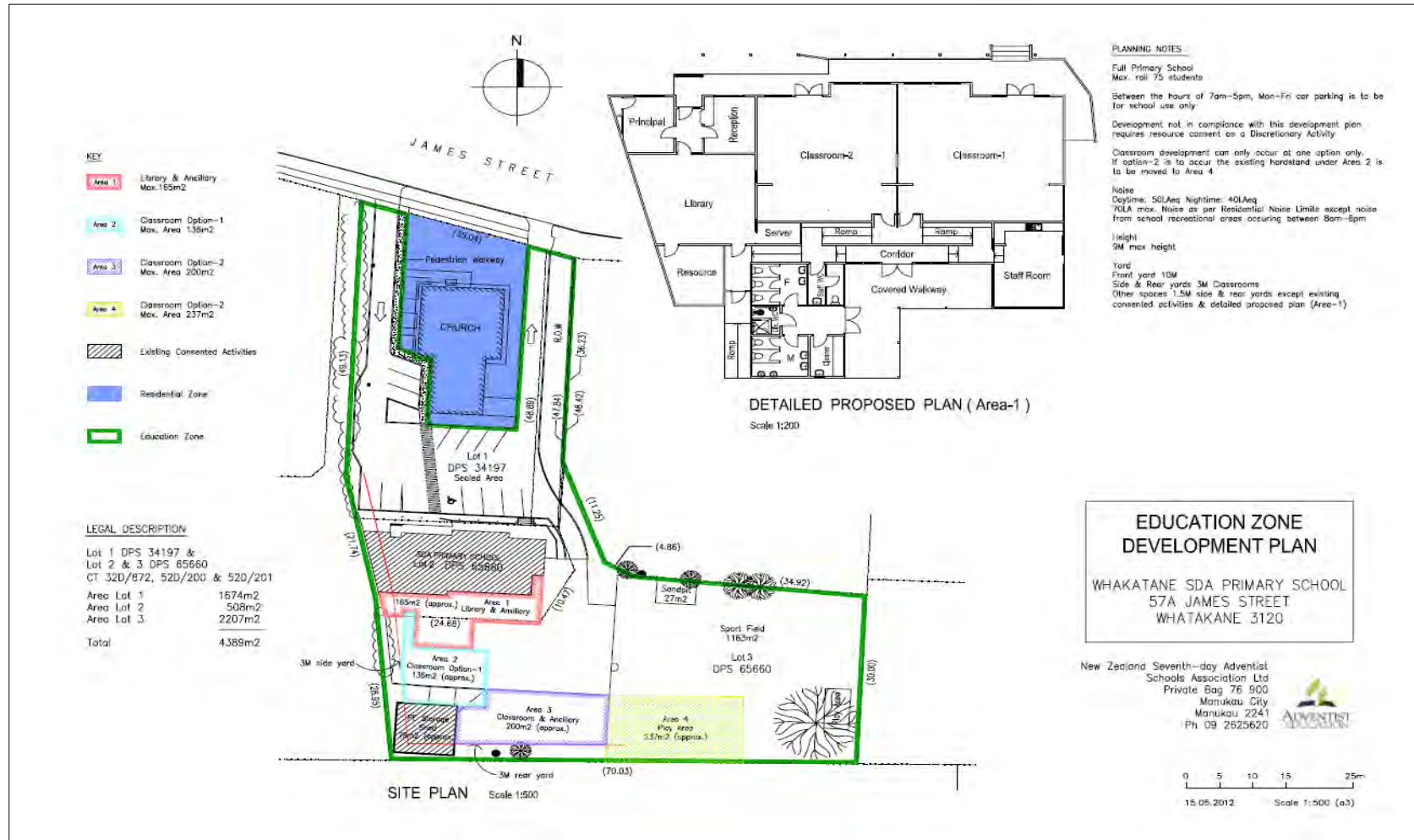
9.2.2.1 The location, size and height of building, yards, parking and access shown on the development plan shall apply. All rules in this Plan also apply unless the approved Development Plan specifies otherwise. Height, yard and light plane rules are contained in Chapter 4 (Residential and Urban Living Zones).

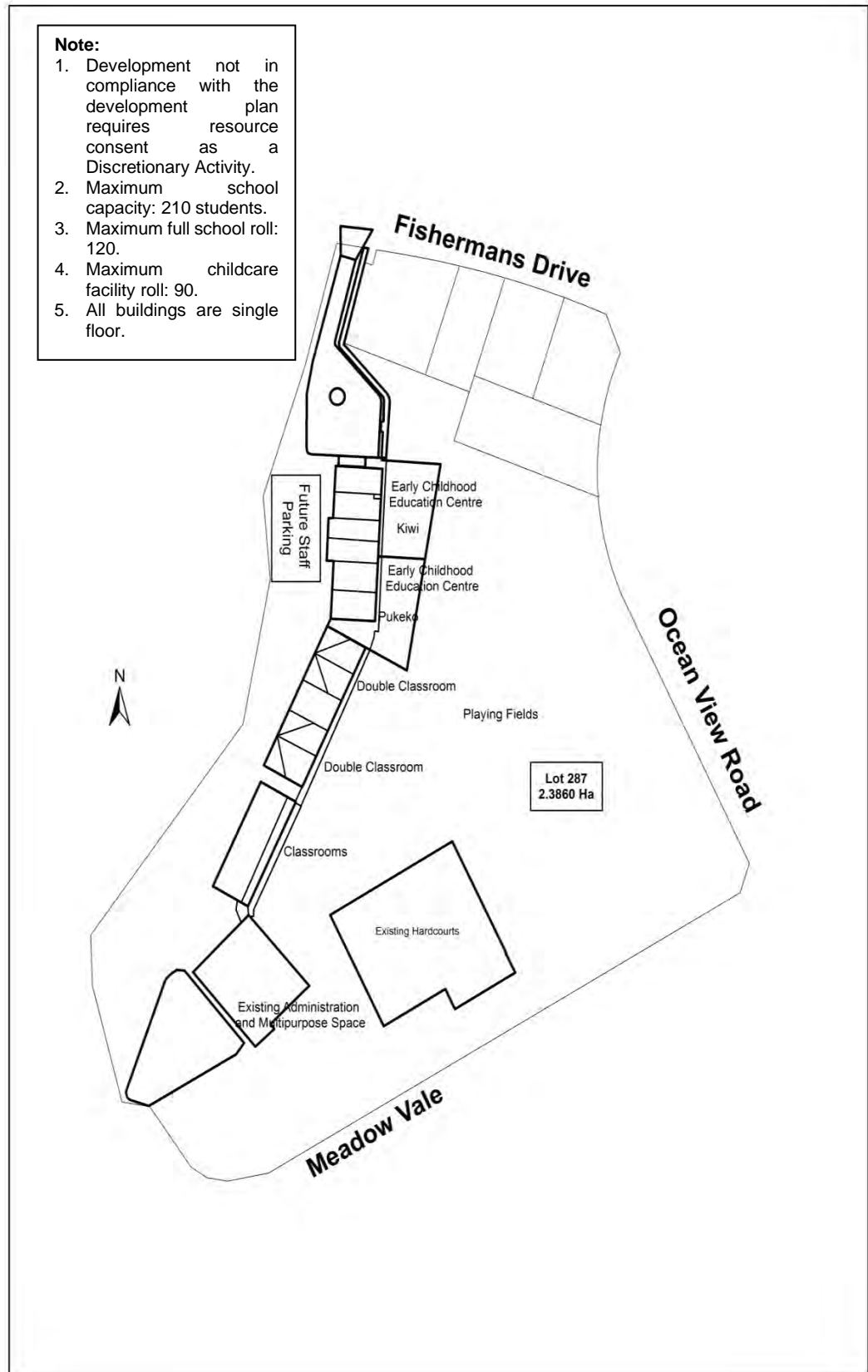
9.3 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7

9.4 APPENDICES

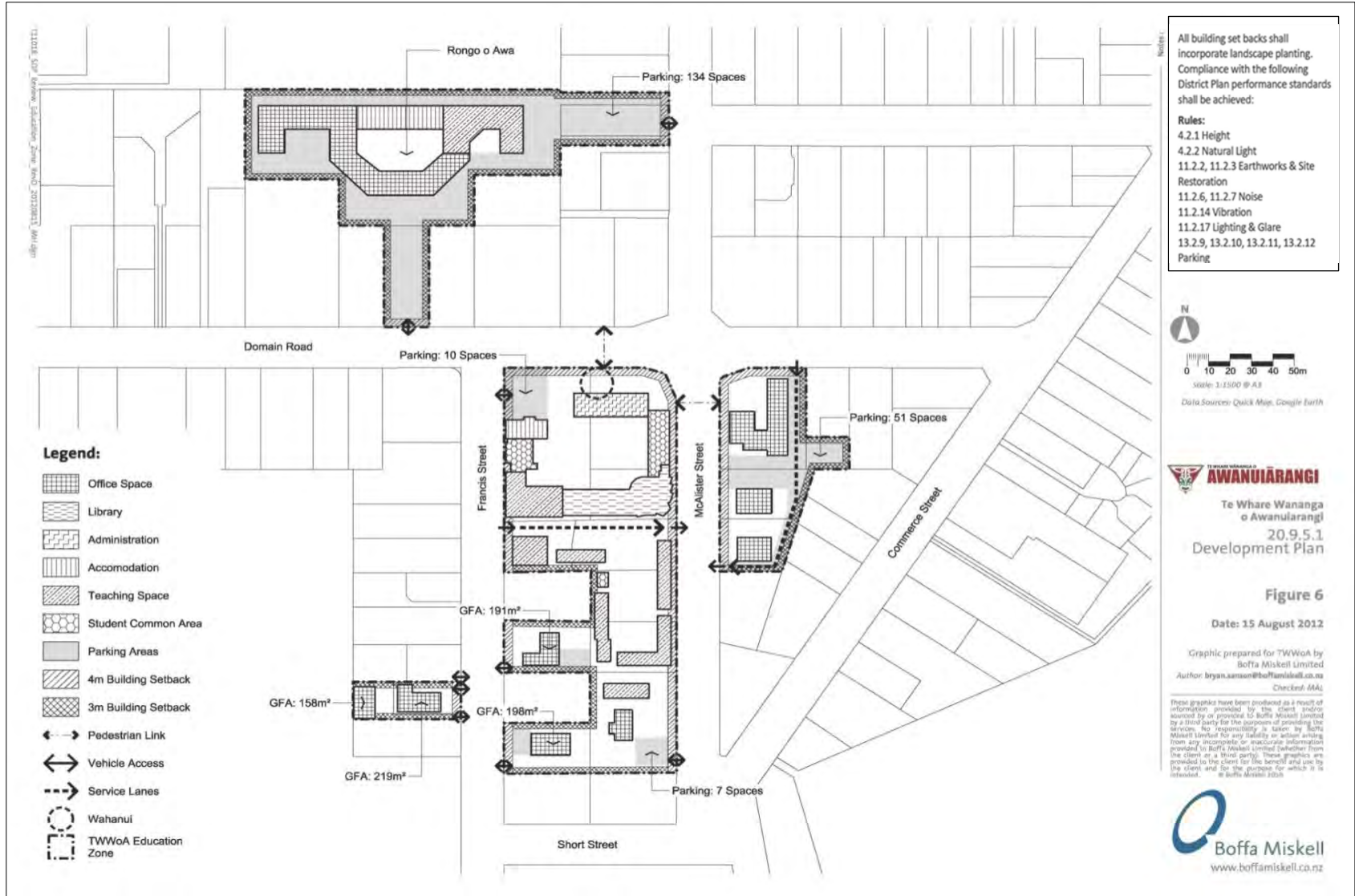
9.4.1 Seventh Day Adventist School Development Plan





9.4.3

Te Whare Wānanga O Awanuiārangi Development Plan



9.4.4

St Joseph School (Whakatāne) Development Plan





CHAPTER 10

COMMUNITY AND CULTURAL ZONE

Te Kawa Whakaruruhau

10 Community and Cultural Zone

Refer to Chapters 11 to 20 for additional rules that may apply to this zone / these zones.

10.1 OBJECTIVES AND POLICIES

Objective Cultural1 **Tangata whenua are able to provide for their cultural, economic and social well-being, and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is maintained or enhanced.**

Policy 1 To enable the undertaking of a variety of place of assembly activities, and a limited range of commercial, retail and educational activities, in the Community and Cultural Zone.

Objective Cultural2 **The adverse effects of subdivision, use and development of the Community and Cultural Zone are avoided, remedied or mitigated.**

Policy 1 To manage adverse traffic, noise, visual and economic effects on the environment outside the Community and Cultural Zone

Policy 2 To ensure that on-site development is provided in a safe and efficient manner, particularly;

- a. the separation of parking, loading, manoeuvring and pedestrian access; and
- b. to provide for low-impact stormwater management on-site in rural areas, including low-impact methods in parking areas

10.2 Rules

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

Refer to Chapters 11 to 20 for additional rules that may apply to this zone.

10.2.1 Height

10.2.1.1 Up to 10% (or 100m², whichever is larger) of the GFA of **buildings** and structures on a site may exceed 12m, but no part of any **building** shall exceed 14m.

10.2.1.2 Non-compliance with Rule 10.2.1.1 shall be a Restricted Discretionary activity (see criteria in 10.4.1).

10.2.2 Distance to Boundaries (Yards)

10.2.2.1 No **building**, exclusive of **artificial crop protection structures**, shall be located within 15m of the site boundary, provided that;

- a. buildings or structures may be constructed within the side and rear yard, up to the boundary, if the written consent of any affected, adjoining neighbour is obtained and that written consent has been lodged with the Council;
- b. the eaves of any building may project up to 600mm over any yard;

- c. where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred; and
- d. signs and sign structures may be located within the yard.

10.2.2.2 Non-compliance with Rule 10.2.2.1 shall be a Restricted Discretionary activity (see criteria in 10.4.2).

10.2.3 Screening of Activities and Storage

10.2.3.1 Any outdoor storage or rubbish collection or storage area visible from neighbouring sites or from any residential, reserve or rural zone or public road or foreshore area, shall be screened from public view by planting, mounding or other natural features.

10.2.3.2 Visual screening provided in accordance with this rule shall be maintained at all times.

10.2.3.3 Non-compliance with the rules in 10.2.3 shall be a Restricted Discretionary activity (see criteria in 10.4.3.1).

10.2.4 Retail and Commercial

10.2.4.1 Retail activities shall not exceed 75m² GFA.

10.2.4.2 Commercial services other than runanga offices shall be ancillary to the main place of assembly activity and shall be limited to 25% GFA.

10.2.4.3 Non-compliance with the rules in 10.2.4 shall be a Non-Complying activity.

10.2.5 Places of Assembly

10.2.5.1 The place of assembly activity shall not exceed 600 people per site.

10.2.5.2 Non-compliance with Rule 10.2.5.1 shall be a Controlled activity (see criteria in 10.3.1).

10.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

10.3.1 Places of Assembly For More Than 600 People Per Site (see Rules in 10.2.5)

10.3.1.1 Council shall exercise its control over:

- a. on-site stormwater management;
- b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicality of combining access ways serving more than one site or lot); and
- c. landscaping.

10.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY

ACTIVITIES

10.4.1 Height (see Rules in 10.2.1)

10.4.1.1 Council shall restrict its discretion to;

- a. amenity of sites and contiguous public areas (including road reserves) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy of adjacent habitable dwellings;
 - iv. lighting;
 - v. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms);
 - vi. landscaping; and
 - vii. screening.

10.4.2 Distance to Boundaries (see Rules in 10.2.2)

10.4.2.1 Council shall restrict its discretion to;

- a. amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. the matters listed in 10.4.1.1;
 - ii. noise; and
 - iii. traffic safety on and off the site, including but not limited to safe access to, and egress from, the site.

10.4.3 Screening of Activities and Storage (see Rules in 10.2.3)

10.4.3.1 Council shall restrict its discretion to;

- a. amenity of sites and contiguous public areas (including road reserves) in terms of:
 - i. visual impact;
 - ii. landscaping;
 - iii. noise;
 - iv. odour and dust; and
 - v. containment to avoid wind dispersal of stored goods and rubbish.

10.5 ASSESSMENT CRITERIA FOR DISCRETIONARY AND NON-COMPLYING ACTIVITIES

See Section 3.7

10.6 OTHER METHODS

10.6.1.1 The Council will:

- a. Consult with landowners and other interested parties to identify land that could be zoned Community and Cultural Zone.



CHAPTER
11

GENERAL PROVISIONS

Ngā Whāinga Matua

11 General Provisions

11.1 OBJECTIVES AND POLICIES

See also the Objectives and Policies in Chapter 2

Objective Gen1 Maintain and enhance the health and safety of people and communities from nuisance effects and adverse effects on the environment.

Policy 1 To avoid, remedy or mitigate the adverse effects of intrusive noise, odour, glare or vibration.

Policy 2 To ensure that signs visible from roads do not distract motorists or otherwise impair their ability to drive safely or undermine the visual amenity of the area.

Policy 3 To suppress dust and control erosion, sediment and stormwater created by building construction/demolition projects, earthworks, mining and quarrying.

Policy 4 To ensure new **buildings** or extensions and **alterations** to existing **buildings** housing a **noise sensitive activity** are designed or located in areas that avoid or mitigate adverse reverse sensitivity effects on the state highways, operative railway corridors, geothermal wellheads and the Edgecumbe Dairy Manufacturing site.

Objective Gen2 Preserve the natural character of the surface of water from inappropriate subdivision, use and development.

Policy 1 To have particular regard to the intrinsic and aesthetic qualities of the surface of waterways.

Policy 2 To manage activities on the surface of water to protect riverine ecosystems, especially indigenous fish and trout habitats.

Objective Gen3 To avoid, remedy or mitigate conflicts between users of the surface of the water.

Policy 1 To maintain and enhance public safety.

Policy 2 To maintain and safeguard the mauri of the water.

Policy 3 To maintain recreational opportunities on the Rangitāiki, Tarawera, Whakatāne, Waimana and Whirinaki Rivers and their tributaries.

Policy 4 To recognise the benefits derived from the operation of existing hydroelectric power stations.

11.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities. For surface of water activities see Activity Status Table 3.4, Items 41-44.

11.2.1 Earthworks

11.2.1.1 Chapter 17 contains all of the controls for land modification and earthworks activities in the Rural Ōhiwa and Rural Coastal zones.

11.2.1.2 Chapters 15, 16 and 17 contain additional land modification rules that apply to **Significant Indigenous Biodiversity sites**, scheduled Heritage Features, Outstanding Natural Features and Landscapes and Significant Amenity Landscapes.

11.2.1.3 There are no limits for earthworks in the Rural Plains and Rural Foothills zones other than those stated in other Chapters of this Plan including Chapters 15, 16 and 17.

11.2.2 Earthworks are a permitted activity in all zones provided that;

11.2.2.1 In the Community and Cultural Zone earthworks undertaken within any 12 month period;

- a. do not exceed 400m² in area; and
- b. do not exceed 200m³ in volume.

11.2.2.2 In the **CPZ**, earthworks undertaken within any 12 month period;

- a. do not exceed 200m² in the area; and
- b. do not exceed 100m³ in volume

11.2.2.3 In the Residential, Urban Living, Mixed Use, Town Centre, Commercial, Large Format Retail, Education Zone; **Public reserves**(that is not provided for under a management plan under the Reserves Act 1977), or an Industrial or light Industrial zone site that adjoins a Residential, Urban Living Zone or a marae; earthworks undertaken within any 12 month period;

- a. do not exceed 350m² in area; and
- b. do not exceed 150m³ in volume;
- c. do not occur on slopes with a gradient steeper than 1 vertical: 1.5 horizontal (35 degrees from horizontal); and
- d. do not encroach below or above the **ground level** of an adjoining site at a gradient steeper than 1 vertical: 1.5 horizontal (35 degrees from horizontal) measured from the common boundary.

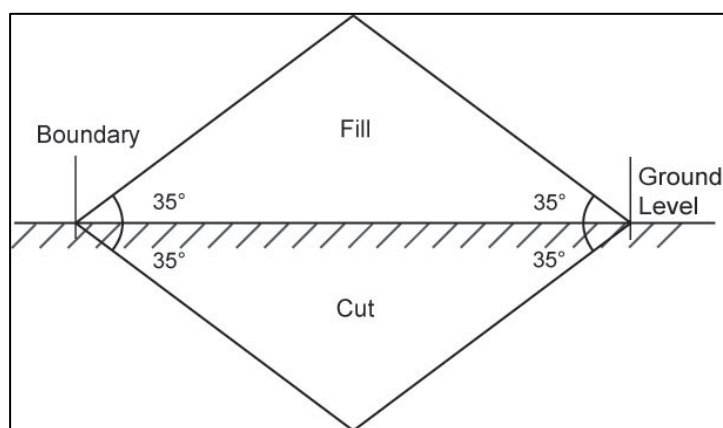


Figure 11.1 Earthworks

11.2.2.4 In the Active Reserve Zone earthworks within any 12 month period:

- a. do not exceed 500m³, provided that earthworks associated with activities on **public reserves** are provided for in a management plan under the Reserves Act 1977; and

- b. do not exceed 600m², provided that earthworks associated with activities on **public reserves** are provided for in a management plan under the Reserves Act 1977.

11.2.2.5 Earthworks undertaken by a **Network Utility Operator** within a **Formed Road** are permitted if they comply with Rules 11.2.3.1 (a), (e) and (f). The area and volume (m² and m³) thresholds for zones do not apply to this activity.

11.2.3 Permitted Standards for Earthworks

11.2.3.1 In undertaking any earthworks;

- a. soil shall not, as far as practicable, be windblown from the site or taken from the site inadvertently on vehicle tyres or by other activity on-site. Where there is a risk of dust nuisance extending beyond the property boundary a form of dust suppression shall be available on-site at all times that earthworks are being undertaken, and until such time as site restoration has occurred or a structure has been constructed over the area of the earthworks;
- b. all cut faces shall be battered to a grade that is self-supporting or retained to avoid instability of land behind the cut;
- c. the land shall be restored in accordance with the Rules in 11.2.5 (Site Restoration) below, shall be completed within the first growing season after earthworks. Topsoil shall, as far as practicable, be retained on-site for use in restoring the land after earthworks. Topsoil shall be removed from both cut-and-fill areas before excavation and/or construction of embankments and restored to bare soil areas after completion of the works. Provided that this provision shall not apply if the purpose of the earthworks to create an access track or the area will be covered in an impermeable surface;
- d. only **clean fill** (see definition) shall be used for the preparation of a building platform;
- e. stormwater discharge from the site shall not increase or disrupt existing overland flow paths; and
- f. measures to control stormwater and sediment during works shall be designed and constructed in such a way as to minimise soil erosion, dust and sediment discharge. Compliance with NZS 4404:2010 is one means of meeting this rule.

11.2.3.2 Non-compliance with the Rules 11.2.1 and 11.2.2 shall be a Restricted Discretionary activity.

Advice Note 1: Bay of Plenty Regional Council also controls this activity through the Regional Water and Land Plan which has a range of thresholds triggering resource consent. Discharge of dust from earthworks is controlled under the Bay of Plenty Regional Air Plan. However, the District Plan controls additional effects including noise, traffic, amenity, natural character, landscape and visual effects and natural hazards related to buildings. Where there is cross-over of functions (including control of dust, stormwater, erosion and sediment control) and resource consent is required from both the Regional and District Authorities, the District Council consent will take into account any conditions imposed by the Regional Authority to avoid inconsistency or unnecessary duplication of controls.

Advice Note 2: Any fill deposited on-site may need to be compacted under the supervision of, and certified by, a registered engineer to avoid any subsequent **building** having to have the foundations specifically designed by a suitably qualified structural engineer.

Advice Note 3: Any development involving earthworks within the areas as shown on the Planning Maps as 'archaeological alert' have a high probability of encountering intact archaeological resources and will require further archaeological assessment prior to ground disturbance. Heritage New Zealand Pouhere Taonga should be contacted prior to any earthworks in these areas. The Council holds information about the location of all recorded archaeological sites. Evidence of unrecorded archaeological sites uncovered as a result of earthworks may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. Earthworks affecting archaeological sites (recorded or unrecorded) are subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority (consent) from the Heritage New Zealand Pouhere Taonga must be

obtained for the work prior to commencement and this process will include consultation with iwi. It is an offence to modify damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact the Heritage New Zealand Pouhere Taonga for further information. **Scheduled heritage features** including archaeological, cultural and built heritage are identified in Schedule 16.7.1 and 16.7.2. It is good practice to consult with iwi where earthworks may affect any archaeological or waahi tapu site. Some iwi have protocol to follow.

Advice Note 4: Earthworks associated with a subdivision shall be assessed as part of the resource consent application for subdivision.

Advice Note 5: The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 also applies to certain activities, including removing fuel storage systems; sampling soil and disturbing soil. See also Rule 19.5.

Advice Note 6: Earthworks may also require approval from the Bay of Plenty Regional Council under the provisions of the Floodway and Drainage Bylaw 2008 and any subsequent revisions. See also Section 18.2.2.

Advice Note 7: In accordance with Regulation 33 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Rule 11.2.1 does not apply to earthworks relating to existing transmission lines specified in regulation 4 of the NES and covered by that NES.

Advice Note 8: Any earthworks, including those associated with quarrying and mining, located within a **National Grid Yard**, are subject to the rules for earthworks in section 20.2.8 of Chapter 20 (Works, Network Utilities and Renewable Electricity Generation).

11.2.4 Mining and Quarrying

11.2.4.1 The exploration for aggregate, sand, gravel or pumice is a permitted activity subject to;

- a. the period of **exploration** not exceeding one month in duration; and
- b. no explosives being used.

11.2.4.2 In the Rural Plains and Rural Foothills Zones, the **quarrying or mining** of aggregate, sand, pumice and/or gravel for use on the same site is a permitted activity subject to;

- a. a maximum of 2,000m³ is quarried or mined in any 12 month period or a maximum of 10,000m³ in any five year period. Provided that this restriction shall not apply if the quarry or mine and associated activities, including traffic routes on the site, are located more than 500m from an existing dwelling and are not in a direct line of sight from an existing dwelling on an adjoining property or a formed public road.
- b. the processing of aggregate, sand, pumice and/or gravel is limited to screening or washing;
- c. no explosives are to be used;
- d. indigenous vegetation shall be protected from disturbance by mining or quarrying activities except when such disturbance as is unavoidable. The disturbance of indigenous vegetation is unavoidable only if restricted to the area forming the active face from which aggregate, sand, pumice or gravel material is excavated, the area used for the temporary storage of the excavated material, and the area required to provide access to the site;¹
- e. Compliance with Rules 11.2.3.1 (a),(b),(e) and (f);
- f. Compliance with Rule 11.2.4 ; and

11.2.4.3 For clarity, where an established quarry or mine is used intermittently, this rule shall apply where the use ceases

¹ Refer also to Chapter 15

for a period of 12 months or greater;

Advice Note: Bay of Plenty Regional Council also controls this activity through the Regional River Gravel Management Plan which has a range of thresholds triggering resource consent. Discharge of dust from mining and quarry activities are controlled under the Bay of Plenty Regional Air Plan. However, the District Plan controls additional effects including noise, traffic, amenity, natural character, landscape and visual effects and natural hazards related to buildings. Where there is cross-over of functions (including control of dust, stormwater, erosion and sediment control) and resource consent is required from both the Regional and District Authorities, the District Council consent will generally take into account any conditions imposed by the Regional Authority to avoid unnecessary duplication.

11.2.4.4 Non-compliance with Rule 11.2.4 shall be a Restricted Discretionary activity.

Advice Note 1: There are Regional Council rules that apply to Quarrying and Mining.

Advice Note 2: Indigenous vegetation disturbance during **exploration** activities must comply with the rules in Chapter 15 Indigenous Biodiversity.

11.2.5 Site Restoration

11.2.5.1 All activities involving **earthworks, mining and quarrying**, and demolition and relocation of **buildings**, shall restore the land (including tailings, spoil and dumps) and remove structures (including plant and machinery) to a stable landform with a soil structure and fertility that is capable of supporting vegetation similar to that commonly found in local habitats. Restoration includes scarification to prevent over-compaction and to aid root penetration.

11.2.5.2 Rule 11.2.5 shall also apply to **Production forestry**, if the land is not replanted as **Production forestry** following harvesting (Refer to Rule 17.3.2)

11.2.5.3 Restoration shall occur prior to the first growing season to enable re-pasture and revegetation (as required below).

11.2.5.4 Land that has been restored shall be repastured or revegetated within the next growing season if the site is in the Residential, Urban Living, Reserve, Coastal Protection and Ōhiwa Zones, or within the first growing season following restoration of the soil profile (including topsoil on sites that have not been production forest) in all other zones. Revegetation works in the Reserve, Coastal, Ōhiwa, or **CPZ** should be of a similar nature to, or an enhancement of what existed before works were undertaken. The rehabilitated areas will be maintained and managed to a point where they are self-sustaining. Site rehabilitation shall include the management of tailings to avoid contaminated discharges and instability.

11.2.5.5 In the case of former **Production forestry** sites in the Rural Coastal, Rural Ōhiwa, Outstanding Natural Features and Landscapes and Significant Amenity Landscapes, the land shall be re-pastured or revegetated with indigenous species. Restoration shall include plantings to screen cut faces associated with access roads and tracks that are visible from public places.

11.2.5.6 The **Council** may apply bonds or financial charges on resource consents to ensure that appropriate restoration is undertaken. The value of the bond shall be based on the likely and reasonable cost of implementing and managing rehabilitation work.

11.2.5.7 Where the land resource cannot be fully and appropriately restored, the **Council** may require a financial contribution as a condition of a resource consent.

11.2.5.8 The **Council** may require certification by an appropriately qualified person to confirm;

- a. that the soil profile has been restored to support vegetation similar to that commonly found in local habitats;
- b. rehabilitation and replanting is complete;
- c. the time period in which a nominated person or company will be responsible for on-going **maintenance of the plantings**; and

d. details of the **maintenance** programme.

11.2.5.9 Non-compliance with rules in 11.2.5 shall be a Restricted Discretionary activity.

11.2.6 Noise Limits

11.2.6.1 Noise from any activity (not listed in Table 11:2) shall not exceed the following limits when measured at any point within the following receiving zones.

Noise Limits, dB			
Receiving Zone	Daytime 7am to 10pm Monday to Sunday inclusive, including Public Holidays	Night-time (At all other times)	Notes
a. Residential, Urban Living and Education Zone	50 LAeq	40 LAeq 70 LAmax	
b. Rural (Plains, Coastal, Ōhiwa, Foothills, and Deferred Zone)	50 LAeq	40 LAeq 70 LAmax	To be measured and assessed within the notional boundary
c. Mixed Use; Except that the Residential noise limits in Rule 11.2.6.1 (a) shall apply if a receiving site is still used for a residential activity (including a home occupation) that was established on or before 28 June 2013.	60 LAeq	40 LAeq 70 LAmax	
d. Active Reserve and CPZ	55 LAeq	45 LAeq 70 LAmax	
e. Commercial, Business Centre and Large Format Retail and Community and Cultural Zone	65 LAeq	60 LAeq 75 LAmax	Octave band noise sounds shall not exceed 75dB Leq (1 minute) at 63Hz 65dB Leq (1 minute) at 125Hz
f. Light Industrial	70 LAeq	60 LAeq 75 LAmax	
g. Industrial	75 LAeq	70 LAeq 80 LAmax	

Table 11:1 Zone Noise Limits

11.2.6.2 The activities in Table 11:2 are exempted from the noise limits of Table 11:1. Subject to clauses 11.2.5.3 and

11.2.5.4 noise from any activity described in this table shall not exceed the limits specified, or where reference is made to a New Zealand Standard, shall not exceed the appropriate sound level limit recommended or specified in the relevant standard. These activities are recognised as having characteristics requiring different assessments methods or noise limits and assessment positions vary.

Activity	Noise Controls			
Construction Noise (see Note a)	Comply with the provisions of NZS6803:1999 – Construction Noise			
Temporary Military Training Activities a. Weapons firing and/or other use of explosives	1. Notice shall be provided to the Council at least 15 working days prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing or blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities ; and the timing and duration of the activity; and			
	Either; 2. Compliance with the standards below:			
	Time (Monday to Sunday)		Separation distance required between the boundary of the activity and the notional boundary of any noise sensitive activity	
	i. Live firing of weapons and single and multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
		1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
	ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
		1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) are complied with
Or: 3. Conditions to be complied with if minimum separation distances for sources 2(i) and 1(ii) cannot be met:				
Condition	Time (Monday to Sunday)	Noise level at the notional		

Activity	Noise Controls		
			boundary of any building housing a noise sensitive activity
	a.	0700 to 1900 hours	Peak sound pressure level of 120dBC
	b.	1900 to 0700 hours	Peak sound pressure level of 90 dBC
	c.	<p>The activity is undertaken in accordance with Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> i. A description of the site and activity including times, dates and nature and location of the proposed training activities; ii. Methods to minimise the noise disturbance at noise sensitive receiver sites such as section of location orientation, timing of noisy activities to limit noise received at sensitive receiver sites; iii. A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations; iv. A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event; v. A method for following up any complaints received during or after the event and any proposed de-briefing meetings with the Council. 	
<p>Temporary Military Training Activities</p> <p>b. Mobile noise sources, excluding sources a(i) and a(ii) above</p> <p>Note: mobile noise sources (other than firing of weapons) include sources such as personnel; light and heavy vehicles, self-propelled equipment, and earthmoving equipment</p>	Compliance with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise with reference to 'construction noise' taken to refer to other mobile noise sources.		
<p>Temporary Military Training Activities</p> <p>c. Fixed (stationary) noise</p>	Time (Monday to Sunday)	Noise level at notional boundary of any building housing a noise sensitive activity	

Activity	Noise Controls		
sources excluding sources a(i) and a(ii) Note: fixed (stationary) noise sources (other than the firing of weapons and explosives) include noise sources such as power generation, heating and ventilation or air conditioning systems, or water, or wastewater pumping/treatment systems.	0700 to 1900 hours	55 dB L_{Aeg} (15min)	Not applicable
	1900 to 2200 hours	50 dB L_{Aeg} (15min)	
	2200 to 0700 hours the next day	45 dB L_{Aeg} (15 min)	75 db A_F max
Prospecting (see notes b and c)	<p>Shall comply with the relevant zone noise limits in Table 11:1 at the specified measurement and assessment position for those zone(s), except that blasting noise and all vibration shall comply with the following:</p> <p>Occur only between 7am and the following 7pm; and</p> <p>No more than 2 events per hour, with a maximum of 8 events per day; and</p> <p>All occupiers of houses, dwellings or habitable buildings within a 2 kilometre range shall be advised in writing no less than 5 working days prior to the blasting occurring; and</p> <p>Overblast pressure incident on houses or habitable buildings shall not exceed 115dB L_{Zpeak}; and</p> <p>Ground borne vibration shall not exceed the limits specified in DIN4150-3:1999</p>		
Community events in the following locations: a. Rugby Park (Allot 667 Waimana PSH) b. Rex Morpeth Park (Allot 667 Waimana PSH) c. Mātaatua Reserve (Lot 1 DPS 72551) d. Rose Gardens and Amphitheatre (Section 50 Block II Whakatāne SD) e. Mahy Reserve, Ōhope (Lot 19, DP 22192, Lot 18 DP 22192, Lot 20 DP 22192, Lot 16 DP 22192, Part Lot 15 DP 22192) f. Maraetōtara Reserve, Ōhope (Lot 3 DPS 44531) g. Bluett Park, Ōhope	<p>Shall comply with the zone noise limits in Table 11:1 at the specified measurement and assessment position for those zone(s). Except as follows:</p> <p>A total of up to 6 events per year between 7am and 10.30pm that exceed the noise limits in Table 11:1 Zone Noise Limits for the zone may be held providing the following criteria are met:</p> <p>a. For 4 events in any 12 consecutive month period a noise limit of 80dB $L_{Aeq}(1\text{ hour})$ within relevant adjacent zone(s) providing the event and pre event rehearsal do not individually exceed 3 hours in duration;</p> <p>b. Octave band noise shall not exceed;</p> <p>i. 95 dB $L_{eq}(1min)$ at 63 Hz; and</p> <p>ii. 85 dB $L_{eq}(1min)$ at 125 Hz.</p> <p>c. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq}(1\text{ hour})$ within relevant adjacent zone(s) providing the event does not exceed 12 hours per day over a two day period;</p> <p>d. Octave band noise at dwellings shall not exceed:</p> <p>i. 85dB $L_{eq}(1min)$ at 63 Hz; and</p> <p>ii. 75dB $L_{eq}(1min)$ at 125 Hz.</p>		
Edgecumbe Dairy Manufacturing Site.	Noise from any activity at the Edgecumbe Dairy Manufacturing Site (other than construction activity) shall not exceed 45dB L_{Aeg}		

Activity	Noise Controls
	when measured at the 45 dB L _{Aeg} Noise Contour (as per the existing use certificate dated 16 March 2011) as shown on Planning Maps 128B and 129B. This rule does not apply to that part of the 45 dB L _{Aeg} Noise Contour located within any land owned by the owners of the Edgcombe Dairy Manufacturing Site.
<p>Helicopters using Helicopter Landing Areas for more than 10 flight movements in any 30 day period subject to 11.2.7.1.</p> <p>Helicopters using Helicopter Landing Areas less than 10 flight movements in any 30 day period or Helicopters involved in emergency operations are exempt from the provisions in Table 11:1 and Table 11:2.</p> <p>Helicopters using Helicopter Landing Areas for primary productive use are exempt from the provisions in Table 11:1 and Table 11:2.</p> <p>For clarity, a flight movement is a single helicopter flight operation (i.e. arrival or departure). Maintenance procedures are excluded.</p>	<p>Shall comply with the provisions NZS6807:1994 – Noise management and land use planning for helicopter landing areas.</p> <p>Advice Note: Except as specified in Section 9(5) of the RMA, this rule does not apply to overflying aircraft.</p>
Wind turbine generators with swept area greater than 200m ² (see Note f)	Shall comply with NZS 6808: 2010 Acoustics – Wind farm noise.
<p>Dwellings/ occupancies/ habitable spaces in zones other than Residential and Rural. (see Note g)</p>	<p>A dwelling or occupancy or habitable space is permitted in zones other than Residential and Rural if the total internal sound level in any habitable room does not exceed a design level of 35dB L_{Aeq(24 hours)} while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total sound level shall include all intrusive noise and mechanical services.</p> <p>In determining the external sound level, an assumption is made that the noise incident upon the noise sensitive building facade is from at least three separate activities simultaneously generating sound levels up to the noise limit in Table 11:1 of the zone in which the dwelling/occupancy/habitable room is proposed.</p> <p>Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>
<p>Audible bird scaring devices (see Note h).</p>	<p>General Requirements</p> <p>Audible bird scaring devices shall only be operated from half an hour before sunrise to half an hour after sunset.</p> <p>A legible notice is to be fixed to the road frontage of the property on which the device is being used, giving the name, address,</p>

Activity	Noise Controls
	<p>contact telephone number of the person responsible for the operation of any such device(s).</p> <p>Devices that Generate Discrete Sound Events</p> <p>Discrete sound events from an audible bird scaring device, including shots or audible sound shall:</p> <ul style="list-style-type: none"> i. shall not exceed 100dB L_{Zpeak}, ii. not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour. <p>Devices that Generate Short or Variable Sound Events</p> <p>Where audible sound is used over a short or variable time duration, no event may result in a sound level greater than 50dBA SEL.</p> <p>Audible bird scaring devices which do not comply with this rule are a restricted discretionary activity.</p>
Frost fans (see Note h)	<p>Noise generated by frost fans shall not exceed 55dB $L_{Aeq,10min}$</p> <p>A legible notice is to be fixed to the road frontage of the property on which it is being used, giving the name, address and telephone number of the person responsible for the operation.</p> <p>Frost fans which do not comply with this rule are a restricted discretionary activity.</p>
Noise sensitive activities near any of State Highways 2, 30, and 34	See Rules in 11.2.8.
Noise from Whakatāne Airport and Galatea aerodrome and Associated Activities	See Rules in 11.2.9.
Telecommunication Cabinets in the Road Reserve	The Resource Management (National Environment Standards for Telecommunication Facilities) Regulations 2008, regulation 9 applies to these activities and should be referred to.
Vehicles, fixed wing aircraft and mobile machinery associated with farming and production forestry in a rural zone (excluding industrial chippers and de-barkers).	Subject to the best practicable option always being adopted to ensure the emission of noise does not exceed a reasonable level, the following activities are exempt from compliance with Table 11:1 providing they are of limited duration or seasonal in nature are not in a fixed location, non-permanent and are vehicles and mobile machinery associated with farming and production forestry . Examples include felling, harvesting, spraying and planting machinery.
Noise Sensitive Activities near the Edgecumbe Dairy Manufacturing Site	Refer to Rule 11.2.10
Noise Sensitive Activities near an operative railway corridor	Refer to Rule 11.2.11

Activity	Noise Controls
Dwellings within 300m of an existing geothermal wellhead	Refer to Rule 11.2.12.

Table 11:2 Specific Activity Noise Limits

11.2.7 Table 11:1 and Table 11:2 Specific Activity Noise Limits

11.2.7.1 Assessment positions vary according to the assessment method cited. The following notes specify where an assessment position may be found in a cited reference, or where an assessment position is for a zone or activity:

- a. Construction Noise NZS6803:1999, section 6.2;
- b. Blasting noise: at any point within the notional boundary of any building or space on another lot used for noise sensitive activity;
- c. DIN4150-3:1999, section 5.1
- d. Octave band noise. At any point within the boundary of another lot used for a **noise sensitive activity** in any Residential, or Mixed Use Zone. In any rural zone, at any point within the notional boundary of any **building** or space on another lot used for a **noise sensitive activity**;
- e. Helicopter landing areas NZS 6807:1994 Section 4.2
- f. Wind farms NZS 6808:2008 Section 7.1
- g. Measurements inside buildings NZS 6801:2008;
- h. At any point within the notional boundary of any rural zoned site, or within the site boundary of any other site used for a **noise sensitive activity** excluding any dwelling/s located on the same site as that on which the device is being operated.

11.2.7.2 Unless stated otherwise, sound shall be measured in accordance with NZS 6801:2008 Acoustics Measurement of Environment Sound and assessed in accordance with NZS6802:2008 Acoustic- Environment Noise. The noise limits in 11.2.6 shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from such sources shall be assessed in accordance with the relevant New Zealand Standard listed in 11.2.6.2.

11.2.7.3 Sound levels shall be measured and assessed at the positions given in Table 11:1 and Table 11:2 and clause 11.2.7.2. The assessment position in a rural zone is at any point within the notional boundary of any building or space used for a noise sensitive activity as defined in this Plan. Where Table 11:1 and Table 11:2 include reference to octave bands, the reference shall be deemed to be the nominal centre frequency for standardised octave bands.

Advice Note: Example sound levels of various activities are shown in the diagram contained in Appendix 22.5.

11.2.8 Noise sensitive activities near any of State Highways 2, 30 and 34

11.2.8.1 Within 80m in a Rural Zone and the Residential Zone at Shaw Road, or 40m in any other Residential zone from any of State Highway 2, 30 and 34 (measured from the nearest painted edge of the carriageway):

- a. any new **building** housing a **noise sensitive activity** shall meet an internal road-traffic design sound level of 40 dBLAeq(24h) inside all **habitable rooms**, teaching spaces or general office areas; and
- b. any addition, extension or alteration to an existing **building** housing a **noise sensitive activity** which exceeds 25% of the existing GFA shall be designed and constructed to achieve a maximum internal road-

traffic design sound level of 40 dBL_{Aeq} (24h) inside all **habitable rooms, teaching spaces or general office areas**.

11.2.8.2 An acoustics design report from a suitably qualified and experienced acoustics expert shall be provided to the **Council** demonstrating compliance with Rules in 11.2.8 – Noise sensitive activities near State Highways 2, 30 and 34 prior to the commencement of construction.

11.2.8.3 As an alternative to complying with Rules 11.2.8.1 and 11.2.8.2 any new **building**, or alteration/addition to a **building** which exceeds 25% of the existing **GFA**, housing a **noise sensitive activity** shall comply with the following;

a. the windows and any glazing on doors of all **habitable rooms, teaching spaces or general office areas** shall be constructed with glazing that includes a laminated pane that is at least 6.38mm thick and covers the glazed area.

11.2.8.4 Where windows are required to be closed to achieve the requirements of Rules 11.2.8.1 and 11.2.8.2 a ventilation system shall be installed that;

a. consist of an air conditioning unit(s) provided that the sound level generated by the unit(s) must not exceed 40 dBL_{Aeq(30s)} in **habitable rooms** (excluding bedrooms), **teaching spaces or general office areas**, and 35 dBL_{Aeq(30s)} in bedrooms, when measured 1m away from any grill or diffuser; or

b. comprise a system capable of providing at least 6 air changes per hour in **habitable room, teaching spaces or general office areas**. The occupant must be able to control the ventilation rate in increments up to a high airflow setting that provides at least 6 air changes per hour; and

c. the internal air pressure must be no more than 10 Pa above ambient air pressure due to the ventilation systems; and

d. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees celsius.

11.2.8.5 Rules 11.2.8.1 through 11.2.8.3 inclusive do not apply if;

a. the nearest façade of the **building** housing a **noise sensitive activity** is at least 50m from any of State Highways 2, 30 and 34 (measured from the nearest painted edge of the carriageway), and there is a solid **building, fence, wall or landform** that blocks the line of sight from all parts of windows and doors to habitable spaces to any part of the road surface of the State Highway Road or

b. it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road-traffic sound level from any of State Highways 2, 30 and 34 is less than 55 dBL_{Aeq} (24h) at all facades of new **building, or extension/alteration to an existing building**, housing a **noise sensitive activity**.

Advice Note: A summary of the Noise NZ Standards referenced in the District Plan is contained in Appendix 22.4

11.2.9 Airport Noise Management

11.2.9.1 Any **dwellings or buildings** to be used for habitation, constructed within 500m of Whakatāne Airport boundary shall be designed, constructed and maintained to achieve an internal design of 40 dB L_{dn} for all **habitable rooms** (excluding bedrooms) and 35 dBL_{Aeq} (30s) in bedrooms. The sound insulation shall be based on external sound level as shown in Chapter 11 and calculations must provide for an allowance for 5% per annum for growth for the next 10 years.

11.2.9.2 An acoustic design report from a suitably qualified acoustics expert shall be provided to the **Council** to demonstrate compliance with Rule 11.2.9.1.

11.2.9.3 Where the sound levels in Rule 11.2.9.1 cannot be met with ventilating windows open, a ventilations system shall

be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

- 11.2.9.4 Any dwelling or buildings to be used for habitation, constructed within 500m of the Galatea Aerodrome boundary are to be designed to comply with New Zealand Standard 6805:1992 Airport Noise Management and Land Use Planning NZS 6807: 1994 Helicopter and Heliport Sound Management.

11.2.10 **Noise Sensitive Activities Near The Edgecumbe Dairy Manufacturing Site**

- 11.2.10.1 Any new **building** housing a **noise sensitive activity** located within the 45 dBL _{Aeg} Noise Contour for the Edgecumbe Dairy Manufacturing Site, as shown on Planning Maps 128B & 129B, shall be designed, constructed and maintained to achieve an internal design level of 40 dBL _{Aeg(24hours)} for all **habitable rooms** (excluding bedrooms) and 35 dBL _{Aeg(24hours)} in bedrooms.

- 11.2.10.2 An acoustic design report from a suitable qualified acoustics expert shall be provided to the Council to demonstrate compliance with Rule 11.2.10.1.

- 11.2.10.3 Where the sound levels in Rule 11.2.10.1 cannot be met with ventilation windows open, a ventilation system shall be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg(30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

11.2.11 **Noise Sensitive Activities Near An Operational Railway Corridor**

- 11.2.11.1 Any new building housing a **noise sensitive activity** located within 100 metres of any operational railway corridor boundary shall be designed, constructed and maintained to achieve an internal design level of 40 dBL _{Aeg (1hour)} for all **habitable rooms** (excluding bedrooms) and 35 dBL _{Aeg (1hour)} in bedrooms.

- 11.2.11.2 The design shall take into account future use of the railway line, by the addition of 3dB to existing measured or calculated sound levels, incident upon the proposed dwelling.

- 11.2.11.3 An acoustic design report from a suitable qualified acoustic expert shall be provided to the Council to demonstrate compliance with Rule 11.2.11.1.

- 11.2.11.4 Where the sound levels in Rule 11.2.11.1 cannot be met with ventilating windows open, a ventilation system shall be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any habitable room when measured at least 1m from any grille or diffuser.

11.2.12 **New Dwellings Within 300m of an Existing Geothermal Wellhead**

- 11.2.12.1 Any new **dwelling** located within 300 metres of an existing geothermal wellhead shall be designed, constructed and maintained to achieve an internal design level 40 dBL _{Aeg (1hour)} for all habitable rooms (excluding bedrooms) and 35 dBL _{Aeg (1hour)} in bedrooms.

- 11.2.12.2 An acoustic design report from a suitably qualified acoustic expert shall be provided to the Council to demonstrate compliance with Rule 11.2.12.1.

- 11.2.12.3 Where the sound levels in Rule 11.2.12.1 cannot be met with ventilating windows open, a ventilation system shall be installed **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

Advice Note: The ventilation standards in Clause G4 of the New Zealand Building Code are the minimum ventilation requirements that must be met. However, they do not address the ‘thermal comfort’ experienced by occupants of buildings, when windows are closed. Consideration should be given to provision of a higher standard of thermal

comfort by installation of mechanical system which provides ventilation, heating and cooling of a building.

11.2.13 **Vibration**

11.2.13.1 Unless otherwise specified below, vibration from any activity shall in the first instance be measured and assessed in accordance with and shall comply with;

- a. AS 2670.1-2001 Evaluation of Human Exposure to Whole-body Vibration – General requirements;
- b. AS 2670.2-1990 Evaluation of Human Exposure to Whole-body Vibration - Continuous and shock-induced vibration in **buildings** (1 to 80 Hz); and
- c. DIN 4150-3:1999 Effects of vibration on structures.

11.2.13.2 Where a scenario arises where these standards are not best suited in assessing the vibration source or receiver of interest, **Council** may through the resource consent process agree to the use of alternative standards.

11.2.13.3 Alternative measurement location(s) to those specified above may be appropriate on a case by case basis. This shall be discussed and agreed with appropriate **Council** staff. Any reports submitted to **Council** shall describe the use of an alternative measurement position and the reasons for its use.

11.2.14 **Vibration Requirements For Noise Sensitive Activities Within 60 Metres Of An Operational Railway Corridor**

11.2.14.1 Any new building housing sensitive activity located within 60 metres of an operational railway corridor boundary shall be designed to meet Class C Vibration levels as set out in NS 8176E:2005 Vibration Shock and Measurement of Vibration in Buildings from Land Based Transport Guidance to Evaluation of its Effects on Human Beings. Compliance with this standard shall be confirmed in writing by a person suitably qualified and experienced in vibration.

11.2.15 **Odour and Other Reverse Sensitivity Effects**

11.2.15.1 No **dwelling**s or nominated building platforms for a **dwelling** are to be sited closer than 300m from;

- a. the outer perimeter of any community oxidation pond excluding the area to the north of the Ōhope oxidation ponds (D33), where the setback shall be 100m; or
- b. the outer perimeter of an oxidation pond on land legally described as Lot 5 DPS 27505, Lt 3 DPS 44413, Lot 2 DPS 16131, Pt Allot 332 Matatā Parish, Pt Matatā 39A4 Lot 1 (formerly Pt Lake Rotoitipaku), Matatā 990 Lot 1, Matatā 990 Lot 2, Kawerau A9 Lot 1, Kawerau A11 Lot 1, Blk IX Rangitāiki Upper Survey District; or
- c. Anaerobic Wastewater Treatment Plant (AWTP), former Rapid Infiltration Basins (RIBs) and gravity clarifier at Kawerau;
- d. the Edgcumbe Dairy Manufacturing Site or the Omeheu Spray Irrigation Scheme (as defined on any planning map) if the lot is zoned Rural Plains, and it was created by subdivision after 7 January 2000. Provided that this provision (d) shall not apply where the same nominated building platform within 300m of these facilities was assessed and approved as part of a resource consent for subdivision after this date where the subdivision application was;
 - i. publically notified; or
 - ii. processed with the written consent of the landowner(s) of the Edgcumbe Dairy Manufacturing Site and/or Omeheu Spray Irrigation Scheme being obtained and that written consent has been lodged with the **Council**; or

- iii. approved by the Environment Court

11.2.16 Lighting and Glare

- 11.2.16.1 No person shall use, on any premises, between the hours of 7:00 am and 10:00 pm, any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2m within the boundary of or at a **building** on (whichever is the closer) any adjacent land which is zoned Residential, Urban Living, Reserve or Coastal Protection, or a **dwelling** in the Rural Plains, Rural Foothills or Rural Coastal Zone where the **dwelling** is within 20m of that same boundary.
- 11.2.16.2 A person shall not use on any premises between the hours of 10:00 pm and 7:00 am any artificial lighting in such a manner that the use of such lighting causes;
- a. an added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjacent **dwelling** or the observatory in Hurinui Avenue, Whakatāne; and
 - b. an added illuminance in excess of 20 lux measured horizontally or vertically at any point of any adjacent land which is used for residential purposes, or by the observatory in Hurinui Avenue, Whakatāne.
- 11.2.16.3 In circumstances where measurements of any added illuminance cannot be made because of the fact that the owner will not or cannot turn off the artificial lighting, measurements may be made in areas of a similar nature which are not affected by the artificial light. The results of these measurements may be used for the purposes of determining the effect of the artificial light.
- 11.2.16.4 The exterior lighting of any **building** adjacent to land on which there is a **dwelling** or a public road or railway shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause an appreciable level of discomfort or distraction to any person (including drivers of vehicles on roads or train drivers).

11.2.17 Welding

- 11.2.17.1 All welding activities shall be screened from public places and adjoining properties.

11.2.18 Navigation

- 11.2.18.1 Lighting shall not cause a navigational hazard or confusion with navigational safety aids.

11.2.19 Signs

- 11.2.19.1 Signs are a permitted activity, provided that;
- a. signs must be located on the same site as the activity to which they relate, and may be located within the yard setbacks;
 - b. the maximum number, area and height of signs are;
 - i. Rural Plains, Foothills, Coastal, Ōhiwa Zone — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 3m² and a maximum height of 6m;
 - ii. Residential and Urban Living Zone — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 0.5m² and a maximum height of 6m;
 - iii. Business Centre, Commercial, Mixed Use, Light Industrial and Industrial Zone.

Freestanding signs (single or double-sided) if the total area of all freestanding signs does not

exceed 6m², unless the total frontage of the site exceeds 24m, in which case the maximum area of all **freestanding signs** shall be 0.25m² per 1m of road frontage up to a maximum area of 12m² in total.

Signs attached to a building are permitted; except that any sign extending beyond the building profile will be included in the free standing sign area provided that in The Strand Character Area no sign shall protrude beyond the building profile;

- iv. Active Reserve Zone/**CPZ** — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 0.5m² and a maximum height of 6m. Provided that in the Whakatāne Riverbank Reserve, and within the Active Reserve Zone of the Port Ōhope Structure Plan area the maximum area shall be 3m².
 - v. Education Zone – a sign or signs with a total area not exceeding 3m² for each street to which the school has road frontage; and
 - vi. Large Format Business Centre Zone – one sign with a maximum area of 25m² may be allowed at each access point to State Highway 30. No other advertising signs may be placed on the site frontage so as to be read from the State Highway.
- c. signs must not block sight distances at intersections or driveways, or obstruct driver visibility along the road, or at a railway level crossing (see Rule 13.2.22);
 - d. signs must not be placed within a 15m radius of a traffic safety or direction sign;
 - e. signs located on a site adjoining a state highway must have a minimum lettering height of 120mm where the posted speed limit is less than 70km/h, and 160mm where the speed limit is 70km/h or greater;
 - f. signs must not be rotating, flashing or reflective provided that a sign permitted by this rule advertising a **business activity** in a business zone may have a flashing sign if it cannot be seen from a rural, Residential, Urban Living, Coastal Protection or Reserve zone or from any State Highway. Signs located in the Rural Plains, Foothills or Coastal Zones must not be illuminated if the activity is not open for business; and
 - g. signs must be maintained.

11.2.19.2 The following signs are exempt from the provisions listed in Rule 11.2.19.1:

- a. Temporary signs (not otherwise provided for below) up to 3.0m² in area in total for each site erected a maximum of one month prior to the advertised event and removed within three days following the event. Other temporary signs may be located off-site but, in all other respects, are to comply with the requirements of 11.2.19.1;
- b. Traffic and railway **safety, community pride**, driver education and directional signs (including those advertising a **tourist facility** - see definition) or street name signs approved by a road-controlling authority or provided by legislation. This may include a sign for this purpose on public or private land adjacent to a road where the relevant road-controlling authority has granted approval to the **size, content, duration and location of the sign**;
- c. Public information signs about public recreation areas. This includes signs providing the name of **public reserves**, angler/hunter access and/or regulation information;
- d. Tradesmen's signs on construction sites erected only once construction has commenced and removed upon completion;
- e. Real Estate signs on or immediately outside when a property offered for sale or rent that complies with the following; and removed once the sale is completed;
 - i. one sign installation (single or double sided) per site frontage;

- ii. a sign(s) located on the property, or flush on the wall or a fence of that property, shall have a maximum area of 3m² (per side if doubled sided);
 - iii. a sign(s) located on a public road administered by the Council shall have a maximum area of 0.54m² (per side if double sided), shall be located immediately outside the property; shall be located so it does not obstruct pedestrian movements; block sight lines at vehicle crossings or intersections; or obstruct traffic safety or direction signs;
 - iv. one flag sign may be erected on the property, or secured to a vehicle parked directly outside the property, for the period a real estate agent is on-site for an open home or auction; provided the flag and support structure does not protrude from the vehicle or obstruct road users or pedestrians; and
 - v. all signage shall be removed once settlement has been completed or a rental agreement signed.
- f. Signs required to meet any legislative requirements, including the Health and Safety in Employment Act 1992 and Rule 19.2.9 relating to hazardous substances;
- g. Signs on a public road administered by the Council provided Council permission has been obtained are limited to;
- i. signs less than one square metre in area indicating the location of significant local features or public access routes;
 - ii. temporary signs as described above;
 - iii. one sandwich board sign advertising a permitted activity on the footpath immediately adjacent to the site of the activity;
 - iv. advance warning signs (maximum of two) located no further than 500m from the site indicating the proximity and nature of an activity; and
 - v. street flags and banners
- h. Signs on a state highway approved by NZTA; and
- i. Warning and identification signs associated with network utilities.

Advice Note: The control and administration of any sign (including temporary signs) on a state highway is the responsibility of NZTA whose permission must be obtained before any signs can be erected on or within the boundaries of the state highway.

11.2.19.3 In The Strand Character Area, a sign extending beyond the building profile is a Restricted Discretionary activity.

11.2.20 Activities on the Surface of the Water

11.2.20.1 Structures accessory to a recreational activity on the surface of water shall not obstruct navigation of vessels in waterways.

11.2.20.2 See Activity Status Table 3.4, Items 41 – 44 for rules that apply.

11.2.21 Temporary Activities

11.2.21.1 Where a temporary activity is listed in Activity Table 3.4 as a Controlled Activity for the following shall be provided;

- a. a traffic management plan which is to be submitted to Council for approval 1 month prior to the activity occurring.
- b. a solid waste minimisation, recycling and disposal management plan which is to be approved by Council 1 month prior to the activity occurring.

11.2.22 Home occupations

11.2.22.1 A home occupation shall;

- a. employ not more than two other people additional to the members of the **dwelling** who permanently reside on the site and who own and operate the business from that site;
- b. be limited to 50m² **GFA**, whether the **GFA** is part of a **dwelling** and/or associated **building** and/or outdoor area used for the **home occupation**;
- c. exclude retail provided that up to 10m² **GFA** of retail may occur where the **home occupation** is in the **Residential Zone**;
- d. be carried out either within a **dwelling**, within an **accessory building** or in an area outdoors that is designed for the purpose; and
- e. ensure that any storage of equipment, machinery or goods associated with the **home occupation** is visually screened from any adjoining **dwelling** or public place.

11.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

11.3.1 Temporary Places of assembly (See Activity Status Table 3.4)

11.3.1.1 Council shall exercise its control over;

- a. the management of solid waste collection and disposal;
- b. the provision and location of services, including effluent disposal, potable water, stormwater treatment and disposal facilities and electricity;
- c. the site restoration programme;
- d. the duration of the activity;
- e. scale of the activity;
- f. traffic movement on and off of the site including access, parking and loading of vehicles for attendees and for emergency and security vehicles;
- g. nuisance effects such as dust, glare, vibration, lighting;
- h. hours of operation; and
- i. the bulk and location of **buildings** and structures.

11.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

11.4.1 Earthworks (see Rules in 11.2.1 and 11.2.2) and Mining and Quarrying (see Rule 11.2.4)

11.4.1.1 Council shall restrict its discretion to;

- a. any temporary adverse effects of earthworks, mining or quarrying on land uses in the vicinity of the site, including noise, dust, vibration, traffic movement or cultural impact;

- b. any adverse effects on the natural character of the coastal environment, wetlands, lakes, rivers and their margins;
- c. any adverse effects on indigenous biodiversity.
- d. any adverse visual or landscape effect on an Outstanding Natural Feature or Landscape listed in Appendix 17.7, or dominant landscape feature listed in Objective LS2, Policy 4;
- e. any increased risk associated with a natural hazard event that may arise from undertaking earthworks, mining or quarrying. For example, the undermining of the integrity of a stopbank or lowering frontal dunes;
- f. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment.
- g. the control of erosion, sediment and stormwater including riparian planting;

11.4.2 Site Restoration (see Rules in 11.2.5)

11.4.2.1 Council shall restrict its discretion to;

- a. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment; and
- b. the control of erosion sediment and stormwater including riparian planting.

11.4.3 Signs in The Strand Character Area (see Rules in 11.2.19)

11.4.3.1 Council shall restrict its discretion to;

- a. the design, size, appearance of the sign in relation to the Character of The Strand Character Area (refer to Section 22.6)

11.4.4 Frost Fans

11.4.4.1 Council shall restrict its discretion to the following:

- a. Consideration of best practice, effectiveness and affordability.
- b. the noise level generated and the effect of the noise level on those persons or activities who will experience noise levels over 55dBA Leq at their notional boundary or boundary and proposed mitigation. Sound shall be measured in accordance with NZS 6801:2008 Acoustics Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environment Noise.
- c. the frequency and timing of the operation of frost fans, including environment conditions when a frost fan may operate and timing of maintenance activities
- d. the location of the frost fan
- e. the type of engine used to run the frost fan, its operating speed and condition

The notification provisions in the RMA shall apply to any application.

11.4.5 Audible Bird Scaring Devices

11.4.5.1 Council shall restrict its discretion to the following:

- a. Consideration of the best practicable option, including alternative types of bird scaring devices, alternative options for crop protection, effectiveness of those alternative options and their affordability.
- b. the noise level generated and the effect on those persons or activities who will experience the noise and any proposed mitigation
- c. cumulative adverse noise effects from existing **Audible Bird Scaring Devices**
- d. The frequency, timing and the operating conditions when they may operate
- e. the location of **Audible Bird Scaring Devices**

The notification provisions in the RMA shall apply to any application.

11.4.6 Helicopter Landing Areas in the Active Reserve Zone, used for more than 10 and fewer than 30 movements in any 30 day period, with a maximum of six movements per day

11.4.6.1 Council shall restrict its discretion to the following:

- a. existing ambient sound levels;
- b. the length of time for which specified sound levels will be exceeded, particularly at night, with regard to the likely disturbance that may be caused;
- c. the likely adverse effects of noise generated, both on and beyond sites, on a site, on visitors, users of business premises, or on public places in the vicinity, including the Whakatāne River;
- d. the likely adverse effects of noise generated on the amenity of adjoining residential neighbourhoods;
- e. the extent to which the noise may detract from enjoyment of any recreation or conservation area;
- f. the proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant;
- g. the effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga likely to be affected by the activity;
- h. the effects on indigenous wildlife;
- i. the effects on public safety;
- j. special noise characteristics generated by helicopter activity in the vicinity of the Whakatāne escarpment;
- k. the effects on activities and the public of likely approach/flight paths; and
- l. whether the activity is compatible with the other activities on the site.

11.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

11.6 OTHER METHODS

11.6.1.1 The Council will:

- a. Include information related to noise and potential reverse sensitivity effects in LIM reports.



CHAPTER 12

SUBDIVISION AND ESPLANADE RESERVES

*Te Nōhanga Whakatū Whare me
Ngā Ara Whakarite Hīkoi o
Parawhenuamea*

12 Subdivision and Esplanade Reserves

12.1 OBJECTIVES AND POLICIES

Refer to Chapter 2 for Strategic Objectives and Policies and to Chapters 11 to 20 for additional rules that may apply to subdivision.

Objective Sub1 *Subdivision activity and development is managed in a way that maintains the productive capacity of the land and supports its use for a range of rural production activities.*

Policy 1 To avoid subdivision that fragments land within the Rural Plains Zone, including versatile land and reduces its use for primary productive purposes.

Policy 2 In the Rural Foothills Zone, to provide for subdivision for rural production activities, and to consider subdivision for lifestyle lots, where compatible with the working rural environment.

Policy 3 To provide for subdivision activity that encourages the consolidation of rural zoned land, in a way that productive rural land use options are increased.

Objective Sub2 *Subdivision, use and development maintains and enhances the rural character of the rural environment*

Policy 1 To avoid, remedy or mitigate the adverse visual effects of the intensity of subdivision and the resulting development that is facilitated by subdivision activity.

Note: See also Objective LS2 Policies 1, 2 and 3

Objective Sub3 *The adverse effects of subdivision on natural and physical resources, are avoided, remedied or mitigated.*

Policy 1 To ensure that the dimensions and areas of new lots sustain the District's rural and urban land resource and are designed to avoid, remedy or mitigate the adverse effects, including reverse sensitivity effects, of anticipated activities on new lots and within the locality.

Policy 2 To ensure that infill housing and houses in identified urban growth areas are able to dispose of stormwater, sewage and wastewater into Council's systems to avoid, remedy or mitigate adverse effects on the environment.

Policy 3 To ensure that all sites are large enough for the proposed use, development or subdivision and, for residential sites that residents within the site or in the neighbourhood retain or will have a high level of residential amenity.

Policy 4 To provide for subdivision of land within Structure Plan areas in accordance with an approved comprehensive development plan.

Policy 5 To encourage the protection of scheduled sites and features of heritage or significant biodiversity value by providing additional subdivision opportunity.

Policy 6 To require subdivisions to be designed in accordance with good urban design principles and guidelines.

<i>Objective Sub4</i>	<i>Manage acquisition of esplanade reserves, esplanade strips and/or access strips to achieve public access to, recreational use of, and conservation of coast, rivers, and lakes and their margins and habitat values.</i>
Policy 1	To set aside esplanade reserves , esplanade strips or access strips for public access and recreational use, to and along the District's coast, major rivers and lakes where compatible with the protection of conservation values and taking into consideration the management objectives for adjacent land.
Policy 2	To use esplanade reserves or esplanade strips to protect conservation values and the natural character, ecological and habitat (including aquatic) values associated with the coast, rivers, lakes and their margins from inappropriate subdivision, land use and development.
Policy 3	To create esplanade strips along the coast, rivers and lakes in rural areas, in preference to esplanade reserves , where the primary purpose is to contribute to the protection of conservation values and taking into consideration natural hazard effects.
Policy 4	To waive or modify the esplanade reserve or esplanade strip only where the purpose of the esplanade protection cannot be met or it is unreasonable to impose the esplanade reserve or esplanade strip , or the purpose is being met by some other means.
Policy 5	To negotiate with landowners to create esplanade strips or access strips where necessary, to achieve linkages between existing reserves for conservation or public access purposes where regulatory mechanisms are not applicable.
<i>Objective Sub5</i>	<i>Maintenance and enhancement of safe public access in appropriate locations to and along the coast, lakes and rivers including developing a continuous functional network.</i>
Policy 1	To provide, as far as practicable, safe public access to and along the coast, lakes and rivers.
Policy 2	To ensure public access is restricted only where necessary; <ul style="list-style-type: none"> a. to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; b. to protect cultural and heritage values; c. to protect public health or safety; d. to ensure a level of security consistent with the purpose of a resource consent or designation; e. to ensure there is no inherent conflict between the public gaining access to an area and the principle reason for acquiring a reserve, esplanade reserve or esplanade strip; or f. in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.
Policy 3	To control the number, location and the design of public accessways to the coast, lakes or rivers in sensitive locations to ensure access does not in itself create adverse effects that are more than minor.
Policy 4	To discourage vehicles from accessing the coast, lake, river or their margins except for vessel launching in authorised locations and for works and maintenance associated with existing lawfully established activities and management and emergency purposes.

Item	Rule	Community and Cultural	Rural Residential	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Large Format Retail	Commercial	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Education
	otherwise stated in the standard or elsewhere in this table.				RD ¹														
2.	Subdivision not complying with the minimum lot size.	NC	NC	NC	D	D	D	D	NC	D	D	D	D	D	D	D	NC	NC	D
3.	Subdivision for a Protection lot	NC	D	D	D	D	D	D	NC	D	D	D	D	D	D	D	D	D	D
4.	Redefined Lot	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	D	NA	NA	NA	NA
5.	Boundary adjustment	NC	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
6.	Unit title subdivision where the lots contain existing building(s) and comply with all conditions of a resource consent	NC	NC	C	C	C	C	C	C	C	C	C	NC	NC	NC	NC	NC	NC	NC
7.	Unit title subdivision not provided for in item 6 above	NC	NC	D	D	D	D	D	NC	D	D	D	NC	NC	NC	NC	NC	NC	NC
8.	Conversion of Land Tenure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
9.	Amendments to Cross Lease, unit title or company lease	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
10.	Subdivision with direct vehicle access to the state highway and limited access roads . (See 13.4.11)	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
11.	Subdivision with vehicle access across the rail network	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
12.	Subdivision for works and network utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
13.	Subdivision of land that contains: a. a Scheduled Heritage Feature b. a Scheduled ONFL Feature c. a Scheduled Indigenous Biodiversity site d. a natural hazard as shown on a planning map e. a nominated building	NC	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

¹ Subdivision of land listed in Rule 12.8.4 is a Restricted Discretionary activity.

Item	Rule	Community and Cultural	Rural Residential	Deferred Residential	Residential	Urban Living	Mixed Use Zone	Business Centre	Large Format Retail	Commercial	Light Industrial	Industrial	Coastal Protection	Active Reserve	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Education
	platform within 300m of the Edgecumbe Dairy Manufacturing Site or the Omeheu Spray Irrigation Scheme f. contaminated land or potentially contaminated land .																		
14.	Subdivision of land that contains or is affected by a National Grid Corridor , where a complying building platform is provided outside the National Grid Yard .	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
15.	Subdivision in accordance with an approved (consented) comprehensive development plan	NA	NA	NA	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
16.	Subdivision of land where a complying building platform cannot be sited outside of the National Grid Yard , other than for buildings and structures provided for as a permitted activity within a National Grid Yard .	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
17.	Any other form of subdivision not otherwise provided for in this Table	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
17.a	The subdivision of land where an additional lot is created and where a new building platform will be located within the Kawerau Geothermal Exploration Area	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	RD	RD	NA	NA	NA
18.	Subdivision of land that includes a request to waive the requirement for an esplanade reserve or strip	NC	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD	RD
19.	Subdivision of land within either a CHEPA or CHFPA , refer to 12.4.10 and 12.4.11																		

12.3 GENERAL SUBDIVISION STANDARDS

12.3.1 Building Platform

12.3.1.1 Each site and/or lot shall contain an identified potential building platform which is:

- a. In the Residential Zone, not less than 150m² in area with a minimum dimension of 10m or, in the Urban Living Zone, not less than 110m² in area with a minimum dimension of 8.5m
- b. stable to support building foundations. Steep gradient, poor soil structure, or un-compacted fill may cause land instability;
- c. free of topographical constraints;
- d. located to avoid natural hazard events such as inundation, falling debris, subsidence;
- e. located outside a riparian margin, except on Ōhakana Island, where the relevant part of the Rules in 7.2.3 and 7.2.7 shall apply except for maimai;
- f. clear of stormwater and effluent disposal systems which might undermine the stability of the building platform;
- g. located in accordance with a resource consent granted in accordance with Rule 7.2.6 in the Rural Coastal or Rural Ōhiwa Zones; and
- h. located to comply with rules of the Plan.

Advice Note: Subdivision where there are building platforms located within 12m of the centre line of any National Grid Corridor as shown on the Planning Maps is not anticipated or provided for (see Rules in 20.2.8).

12.3.2 Frontage

12.3.2.1 In the Residential and Urban Living Zones (except for subdivision of land within a Structure Plan area that is in accordance with an approved (consented) Comprehensive Development Plan) all lots shall incorporate as a minimum;

- a. frontage to a legal road of 4.0m, or alternatively, have legal access to a formed road over an accessway which complies with the Rules in 13.2.2.

12.3.2.2 In Rural Plains, Rural Foothills, Rural Ōhiwa, Rural Residential and Rural Coastal Zones (except for subdivision of land within a structure plan area that is in accordance with an approved (consented) Comprehensive Development Plan) lots shall incorporate as a minimum;

- a. a 20m diameter circle; and
- b. frontage to a legal road of 20m, or alternatively, have legal access to a formed road over an accessway which complies with Rules in 13.2.2.

Advice Note: Access to a property across the rail network does not constitute legal access. Sites which adjoin the railway line or designation must provide an alternative access to a legal road which does not require crossing a railway line or designation.

12.3.3 Easements

12.3.3.1 The subdivider is required to provide appropriate easements in favour of **network utility providers** (including water, stormwater and wastewater) at the subdivider's cost where it is necessary to ensure combined access to the utility facilities by the **network utility provider** where such facilities are located on privately owned land. All easements provided by the subdivider in this respect shall be of sufficient size to enable a telephone line, electricity and gas link to be provided and maintained to each and every lot.

12.3.4 Balance Area

12.3.4.1 A balance area shall comply with the minimum (and/or average) lot size for the respective zone.

12.3.5 Existing Buildings

12.3.5.1 In relation to proposed boundaries, existing and proposed buildings and **building** sites must comply with the bulk and location rules relevant to the zone and the New Zealand Building Code after subdivision. Where this requirement cannot be met, the subdivider must obtain a resource consent to allow the contravention. The consequence of subdivision shall not increase the degree of non-conformity with the rules.

12.3.6 Zone Boundaries Across Properties

12.3.6.1 Where any parent title under subdivision is split by two zones, the subdivision must generate titles with at least the minimum, or average, lot size for each respective zone. For clarity, the land area used to calculate minimum (or average) lot size shall include only the area of land within the respective zone.

12.3.7 Structure Plan Area Requirements

12.3.7.1 Rules 12.3.2 (Frontage) and 12.4.1 (Minimum Lot Size) shall not apply to the subdivision of land within a Structure Plan area that is in accordance with an approved (consented) Comprehensive Development Plan.

12.4 SPECIFIC SUBDIVISION STANDARDS

12.4.1 Residential and Urban Living Zone – Lot Sizes

12.4.1.1 In the Residential Zone the minimum lot area is 350m² (exclusive of access leg), provided that in any subdivision containing four or more additional lots, one half of all lots shall have an area greater than 650m².

12.4.1.2 In the Urban Living Zone the minimum lot area is 250m² (exclusive of access leg), provided that the minimum lot area is 200m² if the original, parent site is at least 1,500m² inclusive of access and consent has been issued for the comprehensive redevelopment of the site.

12.4.1.3 Sites not provided with a reticulated sewer system the minimum lot area is 1,200m² (exclusive of access leg).

12.4.1.4 This Rule 12.4.1 shall not apply to the subdivision of land within a Structure Plan area that is in accordance with an approved Comprehensive Development Plan.

12.4.2 Business Centre, Commercial, Large Format Retail, Light Industrial, Industrial, Mixed Use and Community and Cultural Zones – Lots Sizes and Dimensions

12.4.2.1 All lots must comply with the following standards:

Standard	Business Centre, Commercial	Light Industrial and Industrial
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	and Mixed Use Zone	Zone
Minimum lot area	300m ²	600m ²
Minimum lot frontage	10 metres	15 metres
Minimum lot depth	18 metres	25 metres

Table 12:1 Lot Sizes and Dimensions

12.4.2.2 Notwithstanding the requirements of Rule 12.4.2.1, a lot or lots may be created in the Business Centre, Commercial, Light Industrial, Industrial and Mixed Use Zone, that is/are a size and shape that will contain, or is capable of containing a building (and associated activities) as a permitted activity, complying with all permitted activity conditions in the District Plan, or that is consistent with a resource consent (land use) that has been granted for the activity.

12.4.2.3 In the Large Format Retail Zone, unit titles may be created as a Controlled Activity where the lots contain an existing building or buildings (and associated activities) which comply with all conditions of a resource consent (land use) that has been granted for the activity. No subdivision other than unit title subdivision is allowed as a Controlled Activity and must be considered as a Non-Complying Activity.

12.4.3 Rural Plains Zone

12.4.3.1 The minimum lot size is eight hectares.

12.4.4 Rural Foothills Zone

12.4.4.1 Controlled Activity:

- a. one additional lot per Certificate of Title;
- b. average lot size of 2 hectares or greater; and
- c. minimum lot size of 5,000m².

12.4.4.2 Restricted Discretionary Activity:

- a. two to six additional lots per Certificate of Title;
- b. average lot size of 2 hectares or greater;
- c. minimum lot size of 5,000m²; and

12.4.4.3 Discretionary Activities

- a. more than 6 additional lots per Certificate of Title.

12.4.4.4 The assessment of the average lot size in Rule 12.4.4 shall include all lots created by subdivision that have included the subject property or properties since 1 January 1998.

12.4.5 Rural Coastal Zone

12.4.5.1 The minimum lot size is 4 hectares.

12.4.5.2 Where any parent title under subdivision is split between the Rural Coastal and the Rural Plains zones, the subdivision must generate titles with at least the minimum lot sizes for each respective zone.

12.4.6 Rural Ōhiwa Zone

12.4.6.1 The minimum lot size is 4 hectares.

12.4.7 Coastal Protection Zone and Active Reserves Zone

12.4.7.1 No minimum size, where the purpose of the subdivision is to enable the use of the lot, consistent with the reserve or coastal protection purpose and it is to vest in the Council.

12.4.8 Protection Lots in the Rural Zones

12.4.8.1 In the Rural Plains, Rural Foothills, Rural Ōhiwa or Rural Coastal Zones, where a lot contains part or all of a scheduled built heritage feature listed in Schedule 16.7.1, or a scheduled cultural and archaeological heritage feature listed in Schedule 16.7.2 or a significant biodiversity site as listed in Schedules 15.7.1, 15.7.2, 15.7.3 or any other heritage feature proven to be of significance by meeting the criteria listed in Appendix 22.7 and where that part or all of the feature on the lot is to be legally protected in perpetuity, one additional lot may be created provided that;

- a. the additional lot shall have a minimum area of 2,500m² and a maximum area of 5000m², exclusive of the feature to be protected in accordance with c. below and any area dedicated for vehicle access;
- b. the area or feature to be protected may either remain on the parent site, or be contained within the new additional lot, provided that the required building area, services and access are not within and do not compromise the feature to be protected, or result in its modification, or destruction;
- c. the feature to be protected shall have a minimum area as follows;

Schedule	Protection Requirements
Schedule (A) 15.7.1 Coastal and wetland sites	Whole feature on the lot must be contained within a minimum area of 5000m ² or the size of the feature, whichever is greater
Schedule (B) 15.7.2 Foothills	The whole of any wetland feature on the lot must be contained within a minimum area of 5000m ² or the size of the feature whichever is greater, or For any other feature these must be contained within a minimum area of 5ha, or must contain the entire feature on the lot, whichever is the greater
Schedule (C) 15.7.3 Te Urewera-Whirinaki sites	The whole of that part of the feature on the lot
Schedule 16.7.1 and 16.7.2 Heritage	The whole of that part of the feature on the lot

Table 12:2 Protection Lots in Rural Zones

- d. A report may be required from a suitably qualified and experienced ecologist or archaeologist to support the application, such as to confirm the area of the feature to be protected or the location of the boundaries and the manner of protection proposed.
- e. conditions on consents for protection lots shall provide for the permanent protection of that feature and such protection could include, but is not limited to, requirements that;
 - i. a permanent stock-proof fence shall be erected around the perimeter of the feature provided that this requirement be waived if grazing is not a threat to the feature; and
 - ii. a plant and animal pest control programme shall be entered into provided that this requirement may be waived if plant and animal pests are not a threat to the feature.
 - iii. other measures shall be undertaken as required to ensure the protection of an archaeological feature

12.4.9 Redefined Lot—Rural Plains Zone

12.4.9.1 Where there are two contiguous titles that were in existence at the date of the notification (28 June 2013) of the Proposed Whakatāne District Plan the title boundaries may be re-defined where the resultant lot size of one title has a maximum area of 5,000m² and the balance has a minimum of 8.0 hectares. If there is more than one dwelling on the lots to be re-defined, the resultant lots shall each contain one dwelling in accordance with the permitted activity status for dwellings in the Zone.

12.4.9.2 The maximum lot size of 5,000m² shall exclude the area dedicated for vehicle access.

12.4.10 Subdivision of land incorporating either in whole, or in part, a CHEPA.

12.4.10.1 Any subdivision containing land within the CHEPA shall be a Discretionary activity provided that an alternative building site is available for each lot (the alternative building sites need not be contiguous with the existing or new lots) and the alternative building site is included on the same certificate of title as the lot(s). Only one new title may be created after 2 April 2008.

12.4.10.2 Any subdivision of land, that's sole purpose is to vest the new lots as reserve or a network utility lot, shall be a restricted discretionary activity.

12.4.10.3 Any boundary adjustment of two or more adjacent lots shall be a Restricted Discretionary activity where;

- a. no additional lots are created;
- b. each of the lots involved will be left with substantially the same land area and unchanged road frontages, and
- c. the adjustment does not reduce the ability of the adjusted lots created to provide an Alternative Building Site.

12.4.10.4 Any subdivision of land that meets the following criteria shall be a Discretionary activity where;

- a. only one new lot may be created after 2 April 2008;
- b. it could be done as a controlled activity if the CHEPA did not exist;
- c. provides a building platform, having a minimum area of 150m² and a minimum dimension of 10m, plus front, rear and side yards (where required by the District Plan for the underlying zone) outside of the CHEPA, and
- d. relocates existing buildings, and requires new buildings, to be located outside of the CHEPA.

12.4.10.5 Any subdivision of land that does not contain an alternative building site, and is not provided for as a Restricted Discretionary or Discretionary activity shall be a Non-complying activity.

12.4.11 Subdivision of land incorporating either in whole, or in part, a CHFPA.

12.4.11.1 Any subdivision containing land within the CHFPA, and where no new buildings, structures or earthworks are proposed on that part of the land located within overland flowpaths or natural ponding areas shall be a Restricted Discretionary activity.

12.4.11.2 Any other subdivision containing land within the CHFPA shall be a Discretionary activity.

12.4.12 Works and Network Utilities

12.4.12.1 A separate title may be created for a work or network utility or renewable electricity generation activity listed in Chapter 20 (Works and Network Utilities) as a permitted activity or which has obtained a resource consent for the work or network utility or renewable electricity generation activity.

12.4.12.2 The lot size and shape factor shall be sufficient to include the work or **network utility** or renewable electricity generation activity and associated structures and landscaping.

12.4.13 Boundary Adjustment

12.4.13.1 The adjustment of boundaries between existing land titles which will leave each of the lots involved with substantially the same area of land and complying road frontage and access. The number of certificates of title in the subdivision shall be the same after the subdivision has been approved

12.4.14 Conversion of Land Tenure

12.4.14.1 A subdivision to convert the form of land tenure from cross-lease, unit title or company lease to fee simple (freehold) title where the development of the site is complete.

12.4.15 Amendment to Cross-lease, Unit Title and Company Lease Plans

12.4.15.1 An amendment to a cross-lease, unit title or company lease plan to show lawful additions, alterations and accessory buildings.

12.4.16 Esplanade reserves

12.4.16.1 The following rules apply:

- a. Residential, Urban Living, Mixed Use, Business Centre, Commercial, Light Industrial, Industrial, Reserve or **CPZs** Zones:
 - i. For any subdivision of land that results in a lot of less than four hectares in size which abuts any part of the coastal marine area or any part of any river or lake listed in Schedule 12.11.1, a 20m wide **esplanade reserve** shall be required to be vested in the Council.
- b. Rural Plains, Deferred Residential, Rural Foothills, Rural Residential, Rural Coastal and Rural Ōhiwa Zones:
 - i. For any subdivision of land that results in a lot of less than four hectares that abuts any part of the coastal marine area or any part of any river or lake listed in Appendix 12.11.1 a 20m wide **esplanade reserve** or **esplanade strip** shall be required for public access and/or recreation use, conservation, or hazard mitigation purposes; and
 - ii. For any subdivision of land that results in a lot of 4 hectares or more and which abuts any part of a river or lake and which meets the criteria listed in Appendix 12.11.3, then a 20m-wide **esplanade reserve** or **esplanade strip** may be required for conservation or hazard mitigation purposes, or to enable public access and/or recreation use. Provided that for Rule 12.5.1.1 and (a) and (b) above;
 - an **esplanade reserve** may be replaced with an **esplanade strip** under Rule 12.4.18; and/or
 - the width of the reserve may be changed in accordance with the Rules in 12.4.19 and 12.4.20.

Advice Note 1: Access over private land requires permission from the landowner

Advice Note 2: The provisions of Section 237E and F for compensation under the RMA will apply where any **esplanade reserve** or **esplanade strip** is required to be set aside on a lot of four hectares or more.

12.4.17 Road Stopping

12.4.17.1 A 20m wide **esplanade reserve** shall be set aside in accordance with the requirement of Section 345(3) Local Government Act 1974 for the disposal of land not required for road where the road being stopped abuts any land to, or along the coastal marine area or any part of a river or lake provided that the width of the reserve may be changed in accordance with the Rules in 12.4.19 and 12.4.20.

12.4.18 Esplanade Strip

12.4.18.1 Where Rule 12.4.16.1(b) applies, the requirement for an **esplanade reserve** may be replaced by an **esplanade strip** of not less than 20m in width where;

- a. the boundary of the Mean High Water Springs, or riverbank has the potential to change position because of erosion, deposition or permanent changes in the watercourse or water level; and
- b. the Council is satisfied that the purpose of an **esplanade reserve**, as defined in Section 229 of the RMA, can be adequately achieved.

12.4.19 Reductions in Width

12.4.19.1 The width of an **esplanade reserve** or **esplanade strip** may be reduced below 20m where;

- a. an existing lawfully established residential, community or commercial activity identified in Activity Status Table 3.4, located within the 20m reserve or strip and an appropriately smaller **esplanade reserve** or **esplanade strip** can be created; or
- b. the topography limits the effectiveness of the **esplanade reserve** or **esplanade strip**; or
- c. the purpose of the esplanade reserve or esplanade strip for conservation purposes, public access or recreational use can be achieved by a lesser width or by an alternative protective mechanism.

12.4.20 Increases in Width

12.4.20.1 The width of an **esplanade reserve** or **esplanade strip** may be increased above 20m where the topography, feature or zone boundary offers a practical demarcation of the landward boundary of an **esplanade reserve** or **esplanade strip** that would better assist management purposes.

Advice Note: The provisions of Section 237E and F for compensation under the RMA will apply where an **esplanade reserve** or esplanade strip of a width greater than 20m is required.

12.4.21 Access Strips

12.4.21.1 The Council may enter into voluntary negotiations with a landowner(s) to achieve an access strip as budgetary opportunities provide to;

- a. enable pedestrian access to an **esplanade reserve or esplanade strip** where no alternate public access is available and public or recreational access is compatible with the purpose of the **esplanade reserve** or **esplanade strip**; and
- b. achieve the continuous public access along riparian areas where the potential for continuous public access is prevented by small isolated areas not being included in a reserve network administered by the Council or a marginal strip network administered by the Department of Conservation.

Advice Note: The requirement of **esplanade reserves** or **esplanade strips** does not apply to Māori land where a partition into parcels is to be held by owners who are members of the same hapū, as per Section 302 of Te Ture Whenua Māori Act 1993.

12.5 RESERVES – TO VEST IN COUNCIL

12.5.1 General

12.5.1.1 Any reserve, or reserve requirements, shown on any structure plan or development plan shall be created and vested in Council in general accordance with the structure plan. Vesting of any reserves not shown on a structure plan or development plan shall be a Restricted Discretionary activity.

12.5.2 Minimum Requirements

12.5.2.1 Where applicable, development plans for all reserves showing the proposed work shall be submitted for engineering approval and no work is to be carried out on the site before Council approval is issued.

12.5.2.2 The design of the development of the reserve shall conform to the planned future use of the reserve as determined by Council.

12.5.2.3 Any land which is to vest in Council shall be designated for its appropriate purpose prior to vesting. This shall be at the developer's cost.

12.5.2.4 The landform of the reserve shall be designed to be appropriate for the use of the reserve land and, as far as possible, be commensurate with the adjoining landform. Existing natural features shall be retained unless they are not appropriate given the proposed use of the reserve as determined by the Council.

12.5.2.5 The design of walkways and public spaces shall have regard to "Crime Prevention through Environmental Design principles.

12.5.2.6 All rights-of-way and/or easements are to be formalised at no cost to Council.

12.5.2.7 All reserves are to be fenced to surveyed and pegged boundaries, unless otherwise agreed by Council.

12.5.2.8 The permanent fencing of common boundaries of any reserve including esplanade and accessway reserves may be required.

12.5.2.9 Land to be vested for reserves purposes shall as a minimum;

- a. be free of noxious weeds, tree stumps (above ground) old shelter belts and other specified vegetation (invasive) where applicable;
- b. ensure all existing fences, building remains, stockpiles and rubbish and other undesired material is removed or disposed of to the satisfaction of the Council if required; and
- c. be easily accessible for reserves maintenance vehicles.

12.6 RESIDENTIAL DEVELOPMENT ON SITES OVER 5HA IN AREA

12.6.1.1 Any application for subdivision consent that proposes a change in land use over 5 ha in area shall include a structure plan and associated documentation which at least:

- a. shows proposed land uses;
- b. identifies all existing and consented, designated, or programmed infrastructure and infrastructure corridors (water, wastewater, stormwater, roading and reserves);
- c. identifies all infrastructure requirements (water, wastewater, stormwater, roading and reserves), of the proposed development, including the provision of and responsibility for that infrastructure

(such as staging of infrastructure development by the developer);

- d. demonstrates how provision has been made for public transport, cycleways, and pedestrian connections, and roading connectivity with adjacent blocks of land.

12.6.1.2 In addition, prior to lodgement of the request or application the applicant shall arrange a pre-lodgement meeting with the Council and supply a Draft **Assessment of Environmental Effects**. The Council will review the Draft and, having regard to the matters listed under Method 20 of the Regional Policy Statement, advise the applicant which, if any, of those matters must be recognised in the structure plan to be submitted with the application.

12.6a **SUBDIVISION WITHIN THE KAWERAU GEOTHERMAL EXPLORATION AREA**

12.6a.1 For the purposes of Section 95E(1) of the Resource Management Act 1991, Mercury NZ Limited (and its successors) shall be an affected person for all subdivision applications where an additional lot is created and where a new building platform will be located within the Kawerau Geothermal Exploration Area as shown on the planning maps.

12.7 **ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES**

12.7.1 **Subdivision With or Without Public Roads**

12.7.1.1 Council shall exercise its control over;

- a. design and layout of the subdivision;
- b. those Criteria listed in 4.3.1 (Two or More Dwellings Per Lot);
- c. the location, method, scale and duration of earthworks or vegetation clearance;
- d. management of stormwater and/or silt control during earthworks, in regard to compliance with Bay of Plenty Regional Council's "Earthworks Guidelines";
- e. traffic movement on and off the site including access, parking and loading of vehicles, and mitigation measures to manage the adverse traffic effects on the local road network and/or State Highway. Criteria in 13.4.11 in relation to transportation apply;
- f. provision for walking and cycling within the subdivision and linkages to adjoining areas;
- g. site restoration;
- h. provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent disposal, electricity, telecommunications and gas utility. The criteria in 13.2 should also be referred to in relation to servicing.
- i. avoiding, remedying or mitigating the adverse effects of;
 - i. erosion, falling debris, subsidence, slippage or inundation from any source;
 - ii. soil contamination;
 - iii. unconsolidated fill; and
 - iv. the risk to land and any nominated building platform from fire in recognised high fire risk areas and high fire risk situations (as a result of soil type, vegetation, topography and/or weather conditions). Regard will be given to:
 - access to and from the site for **emergency services** and evacuation purposes;
 - water supply;

- the distance between the building platform for the principal use on the land (or any associated **accessory building**) and areas of **production forestry** and/or areas containing **high fire risk vegetation**. Regard should be given to the use of fire retardant species near boundaries with these adjoining land uses; or
 - any other reasonable restriction on the activity that will avoid or reduce the risk of fire in these areas.
- j. protection and/or management of indigenous habitat, wetland, cultural heritage features, wildlife features and riparian margins, including the location of boundary lines so as to maintain and/or where practicable, enhance the integrity of the feature (this may include consideration of the effects of cats and dogs);
- k. names recommended for roads, reserves and other features, where supporting information is provided to record consultation with tangata whenua, where appropriate;
- l. adverse effects likely to arise from the subdivision, associated development or subsequent use of the land including reverse sensitivity effects;
- m. the intensity of residential **dwellings** to be erected on each **lot** and the siting of such **buildings** to ensure adequate separation is provided. The **Council** shall have regard to the Criteria in 3.7.1 (Landscape and Visual Impact) and 3.7.28 (Amenity Values and Rural or Urban Character);
- n. public access to water bodies;
- o. the need to plant and/or fence a riparian margin or to provide public access to avoid, remedy or mitigate the adverse effects of an activity on a waterway. The **Council** will generally require the planting of a riparian margin within the Ōhiwa Harbour catchment;
- p. provision of reserves in accordance with the Reserves Act 1977, and/or **esplanade reserves** or **esplanade strips** or **access strips**;
- q. location of **buildings** or building platforms to avoid, remedy or mitigate adverse visual effects on the landscape; and
- r. the potential effects, including reverse sensitivity effects, on existing or consented utility operators, including geothermal electricity generation activities, and mitigation provided;
- s. the potential effects, including reverse sensitivity effects, on existing or consented quarrying and mining activities, and mitigation to be provided; and
- t. the location of building platforms in relation to consented spray irrigation sites;
- u. the location of lot boundaries and building platforms to minimise or avoid potential reverse sensitivity effects on established permitted or legally authorised **farming** and production forestry activities.
- v. in relation to the subdivision of land, including the likely use of new lots that adjoins any of the Hunting Reserves listed in Appendix 12.12 (Specified Hunting Reserves) the **Council** may exercise its control and impose conditions in order to avoid, remedy or mitigate;
- i. any adverse effect on the ecology, flora and fauna, and biodiversity associated with the Specified Hunting Reserve;
 - ii. any adverse effect on amenity values, including landscape and visual effects, or recreational uses, or on the health and safety of the community as relates to the management and use of the Specified Hunting Reserve; and
 - iii. in addition, the **Council** may exercise its control and impose conditions so as to, as far as is reasonably practicable, enhance the ecology and amenity and recreational uses of the Specified Hunting Reserves.

Advice Note for Rules 12.7.1 and 12.8.1 – Controlled and Restricted Discretionary Activities – subdivision in the Rural Foothills Zone

Note that for any sites which are located within 300m of the Awakeri Quarry, at 1511 State Highway 30, Rule 7.2.11 – Sensitive Activities within the Awakeri Quarry Setback Buffer Area requires all sensitive activities to be located outside of the identified buffer as shown on Appendix 7.7 – Awakeri Setback Buffer Area, or to remedy or mitigate against potential reverse sensitivity effects.

12.7.2 Subdivision in the Residential, Urban Living and Mixed Use Zone

12.7.2.1 Council shall exercise its control over;

- a. the Criteria listed in 12.7.1; and
- b. the Criteria listed in 4.3.1.

12.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

12.8.1 Subdivision in the Rural Foothills Zone (see Rules in 12.4.4)

12.8.1.1 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1; and
- b. the location of the proposed building platforms, vehicle access, extent of earthworks as seen from public roads and any treatment including landscaping to avoid, remedy or mitigate the adverse effects from these.
- c. cumulative effects, including loss of rural character;
- d. efficiency and effectiveness of the transport network;
- e. the potential effects, including reverse sensitivity effects, on existing or consented utility operators, including renewable electricity generation activities and measures proposed to avoid, remedy or mitigate these effects; and
- f. the potential effects, including reverse sensitivity effects, on rural production activities, existing or consented quarrying and mining activities, and mitigation to be provided;
- g. the location of building platforms in relation to consented spray irrigation sites;
- h. the location of lot boundaries and building platforms to minimise or avoid potential reverse sensitivity effects on established permitted or legally authorised farming and production forestry activities.

Advice Note for Rules 12.7.1 and 12.8.1 – Controlled and Restricted Discretionary Activities – subdivision in the Rural Foothills Zone

Note that for any sites which are located within 300m of the Awakeri Quarry, at 1511 State Highway 30, Rule 7.2.11 – Sensitive Activities within the Awakeri Quarry Setback Buffer Area requires all sensitive activities to be located outside of the identified buffer as shown on Appendix 7.7 – Awakeri Setback Buffer Area, or to remedy or mitigate against potential reverse sensitivity effects.

12.8.2 Subdivision of Land Containing National Grid Corridor

12.8.2.1 Council shall restrict its discretion to;

- a. the extent to which the subdivision design including the location and design of roads, reserves, landscaping and building platforms allows for activities to be set back from **National Grid** transmission lines to ensure adverse effects on and from the **National Grid** and on public safety area appropriately avoided, remedied or mitigated.
- b. the extent to which subdivision and design and consequential development will minimise the potential reverse sensitivity on, and amenity and nuisance effects of, the **National Grid**;
- c. the provision for on-going inspection, operation, maintenance and development of the **National Grid** including continued reasonable access;
- d. the extent to which the design and developments will minimise the risk of injury and/or property damage from such lines;
- e. compliance with the New Zealand Electrical Code of Practice for Electrical Safety (NZECP S4: 2001); and
- f. outcomes of any consultation with Transpower New Zealand Limited; and
- g. the Criteria listed in 12.7.1;

Advice Note: For the purposes of the notification provisions of the Resource Management Act 1991, Transpower New Zealand Limited shall be an affected person. An application for resource consent need not be publicly notified. Council will have discretion over whether to publicly notify any application.

12.8.3 Subdivision with Direct Access to State Highway

12.8.3.1 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1.
- b. the adverse effects of the proposal on the safe and efficient operation, and function of the State Highway;
- c. any measures required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the State Highway network;
- d. the separation of crossing points relative to the speed environment and sight distances.
- e. the results from any required transport assessment.

12.8.4 Subdivision of land at Bunyan Road and Piripai Rise

12.8.4.1 This section applies to the following sites:

Address	Legal Description
23 Bunyan Road	Pt Lot 2 DPS 9881
29B Bunyan Road	Lot 3 DPS 85424
43 Bunyan Road	Lot 2 DP 68804
47 Bunyan Road	Lot 6 DPS 9881

1 Piripai Rise	Lot 3 DPS 63452
2 Piripai Rise	Lot 1 DPS 63452
3A & B Piripai Rise	Lot 5 DPS 63452
5 Piripai Rise	Lot 6 DPS 63452
4 Piripai Rise	Lot 2 DPS 63452
6 Piripai Rise	Lot 4 DPS 63452

Table 12.3: Lots where subdivision is a Restricted Discretionary activity

12.8.4.2 Council shall restrict its discretion to;

- a. the Criteria listed in 12.7.1;
- b. the measures to be put in place to protect and enhance the **Coastal Protection Zone (CPZ)** and the public dune land margin along the foreshore, including minimising access points and measures to maintain and enhance the habitat;
- c. the measures to maintain and enhance coastal vegetation in reserve areas, to retain ecological corridors, and to enhance coastal habitat through native replanting and pest plant and animal control (this is distinct from the **CPZ**);
- d. the means by which coastal natural character and landscape values will be protected, including retention of natural dune features and coastal habitat and buffer zones;
- e. the means by which urban built form is broken up with open green space which runs along the contour line and there is a low rise and low density open development along the coastal strip when viewed from the Whakatāne township;
- f. the means by which vehicle, cycle, pedestrian and infrastructure connectivity is provided to the western urban area;
- g. the design of the development and its consistency with the Structure Plan; and
- h. the means by which visual impacts on landscape values, the Ōpihi Urupā and views from the Whakatāne Township are managed including the mitigation of effects through matters such as building heights, earthworks, building contours or materials and landscape planting.

12.8.5 Coastal Hazard Flooding Policy Area

12.8.5.1 Council shall restrict its discretion to;

- a. whether the proposal is consistent with the objectives and policies relating to Natural Hazards, Section 18.1 of the Plan;
- b. the extent to which proposed activities, buildings and structures affect the natural drainage and ponding capacity of the area and the subsequent potential effect of inundation on the site or adjacent sites;
- c. the degree to which the proposed activity is likely to;
 - i. accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by coastal inundation;
 - ii. be subject to damage from inundation;
 - iii. compromise the natural buffering ability of the coastal environment;
 - iv. reduce the net risk of coastal inundation; and
- d. for subdivision, those Criteria identified in 12.7.1 for Controlled activity subdivisions;

- e. for **land use activities**, any matter subject to the Control or Restricted Discretion of the Council that would have applied to the activity if the land were not within the **CHFPA**;
- f. the general requirements for development or subdivision of land, set out in Chapter 12;
- g. the provision of access to the site during times of inundation;
- h. any other matter to which the Council has restricted its discretion in the zone in which the activity occurs; and
- i. the location of the **CHFPA** boundary and the minimum floor level for **dwelling**s and habitable buildings.

12.8.6 Esplanade Reserve or Strip Waivers

12.8.6.1 Council shall restrict its discretion to;

- a. whether the watercourse is an **artificial watercourse**;
- b. whether protection of the riparian area is more appropriately achieved by an alternative protection mechanism;
- c. whether public access is impractical due to topography and/or alternative free and practical public access is available or provided;
- d. the public's use of the land both existing and potentially in the future;
- e. whether there are no conservation values to be protected and restoration and rehabilitation are not practicable;
- f. whether the subdivision is a boundary adjustment only;
- g. whether the land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, marginal strip under the Conservation Act, or the land is already protected for conservation purposes by a Land Improvement Agreement with the Bay of Plenty Regional Council or New Zealand Forests Accord; and appropriate alternative provision has been made for public access to land along the water body concerned;
- h. whether for reasons of public safety and/or security, an **esplanade reserve** would be inappropriate and security cannot be assured by some other means; For example, where there are Defence lands, existing public road reserve, sensitive machinery, network utilities or works. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required; and
- i. Rule 12.7.1.1(a-v).

12.8.7 Subdivision within the Kawerau Geothermal Exploration Area

12.8.7.1 Council shall restrict its discretion to the following matters;

- a. the extent to which the subdivision design, including the location of **building** platforms minimises the potential for **reverse sensitivity** effects on existing and consented geothermal electricity generation activities. The potential **reverse sensitivity** effects arising from new **dwelling**s are limited to subsidence risk, noise, vibration, lighting/glare, dust, odour and traffic;
- b. whether written approval has been secured from the holder of the relevant geothermal consent, which includes the land to be subdivided (the extent of such person's interest is limited to the matters listed in paragraph (a)).
- c. Rule 12.7.1.1(a-v)

12.9 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

12.10 OTHER METHODS

12.10.1 Council will:

- a. Work with stakeholders and use education and signage to increase understanding that public access to **esplanade reserves** and strips is subject to constraints such as:
 - i. Using only identified access,
 - ii. Leaving gates as found,
 - iii. Keeping off adjoining private land, and
 - iv. Respecting management requirements for the property and adjacent properties.
- b. Use the Council website, media, and Land Information Memoranda to promote awareness of people living in rural areas that they are living in a working rural environment and the rural production activities and renewable electricity generation activities may have adverse effects such as noise, odour, traffic movements and visual change.
- c. Where small lots will be created in a working rural environment or near permitted or legally authorised activities such as **farming, production forestry, quarrying, or spray irrigation**, a covenant or consent notice shall be placed on the title to advise of the typical effects of rural activities for those living in a rural environment and that complaints shall not be made about lawful activities.

12.11 APPENDICES

12.11.1 Specified Coast, Rivers and Streams for Esplanade reserves or Strips: Public Access and/or recreation, conservation, or hazard mitigation purposes

	Stream or River name	Strip or Reserve
1	All coastal and estuarine margins	Reserve
2	Awaīti Stream	Strip
3	Awakaponga Stream	Strip
4	Awaraputuna Stream	Strip
5	Awatarariki Stream	Strip
6	Flaxy Canal	Strip
7	Flaxy Lake	Strip
8	Hāumea Stream	Strip
9	Herepuru Stream	Strip
10	Horomanga River	Strip
11	Karaponga Stream	Strip
12	Lake Āniwaniwa	Reserve
13	Lake Matahina	Reserve
14	Mangamako Stream	Strip
15	Mangaone Stream	Strip
16	Maraetōtara Stream	Strip
17	Nukuhou River	Strip
18	Ōkahu Stream	Strip
19	Ōkui Stream	Strip
20	Old Rangitāiki Channel	Strip
21	Ōhiwa Harbour	Reserve
22	Rangitāiki River	Coastal and urban zones: Reserve Rural zones: Reserve/Strip
23	Rāroa Stream	Strip
24	Tarawera River	Reserve/Strip
25	Tauranga River	Strip
26	Waihui Stream	Strip
27	Waikare River	Strip
28	Waikokopu Stream	Strip
29	Waimana River	Strip
30	Waingārara Stream	Strip
31	Wainui Stream	Strip
32	Waiotāne Stream	Strip
33	Whakatāne River	Urban zones: Reserve Rural zones: Reserve/Strip
34	Wheao River	Strip
35	Whirinaki River	Reserve/Strip

Table 12.4 Specified coast, rivers, streams for esplanade reserves or strips

12.11.2 Criteria Used for the Selection of the Above Esplanade Waterbodies

- 12.11.2.1 The coast, rivers and streams listed in 12.11.1 have been identified on the basis of the criteria in this section and these criteria will be referred to when considering whether an **esplanade reserve** or strip is required or a waiver requested.
- 12.11.2.2 Provide off-road access from inland communities to the coast or lakes. This requires reserves to be taken on all the main rivers and some canals, i.e.: Tarawera River (Kawerau to the sea and to Lake Tarawera); Rangitāiki River (Murupara to Āniwaniwa and Matahina, Te Teko and Edgecumbe to the sea); Reids Canal (Edgecumbe to Thornton); Whakatāne River (Taneātua to the sea).
- 12.11.2.3 Link communities with large areas of reserve, e.g. Waimana River (Taneātua to Stanley Falls Scenic Reserve, Waimana Gorge Scenic Reserve and Te Urewera National Park).
- 12.11.2.4 Provide access to important freshwater fishing waterbodies (whitebait, eels, and trout). Such as more than 500 angler days in the 1994/96, 2001/02 and or 2007/08 national angler survey. These include those waterbodies identified above, plus Flaxy Canal, Horomanga River, Whirinaki River, Lake Āniwaniwa, Flaxy Lake, Lake Matahina, Wheao River and the Whirinaki River. There are no data available for recreational eeling. Whitebait activity is generally confined to larger river mouths considered above.
- 12.11.2.5 Provide identified transverse links between major waterways across the plains, e.g. Whakatāne River to Rangitāiki River via the Kōpeōpeō or Ōrini Canals; and from the Rangitāiki River to the Tarawera River via the Omeheu Canal and Awaīti Stream, and/or via the Old Rangitāiki River Bed (between Robins Road and Smiths Road). Existing Regional Council lands may contribute to the missing links.
- 12.11.2.6 Provide complete access along the coast, including within Ōhiwa Harbor providing linkages between existing reserves (either waterside or inland), public roads (formed and unformed), and other enduring public access opportunities, where the proposed reserve provides the only, or an important, new off-road access option.
- 12.11.2.7 Provide access for short distances (for example 100m) either side of the intersection between a waterbody and a legal road (formed or unformed), or any other form of enduring public access, where local recreation amenity values exist (potential for interaction with water, beaches, picnic sites, swimming holes or similar).
- 12.11.2.8 Provide walkways near and within urban areas where, although a linkage between existing public areas might not be achieved, a return trip can be achieved on both sides of a waterway which has good existing or potential recreation amenity values.
- 12.11.2.9 The extent to which the reserve or strip will provide for natural hazard mitigation.

12.11.3 Ecological Criteria for Selection of Esplanade Strips or Reserves for Conservation Purposes

- 12.11.3.1 The site is adjacent to, and contiguous with, the sea, a lake, a permanent river, or a permanent stream an average of 3m or more wide.
- 12.11.3.2 The site is not legally protected.
- 12.11.3.3 The waterway is a significant habitat or migratory pathway for indigenous fish. Sub-catchment that meets this criterion is:
- a. Matatā-Otamarākau
 - b. Manawahē Eastern
 - c. Tarawera Upper
 - d. Rangitāiki Central and Western
 - e. Rangitāiki Eastern and Upper
 - f. Waioho – Ōwhakatoro

- g. Te Rahu – Mangaroa
 - h. Ōhiwa – Ōhope
 - i. Waimana Upper
 - j. Whakatāne-Upper
 - k. Whakatāne Lower-Wainuitewhara
 - l. Waimana-Lower
- 12.11.3.4 Sub-catchments that do not meet the criterion in 12.11.3.3 because of habitat loss and modification for drainage and flood protection (but may still have potential to benefit from riparian protection under other criteria) are:
- a. Tarawera Lower
 - b. Rangitāiki Lower
 - c. Kōpeōpeō – Ōrini
 - d. Rangitāiki Coastal
 - e. Whakatāne-Ruatoki
- 12.11.3.5 The catchment retains a significant proportion of indigenous vegetation. Sub-catchment areas that meet this criterion are:
- a. Matatā-Otamarākau
 - b. Manawahe Eastern
 - c. Rangitāiki Eastern and Upper
 - d. Waioho-Ōwhakatoro
 - e. Te Rahu-Mangaroa
 - f. Ōhiwa-Ōhope
 - g. Waimana Lower
 - h. Waimana Upper
 - i. Whakatāne Lower-Wainuitewhara
 - j. Whakatāne-Upper
- 12.11.3.6 The waterbody is an important habitat for indigenous plants and/or fauna. Lakes and ponds that meet this criterion are:
- a. Ōhiwa Harbour
 - b. Whakatāne Estuary
 - c. Braemar Lagoon
 - d. Lake Āniwaniwa
 - e. Lake Matahina
 - f. Lake Pūpūwharau
- 12.11.3.7 The site has a role in maintaining or enhancing water quality and/or aquatic habitats.
- 12.11.3.8 The site has been identified as having significant ecological values.
- 12.11.3.9 The site includes indigenous vegetation and is within an ‘Acutely Threatened’ or ‘Chronically Threatened’ land environment.
- 12.11.3.10 The site is a spawning site for whitebait, is adjacent to a spawning site for whitebait, or acts as a buffer to a spawning site. Sites that meet this criterion include, but are not limited to, sites listed in Schedule 1C of the Regional Water and Land Plan and sites adjacent to those in Schedule 1C.
- 12.11.3.11 The site provides habitat for threatened indigenous species, including avifauna and/or plants. A site meets these criteria;
- a. if it is included in Schedule 1B of the Regional Water and Land Plan;
 - b. if it is recorded in the DOC threatened species database or;
 - c. if it is in published or unpublished literature; or

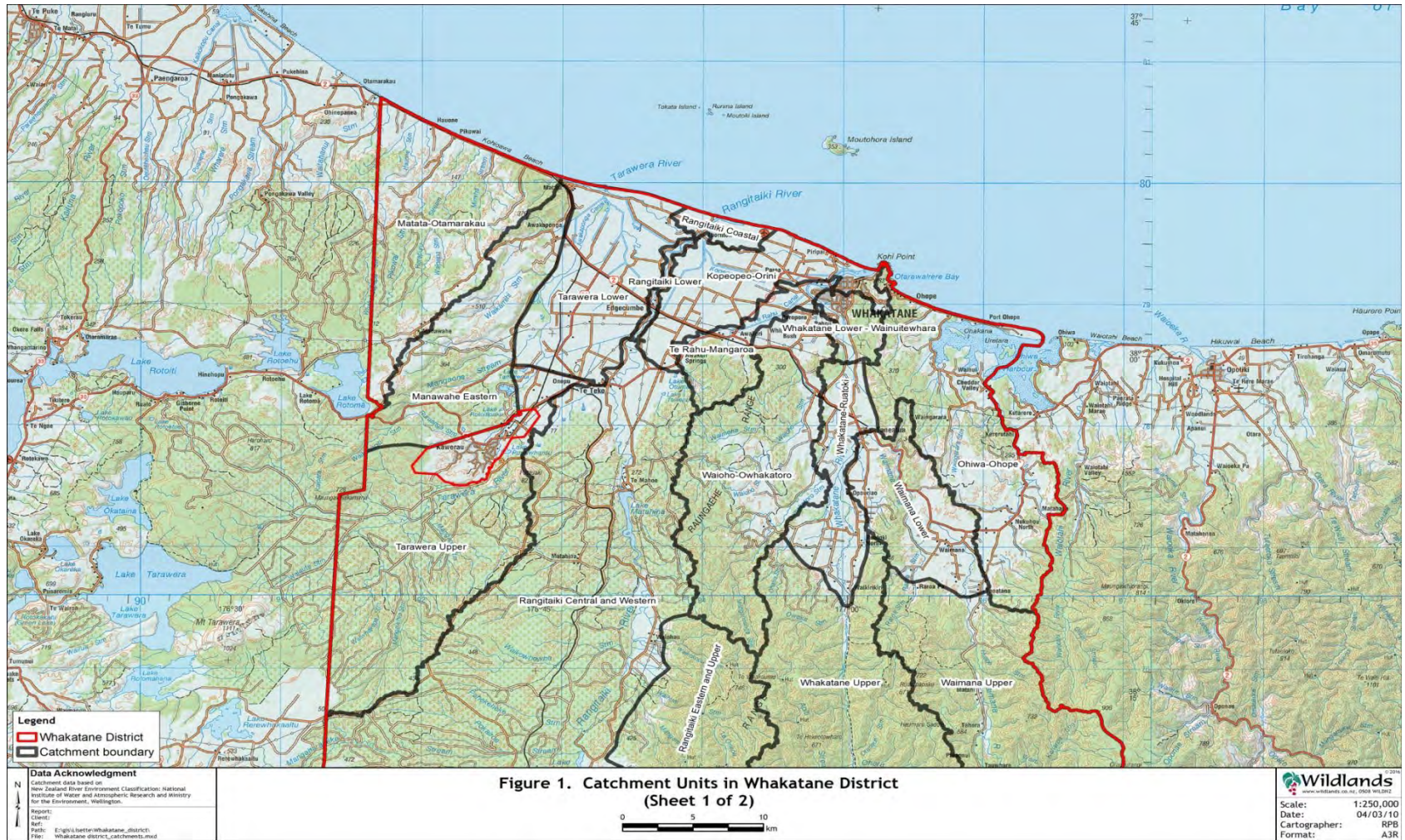
d. if a new species record is verified by a suitably qualified and experienced ecologist.

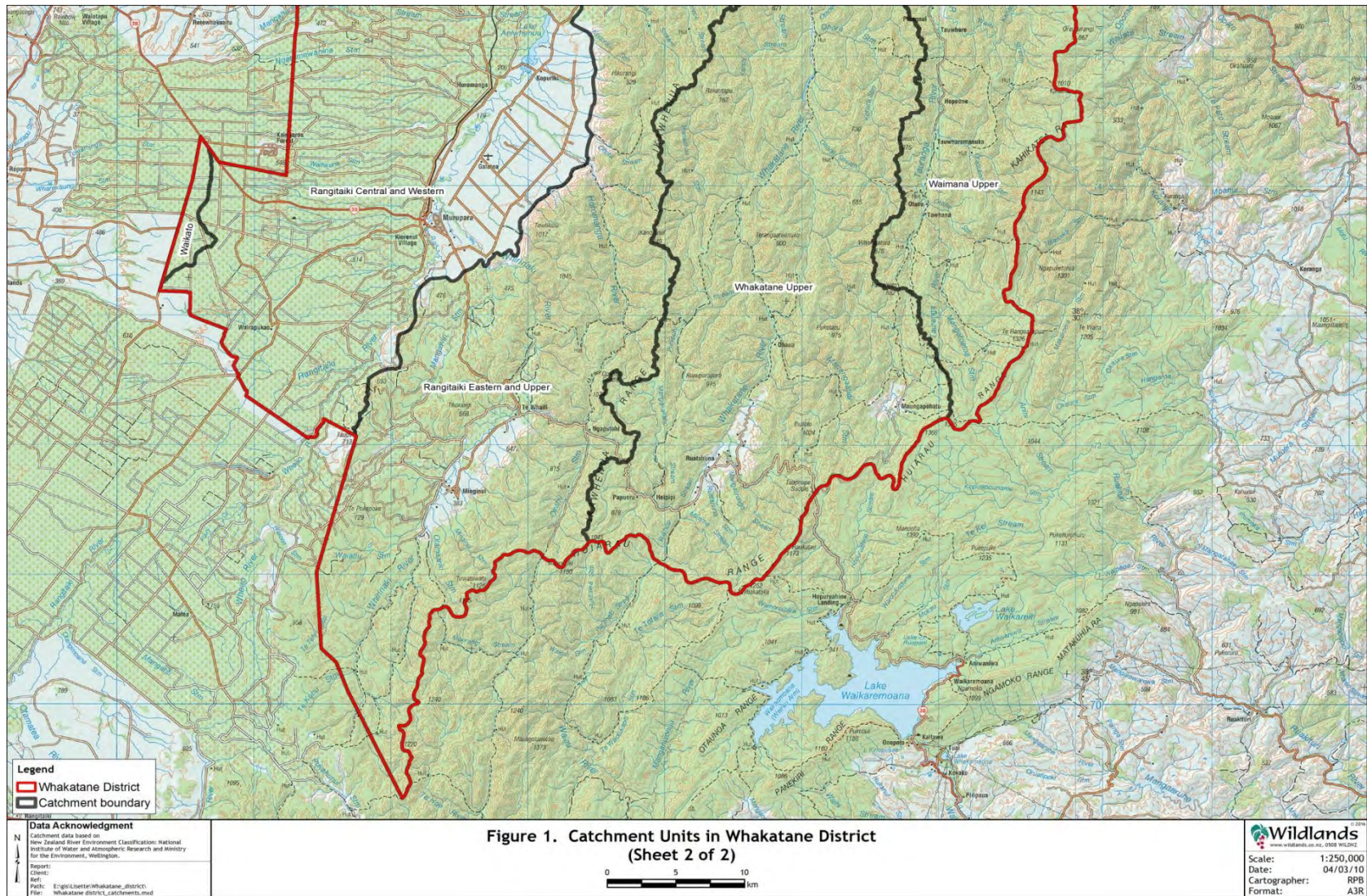
12.11.3.12 The site includes coastal dunes and/or coastal or freshwater wetland.

12.11.3.13 The site is adjacent to a protected natural area or an unprotected significant natural area and/or has the potential to form a link, or a significant part of a link, between the natural area and the waterway or between two or more natural areas.

12.11.3.14 The site is adjacent to a waterway which has significant ecological values (along all or part of its length) and where there is potential, over time, to protect all or a significant proportion of the riparian margins of that waterway, or to connect other sites along that waterway with significant ecological values.

12.11.4 Appendices





12.12 SPECIFIED HUNTING RESERVES

Name	Location	Legal Description	Planning Map No.
Awaīti Wildlife Management Reserve	343 Greig Road	Sect 16 BLK IV Awaateatua SD	504
Awakaponga Wildlife Management Reserve	531 Matatā Road	Pt Lot 5 DP 34366	504
Bregman Wildlife Management Reserve	458A Sutherland Road	Lot 1 DPS 8489	504
Fort Galatea Wildlife Management Reserve	865C Kopuriki Road	Sect 13 BLK V Galatea SD	520
Lake Tamurenui Wildlife Management Reserve	2707 State Highway 30	Pt Allot 1269 Matatā Psh	508
Mātuku Wildlife Management Reserve.	722 Ōtakiri Road	Allot 1346 Matatā Psh	504
Ōrini Wildlife Management Reserve	408A McLean Road	Allot 307 Rangitāiki Psh	505
Tarawera Cut Wildlife Management Reserve	853Z Matatā Road	Allot 1354 Matatā Psh	504
Thornton Wildlife Management Reserve	148 Thornton Hall Road	Pt Allot 274 Rangitāiki Psh	102

Table 12.5 Specified hunting reserves

Advice Note 1: The Eastern Fish and Game Council may be a potentially affected party to any application that seeks the subdivision of land that adjoins one of the Specified Hunting Reserves listed above. In the situation where the Eastern Region Fish and Game Council is identified by the Whakatāne District Council as an affected party and written consent is not obtained from the Eastern Region Fish and Game Council, then the Whakatāne District Council will serve notice on this party.

Advice Note 2: The Department of Conservation may be a potentially affected party to any application that seeks the subdivision of land that adjoins one of the reserves listed above that is managed by the Department of Conservation. In the situation where the Department of Conservation is identified by the Whakatāne District Council as an affected party and written consent is not obtained from the Department of Conservation, then the Whakatāne District Council will serve notice on this party.



CHAPTER
13

**TRANSPORTATION
AND SERVICES**

*Ngā Pūtahitanga-ā-Waka me
Ngā Ratonga*

13 Transportation and Services

This Chapter applies to all subdivision and land use activities.

13.1 OBJECTIVES AND POLICIES

Transportation

- Objective TS1** *A safe, efficient, sustainable integrated land transport network.*
- Policy 1 To consider benefits derived from improved transport infrastructure and connectivity and to ensure that any adverse effects on the physical transportation network resources are avoided, remedied or mitigated.
- Policy 2 To ensure that adverse effects on traffic movement, safety, sustainability, network capacity and the environment from the location, construction, maintenance and operation of activities are avoided, remedied or mitigated.
- Policy 3 To ensure the transportation mitigation meets the demands of the activity while maintaining the safe, sustainable and efficient function of the transport network.
- Policy 4 To ensure that land development occurs in an integrated, co-ordinated and comprehensive manner that does not compromise the overall purpose of the multi model transport network, particularly pedestrian and cycleways.
- Policy 5 To ensure that activities do not adversely affect the function, including the safe and efficient operation, of the transport network.
- Policy 6 To give priority to the safe movement of cyclists and pedestrians within the Business Centre Zone.
- Policy 7 To provide a connected road, cyclist and pedestrian network and where necessary physically separate vehicle, cyclist and pedestrian movements.
- Policy 8 To encourage an effective and efficient functioning of the transport network, ensuring that the ease of movement for pedestrians, cyclists, disabled people, the elderly, children, motor vehicles, and public transport is not unduly compromised.
- Objective TS2** *Roads that are safe for all road users and designed to the context of their environment.*
- Policy 1 To ensure that transportation networks are planned to respond to the land use context using design to encourage appropriate traffic speeds and provide amenity for all users.
- Policy 2 To ensure that the street network enables traffic to flow freely and is appropriate for its purpose, and promotes safety of all users.
- Policy 3 To encourage and facilitate sustainable modes of transport including walking, cycling and public transport.
- Objective TS3** *Roads should be capable of carrying all utility services underground, provide for the management of stormwater, and contribute to quality urban design.*
- Policy 1 The road reserve shall allow for an integrated approach to the provision of

infrastructure services and streetscape planting avoiding unnecessary disturbance and costs.

Objective TS4 *The safe movement of traffic and pedestrians entering, leaving and within sites.*

Policy 1 To ensure sufficient and practical provision of safe on-site parking, manoeuvring areas, connectivity and access and pedestrian connectivity.

Policy 2 To avoid poorly located and inadequately constructed access points on to roads and/or across rail lines.

Objective TS5 *Prevent uncontrolled or unauthorised disposal of stormwater, wastewater and sewage into the environment.*

Policy 1 To ensure stormwater, sewage and other wastewater is detained, collected or removed from a lot or a site without causing an adverse effect on the natural environment or on other property, or to people.

Policy 2 To encourage where practicable the use of low impact design and retention based stormwater solutions for the treatment and disposal of stormwater.

Policy 3 To ensure that stormwater and floodwater is managed in accordance with catchment management plans and discharge consents.

Policy 4 To enable subdivision and development of residential land when it is, or will be serviced to a standard compatible with existing residential areas.

Objective TS6 *Urban areas are appropriately and adequately supplied with potable water.*

Policy 1 To manage the use of water resources in a manner that enables people and communities to provide for their social economic and cultural well-being and their health and safety.

Policy 2 To avoid, remedy or mitigate potential adverse effects on water quality and quantity, due to the inappropriate location and management of activities.

Policy 3 To encourage water conservation.

13.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities.

13.2.1 Activity Status Table

P = Permitted
C = Controlled
RD = Restricted Discretionary
D = Discretionary
NC = Non-Complying
Pr = Prohibited

Item	Activity Status	All Zones
1.	Public roads (new) excluding those approved as part of a resource consent for subdivision;	D

Item	Activity Status	All Zones
	Public Service lanes (new) excluding those approved as part of a resource consent for subdivision;	D
	Public car-parks (new) excluding those approved as part of a resource consent for subdivision;	D
2.	Rail network or line and/or ancillary equipment.	D
3.	Airports and associated buildings and/or structures.	D
4.	Heliports and associated buildings and/or structures.	D

Advice Note 1: Requiring authorities also have the ability to designate roads.

Advice Note 2: The roading hierarchy is defined in Appendix 22.8.

13.2.2 Roads and Property Access (excluding State Highway)

13.2.2.1 Any new road or **accessway** shall be designed, constructed and located to accommodate the volume and type of traffic likely to use it in a safe and efficient manner.

13.2.2.2 Compliance with the following standards shall satisfy Rule 13.2.2.1. Non-compliance with these standards shall be considered a Restricted Discretionary activity:

- a. Roads and **accessways** shall be designed to meet the design standards set out in Appendix 13.7.5. Widths shall be selected to ensure that adequate movement lanes, footpaths, berms, and batters can be provided to retain amenity values (including landscaping) and enable utility services to be provided safely and in economical and accessible locations;
- b. All components of the transportation network shall have a minimum design life of 25 years;
- c. No road or **accessway** shall have a gradient steeper than 1 in 8 (12.5%) measured over a distance not less than 20m;
- d. No road or **accessway** shall have a gradient flatter than 1 in 200 (0.5%) measured over a distance not less than 20m;
- e. Where roadside **batters** steeper than 1 in 3 are to be constructed, the road reserve boundary shall encapsulate the batter and provide not less than one metre clearance from the top or toe of the batter, as appropriate;
- f. No part of a road or **accessway** shall cause, or be located into land which is unstable, or with unsuitable ground conditions;
- g. All roads and **accessways** shall be located, designed, constructed and enable **maintenance** to;
 - i. provide vehicular and pedestrian access to every lot relying on its construction for frontage purposes;
 - ii. provide for stormwater collection and/or disposal that shall comply with the Rules in 13.2.28 (Stormwater);
 - iii. manage flood waters; and
- h. All new road intersections shall be a minimum distance as set out below from any other intersection, where the speed shown relates to the road with highest speed;

Advice Note 1: Sight distances relating to level crossing are listed under Rule 13.2.22. .

Speed Environment (km/hr)	Minimum Separation Distance centre to centreline (m)
100	800
80	550
70	220
60	160
50	125

Table 13:1 Separation Distances

- i. Where new public/**private roads**, roadways (including **access legs**, **access lots**, **right of ways**, **privateroadways**) or vehicle crossings are proposed the minimum sight distances prescribed below shall apply;

Speed Environment (through road) (Km/hr)	Minimum Sight Distance	
	Collector	Arterial
100	160	250
90	130	210
80	105	175
70	85	140
60	65	115
50	45	90
<40	35	70

Table 13:2 Minimum Sight Distances

Advice Note: The roading hierarchy is defined in Appendix 22.8.

- j. The minimum vehicle crossing separation distances to an intersection shall be;

Zone	Distance
Rural Coastal, Rural Foothills, Rural Plains, Rural Ōhiwa, Deferred Residential Zone	50 metres
Residential or Urban Living Zone	15 metres for a residential activity 30 metres for a business activity
Business Centre, Commercial, Large Format Retail, Education, Mixed Use, Airport, Light Industrial and Industrial Zone	30 metres
Reserve, CPZ	As above dependent on the predominant zoning of land adjacent to the Reserve or CPZ .

Table 13:3 Minimum Vehicle Crossing Separation

Advice Note: These distances are to be measured from the intersection of the two kerb lines of the adjacent intersection.

- 13.2.2.3 All new road intersections or **accessways** shall be a minimum distance of 30m from the closest rail track.
- 13.2.2.4 Each site or **lot** shall be provided with legal access for a vehicle from a formed legal road or by mutual right of way service lane (which provides vehicle access to a formed legal road). The access shall be located and formed in accordance with this rule, provided that this rule shall not apply to a site or a lot on Ōhākana Island.
- 13.2.2.5 All subdivision shall provide road and/or pedestrian connections between the lands being subdivided, existing roads, adjoining properties and balance lots.

- 13.2.2.6 Provision should be made for road reserves to satisfactorily accommodate reticulated **network utility services**, **street lighting**, **pedestrian traffic**, cyclists and amenity landscaping including street trees.
- 13.2.2.7 The design shall provide connectivity with and between neighbourhoods for cycle, pedestrian and vehicle transport modes as appropriate to the scale of the subdivision.
- 13.2.2.8 Road lighting shall be provided to ensure and enable the safe and efficient movement of vehicles and pedestrians within the road network at night.

Advice Note: Within the Rural zones street lighting will be limited to areas where additional vehicular safety is required. For example: intersections and places of assembly such as **Marae** and community facilities.

13.2.3 Streetscape Planting – New Urban Roads

- 13.2.3.1 All new roads shall include streetscape planting appropriate for the street hierarchy.
- 13.2.3.2 Any development that proposes construction of an entrance feature shall require that feature to be located within private property and **maintenance** shall be the responsibility of that property owner.
- 13.2.3.3 Any area not required for the carriageway or for the footpath area shall be finished in a grassed surface unless otherwise provided for in this District Plan.
- 13.2.3.4 Street gardens shall be limited to arterials, collector roads, or within median strips and roundabouts. Any proposed gardens not in medians or roundabouts shall be a minimum of 45m² in planted area.
- 13.2.3.5 Planting in the road reserve shall not interfere with clear lines of sight.
- 13.2.3.6 For new roads street trees shall be required at no more than 1 tree per 6 lineal metres of road, and no less than 1 tree per 15 lineal metre.
- 13.2.3.7 Any plants or tree species shall be appropriate to the road hierarchy and location
- 13.2.3.8 Any tree or garden planted in the road reserve shall be clear of utilities and services and shall be easily maintained. This will include the use of tree pits and root barriers as necessary.

Advice Note: Council will keep a schedule of appropriate species.

13.2.4 Design and Construction of Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title

- 13.2.4.1 A **private way**, access leg, access lot or common area utilised for vehicle access on a cross or company lease or unit title shall be designed, formed and constructed in accordance with the Urban Private Accessway Requirements or Rural Private Accessway Requirements set out below.

Urban Accessway Requirements						
No of Lots or Dwellings Served	Land Use	Min. Width of Access (m)	Max. Length of Access (m)	Min. Width of Carriageway (m)	Berms (m)	Surface Standard
1	Residential activity	3.0	60	2.5	0.5	Standard Drawing 13
1	Business activity	6.0	60	5.0	0.5 & 0.5	Specific design
2 or 3	Residential activity	4.0	60	3.0	0.5 & 0.5	Standard Drawing 13
2 or 3	Business activity	8.0	120	6.0	0.5 & 1.5	Specific design

Urban Accessway Requirements						
No of Lots or Dwellings Served	Land Use	Min. Width of Access (m)	Max. Length of Access (m)	Min. Width of Carriageway (m)	Berms (m)	Surface Standard
4 - 6	Residential activity	6.0	60	5.0	0.5 & 0.5	Standard Drawing 13
4 - 6	Business activity	12.0	150	8.0	2.0 & 2.0	Specific design

Table 13:4 Urban Private Accessway Requirements

- 13.2.4.2 For subdivisions of seven or more lots, the road standards shall apply.
- 13.2.4.3 Where the subdivision is of seven or more lots, the acceptance of the road as a private way if required by the Developer shall be at the Council's discretion.
- 13.2.4.4 For subdivisions of up to six lots where the land use is for commercial or industrial activities, the accessway and carriageway widths will be subject to specific approval by the Council.
- 13.2.4.5 Streetlights may be required on private accessways at the discretion of the Council, subject to length and layout.
- 13.2.4.6 Urban private accessways shall be constructed in accordance with the details shown on Standard Drawing R13.
- 13.2.4.7 Where Option A or B is used for surfacing as set out on Standard Drawing R13, a pavement design in accordance with Austroads may be required depending on the in-situ sub-base material.
- 13.2.4.8 Bridges shall have a minimum width of 3.5m between kerbs and shall have a design loading of 0.85 HN 72.
- 13.2.4.9 The maximum length of an accessway as set out in Rule 13.2.4.1 may only be exceeded with the specific approval of Council.
- 13.2.4.10 Accessway width shall be determined by the greater of the number of lots or the number of dwellings to be served.

Rural Accessway Requirements					
No of Lots Served	Land Use	Min. Width of Access (m)	Max. Length of Access (m)*	Min. Width of Carriageway (m)	Surface Standard
1	Residential activity only where area is 1ha or less	5.0	750	3.5	All weather metal
1	Other activities and in all cases where area > 1ha	8.0	750	3.5	All weather metal
2 - 4	All	9.0	750	5.0	All weather metal
5 - 8	All	10.0	750	5.0	Seal coat

Table 13:5 Rural Accessway Requirements

- 13.2.4.11 For subdivisions of nine or more lots, the road standards shall apply.
- 13.2.4.12 *Applies in Rural Plains Zone only
- 13.2.4.13 Bridges shall have a minimum width of 3.5m between kerbs and shall have a design loading of 0.85 HN HO72.

13.2.4.14 Non-compliance with Rule 13.2.4.1 shall be assessed as a Restricted Discretionary activity.

Advice Note: A seal coat is recommended for private access way serving 2 – 4 lots.

13.2.5 Design and Construction of Vehicle Crossings (excluding State Highways)

13.2.5.1 Safe and efficient vehicular access to a formed legal road (either direct access by vehicle crossing or via a private way, right of way, access leg) shall be provided for every new lot or development, or for a development which results in a change in the character, intensity or scale of activity. The access shall meet, or be upgraded to meet, the requirements of the transportation performance standards set out in Section 13.2 below.

13.2.5.2 A vehicle crossing shall be located, designed, constructed and maintained to ensure that all traffic movements can be undertaken safely with consideration being given to likely traffic volumes, vehicle speeds, appropriate sight distances, safe stopping distances, pedestrian or cycling conflicts, and anticipated life expectancy. Such crossing shall be designed, located and constructed in accordance with drawings R08, R09, R25, R28, R29 or R30 (Appendix 13.7.1 and 13.7.5) as appropriate.

13.2.5.3 A vehicle entranceway or crossing shall be designed, constructed and maintained to ensure that;

- it is able to be used in all weather conditions;
- it will have no adverse impact on the roadside drainage system;
- stormwater and detritus (including gravel and silt) do not migrate into the road pavement;
- it is able to carry the volume and weight of traffic likely to use the entranceway or crossing;
- it is constructed to the same standard as the adjacent road (unless the volume, type and mix of traffic generated to and from the site warrants a different standard); and
- all work on crossings within the road boundaries shall be undertaken at the expense of the developer.

13.2.5.4 A crossing from a road carriageway to a site or lot shall serve a maximum of:

Zone	Number of Lots
Residential or Urban Living Zone	Six lots
Rural Coastal, Rural Foothills, Rural Plains, Rural Ōhiwa, Deferred Residential Zone	Eight lots
Business Centre, Commercial, Large Format Retail, Education, Mixed Use, Airport, Light Industrial and Industrial Zone	Six lots

Table 13.6 Crossings from a Road Carriageway

13.2.5.5 Non-compliance with Rule 13.2.5 shall be assessed as a Discretionary activity.

13.2.6 Design and Construction of Vehicle Crossings on a State Highway

13.2.6.1 Where a new vehicle crossing (or crossings) is proposed onto a State Highway, written consent from the New Zealand Transport Agency shall be provided.

Advice Note: Design specifications will be dependent on the type or volume of traffic using the access way and the volume of traffic using the state highway.

13.2.6.2 Non-compliance with Rule 13.2.6.1 shall be assessed as a Restricted Discretionary Activity (see criteria in 13.4.11).

13.2.7 Traffic Flow Generation

- 13.2.7.1 Any activity in the Residential and Urban Living Zones that is likely to generate more than 25 **car-equivalent movements** per day shall be a Discretionary activity (see Criteria in 13.4.7).
- 13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides more than 25 **on-site parking spaces** shall be a discretionary activity.
- 13.2.7.3 Any new land use activity that increases the use of an existing direct access from the State Highway by more than 50 **car equivalent movements** per day shall be a Restricted Discretionary Activity.

13.2.8 Pedestrian Streets – (Business Centre and Commercial Zone)

- 13.2.8.1 No activity on a site which adjoins a public footpath along a Pedestrian Street in the Business Centre Zone, shown on any planning map, shall have **direct vehicular access to that street other than by a public service lane** or an existing vehicle crossing provided that this does not apply to the pedestrian frontage at the Taneātua Commercial Zone
- 13.2.8.2 Non-compliance with this Rule 13.2.8.1 shall be assessed as a Restricted Discretionary activity (see Criteria in 13.4.7 and 13.4.8).

13.2.9 *Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).*

13.2.10 Location and Design of Parking Areas

- 13.2.10.1 The layout of any parking area is to be practical so that vehicles can manoeuvre into nominated parking spaces without the need to;
- a. travel over any other parking space;
 - b. reverse-manoevr e either onto or off a site; provided a vehicle may reverse-manoevr e from a site in the following circumstances;
 - i. the access serves only one **dwelling** or one **accessory building for habitation**;
 - ii. access from the parking area is on to a Local Road as defined in Appendix 22.8 (Roading Hierarchy) with a posted speed limit of 50km/hour or less; and
 - iii. access is not from a rear site.
 - c. undertake more than one reverse-manoevr e when manoeuvring out of any parking or **loading space**;
 - d. reverse-manoevr e when moving from any vehicle access to any required parking space; and
 - e. travel over a nominated outdoor living space.
- 13.2.10.2 Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part **extending into a manoeuvring area, accessway**, over a boundary of the **lot** or into a common vehicle area (right-of-way, **service lane**, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or **loading space** and includes all driveways and aisles, and may be part of an **accessway**. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2).
- 13.2.10.3 In the Residential and the Urban Living Zones, no car park space shall be located in the front yard.

- 13.2.11 *Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).*
- 13.2.12 *Assessing Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).*
- 13.2.13 **Service Lane or Roads**
- 13.2.13.1 All parking spaces and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.
- 13.2.14 **Construction of Parking Spaces, Access and Manoeuvring Areas**
- 13.2.14.1 All parking spaces, access and manoeuvring areas shall be formed, constructed and maintained so as not to create a dust nuisance or permit vehicles to carry deleterious material such as mud, stone, chip or gravel on to a public street or road or footpath.
- 13.2.14.2 A two-coat sealed standard of construction with stormwater control or better, shall meet the requirements of this rule in a business zone or for a **business activity** in another zone. However, in the Community and Cultural Zone, parking areas are permitted to be constructed with gobi-blocks, or similar material, techniques or methods that will ensure the carpark is able to be used for parking in all weather, avoiding tracking dirt on to any public road.
- 13.2.14.3 Non-compliance with the rules in 13.2.14 shall be a Restricted Discretionary activity (see Criteria in 13.4.10).
- 13.2.15 **Restricted vehicle access to Parking Spaces**
- 13.2.15.1 Vehicle access to parking spaces shall be assessed as a Restricted Discretionary activity where located within a **Restricted vehicle access** as shown on the Planning Maps.
- 13.2.15.2 Non-compliance with Rule 13.2.15.1 shall be a Restricted Discretionary activity (see Criteria in 13.4.7).
- 13.2.16 **Whakatāne Riverbank Reserve**
- 13.2.16.1 Any activity which requires more than five car-park spaces to be provided on-site within the Whakatāne Riverbank Reserve shall be a Discretionary activity.
- 13.2.17 **Alternatives to On-Site Parking for Activities in a Business Centre, Commercial, Light Industrial or Industrial Zone**
- 13.2.17.1 On-site vehicle parking and parking buildings associated with a Permitted or Controlled activity in a Business Centre, Commercial, Light Industrial or Industrial Zone may be located in an adjoining site, off-street vehicle parking associated with any other activity, and shall be a Controlled activity.
- 13.2.18 **Provision of Loading spaces**
- 13.2.18.1 Every person who proposes to erect, re-erect, construct or re-construct a **building**, shall provide within the site suitable and efficient accommodation for any loading or fuelling of vehicles which is likely to arise from the use of the **building**.
- 13.2.18.2 The provision of **loading space** in respect of any site may be made as part of the side and/or rear yard

space, but not front yard space of that site.

13.2.18.3 The method of loading shall at no time cause the footpath or access to adjacent properties to be blocked, nor shall it create a traffic hazard on the road.

13.2.18.4 All loading and unloading of stock, bulk produce, or other farm produce, fertiliser or similar goods or materials for rural use shall be carried out off the road reserve and no vehicles shall stand on any part of the road reserve while loading or unloading or cause any obstruction to visibility for traffic using the road.

13.2.18.5 Non-compliance with the Rules in 13.2.18 shall be a Restricted Discretionary activity (see Criteria in 13.4.10).

13.2.19 Construction of Loading spaces

13.2.19.1 All loading spaces provided in accordance with this rule shall be formed, constructed and maintained so as not to create a dust nuisance or permit vehicles to carry deleterious material such as mud, stone, chip or gravel on to a public street or road or footpath.

13.2.19.2 A two-coat sealed standard of construction with stormwater control or better shall meet the requirements of this rule in a business zone or for a **business activity** in another zone.

13.2.19.3 Non-compliance with the Rules in 13.2.19 shall be a Restricted Discretionary activity (see Criteria in 13.4.10).

13.2.20 Design of Loading spaces

13.2.20.1 The layout adopted will depend on the area and shape of the land available, the purpose for which loading is required, and functional design of the **building**. The layout shall be of sufficient size to accommodate the following design vehicles:

- a. for all residential activities, a "99% percentile design car" with a turning radius of 6.3m. Compliance with Standard Drawing R16 in Appendix 13.7.1 shall satisfy this rule.
- b. for all business activities, an "8m Medium Rigid Truck" with a minimum turning radius of 10m. Compliance with Standard Drawing R17 in Appendix 13.7.1 shall satisfy this rule.
- c. for all business activities where articulated vehicles or trucks and trailers are likely to be used, the layout shall be designed to accommodate such vehicles. Compliance with Drawing R18 in Appendix 13.7.1 shall satisfy this rule.

13.2.21 Restricted vehicle access to loading spaces

13.2.21.1 Any vehicle access to **loading spaces** where located within a **restricted vehicle access** as shown on the Planning Maps shall be assessed as a Restricted Discretionary activity.

13.2.22 Traffic Sight Lines at Railway Crossings

13.2.22.1 Approach sight triangles (see Figure 13.1)

On sites adjacent to the level crossings with sightline controls, buildings or structures cannot be located within the approach sight triangles as shown in Figure 13.1.

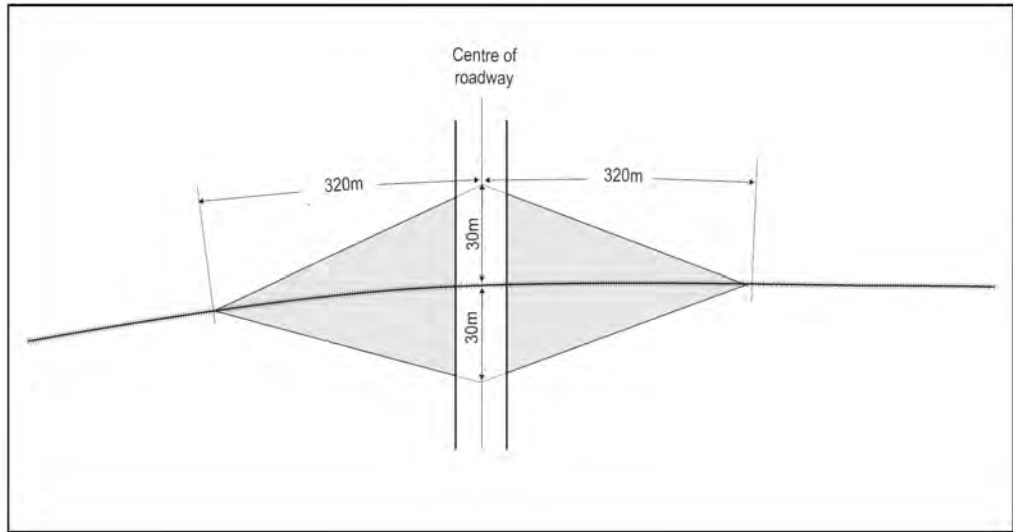


Figure 13.1 Approach site triangles for rail level crossings with “Stop” or “Give Way” signs.

Advice Note: The approach sight triangles ensure that clear visibility is achieved around rail level crossings with “Stop” or “Give Way” signs so that the driver can either:

- See the train and stop before the crossing or
- Continue at the approach speed and cross the level crossing safely.

13.2.22.2

Restart sight triangles (see Figure 13.2)

On sites adjacent to the level crossings with sightline controls, buildings or structures cannot be located within the approach sight triangle as shown in Figure 13.2

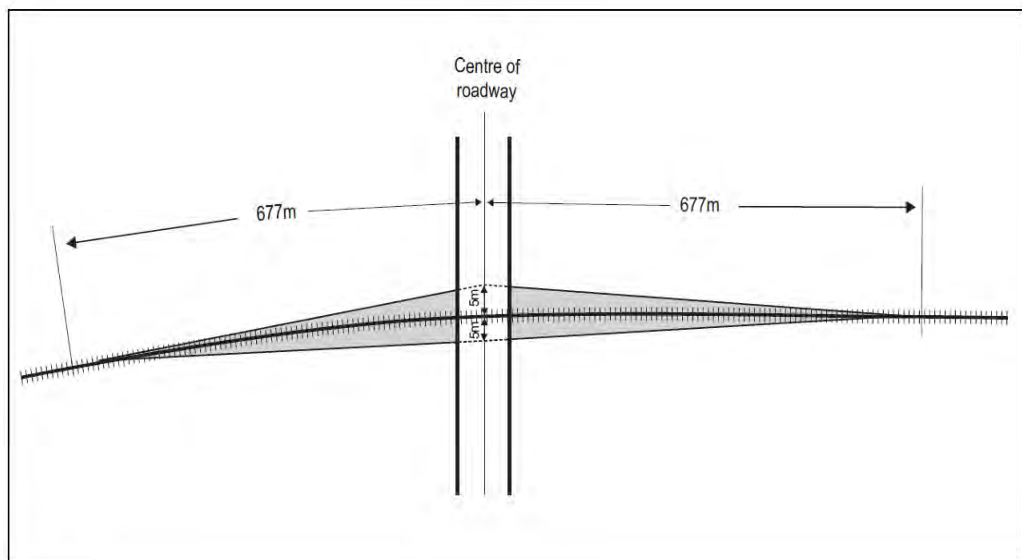


Figure 13.2 Restart site triangles for level crossings

Advice Note: The restart sight triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train. Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. All figures are based on sighting distance formula used in NZTA Traffic Control Device Manual 2008, Part 9 Level Crossings.

13.2.22.3

Non-compliance with the Rules in 13.2.22 shall be a Restricted Discretionary activity.

13.2.23 **Whakatāne and Galatea Airport Approach Path Protection**

13.2.23.1 No **building**, structure, mast, tree or other object or growth shall penetrate the height restrictions/slopes, as described in Appendix 13.7.7.

13.2.24 **Road Widening and Service Lanes**

13.2.24.1 All activities shall be designed so as not to compromise any proposed road widening, service lane or other proposed roading purposes shown on any planning map.

13.2.25 **Bicycle Parking**

13.2.25.1 In all business zones, bicycle parking facilities are required for activities catering for more than 10 people at a rate of 1 bicycle park per 5 people employed.

13.2.26 **Water, Wastewater and Stormwater**

13.2.26.1 Subdivision, use and development that constructs infrastructure to vest in Council shall;

- a. have, where required, appropriate easements in favour of Council for the purpose of operating, maintaining and/or upgrading that asset. Where the diameter of the pipe is 300mm or less, the easement shall be at least 3m wide centred on the pipe. Where the diameter is greater than 300mm, or the depth to the pipe soffit is greater than 2.5m, the easement width is to be greater than 3m. In all cases the actual width will depend on the location of the pipes and shall allow for a 12 tonne excavator and a truck access for **maintenance** and/or replacement of the pipeline. The easement shall ensure that a minimum of 2.5m is provided each side of the water course to allow easy access for **maintenance**;
- b. be compatible with Council's utility system;
- c. be constructed and designed with Council approved materials and componentry; and
- d. be located within the road reserve, otherwise parallel to common property boundaries where practicable.

Advice Note: Compliance with Council's standards as given in its Engineering Code of Practice 2008 shall satisfy these requirements.

13.2.27 **Wastewater**

13.2.27.1 All new **lots** or development within any of the Council's wastewater scheme boundary shall be provided with an individual connection to the Council's scheme.

13.2.27.2 For any **lot** outside, but within 200m of a Council's wastewater scheme boundary, connection to that scheme shall be a Restricted Discretionary activity.

13.2.27.3 Any **lot** that cannot connect practically to Council's wastewater system must have adequate ability to accommodate on site treatment and disposal of wastewater in accordance with Bay of Plenty Regional Council's requirements.

Advice Note: To meet the terms of this performance standard, the Council may require the proof of a consent from the Regional Council.

13.2.27.4 All new wastewater management systems shall be designed and constructed to;

- a. adequately service each **lot**, or development;

- b. be compatible with the existing utility network;
- c. be compatible with other utility systems; and
- d. ensure no ground water or surface water intrusion occurs.

13.2.27.5 Where a proposed development cannot be adequately serviced by a gravity system, pumped systems, will be permitted.

Advice Note: Compliance with Council's standards as given in its Engineering Code of Practice 2008 shall satisfy these requirements.

13.2.27.6 Where a public waste water drain or structure is laid within private property, it shall be protected by an easement in favour of Council.

Advice Note: Compliance with Council's standards as given in its Engineering Code of Practice 2008 shall satisfy these requirements.

13.2.27.7 No building shall be located closer than the greater of;

- a. 1.5m from the centre of any public sewer, or;
- b. the sum of depth of the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.

13.2.27.8 Non-compliance with Rule 13.2.27, will be considered as a Restricted Discretionary activity.

13.2.28 Stormwater

13.2.28.1 No building shall be located closer than the greater of;

- a. 1.5m from the centre of any public stormwater line or;
- b. The sum of depth of the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that.

13.2.28.2 A stormwater disposal system shall be provided to any residential, community or **business activity** or to any lot to be used for one or more of these activities which includes primary and secondary control systems that;

- a. shall be capable of disposing of surface water resulting from a rainfall event having 10% probability of occurring annually. This system shall contain or dispose of stormwater on site, or direct it into a designated stormwater reticulation and disposal system;
- b. shall provide a secondary flow system capable of conveying surface water resulting from a rainfall event having a 1% probability of occurring annually to ensure that surface water shall not enter buildings (detached garages excluded); and

13.2.28.3 Non compliance with Rule 13.2.28 shall be a Restricted Discretionary activity.

13.2.28.4 All land use and subdivision development in the Whakatāne Urban Area (including the Hub, Coastlands, Piripai and the Gateway industrial area) shall comply with water quantity and quality provisions in the Whakatāne Urban Stormwater Catchment Management Plan and in addition;

- a. all activities shall ensure that stormwater shall be detained to discharge at levels no greater than pre-development levels;

- b. stormwater from properties that are not located in the good ground soakage areas as indicated by the blue shaded areas on the Whakatāne Urban Area – Ground Soakage Plan. Appendix 13.7.4 shall not be discharged into the Council storm water system unless approved by Council.

13.2.28.5 Non compliance with Rule 13.2.28.4 shall be considered a Restricted Discretionary activity;

13.2.28.6 Open water-courses, where permitted, shall be located in a drainage reserve or easement vested in Council.

13.2.28.7 Within the stormwater scheme boundaries of areas shown in Appendix 13.7.3.

13.2.28.8 All subdivision and development in the Residential Zone in the Shaw / Huna Road Structure Plan area shall;

- a. comply with Rule 13.2.28.2;
- b. Implement a partial attenuation stormwater management approach utilising the land area for stormwater attenuation/inundation shown on the Structure Plan in Appendix 2.6.3, together with a discharge to the Kōpeōpeō Canal;
- c. mitigate the effects of stormwater disposal on the Kōpeōpeō/Ōrini Canals Drainage System including the Kōpeōpeō/Ōrini Flood Pump;
- d. obtain a comprehensive stormwater discharge consent from the Regional Council;
- e. construct any required off-site mitigation and/or pump stations and ensure the ongoing operational responsibilities, including maintenance by the relevant local authority, are provided for;
- f. obtain any necessary floodway and drainage bylaw authority from the Regional Council;
- g. ensure that overland flow events up to and including a 1% **Annual Exceedance Probability** (AEP) rainfall event does not cause inundation of any adjacent land;
- h. mitigate for the loss of any existing flood storage area resulting from the development of the land;
- i. ensure that prior to any subdivision or development, a Development Agreement in accordance with sections 207A-207F of the Local Government Act 2002 is entered into dealing with the mitigation of the effects of stormwater disposal on the Kōpeōpeō-Ōrini Canal Drainage System, including the Kōpeōpeō-Ōrini Flood Pump as required by Rule 13.2.28.8 (c) and (e).

Non-compliance with Rule 13.2.28.8 shall be considered a Restricted Discretionary Activity

Advice Note 1: The Kōpeōpeō Canal is part of the Rangitāiki Plains Drainage Scheme, which is managed by the Bay of Plenty Regional Council. An additional connection to the drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008. The discharge of stormwater to the Kōpeōpeō Canal also requires a resource consent from the Regional Council under the Regional Water and Land Plan.

Advice Note 2: A Development Agreement prepared under Rule 13.2.28.8 (i) will need to have regard to the roles and responsibilities of the Bay of Plenty Regional Council in managing the Rangitāiki Plains Drainage Scheme.

13.2.29 Water

13.2.29.1 All new lots or development, within any of the Council's water supply scheme boundaries, except those that are in the Rural Plains, Rural Foothills, Rural Coastal, Rural Ōhiwa and CPZs, shall be provided with an individual connection.

- 13.2.29.2 For any lot outside the scheme boundary, but within 200m of a Council's water supply scheme boundary, connection to that scheme shall be a Restricted Discretionary activity.
- 13.2.29.3 For any lot within the Plains water supply scheme, connection to that scheme shall be a Restricted Discretionary activity.
- 13.2.29.4 Domestic connections shall be 20mm in diameter and non-domestic connections shall be of a suitable size to serve the predicted demand of that lot. All connectors other than urban residential connections which are used solely for normal domestic supply shall be provided with an approved back flow prevention device in relation to its backflow hazard classification.
- 13.2.29.5 All connections in universally metered schemes shall be metered. All non-domestic connections in schemes not universally metred shall be metred.
- 13.2.29.6 All water supply systems shall be designed and constructed to;
- a. adequately service each lot, or development;
 - b. be compatible with other utility systems;
 - c. avoid the likelihood of contamination or leakage; and
 - d. ensure principal water mains are not less than 100mm in diameter.
- 13.2.29.7 The pipe network shall generally be designed and constructed to a design life of 80 years.
- 13.2.29.8 Non-compliance with the Rules in 13.2.29 shall be a Restricted Discretionary activity

Advice Note 1: Design Standards for connection are covered by Whakatāne District Council's consolidated bylaws and the Whakatāne District Council's Engineering Code of Practice.

Advice Note 2: The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water supplies Code of Practice 2008. The Fire Service advises that often the best method to achieve compliance with this code of practice is through the installation of a home sprinkler system in accordance with Fire Systems for Houses NZS 4517:2010, in each new dwelling. The qualified staff of the New Zealand Fire service would be happy to assist and advise.

Advice Note 3: The taking of surface or groundwater may require consent from the Bay of Plenty Regional Council.

13.2.30 Electricity and Telecommunications Ducting

- 13.2.30.1 Network utilities, including electricity, telecommunication, and where required broadband ducting; shall be provided and shall meet with the approval of the relevant network utility operator.
- 13.2.30.2 For the purpose of a fibre-optic broadband, ducting shall be provided within all greenfield areas as identified (Hillicrest, Shaw/Huna Road, Piripai and Port Ōhope).

13.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17).

- 13.3.1.1 Council shall exercise its control over;

- a. whether the entry and exit points serving the car-park are located to provide safe access without conflict with pedestrians and the movement of vehicles on surrounding streets;
- b. whether it will provide convenient parking for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and
- c. screening by planting or fencing.

13.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

13.4.1 Lots within 200m of Supply Service Scheme (see Rule 13.2.27.4, 13.2.27.2 and 13.2.29)

13.4.1.1 Council shall restrict its discretion to;

- a. the adequacy of the existing network utilities available without the need for upgrading;
- b. how the proposed development's use of infrastructure resources compares with the maximum residential development intensity provided for in the zone as a Permitted activity; and
- c. the extent to which any adverse or cumulative adverse effects can be remedied or mitigated by on-site measures or by a financial contribution consistent with Chapter 14 (Financial Contributions).

13.4.2 Stormwater Controls (see Rule 13.2.28)

13.4.2.1 Council shall restrict its discretion to;

- a. effects of the activity on neighbouring properties;
- b. how the activity minimises ponding areas; and
- c. how the activity minimises inconveniences to the public; and
- d. the extent to which any adverse or cumulative effects are remedied or mitigated.

13.4.3 Buildings or Structures Built Over Existing Infrastructure (see Rule 13.2.27.7 and 13.2.28.1)

13.4.3.1 Council shall restrict its discretion to;

- a. the type of buried pipe i.e. no building or structure shall be allowed to be built over a public rising main and trunk mains; nor be allowed to be built closer than the greater of;
 - i. 1.5m from the centre of the pipe;
 - ii. the depth of the centreline of the pipe, plus the diameter of the pipe, plus 0.2m from the centre of the pipe, subject to the building developer meeting the costs of any specific requirements.

13.4.4 Discharge to an Existing Stormwater Network (see Rule 13.2.28.4)

13.4.4.1 Council shall restrict its discretion to;

- a. the ability for on-site soakage and/or management of stormwater. This may be determined through soil soakage rates and other on-site constraints (e.g. existing land use and slope and stability)

limitations); and

- b. the capacity of the reticulation potential downstream effects.

13.4.5 **Secondary Flow Systems (see Rule 13.2.28.2 (b))**

13.4.5.1 Council shall restrict its discretion to;

- a. the probability of providing this level of protection; and
- b. the likely effect on public and private property.

13.4.6 **Wastewater (see Rules in 13.2.27), Stormwater Disposal (see Rules in 13.2.28), Water Supply (see Rules in 13.2.29)**

13.4.6.1 Council shall restrict its discretion to;

- a. consistency with the policies and objectives of the District Plan relating to infrastructural assets;
- b. the location and design of the infrastructure assets and ease of maintenance;
- c. health and safety;
- d. the degree to which any alternative design will impact the character and amenity values of the surrounding properties;
- e. the degree to which any alternative design will impact on the performance of existing utility systems; and
- f. the requirement for development to ensure that infrastructure to be vested meets the minimum construction and technical specification requirements of the Council; and
- g. the ability to accommodate on-site treatment and disposal of wastewater in accordance with Regional Council requirements.

13.4.7 **Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)**

13.4.7.1 Council shall restrict its discretion to;

- a. traffic volumes and traffic mix relative to existing and future patterns, access, parking and loading on-site;
- b. pedestrian and cyclist safety;
- c. construction traffic volumes, traffic mix and hours of operation;
- d. the ability of the site to accommodate the traffic anticipated and the nature of the adjacent roading pattern, including the position of the road in the roading hierarchy;

- e. formation of the road or access;
- f. the total land area proposed to be used for access, parking and loading in the Rural Plains Zone; and
- g. aspects of the proposal that could compromise the safety and convenience of pedestrians as well as individual and cumulative adverse effects associated with traffic movements.

13.4.8 *Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).*

13.4.9 Pedestrian Streets—Business Centre and Commercial Zones (see Rules 13.2.8)

13.4.9.1 Council shall restrict its discretion to;

- a. amenity values – whether the location of the new crossing will lessen the importance of the Pedestrian Street as a connecting pedestrian linkage between retail activities. New crossings in streets having higher pedestrian movements will be discouraged.
- b. pedestrian safety – whether the new crossing will create a conflict between pedestrians and vehicles having regard to visibility factors and the likely intensity of vehicle use.

13.4.10 Construction of Parking Spaces, Access, Manoeuvring and Loading Areas (see Rules in 13.2.14 and 13.2.19)

13.4.10.1 Council shall restrict its discretion to;

- a. site layout – whether the location of unsealed outdoor areas used for parking, access, loading or the storage of materials will discharge dust beyond the boundaries of the property that will have an adverse effect on the level of amenity values on nearby sites. The Council will consider whether other locations on the site or other methods can be implemented to avoid, remedy or mitigate any adverse effects on nearby uses, or to maintain the amenity values of the surrounding area.
- b. compatibility with nearby activities – whether the on-site activities will be compatible with other activities provided for in the zone and on adjoining sites, and not be hazardous to the health and safety of the occupiers and users of surrounding land.
- c. whether the activity will have an adverse effect on air quality in the area with regard to the prevailing air quality and the sensitivity of activities in the area. In particular, the measures to be taken to avoid or remedy any such potential adverse effects including cumulative effects.

Advice Note: The Regional Air Plan, administered by the Bay of Plenty Regional Council, is the principal document dealing with discharges of contaminants into air.

13.4.11 Subdivision and New Vehicle Access Directly to the State Highway and Limited access roads (see Rule 13.2.6 and 13.2.7.3)

13.4.11.1 Council shall restrict its discretion to;

- a. the adverse effects of the proposal on the safe and efficient operation, and function of the State Highway;
- b. any measures required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the State Highway network.

13.4.12 Railway Level Crossing Sightline Requirements (see Rules in 13.2.22)

13.4.12.1 Council shall restrict its discretion to;

- a. the nature of the development and its ability to meet the unobstructed sight lines required for rail operations.
- b. whether or not the proposal will have an adverse effect on the safety of the level crossings for vehicles and pedestrians.
- c. whether or not the proposal will adversely affect visibility and safe sight distances particularly to the extent vehicles entering/exiting the level crossing can see trains.

13.4.13 Wastewater (see Rules in 13.2.27)

13.4.13.1 Council shall restrict its discretion to;

- a. consistency with the policies and objectives of the District Plan relating to infrastructural assets;
- b. the location and design of the infrastructure assets and ease of maintenance;
- c. health and safety; and
- d. the degree to which any alternative design will impact the character and amenity values of the surrounding properties.

13.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

13.6 OTHER METHODS

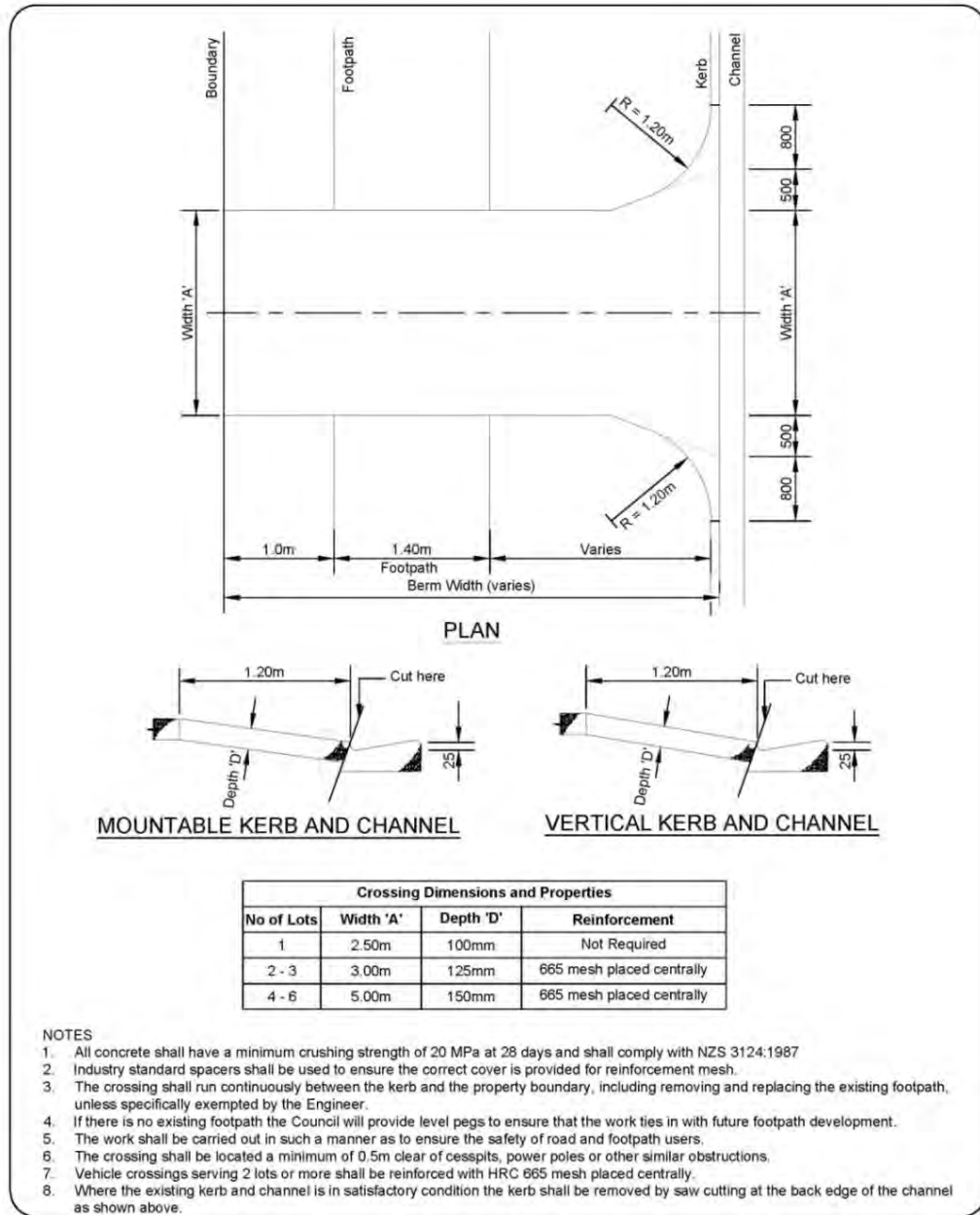
13.6.1.1 The Council will:

- a. encourage schools to prepare transportation plans in collaboration with Council and other agencies to provide alternative forms of transportation to and from school, and to include this into an application for outline plan approval or notice of requirement for a new designation.

13.7 APPENDICES

13.7.1 Engineering Drawings

Vehicle Crossing Residential



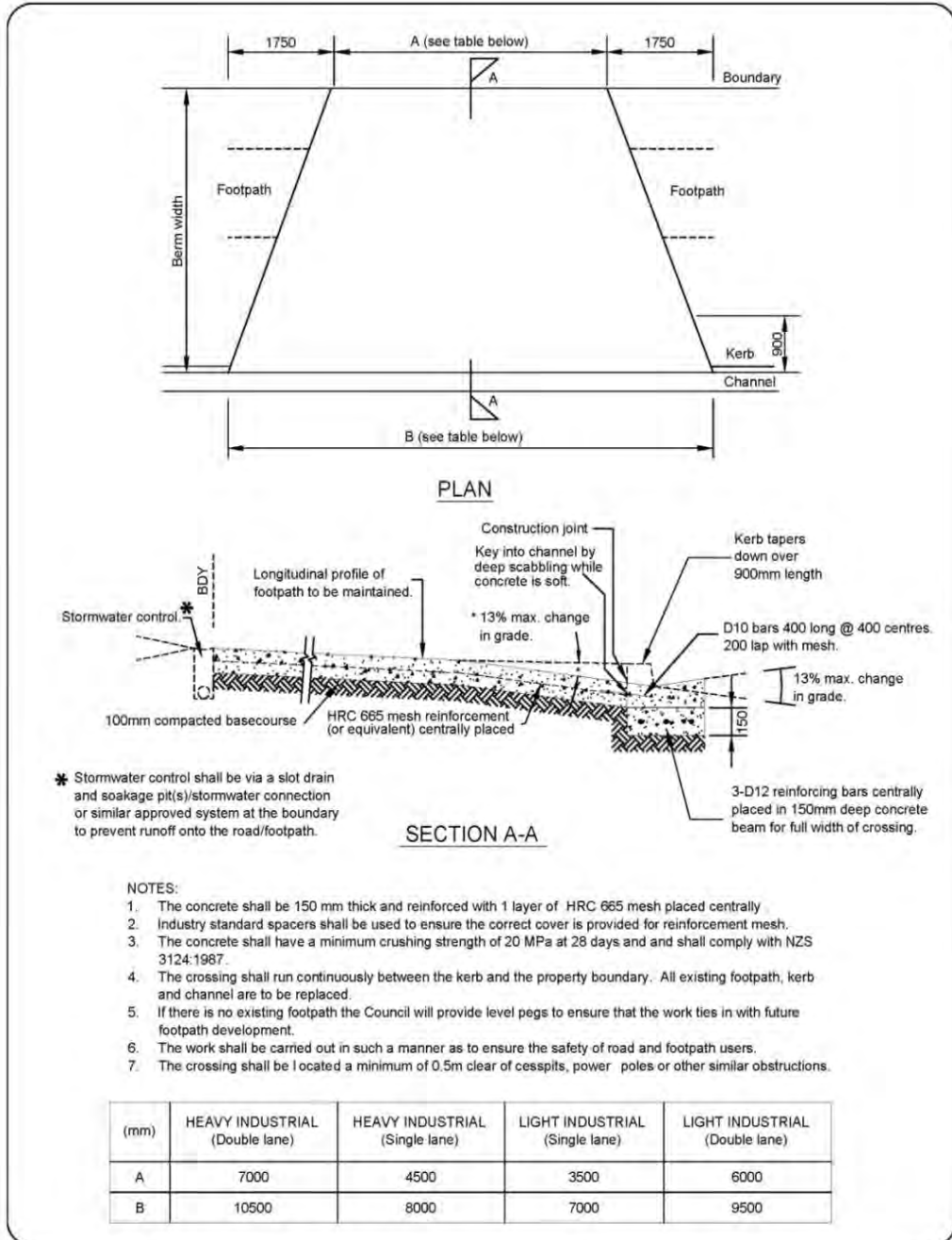
STANDARD DRAWING


NOT TO SCALE

**VEHICLE CROSSING
RESIDENTIAL**

R 08
ISSUE 8.0
APRIL 2011

Vehicle Crossing Industrial/Commercial





WHAKATANE DISTRICT COUNCIL

STANDARD DRAWING

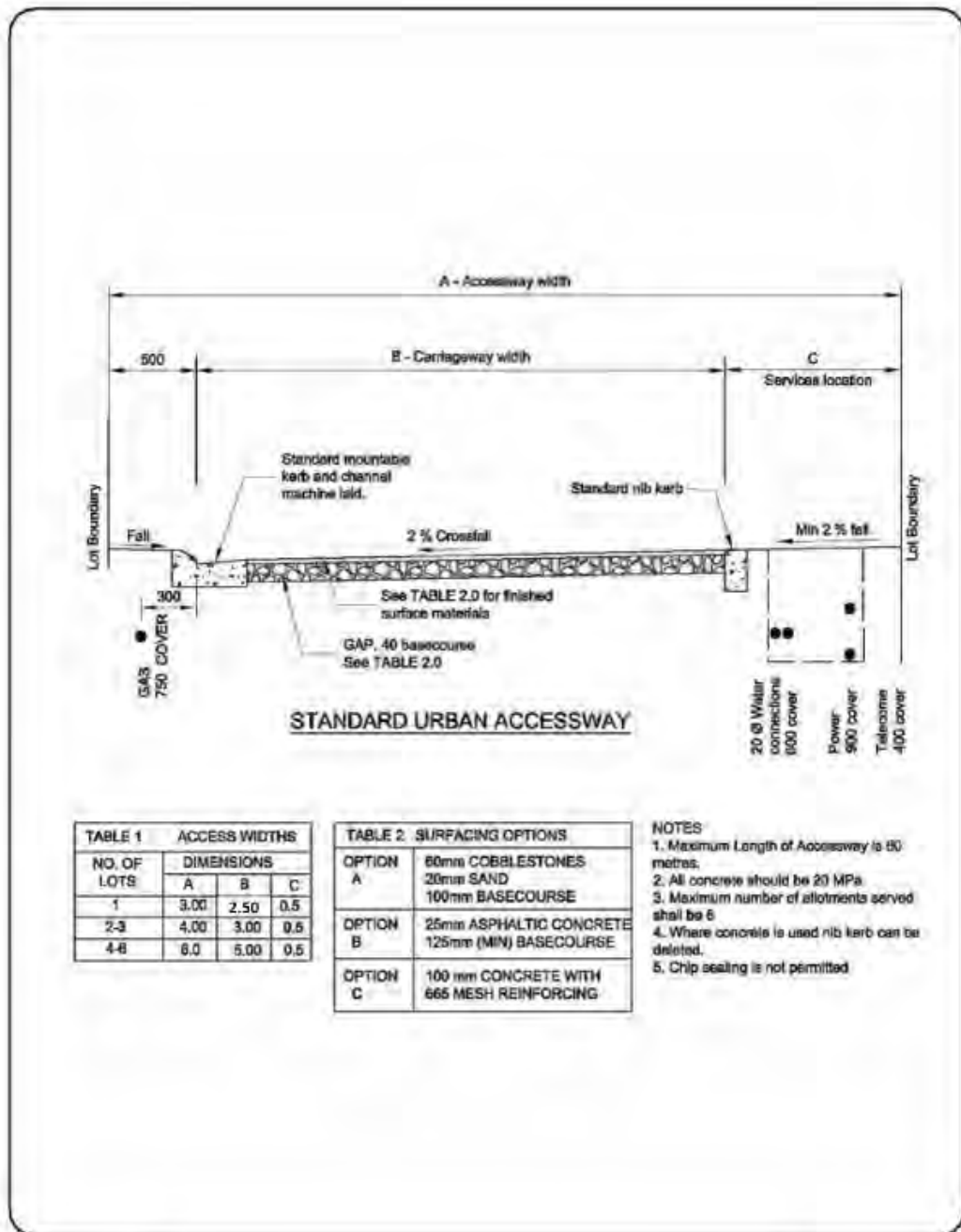
NOT TO SCALE

**VEHICLE CROSSING
INDUSTRIAL / COMMERCIAL**

R 09

ISSUE 8.0
APRIL 2011

Urban Accessway Construction Details




STANDARD URBAN ACCESSWAY

NO. OF LOTS	DIMENSIONS		
	A	B	C
1	3.00	2.50	0.5
2-3	4.00	3.00	0.5
4-6	6.0	5.00	0.5

OPTION A	60mm COBBLESTONES 20mm SAND 100mm BASECOURSE
OPTION B	25mm ASPHALTIC CONCRETE 125mm (MIN) BASECOURSE
OPTION C	100 mm CONCRETE WITH 666 MESH REINFORCING

- NOTES**
1. Maximum Length of Accessway is 80 metres.
 2. All concrete should be 20 MPa.
 3. Maximum number of allotments served shall be 6.
 4. Where concrete is used nib kerb can be deleted.
 5. Chip sealing is not permitted.



WHAKATANE
District Council

STANDARD DRAWING

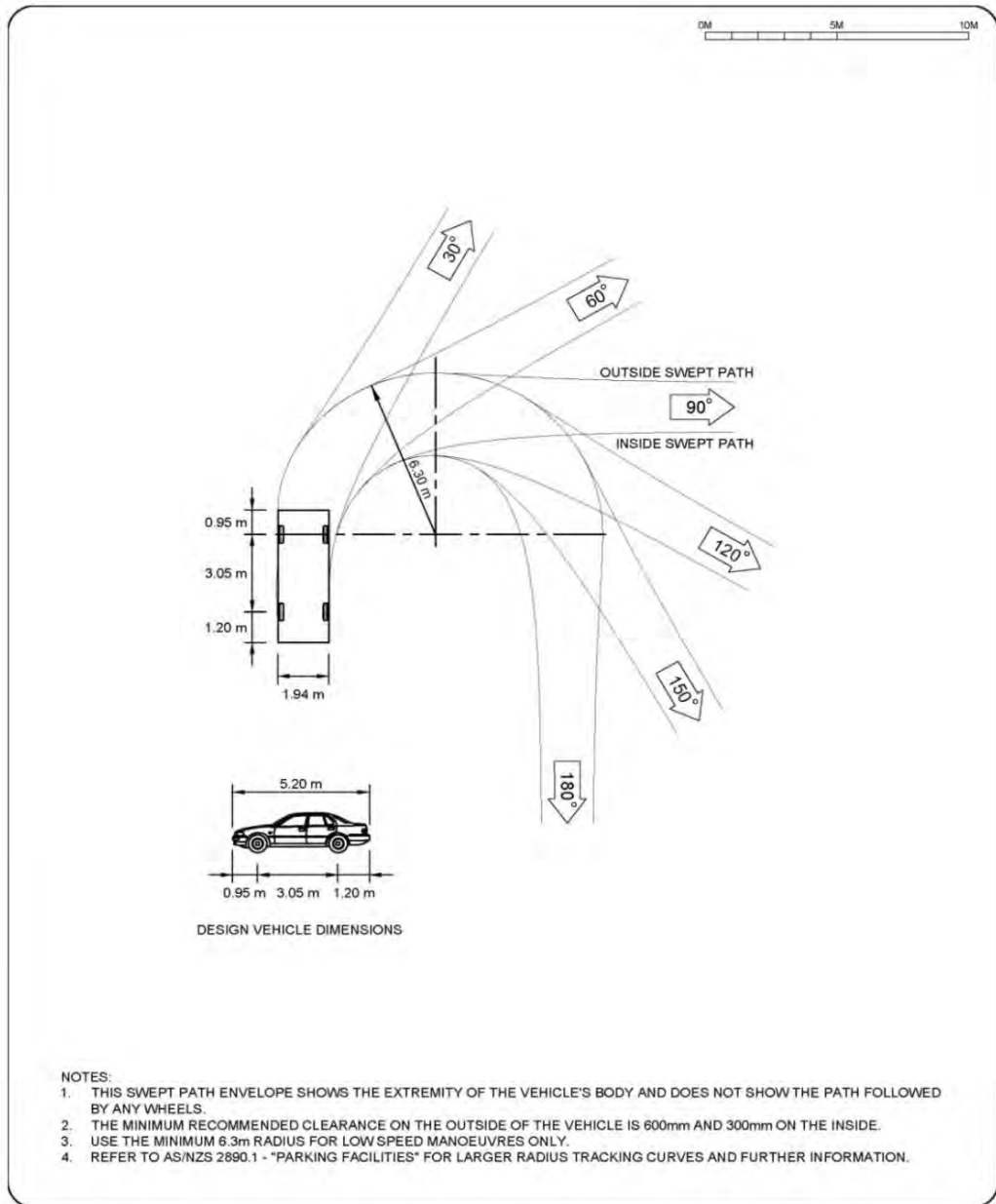
NOT TO SCALE

**STANDARD URBAN ACCESSWAY
CONSTRUCTION DETAILS**

R 13

ISSUE 7.0
SEPTEMBER 2007

Design Tracking Curves for 99% Percentile Car



WHAKATANE
DISTRICT
COUNCIL



PREPARED BY **OPUS**

STANDARD DRAWING

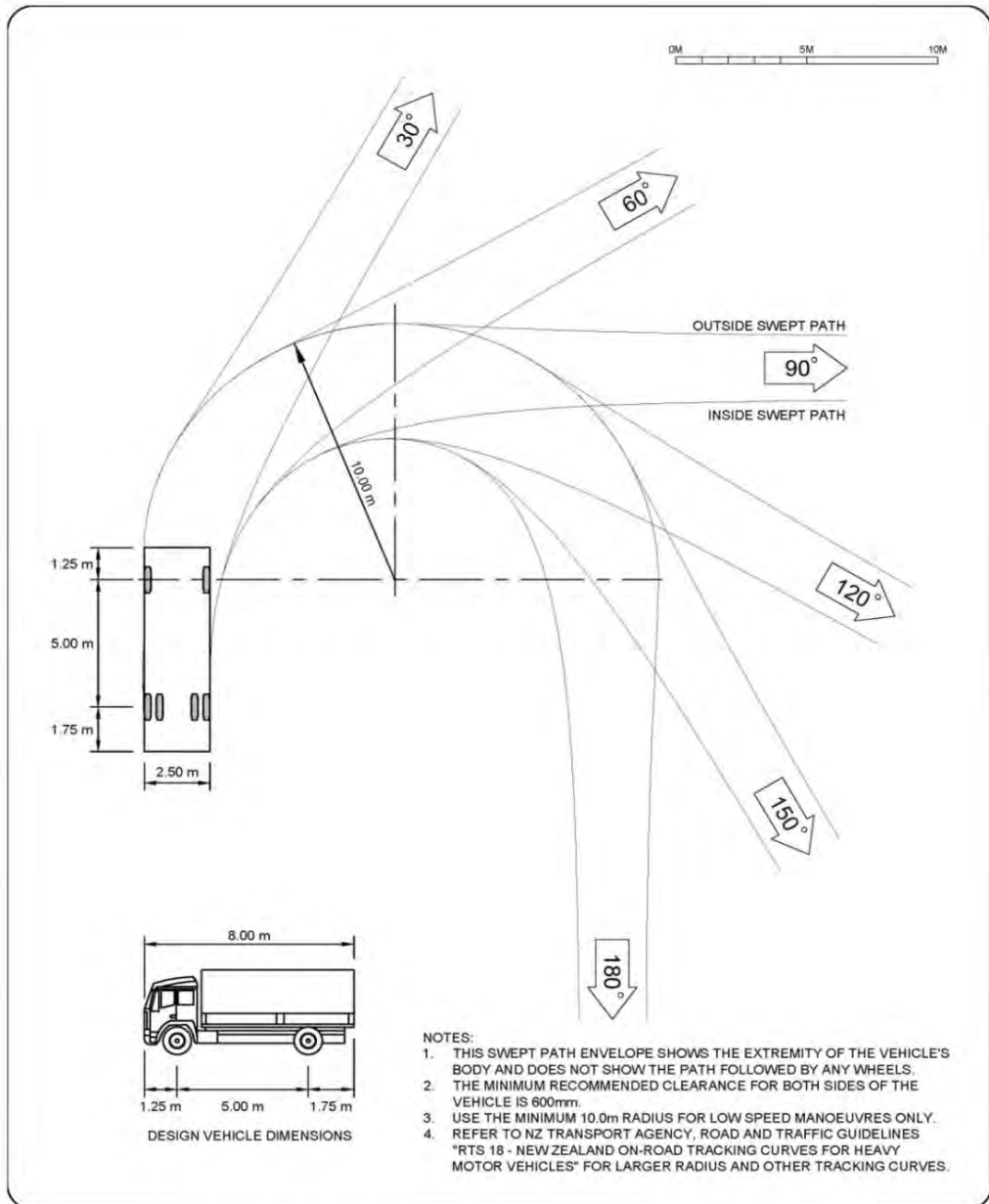
SCALE: 1:200

DESIGN TRACKING CURVES
99 PERCENTILE DESIGN CAR

R 16

ISSUE 8.0
APRIL 2011

Design Tracking Curve 8m Medium Rigid Truck



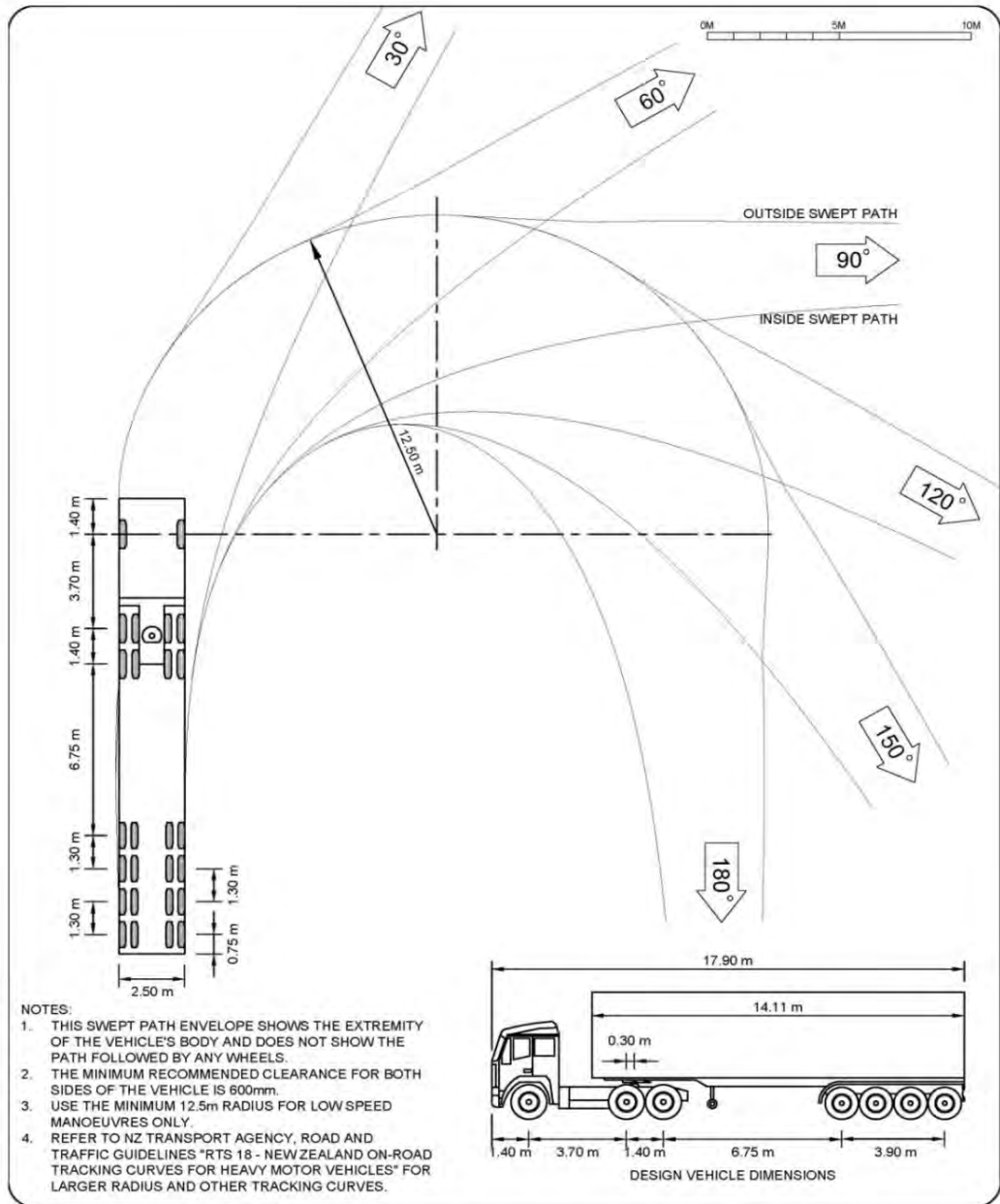
STANDARD DRAWING

SCALE: 1:200

DESIGN TRACKING CURVES
8m MEDIUM RIGID TRUCK

R 17
ISSUE 8.0
APRIL 2011

Design Tracking Circle 18m Semi-Trailer



WHAKATANE
DISTRICT
COUNCIL



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STANDARD DRAWING

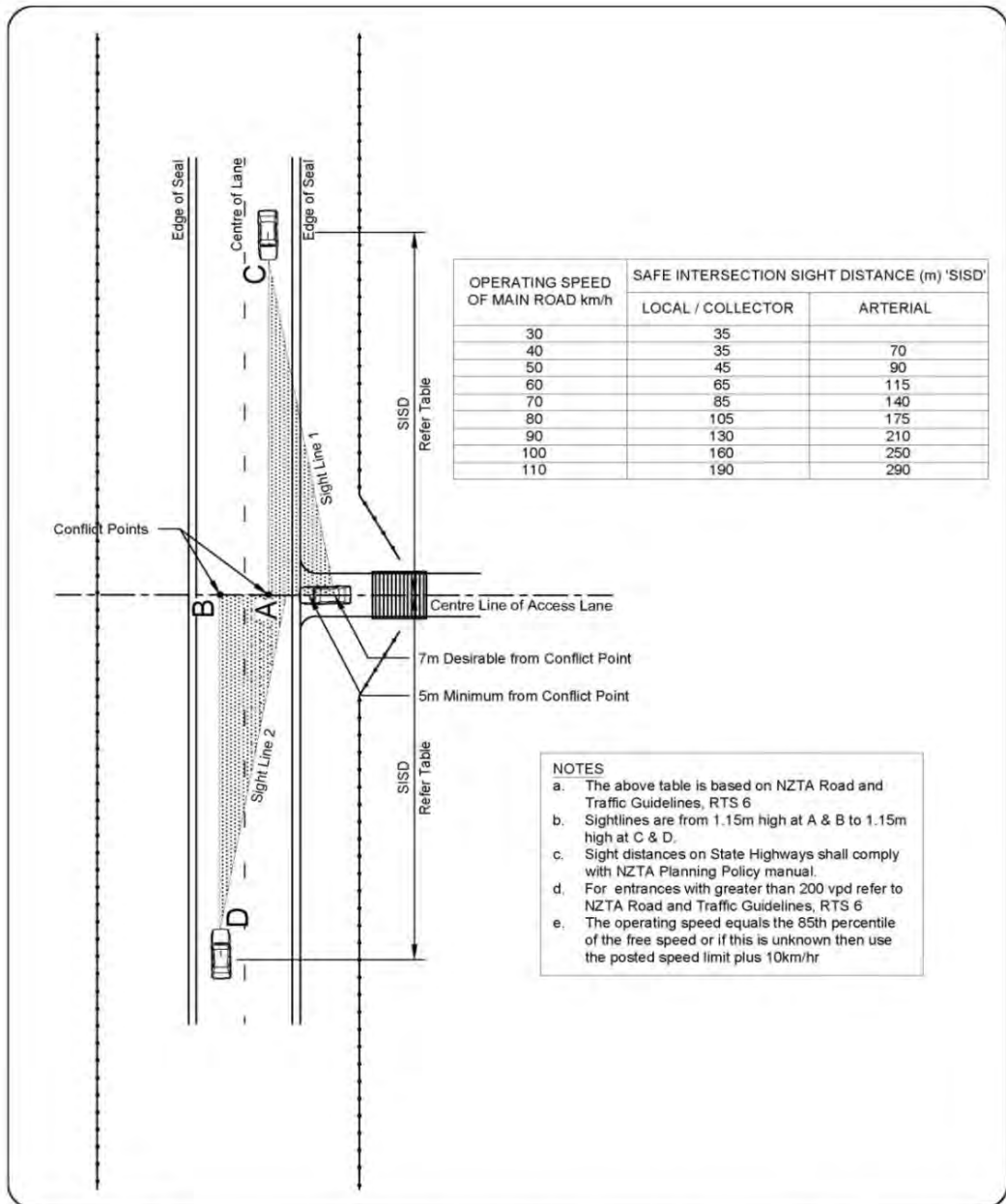
SCALE: 1:200

DESIGN TRACKING CURVES
18m SEMI-TRAILER

R 18

ISSUE 8.0
APRIL 2011

Sight Distances for Vehicle Entrances



WHAKATANE DISTRICT COUNCIL



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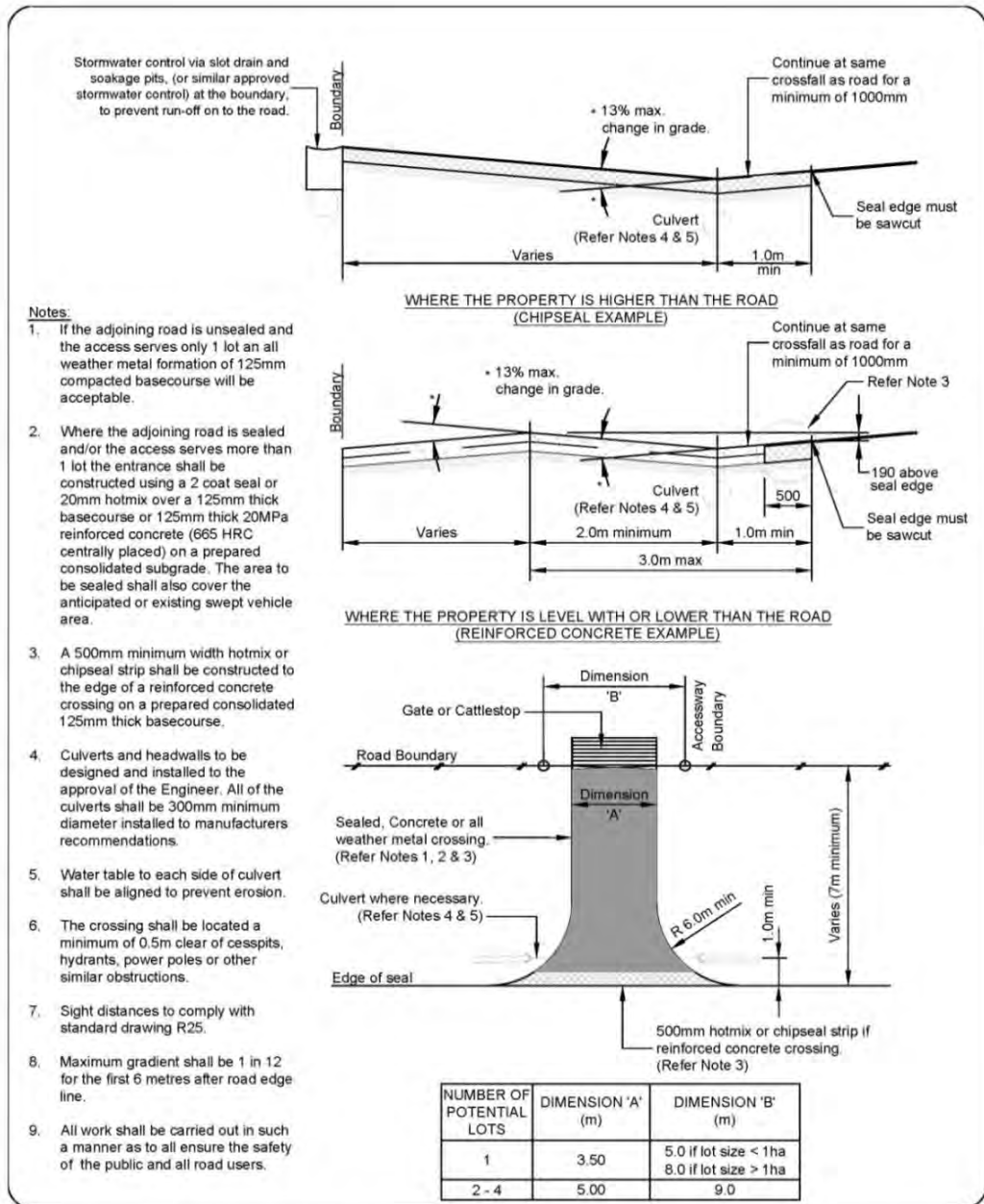
STANDARD DRAWING

NOT TO SCALE

SIGHT DISTANCES FOR VEHICLE ENTRANCES

R 25
ISSUE 8.0
APRIL 2011

Rural Vehicle Entrance 1 to 4 Lots



WHAKATANE DISTRICT COUNCIL



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STANDARD DRAWING

NOT TO SCALE

RURAL VEHICLE ENTRANCE
1 TO 4 LOTS
(LIGHT VEHICLES ONLY)

R 28

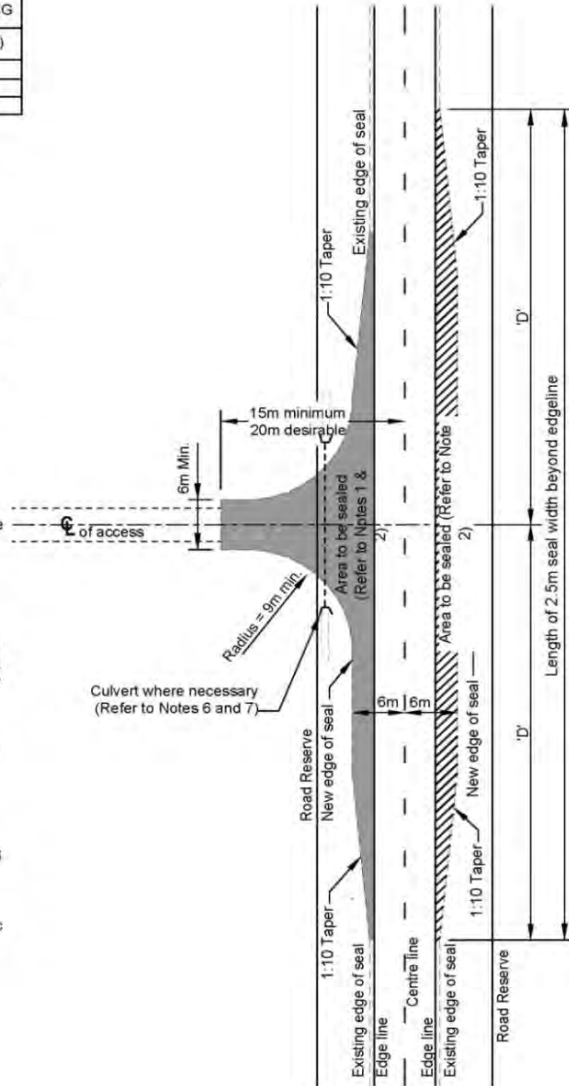
ISSUE 8.0
APRIL 2011

Rural Vehicle Entrance 5 or More Lots

LENGTH OF SHOULDER WIDENING	
Posted Speed Limit	D (m)
100	90
80	70
70	60

NOTES:

1. The vehicle entrance and widening shall consist of a 2 coat seal over 150mm minimum thickness basecourse on a prepared and consolidated subgrade. Required basecourse thickness to be determined using the Austroads Pavement Design Guide.
2. All areas shown hatched shall be sealed except that the sealing of the area on the side of the road opposite the entranceway shall be required only when vehicles movements along the road exceed 500 vehicles per day.
3. All markings shall comply with the TNZ Manual of Traffic Signs and Markings.
4. The sealed area is to be shaped such that storm water or loose metal does not migrate on to the carriageway.
5. If existing lanes are less than 3.5m wide then widening will be more than 2.5m to achieve a 6m width.
6. Culverts and headwalls to be designed and installed to the approval of the Engineer. All culverts shall be 300mm minimum diameter installed to the manufacturers recommendations.
7. Water table to each side of culvert shall be aligned to prevent erosion.
8. Sight distances to comply with Standard Drawing R 25.
9. Maximum gradient shall be 1 in 12 for first 6 metres after road edge line.
10. All work shall be carried out in such a manner as to ensure the safety of the public and all road users.



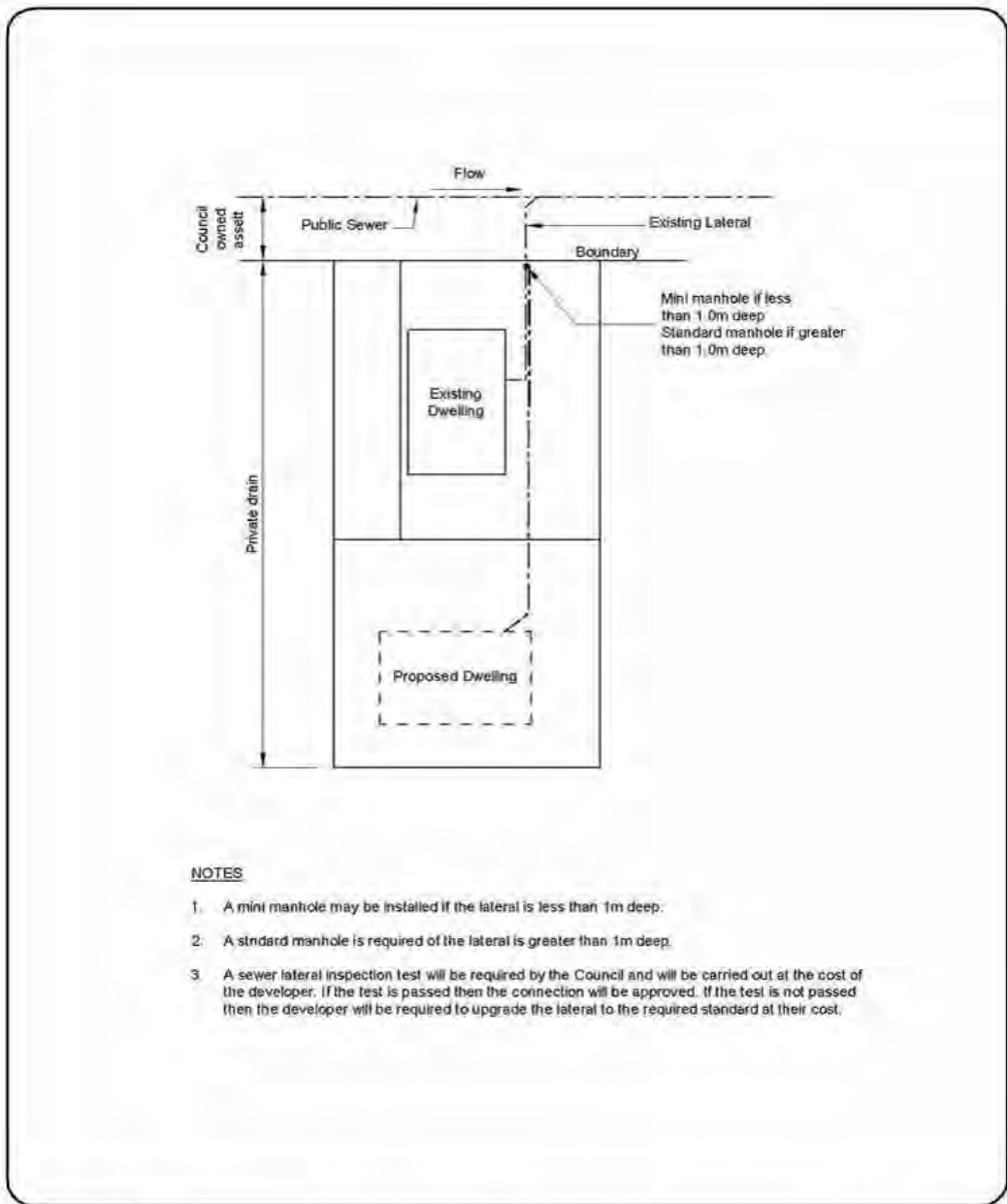
STANDARD DRAWING

NOT TO SCALE

RURAL VEHICLE ENTRANCE
 5 OR MORE LOTS

R 29
 ISSUE 8.0
 APRIL 2011

Private Drain Connection to an Existing Lateral



NOTES

1. A mini manhole may be installed if the lateral is less than 1m deep.
2. A standard manhole is required if the lateral is greater than 1m deep.
3. A sewer lateral inspection test will be required by the Council and will be carried out at the cost of the developer. If the test is passed then the connection will be approved. If the test is not passed then the developer will be required to upgrade the lateral to the required standard at their cost.

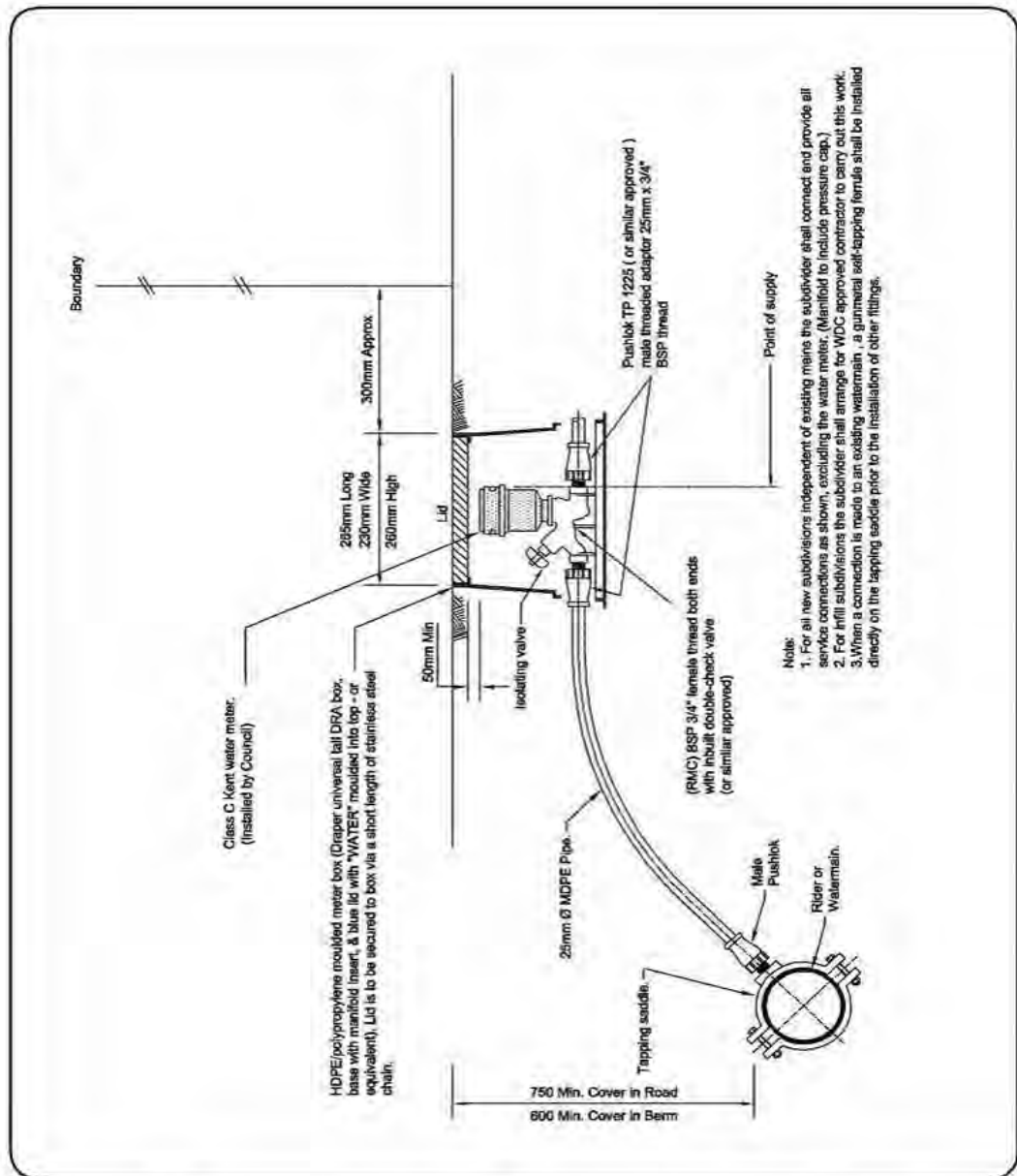


STANDARD DRAWING

NOT TO SCALE

**PRIVATE DRAIN to an
EXISTING LATERAL CONNECTION**

SS 10
ISSUE 7.0
SEPTEMBER 2007



STANDARD DRAWING

NOT TO SCALE

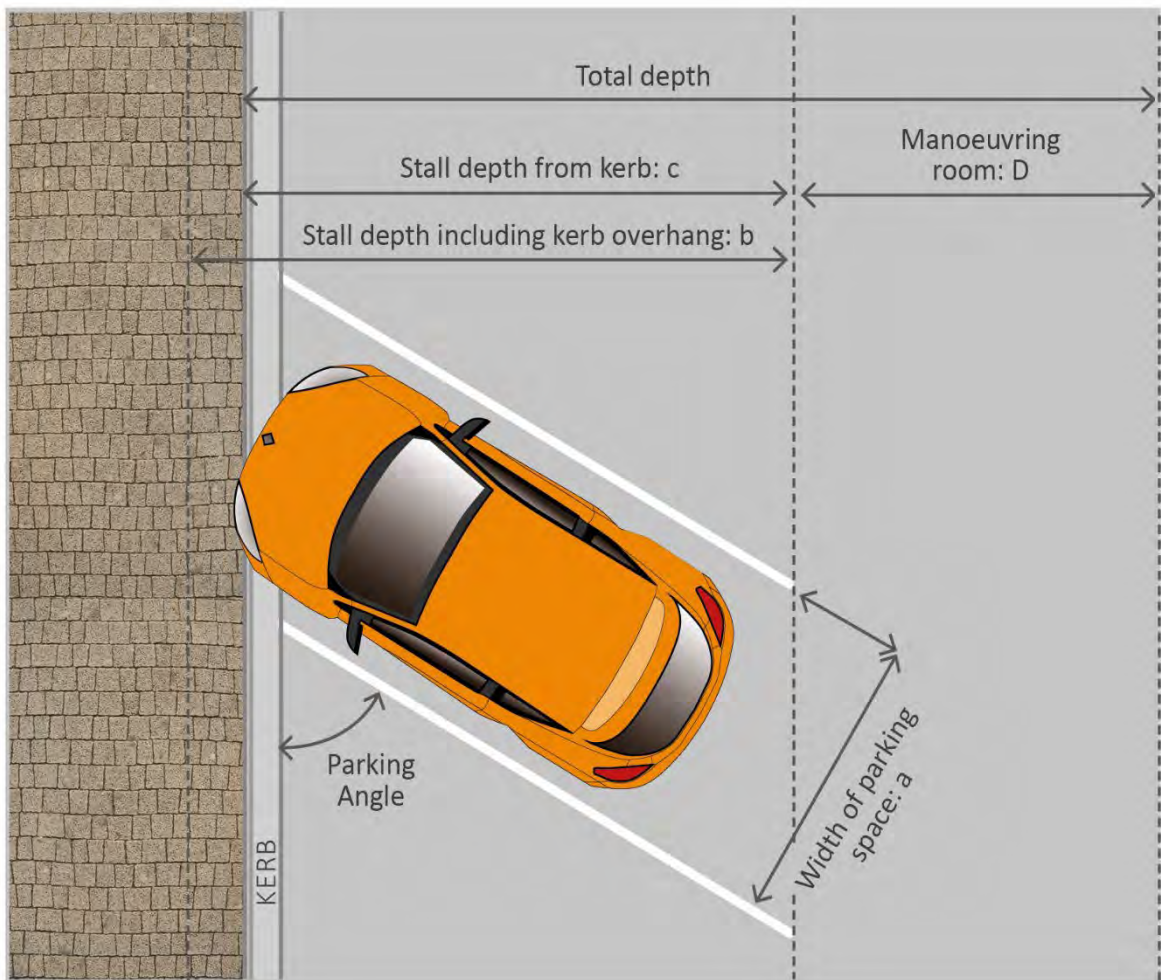
SERVICE CONNECTION
DOMESTIC

WS 05
ISSUE 7.0
SEPTEMBER 2007

13.7.2 Parking Stall Dimensions

NOTES:

1. These standards are based on AS 2890.1 : 1993 table 1 and Fig. 2.2 for Class 2 facility (Long Term Casual Parking). Full range of dimensions for Class 1-4 given in AS 2890.1 : 1993.



Type of Parking	Stall Width: a	Stall Depth for Wall: b	Stall Depth for Kerb: c	Length	Aisle Width: d	Total Depth One Row	Total Depth Two Rows
Parallel	2.5m	-	-	6.0m	-	-	-
45°	2.5m	5.2m	4.8m	-	3.7m	8.9m	14.1m
60°	2.5m	5.4m	5.1m	-	4.6m	10.6m	16.0m
90°	2.5m	5.2m	4.8m	-	5.8m	10.6m	16.0m

13.7.3 Urban and Plains Utility Boundaries (Rules 13.2.27, 13.2.28 and 13.2.29)

Ōhope



Figure 13.3 Ōhope Stormwater Scheme Boundary



Figure 13.4 Ōhope Wastewater Scheme Boundary



Figure 13.5 Ōhope Water Scheme Boundary

Whakatāne



Figure 13.6 Whakatāne Stormwater Scheme Boundary

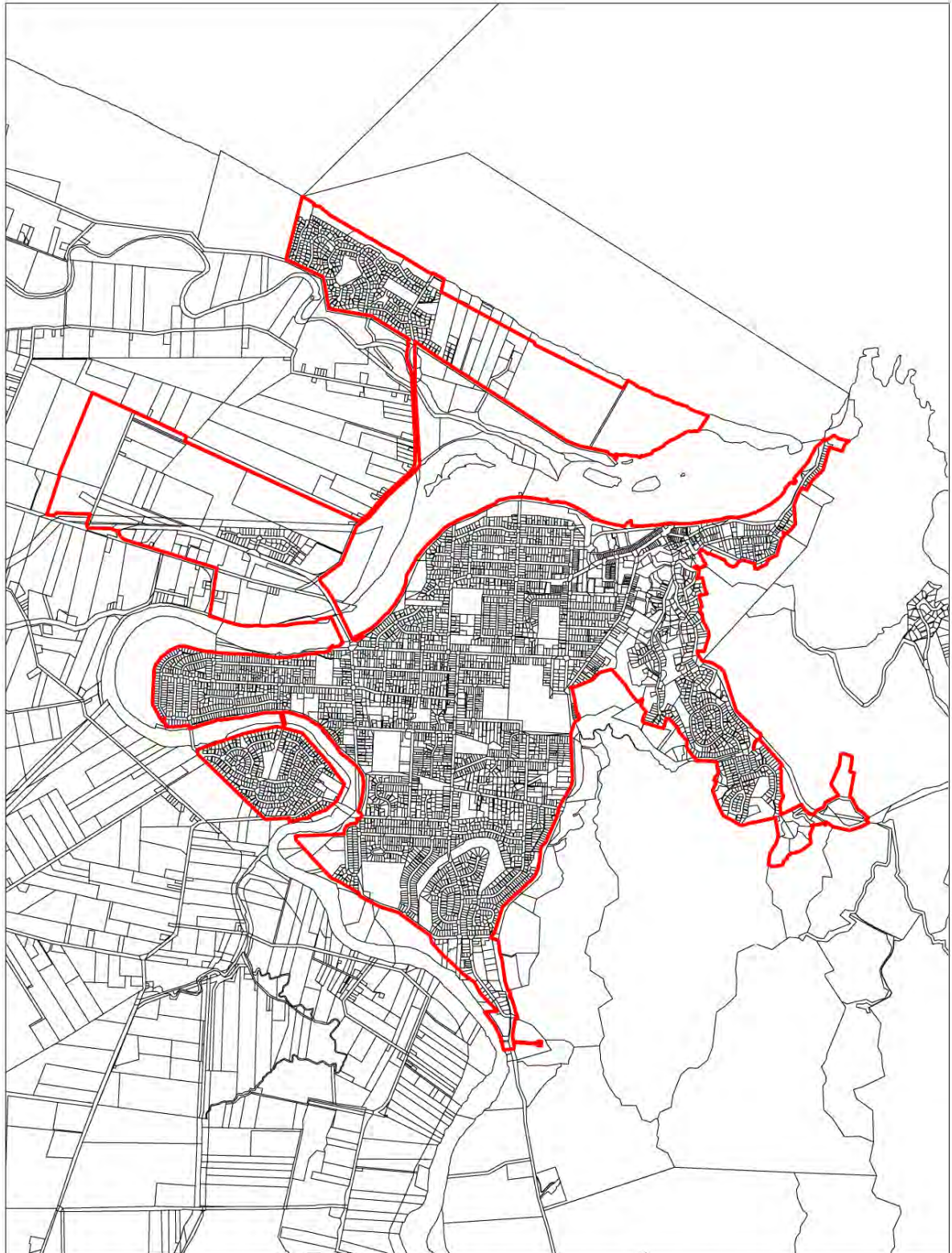


Figure 13.7 Whakatāne Wastewater Scheme Boundary

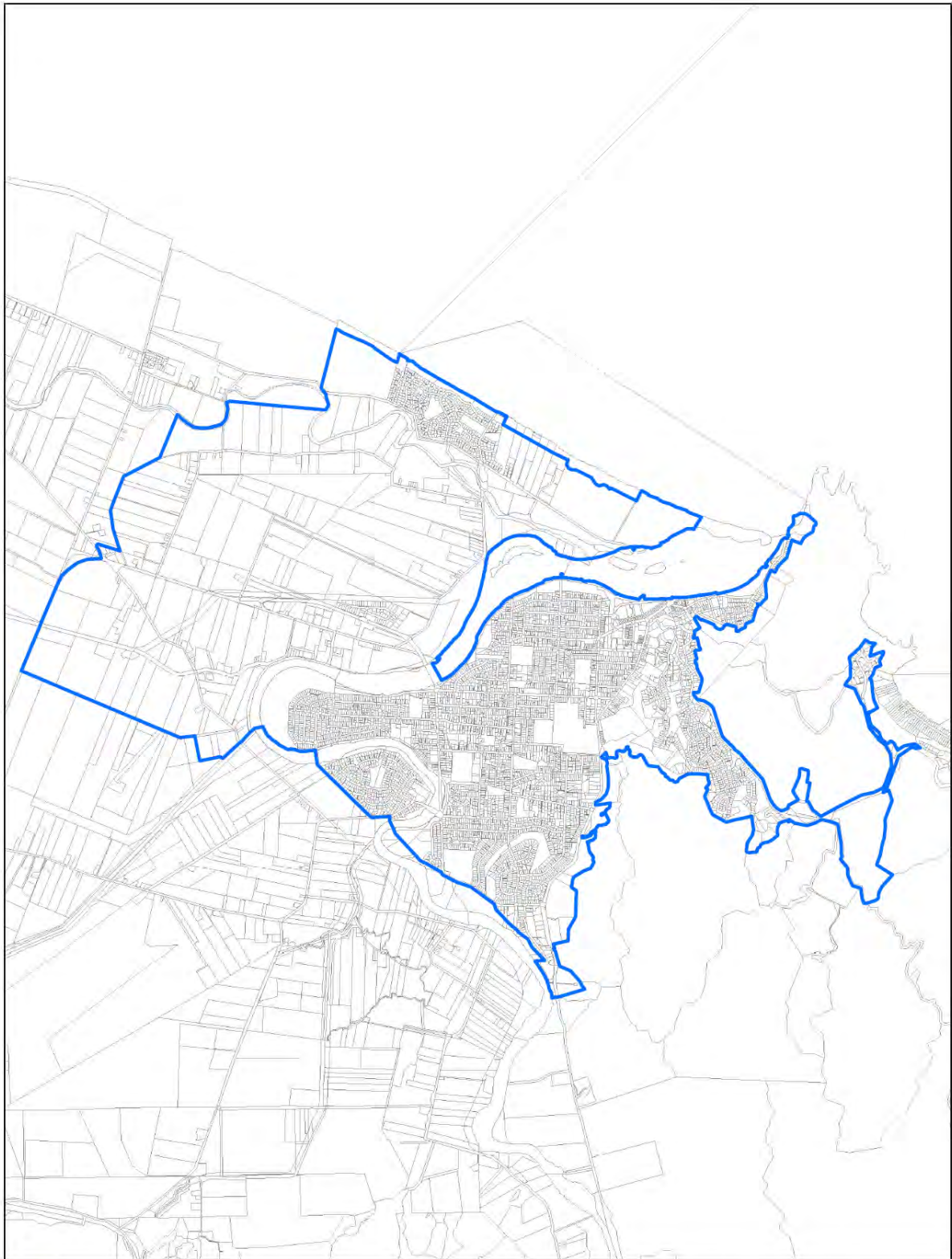


Figure 13.8 Whakatāne Water Scheme Boundary

Edgecumbe



Figure 13.9 Edgecumbe Stormwater Scheme Boundary

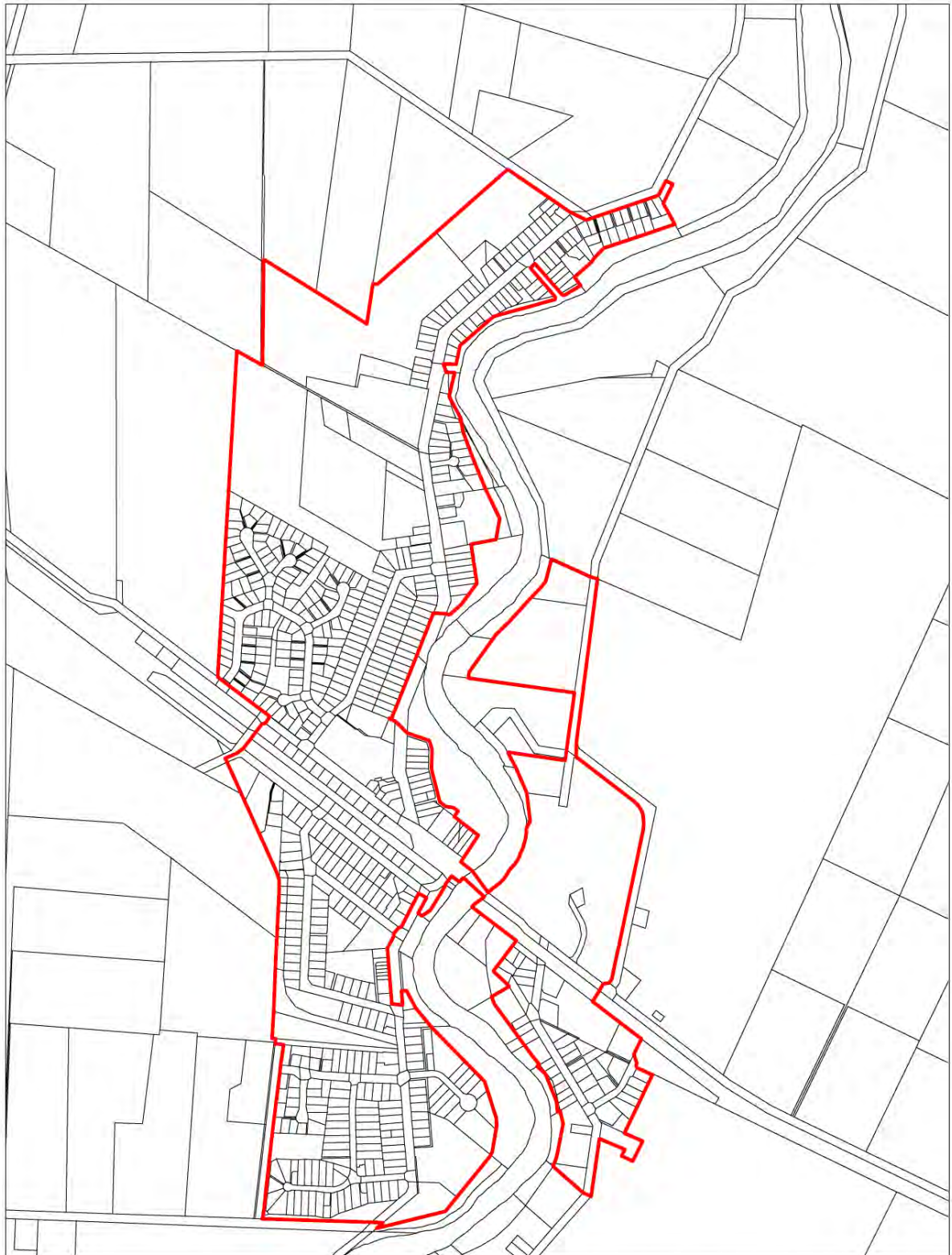


Figure 13.10 Edgecumbe Wastewater Scheme Boundary

Ōtarawāirere

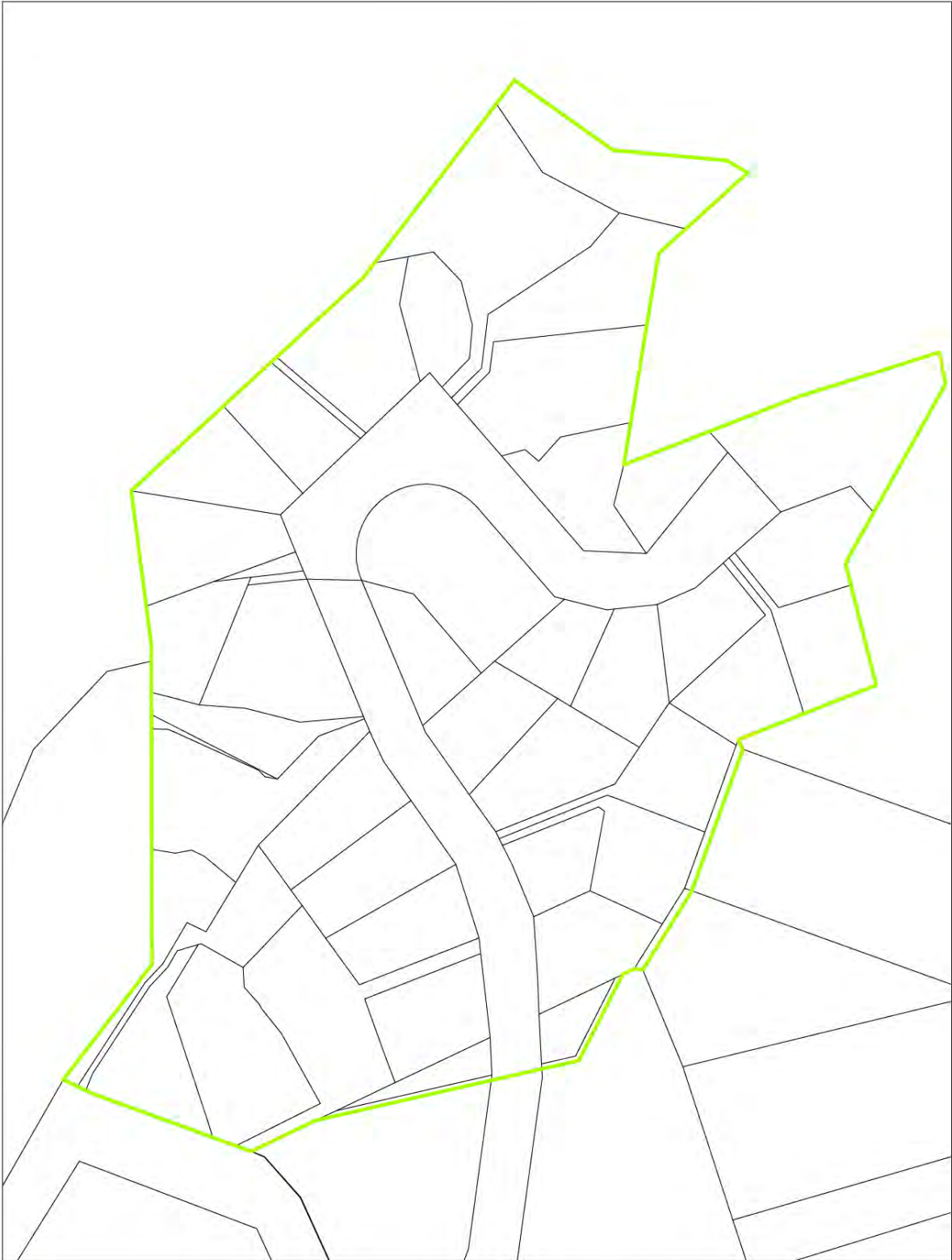


Figure 13.11 Ōtarawāirere Stormwater Scheme Boundary

Murupara



Figure 13.12 Murupara Stormwater Scheme Boundary



Figure 13.13 Murupara Wastewater Scheme Boundary

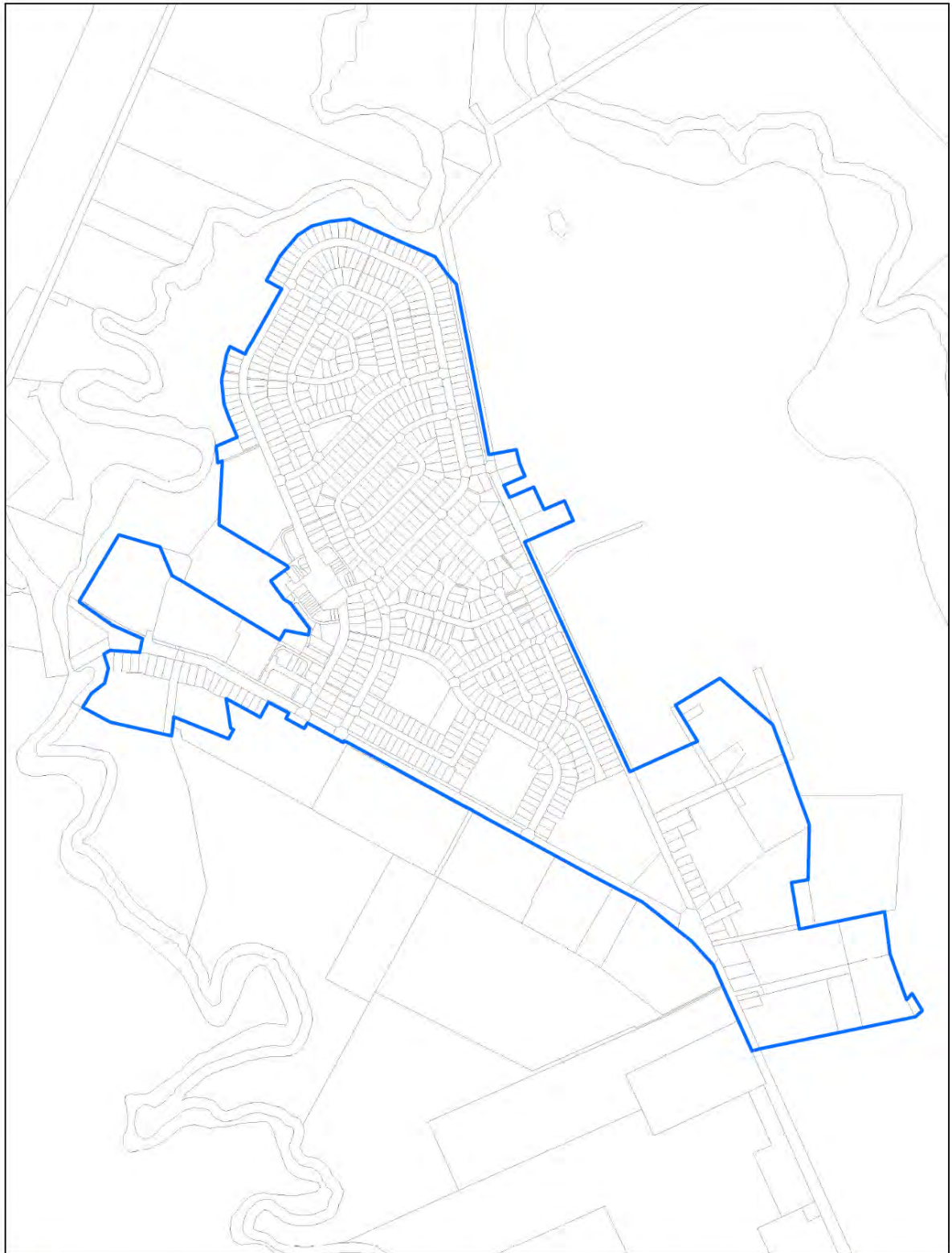


Figure 13.14 Murupara Water Scheme Boundary

Matatā



Figure 13.15 Matatā Stormwater Scheme Boundary



Figure 13.16 Matatā Water Scheme Boundary

Taneātua



Figure 13.17 Taneātua Stormwater Scheme Boundary

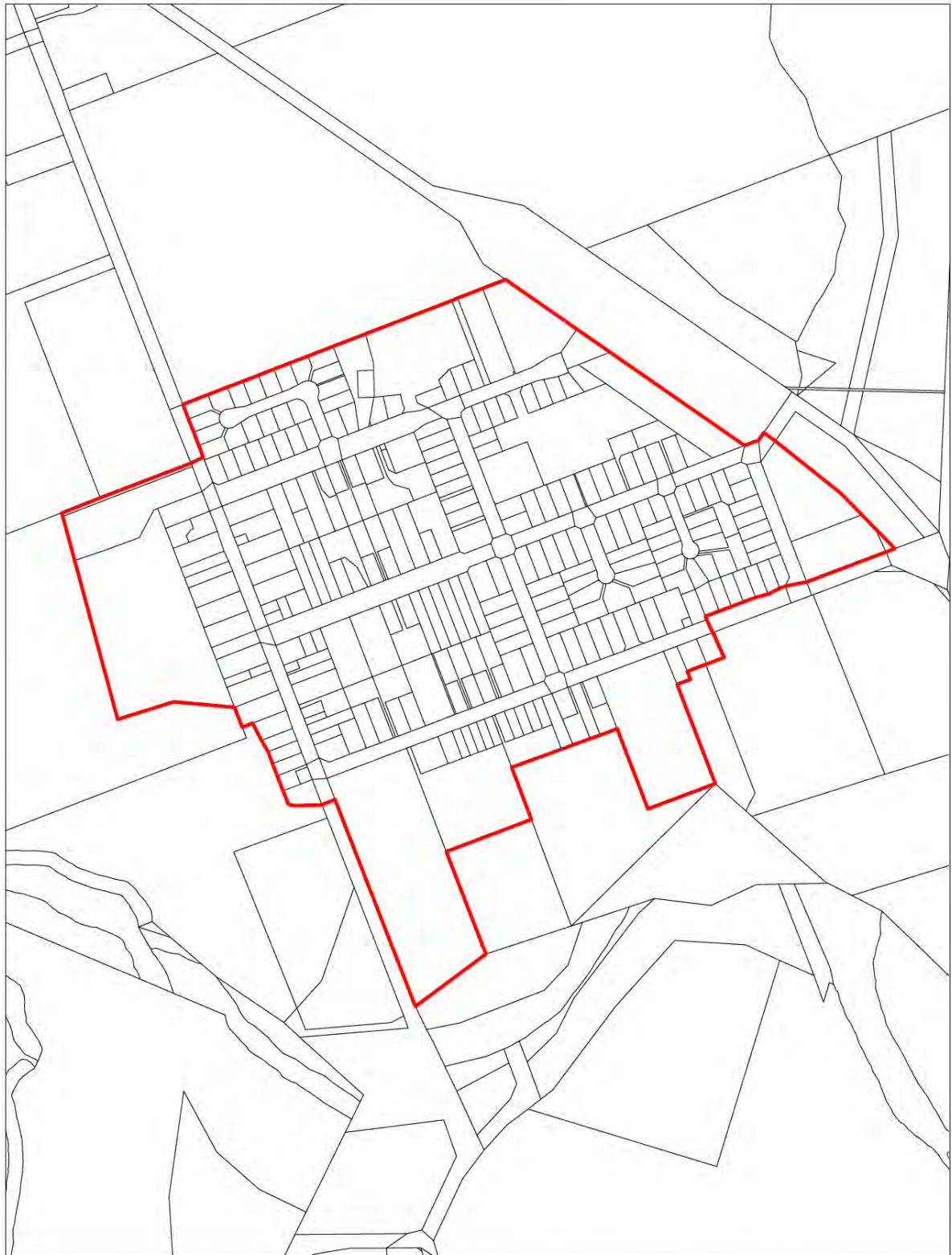


Figure 13.18 Taneātua Wastewater Scheme Boundary

Te Teko



Figure 13.20 Te Teko Stormwater Scheme Boundary

Ruatoki

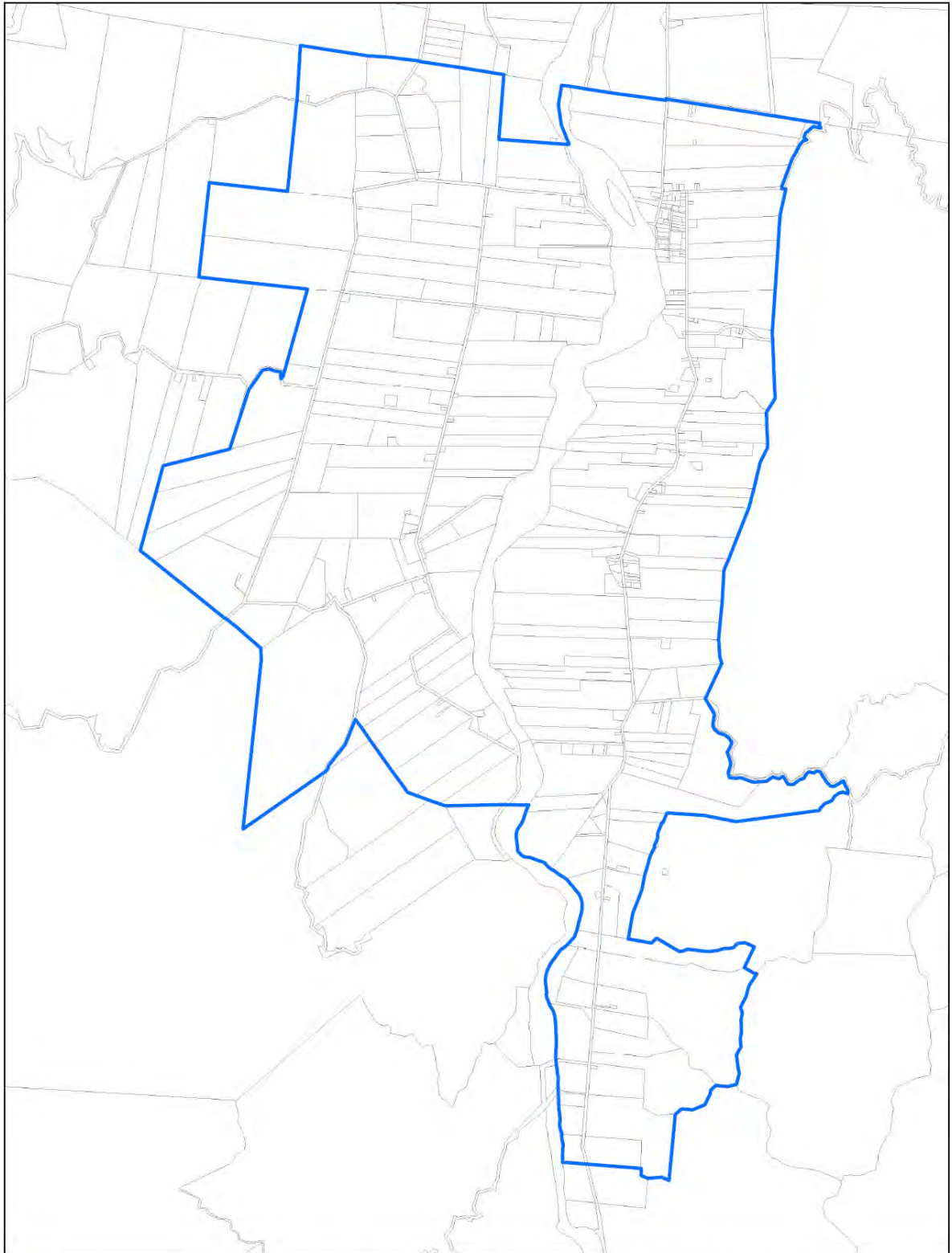


Figure 13.22 Ruatoki Water Scheme Boundary

Te Māhoe

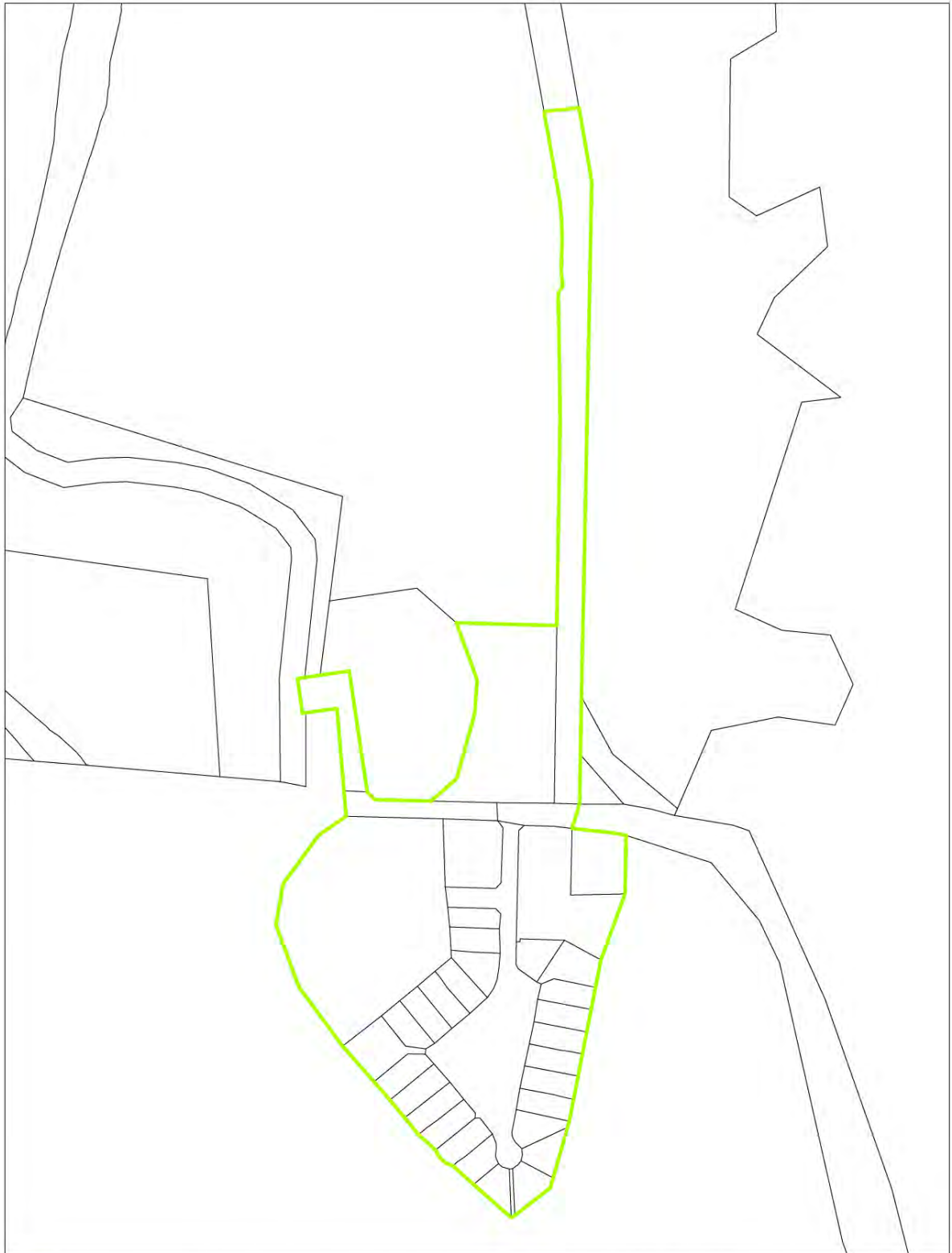


Figure 13.23 Te Māhoe Stormwater Scheme Boundary

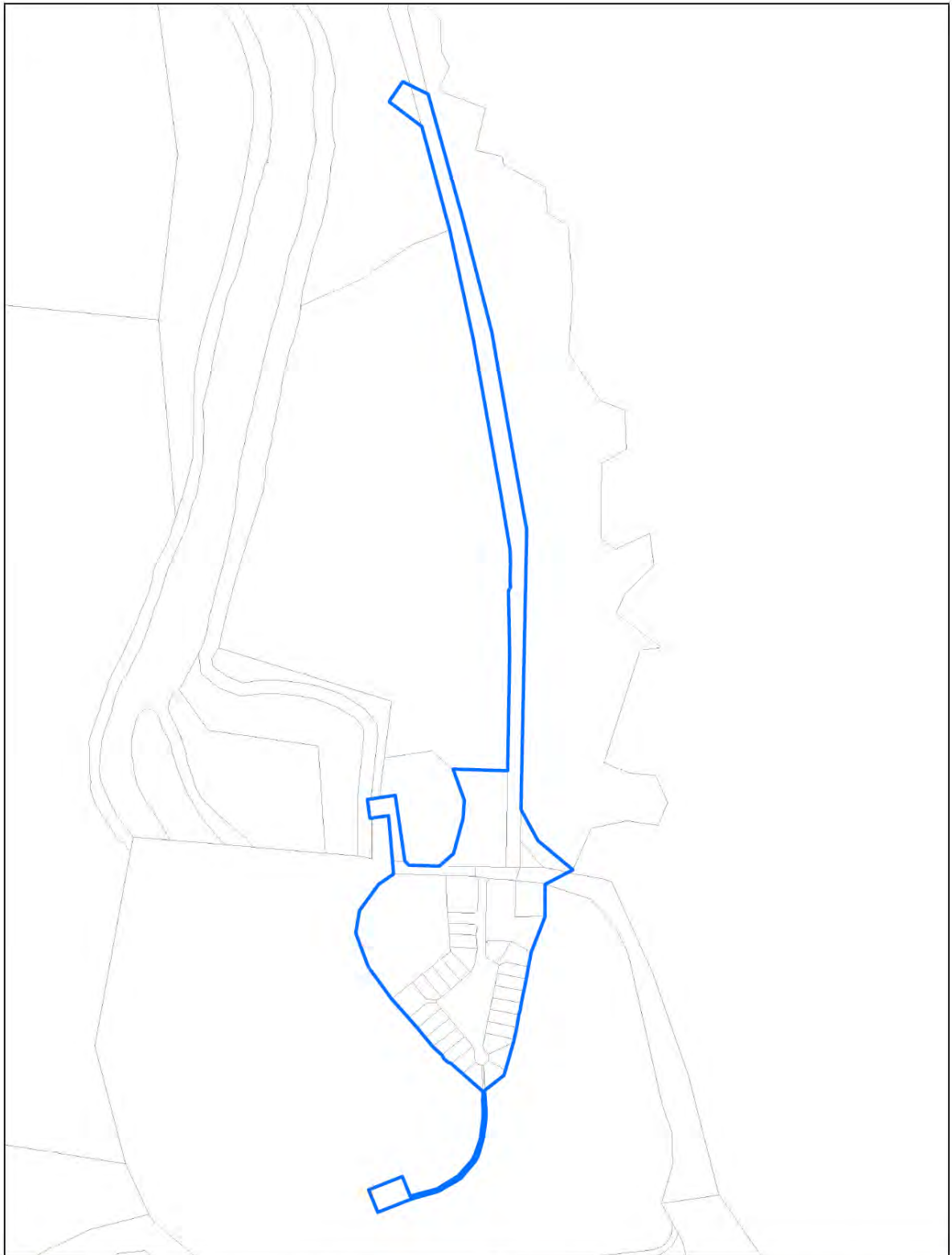


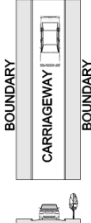
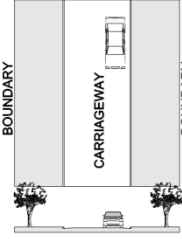
Figure 13.25 Te Māhoe Water Scheme Boundary

13.7.5 Road Design Standards Categories of Landuse and Area Types


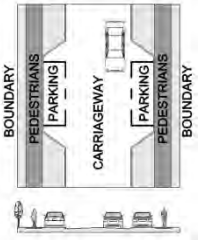
LAND USE	AREA TYPE			
	RURAL	SUBURBAN	URBAN	CENTRE
<p>LIVE AND PLAY (Residential and parks)</p> <p>Homes, home-based businesses, and mixed use developments with residential uses, as well as parks and low impact recreation.</p> <p><i>Transport: These land uses primarily generate home-based and internal circulation trips (recreation, social, school, and retail). Home-based work trips are concentrated at peak periods, while other types of trips are dispersed across time periods. Streets to these land uses prioritise recreation, walking and cycling over vehicle movement.</i></p>	<p>Low density, generally no more than 4 units per hectare located outside the urban limits.</p> <p><i>Transport: private motor vehicles are the predominant form of transport with low trip volumes throughout the day.</i></p>	<p>Low and moderate density housing generally up to 15 units per hectare in an area where housing is the exclusive or dominant use.</p> <p><i>Transport: Private vehicles are the predominant form of transport but public transport should provide peak period service on arterials and connector/collectors. Non-motorised trips are primarily recreational and occur on local roads.</i></p>	<p>Moderate and high density housing often in combination with other uses such that the combined population of residents, employees, and students is typically 50 per hectare or greater.</p> <p><i>Transport: A higher portion of trips are made on public transport and by walking and cycling. There is lower priority for the provision of residential parking in urban areas.</i></p>	<p>Moderate and high density housing often in combination with other uses such that the combined population of residents, employees, and students is typically 200 per hectare or greater.</p> <p><i>Transport: Residents typically walk or cycle to nearby destinations and rely on public transport for longer trips. And they may choose not to own a vehicle. Provision for residential and commuter parking is a low priority in centres.</i></p>
<p>SHOP AND TRADE (Retail and services)</p> <p>Retail or other service where most trips to the business are by customers and clients, rather than employees.</p> <p><i>Transport: A large volume of destination trips occur across time periods, especially weekends and peak shopping times to these land uses. A low-to-moderate volume of freight truck traffic is served. Streetscapes may serve as connections for destination users to reach several or numerous businesses in the area</i></p>	<p>Isolated or small clusters of stores or service-based businesses located outside the urban limits.</p> <p><i>Transport: Most trips are made in private motor vehicles with low trip volumes throughout the day.</i></p>	<p>Includes both traditional town centres and newer shopping centres of generally 1-2 storeys where the dominant use is retail and services businesses and the combined retail and commercial floor-to-area ratio (FAR) is typically under 0.3 (gross).</p> <p><i>Transport: Most trips are made in private motor vehicles with moderate and high trip volumes, especially on weekends, requiring these land uses to have large amounts of parking allocated to each site.</i></p>	<p>Retail and services focused in a town centre or concentrated along an urban corridor in combination with other uses. The combined population of residents, employees, and students is typically 50 per hectare or greater.</p> <p><i>Transport: Trips are made on a variety of modes at all times with limited amounts of shared and paid parking.</i></p>	<p>Moderate to high density land uses include retail mixed with other uses in an urban or town centre. Centres typically have, or are planned to have, a combined population of residents, employees, and students of 200 per hectare or greater.</p> <p><i>Transport: Public transport services are typically focused on centres, and centres are among the most highly connected and walkable environments. Provision for parking is the lowest land use priority in centres.</i></p>

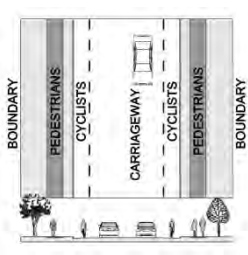
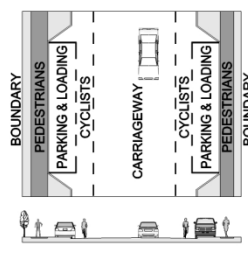
LAND USE	AREA TYPE			
	RURAL	SUBURBAN	URBAN	CENTRE
<p>WORK AND LEARN (Offices and schools)</p> <p>Areas dominated by businesses or schools where the most important trips to the business are made by employees (typically offices) and students.</p> <p><i>Transport: A large volume of destination trips occur at peak periods on weekdays. A low-to-moderate volume of freight truck traffic is served. Streetscapes may serve as connections for a variety of users, especially during lunch periods as well as other times when clients or customers may visit work places. Roads near schools will require special design needs to accommodate younger pedestrians.</i></p>	<p>Individual or small clusters of activities located outside the urban limits, such as school campuses and research facilities.</p> <p><i>Transport: Most trips are made in private motor vehicles with most trips occurring during peak periods.</i></p>	<p>Low rise office buildings (typically 1-2 storeys) and school campuses with an area wide average FAR of less than 0.3, including any retail component.</p> <p><i>Transport: Most trips are made in private motor vehicles during peak periods, requiring these land uses to have large amounts of parking allocated to each site.</i></p>	<p>Low and mid-rise office buildings that often include street-front retail and services focused in a town centre or concentrated along an urban corridor. The combined population of residents, employees, and students is typically 50 per hectare or greater.</p> <p><i>Transport: trips are made on a variety of modes at all times with limited amounts of shared and paid parking.</i></p>	<p>Mid-rise and high-rise office buildings that usually include mixed uses, including street-front retail and multi-family housing. Centres typically have, or are planned to have, a combined population of residents, employees, and students of 200 per hectare or greater.</p> <p><i>Transport: Public transport services are typically focused on centres, and centres are among the most highly connected and walkable environments. Provision for parking is the lowest land use priority in centres.</i></p>
<p>MAKE, GROW AND MOVE (Agriculture, industrial, and warehouses)</p> <p>Areas dominated by businesses where the most important trips to the business are made by heavy delivery trucks (typically farms, warehouses, and industries).</p> <p><i>Transport: A moderate-to-large volume of freight trips occur (year around or seasonally) and should be accommodated in the road link network. Streetscapes are designed to accommodate heavy freight movements. Where these are larger in number and need to be served, the freight, link function is crucial to service the land use function.</i></p>	<p>Farms, light industry, and warehouses located outside the urban limits.</p> <p><i>Transport: Road links are predominantly designed to accommodate freight truck movements and those generated by employees and business customers. Special vehicle areas may be provided to accommodate specialised freight needs.</i></p>	<p>Industrial parks.</p> <p><i>Transport: Road links are predominantly designed to accommodate freight truck movements and those generated by employees and business customers. Parking may also be provided for some employees, and special vehicle areas may be provided to accommodate specialised freight needs.</i></p>	<p>Would not normally occur except where activities have little impact on or otherwise support surrounding land uses.</p>	<p>Would not normally occur except where activities have little impact on or otherwise support surrounding land uses.</p>

13.7.6 Road Design Standards by Landuse and Area Type

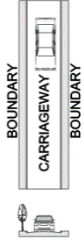

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Rural	Live and play	Access to lifestyle or clustered housing	1 to 6 du	20	6	20%	Shared (on shoulder and berm)	Allow for passing up to every 50 m, total shoulder 0.5 m, sealed	Shared (in movement lane)	2.50	Lane (this would normally be a private road or private way)	
		Access to lifestyle or clustered housing	1 to 20 du	30	9	16%	Shared (on shoulder and berm)	Total shoulder 0.5 m, sealed	Shared (in movement lane)	5.5 - 5.7	Lane (~200 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
		Access to housing	1 to 150 du	70	15	12.5%	Shared (on shoulder and berm)	Total shoulder 1.0 m, sealed shoulder 0.5 m	Shared (in movement lane)	5.5 - 5.7	Local road (~ 1000 vpd)	<p>The diagram shows a cross-section of a road. It features a central 'CARRIAGEWAY' with a car icon. On either side of the carriageway are 'BOUNDARY' lines. Small tree icons are positioned at the bottom of the diagram, flanking the carriageway.</p>

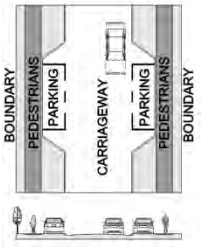
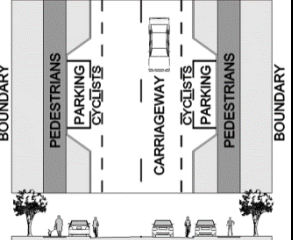
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
Rural	Shop and trade	Side or rear service access	Up to 100 m in length between streets, 1 to 20 lots	10	6	16%	Shared (in movement lane)	Allow for passing up to every 50 m. Kerbed edge or total shoulder 0.5 m, sealed	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	
		Access to trade	Rural village shops	40	15	10%	1.5 m each side	Parking and loading may occur in the movement lane or be separate and recessed. Kerbed edge or total shoulder 1.0 m, sealed shoulder 0.5 m	Shared (in movement lane)	5.5 - 5.7	Local road (~ 1,000 vpd)	

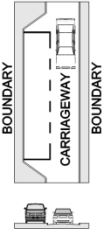
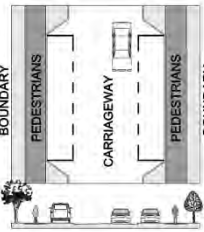
Place context			Design environment				Link context					Typical plan and cross section	
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification		
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector		
											(Typical maximum volumes)		
Rural	Make and move	Primary freight access	Rural activities	up to 100	20	10%	1.5 m each side	Total shoulder 1.0 m, sealed shoulder 0.5 m		On sealed shoulder where it is a local authority defined cycle route.	5.5 - 5.7	Local road (~ 1,000 vpd)	
		Access to office and education	1 to 200 lots	up to 60	20	10%	1.5 m each side	Parking and loading may occur in movement lane or be separate and recessed. Total shoulder 1.0 m, sealed shoulder 0.5 m		On sealed shoulder where it is a local authority defined cycle route.	5.5 - 5.7	Local road (~ 1,000 vpd)	

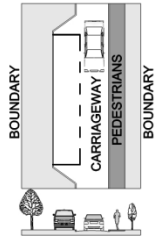
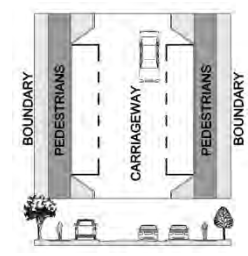
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/collector	
											(Typical maximum volumes)	
	All other situations (where not specified elsewhere)	All (serving land uses not specified elsewhere in this table)	-	up to 100	20	10%	Separate from the carriageway, 1.5 m each side	Total shoulder 1.5 m, sealed shoulder 1.0 m	On sealed shoulder where it is a local authority defined cycle route.	5.5 - 5.7	Connector/collector (~ 2,500 vpd)	<p>The diagram shows a cross-section of a road with the following elements from left to right: a Boundary, a Pedestrians lane, a Cyclists lane, a Carriageway, another Cyclists lane, another Pedestrians lane, and another Boundary. Small icons of a person, a bicycle, and a car are placed within their respective lanes. Trees are shown at the boundaries.</p>

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Suburban	Live and play	Access to houses/ townhouses	1 to 3 du or 1 to 6 du	10	3.6m for up to 3 du or 4.5m for up to 6 du	20%	Shared (in movement lane)	Allow for passing up to every 50 m	Shared (in movement lane)	2.75 - 3.0	Lane (this would normally be a private road or private way)	
		Side or rear service access	Up to 100 m in length between streets, 1 to 20 lots	10	6	16%	Shared (in movement lane)	Allow for passing up to every 50 m	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	



Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
		Access to houses/ townhouses	1 to 20 du	20	9	16%	Shared (in movement lane)	Shared (in movement lane).	Shared (in movement lane)	5.5 - 5.7	Lane (~ 200 vpd)	

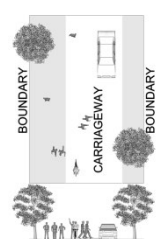
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Suburban	Live and play	Primary access to housing	1 to 200 du	40	15	12.5%	1.5 m one side or 1.5 m each side where more than 20 du or more than 100 m in length	Shared parking in the movement lane up to 100 du, separate parking required over 100 du	Shared (in movement lane)	5.5 - 5.7	Local road (~ 2,000 vpd)	
		Primary access to housing	Up to 800 du	50	20	10%	2.0 m each side	Parking is separate and recessed. Public transport is likely.	Separate provision where local authority defined cycle route.	2 x 4.2	Connector/ collector (~ 8,000 vpd)	

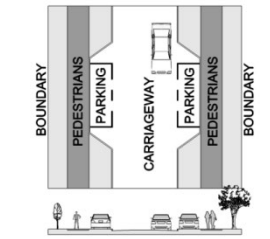
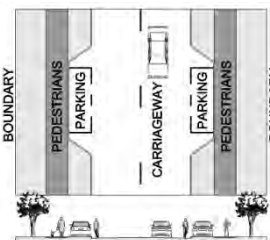
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Suburban	Shop and trade, work and learn	Side or rear service access	Suburban village, access to office and education, 1 - 20 lots	10	6	10%	Shared (in movement lane)	Recessed loading bays.	Shared (in movement lane)	3.5	Lane (~ 200 vpd)	
		Access to trade, office and education	Suburban village 1 - 200 lots	40	18	10%	3.0 m each side	Parking and loading bays both sides may be in the movement lane or recessed.	Shared (in movement lane)	5.5 - 5.7	Local road (~ 2,000 vpd)	


Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Suburban	Make and move	Side or rear freight access	Industrial area	10	11	10%	Separate footpath one side	Loading bays shall be separate and recessed.	Shared (in movement lane)	3.5	Lane (~ 200 vpd)	
		Primary freight access	Industrial area	40	18	10%	1.5 m each side	Parking and loading bays both sides may be in the movement lane or recessed.	Shared (in movement lane)	2 x 4.2	Local road (~2,000 vpd)	

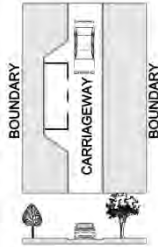
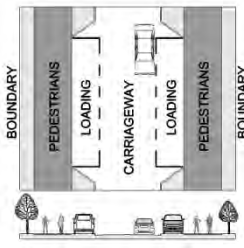
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/collector	
Centre	Make & move											
											(Typical maximum volumes)	
	Shop and trade, work and learn, make and move	All, roads serving multi-purpose areas involving most or all of the indicated land uses, not specified elsewhere in this table.	All, or combinations of these land uses	50	23	10%	2.5 m each side, 3.5 m each side for shop and trade, work and learn	Parking separate and recessed. Public transport is likely.	Separate provision where local authority defined cycle route.	2 x 4.2	Connector/collector (~ 8,000 vpd)	

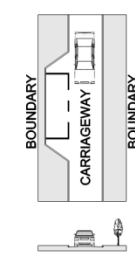
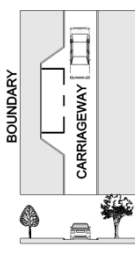
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/collector	
Centre	Make & move											
											(Typical maximum volumes)	
Urban	Live and play	Access to lifestyle or clustered housing	1 to 3 du or 1 to 6 du	10	3.6m for up to 3 du or 4.5m for up to 6 du	20%	Shared (in movement lane)	Allow for passing up to every 50 m	Shared (in movement lane)	2.75 - 3.0	Lane (this would normally be a private road or private way)	
		Side or rear service access	1 to 20 du	10	6	16%	Shared (in movement lane)	Parking is required and shall be separate and recessed.	Shared (in movement lane)	2.75 - 3.00	Lane (~200 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
		Access to houses / townhouses	1 to 20 du	20	9	16%	Shared (in movement lane)	Shared (in movement lane)	Shared (in movement lane)	5.5 - 5.7	Lane (~ 200 vpd)	

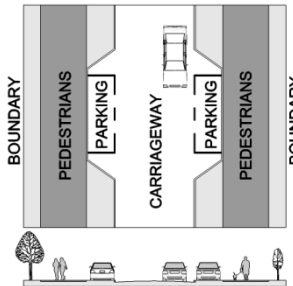
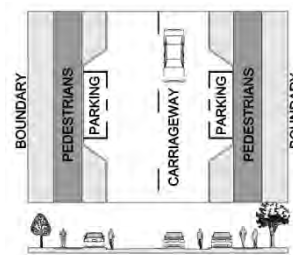
Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/collector	
Centre	Make & move											
											(Typical maximum volumes)	
Urban	Live and play	Primary access to housing	1 to 200 du	30	15	12.5%	1.5 m one side or 1.5 m both sides where more than 20 du or more than 100 m in length	Parking may occur in the movement lane or be separate and recessed.	Shared (in movement lane)	5.5 - 5.7	Local road (~ 2,000 vpd)	
		All other "land use" activity types within this "Area" type not specified elsewhere in this table.	All	50	20	10%	2.0 m each side	Parking separate and recessed. Public transport is likely.	Separate provision where local authority defined cycle route	2 x 4.2	Connector/collector (~ 8,000 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
	Shop and trade	Side or rear service access	1 to 20 lots	10	6	16%	Shared (in movement lane)	Loading bays shall be recessed.	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Urban	Shop and trade	Access to lots or shop or trade units	1 to 20 lots	10	11	12%	Shared (in movement lane)	Parking may occur separate and recessed.	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	
		Primary access to trade	1 to 200 lots	30	20	10%	3.5 m each side	Parking and loading bays may occur in the movement lane or be separate and recessed.	Shared (in movement lane)	5.5 - 5.7	Local road (~ 2,000 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/ collector	
Centre	Make & move											
											(Typical maximum volumes)	
Urban	Work and learn	Side or rear service access	1 to 20 lots	10	6	16%	Shared (in movement lane)	Parking and loading bays shall be separate and recessed.	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	
		Access to lots or work or learn activities	1 to 20 lots	10	11	12%	Shared (in movement lane)	Parking and loading bays shall be separate and recessed.	Shared (in movement lane)	2.75 - 3.00	Lane (~ 200 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural Suburban Urban Centre	Live & play Shop & trade Work & learn Make & move										Lane Local road Connector/ collector	
											(Typical maximum volumes)	
		Primary access to office and education	1 to 200 lots	30	20	10%	3.5 m each side	Parking and loading bays may occur in the movement lane or be separate and recessed.	Shared (in movement lane)	5.5 - 5.7	Local road (~ 2,000 vpd)	

Place context			Design environment				Link context					Typical plan and cross section
Area	Land use	Local attributes	Locality served	Target operating speed (km/h)	Minimum road width (m)	Max. grade	Pedestrians	Passing, parking, loading and shoulder	Cyclists	Movement lane (excluding shoulder)	Classification	
Rural	Live & play										Lane	
Suburban	Shop & trade										Local road	
Urban	Work & learn										Connector/collector	
Centre	Make & move											
											(Typical maximum volumes)	
Urban	Mixed use	Multiple user access	1 to 200 lots	30	20	10%	3.5 m each side	Parking and loading bays may occur in the movement lane or be separate and recessed.	Shared (in movement lane)	5.5 - 5.7	Local road (~2,000 vpd)	
		Neighbourhood centres (and all other areas serving multiple land uses not listed elsewhere in this table)	200 to 800 lots	50	23	10%	2.5 m each side	Parking is preferred separate and recessed. Public transport is likely.	Separate provision where local authority defined cycle route.	2 x 4.2	Connector/collector (~8,000 vpd)	

13.7.7 Whakatāne and Galatea Airport Approach Path Protection

Overview

- (a) The following height restrictions are based on Civil Aviation Authority Advisory Circular 139.06A obstacle limitation surfaces for aircraft with a maximum certified take off weight greater than 5,700 kg operating under non-precision approach conditions.
- (b) All measurements are in metres above average mean sea level unless otherwise stated.

Runway and Runway Strip

The runway (09-27) is 1,280 m long x 30.5 m wide and orientated on a bearing of 114°31'14.9". The runway strip is 1,400 m long and 140 m wide and contains the runway within it. For purposes of defining obstacle limitation surfaces, a 150 m runway strip width is assumed.

Airport Protection

Height restrictions associated with the runway strips, take-off climb and approach surfaces, transitional surfaces, horizontal and conical surfaces are defined below and shown on Figure 13.27 and 13.28.

Height Restriction

- *Take-off Climb and Approach Surfaces*

There is a take-off climb and approach protection surface at each end of the main runway strip. The take-off and approach surfaces differ in detail, but both are protected by a slope extending upward and outward from each end of the strip.

Each take-off climb and approach protection surface extends over a horizontal distance specified below and is symmetrically disposed about the centreline of the flight protection surface, with its sides diverging uniformly outwards from each end of the length of the inner edge at each strip end. For the runway the length of the inner edge is 75 m either side of the runway centreline.

Take-off Surface

The take-off surface at each end of the strip rises at a gradient of 1.6% (1v:62.5h) over a horizontal distance of 15,000 m and continues along the extended runway centreline. The rate of lateral divergence for both sides of the surface is 12.5% (1v:8h) until a final width of 1,200 m is attained, the surface then continues at this width.

Approach Surface

The approach surface at each end of the strip rises at a gradient of 2.5% (1v:40h) over a horizontal distance of 15,000 m and continues along the extended runway centreline. The rate of lateral divergence for both sides of the surface is 15% (1v:6.6h) for the full 15,000 m length.

- *Transitional Surfaces*

The transitional surface provides for a situation where an approaching aircraft is either off centreline or where it has executed a missed approach and allows for an area free of obstacles to protect aircraft in the final phase of the approach to land manoeuvre.

The transitional surfaces extend upwards and outwards from the sides of the main runway strip at a gradient of 14.3% (1v:7h) until they reach the horizontal surface. The transitional surfaces also extend at the same heights beyond each end of the runway strip to intercept the approach surface.

- *Inner Horizontal Surface*

The inner horizontal surface is a plane surface at a height of 45 m above the aerodrome datum level of 6m enclosed within a 4,000 m radius drawn from the periphery of the runway strip, and a 4,000 m distance either side of the runway strip.

- *Conical Surface*

The conical surface extends from the periphery of the inner horizontal surface upwards and outwards at a slope of 5% (1v:20h) to a height of 150 m above the aerodrome datum level of 6m.

Note: Where ground rises so that it penetrates or becomes close to the take-off climb, approach, inner horizontal or conical surface, then this surface may be adjusted in conformity with the ground to provide a vertical clearance of 10.7 m above **ground level**.

2. GALATEA AIRPORT

Overview

- (a) The following height restrictions are based on Civil Aviation Authority Advisory Circular 139.07A obstacle limitation surfaces for aircraft with a maximum certified take off weight less than 5,700 kg operating under Day—VFR conditions.
- (b) All measurements are in metres above average mean sea level unless otherwise stated.

Runway and Runway Strip

The runway strip (01-19) is 1,025 m long x 60 m wide and is orientated on a bearing of 31°37'58.4".

Airport Protection

Height restrictions associated with the runway strips, take-off climb and approach surfaces, and transitional surfaces are defined below and shown on Maps 31 and 32.

Height Restriction

- *Take-off Climb and Approach Surfaces*

There is a take-off climb and approach protection surface at each end of the main runway strip. The take-off and approach surfaces have the same detail and are protected by a slope extending upward and outward from each end of the strip.

Each take-off climb and approach protection surface extends over a horizontal distance specified below and is symmetrically disposed about the centreline of the flight protection surface, with its sides diverging uniformly outwards from each end of the length of the inner edge at each strip end. For the runway the length of the inner edge is 30 m either side of the runway centreline.

- *Take-off/Approach Surface*

The take-off/approach surface at each end of the strip rises at a gradient of 5% (1v:20h) over a horizontal distance of 1,200 m and continues along the extended runway centreline. The rate of lateral divergence for both sides of the surface is 5% (1v:20h) for the full 1,200 m length.

- *Transitional Surfaces*

The transitional surface provides for a situation where an approaching aircraft is either off centreline or where it has executed a missed approach and allows for an area free of obstacles to protect aircraft in the final phase of the approach to land manoeuvre.

The transitional surfaces extend upwards and outwards from the sides of the main runway strip at a gradient of 14.3% (1v:7h) until they reach the horizontal surface. The transitional surfaces also extend at the same heights beyond each end of the runway strip to intercept the approach surface.

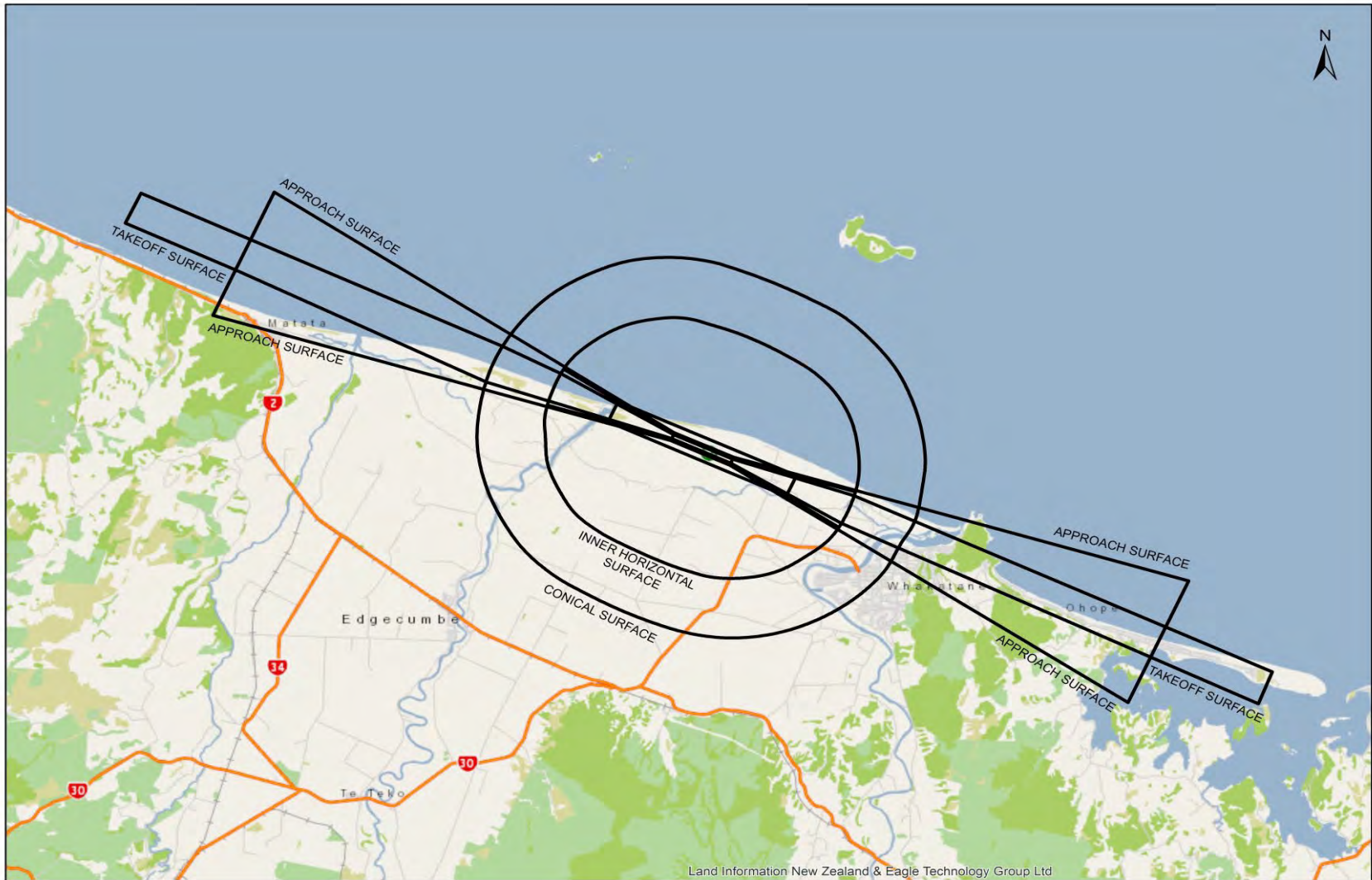


Figure 13.27 Whakatāne Airport Approach Path

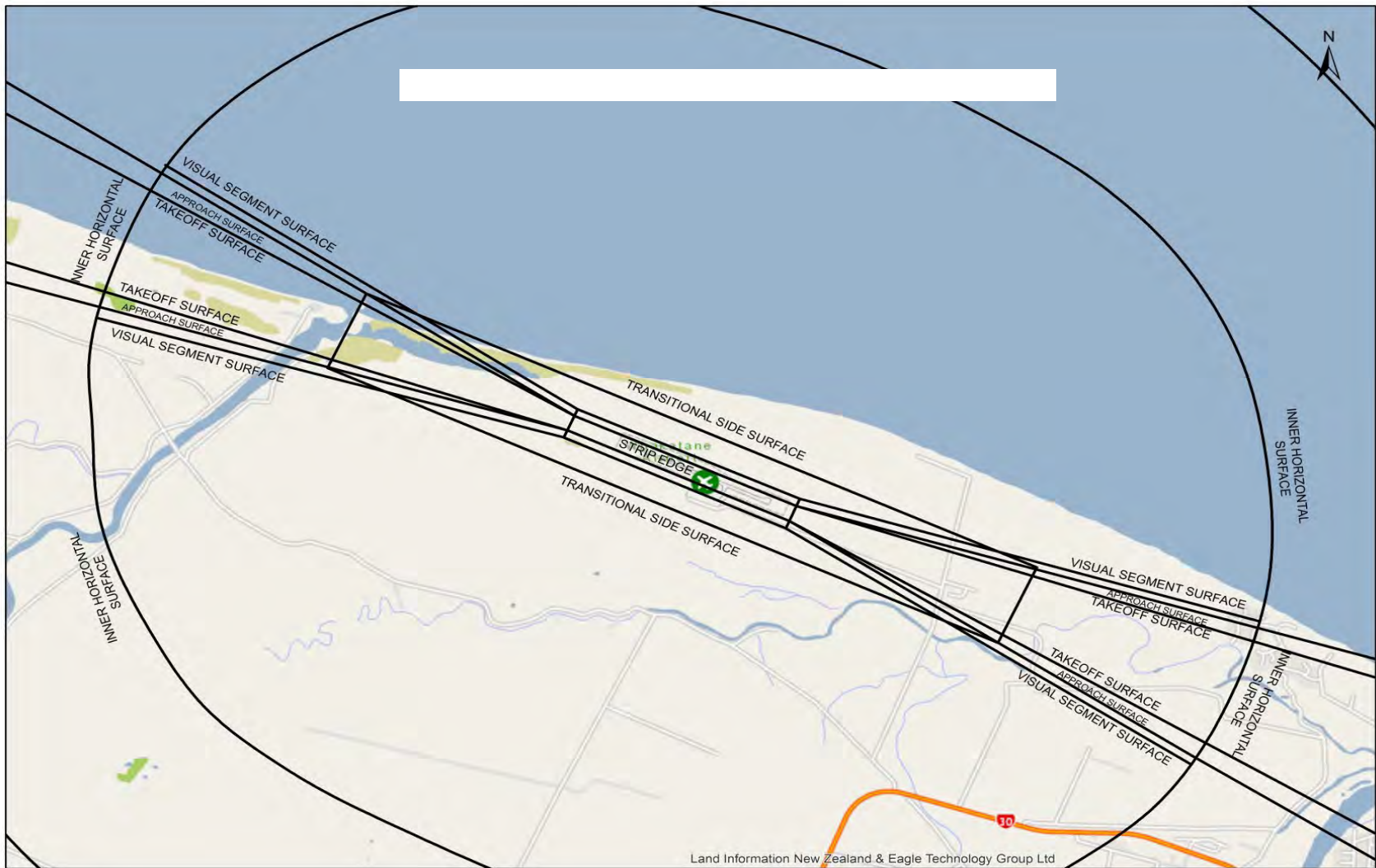


Figure 13.28 Galatea Airport Approach Path

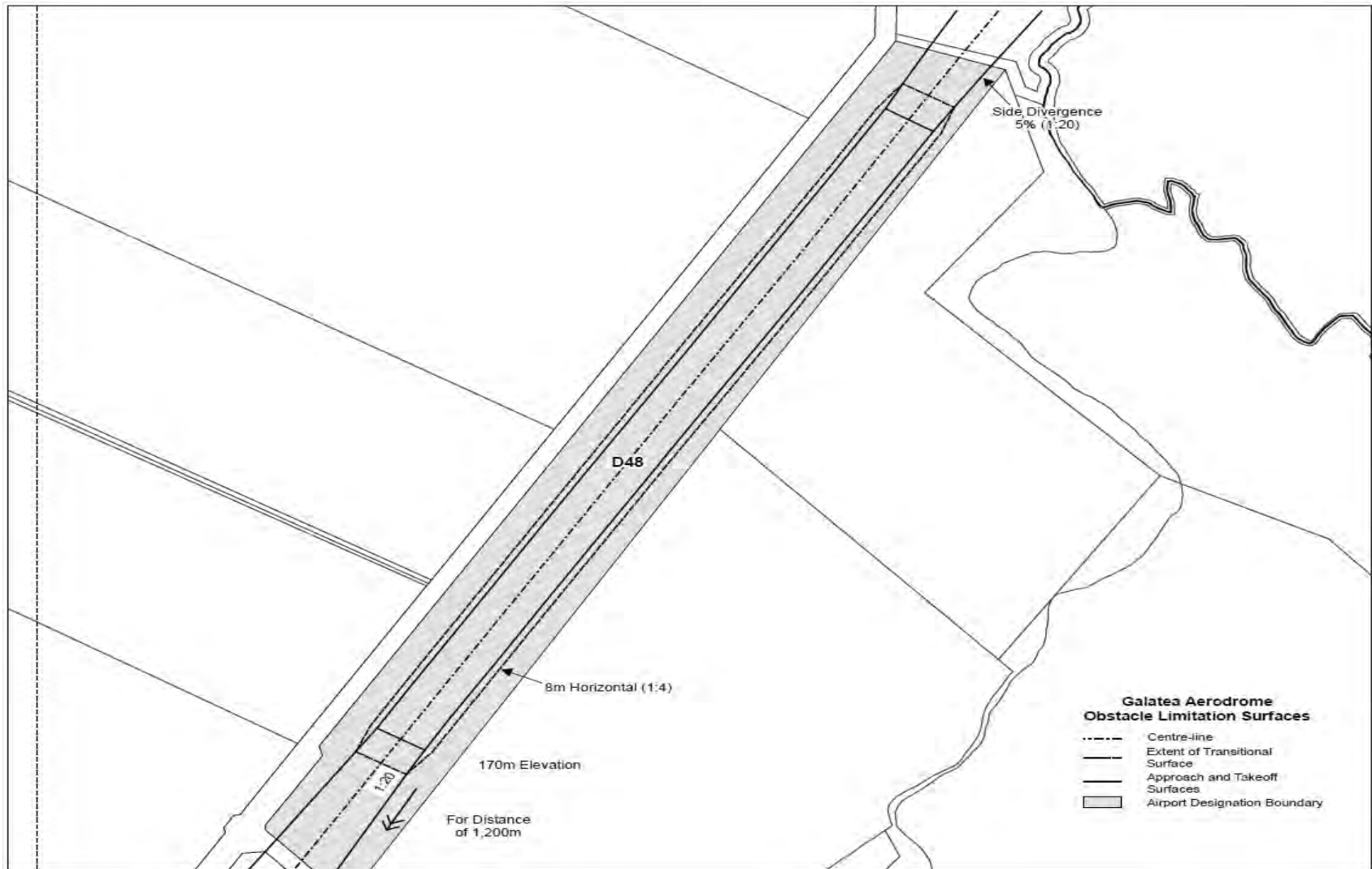


Figure 13.29 Galatea Aerodrome Obstacle Limitation Surfaces



CHAPTER 14

FINANCIAL CONTRIBUTIONS

Ngā Pūtea Whakarite

14 Financial Contributions

14.1 OBJECTIVES AND POLICIES

Objective FC1 *The District's infrastructure is able to meet the demands generated by new land-use, development and subdivision and significant changes in land-use, development and subdivision.*

Policy 1: To avoid, remedy or mitigate the adverse effects of land-use, development and subdivision on roads (excluding state highways), public carparking provision, service lanes, water, wastewater, stormwater and reserves (excluding esplanade reserves), through the imposition of financial contribution conditions on consents for land use, development or subdivision.

Policy 2: A financial contribution will be charged where the adverse effects identified are not otherwise able to be avoided, remedied or mitigated by;

- the availability of an alternative funding mechanism such as development contributions to renew or extend the **infrastructure** listed in Policy 1;
- capital works on-site being undertaken by the developer where the **infrastructure** provided is needed to serve the proposed land-use, development or subdivision in accordance with Council's required levels of service;
- a binding agreement with Council for the provision of the required **infrastructure within a specified time period**; and
- a financial contribution made previously for the same **infrastructure**.

Policy 3: To charge a financial contribution equivalent to the total cost of new or upgraded **infrastructure** delivered to a level of service specified in Chapter 13 Transportation and Services.

Policy 4: To charge the total cost of the new or upgraded **infrastructure** where as a result of land use, development or subdivision planned **infrastructure** is required to be completed earlier than anticipated by the Long Term Plan.

Policy 5: To charge a financial contribution for local reserves assessed as the value of either land, or works, or a combination of the two, to meet the demand created by new land-use, development or subdivision or where there are significant changes in land-use activities, including for coastal reserves, beach access points and other pedestrian and cycling linkages.

Policy 6 To ensure that in the event that land is provided by way of a financial contribution such land shall be suitable for the intended use bearing in mind the community to be served.

14.2 RULES

The following, standards and terms apply to Permitted, Controlled and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-complying activities.

14.2.1 General

14.2.1.1 Notwithstanding 14.2.1.2 and 14.2.1.8 below, Council may decline the proposal and all associated **infrastructure** upgrades or extensions;

- a. If the land-use, development or subdivision cannot be adequately serviced, for example, if land-use, development or subdivision is proposed to be located outside an existing serviced area (as defined in Appendix 13.7.3); or
 - b. if **infrastructure** necessary to meet the requirements of the proposed land use, development or subdivision is proposed in Council's Long Term Plan, but the proposed land use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan.
- 14.2.1.2 All works and services required by this District Plan to be provided (as part of any land-use, development or subdivision activity in any zone) on or within the site and for the purpose of that land-use, development or subdivision shall be funded entirely as a cost to the developer.
- 14.2.1.3 Where a work or service is required to be upgraded or extended to serve any land-use, development or subdivision to comply with the rules of the District Plan or the conditions of a resource consent and the work or service is not proposed to be upgraded in Council's Long Term Plan or Annual Plan, the developer shall meet the full cost of any required extensions or upgrading of the service.
- 14.2.1.4 No financial contribution is payable if **infrastructure** upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are budgeted for in the current Annual Plan.
- 14.2.1.5 No financial contribution is payable if **infrastructure** upgrades or extensions necessary to meet the requirements of the proposed land use, development or subdivision are proposed in Council's Long Term Plan, and if the proposed land use, development or subdivision does not require that the planned upgrades or extensions are to be undertaken earlier than provided for in the Long Term Plan.
- 14.2.1.6 No financial contribution is payable for;
- a. **additions and alterations to dwellings;**
 - b. a **dwelling** replacing one previously on the site;
 - c. an approved boundary adjustment;
 - d. an approved subdivision creating a **certificate of title solely for a work or utility;**
 - e. a **business activity** upon application for a building consent where there is no impact on the service network;
 - f. an additional **lot** where such land is set aside for the ecological, heritage or cultural protection in perpetuity; and
 - g. **infrastructure** for which a financial contribution has been made previously.
- 14.2.1.7 Subject to Rule 14.2.1.9, if **infrastructure** upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then Council will, subject to 14.2.1.9(a) below, require the developer to meet the full cost of the upgrades or extensions including interest on loans.
- 14.2.1.8 Subject to Rule 14.2.1.9, where **infrastructure** upgrades or extensions, including upgrades or extensions to provide greater capacity, are necessary to meet the requirements of land-use, development or subdivision other than that proposed by the developer, and such other upgrades or extensions are proposed in Council's Long Term Plan, Council may require the developer to meet the full cost of upgrades or extensions, including interest on loans subject to 14.2.1.9 (c).
- 14.2.1.9 In relation to 14.2.1.7 and 14.2.1.8;

- a. Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;
- b. agreements shall be made in writing between the developer and the Council, and shall state the amount of the financial contribution and timing of any payments to be made;
- c. in the event that Council does not contribute to the funding at that time, the developer will be reimbursed by Council;
- d. agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in Council's Long Term Plan; and
- e. reimbursement will not include interest additional to that which would have been payable by the Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

14.2.1.10 For subdivision and development in the Shaw/Huna Road Structure Plan area, Council may, at its discretion, and guided by its financial strategy, agree to enter into a development agreement with the developers of the land. The purpose of such an agreement shall be to establish an equitable mechanism for funding off-site stormwater mitigation works. The agreement shall state the amount of any financial contribution to be made and the timing of such payments. Refer to Rule 13.2.28.8(i).

14.2.2 Financial Contribution for Roads

14.2.2.1 The total cost of developing new roads (including unformed legal roads) required to service a development or subdivision shall be met entirely as a cost to the developer.

14.2.2.2 Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road, the financial contribution shall be calculated as the cost of upgrading the road to the required level of service specified in Chapter 13 that is directly attributable to the development or subdivision.

14.2.2.3 Financial Contributions for roading will be calculated in accordance with the following formulae

- a. Financial Contribution for subdivision

Based on number of new lots created:

Contribution = Cost of forming or upgrading road to the nearest Lot boundary of the site + Cost of upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times L_g}{L_e + L_g} + \frac{D_2 \times R_c}{L_e + L_g}$$

~

C_p = Value of contribution (\$)

D₁ = Length of road (km) required to be upgraded to the closest boundary of the site.

D₂ = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

L_e = Total number of existing Lots fronting to the road to be upgraded measured as D₁

L_g = Number of new lots created in the proposed subdivision

R_c = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy and as included in Council's Long Term Plan.

- b. Financial Contribution for Land-use and Development

Based on traffic generation:

Contribution = Cost of upgrading road to the nearest boundary of the site times the total traffic to be generated by the proposal + Cost of upgrading road to the nearest boundary of the site times the total traffic to be generated by the proposal

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Cp = Value of contribution (\$)
 D1 = Length of road (km) required to be upgraded to the closest boundary of the site.
 D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.
 Te = Total amount of traffic currently using this road (as vehicles per day, AADT).
 Tg = Total amount of traffic generated by the development (as vehicles per day, AADT).
 Rc = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy and as included in the Council's Long Term Plan.

14.2.3 *Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38).*

14.2.4 Financial Contribution for **Service Lanes**

14.2.4.1 Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, a development or subdivision of the land shall include a condition requiring the land to be formed to Council's standards specified in Chapter 13 and vested in the Council as a service lane.

14.2.5 Financial Contribution for **Water, Wastewater and Stormwater Infrastructure**

14.2.5.1 See 14.2.1.

14.2.6 Financial Contribution for **Public Reserves**

14.2.6.1 Every subdivision, or every **additional dwelling** unit, will be assessed in terms of the need it generates for **public reserves** (but not active reserves for sporting codes) either in terms of additional reserve area or whether the demand can be mitigated in terms of improved level of service for existing reserves. Council will assess each subdivision or **dwelling** unit application to determine whether it requires a financial contribution comprising money, land, or works, or a combination of all three.

14.2.7 Financial Contribution Calculation for **Public Reserves**

14.2.7.1 Every new **lot** or **dwelling** unit created shall contribute a one-off, fixed-sum payment (plus any taxes applicable), unless a contribution in land or works is to be made. Cash contributions shall go towards the programmed purchasing, upgrading and development of the District's **public reserves**. The financial contribution per new lot or **dwelling** unit shall be calculated in accordance with the following:

Contribution = Number of new lots created x Financial contribution/lot
 Cp = N x Fc
 Cp = Value of contribution (\$)
 N = Number of new lots created

Fc = Financial contribution per lot identified in Council's Long Term Plan or Annual Plan for the Service Area

14.2.8 Contribution of Land

14.2.8.1 The Council will only require a contribution of land as a financial contribution for public reserves within the subdivision in one or more of the following circumstances:

- a. Where more than 8 residential lots are involved;
- b. Where an existing **public reserve** can be enlarged or improved;
- c. Where additional land is needed or is suitable to ensure the protection or enhancement of a site or feature/s of special natural, cultural or heritage value, whether identified in the Subdivision Plan or not;
- d. Where land can be added to a required **esplanade reserve** to enhance or increase its value for the purposes specified in the Resource Management Act;
- e. Where there is a clear deficiency in a locality of a particular type of **public reserve** land which can be provided within the subdivision; and
- f. Where the provision of land will improve community access to natural resources or another **public reserve**

14.2.8.2 Land to be set aside as **public reserve** shall be identified in consultation with the Council and shall;

- a. have road frontage which is adequate for amenity, visual access (community policing) and ease of maintenance purposes;
- b. preferably be north facing to optimise daylight and sunlight receipt;
- c. be capable of performing a variety of functions without major works;
- d. be readily accessible for properties in the locality; and
- e. be topographically situated to allow routine maintenance.

14.2.8.3 Where the Council requires a contribution in land for reserves, that contribution shall;

- a. be not less than 130m² of land per additional lot; and
- b. be not less in value than the sum payable under 14.2.7.

14.2.9 Contribution as a Combination of Money or Land

14.2.9.1 For some development applications, it may be most appropriate for Council to require a combination of money and/or land as a financial contribution. Where Council requires a combination, that contribution shall be not less in value than the sum payable under 14.2.7, and land that is contributed will generally be located in areas designated in the District Plan for resource purposes.

14.2.9.2 Council may accept land set aside as a Māori reservation under S338 and S440 of Te Ture Whenua (Māori land) Act 1993 as full or partial payment of a reserves contribution.

14.2.9.3 All calculations shall be exclusive of Goods and Services Tax (GST). All financial contributions are subject to GST and all assessed financial contributions shall have GST added to them for payment.

14.2.10 Payment of Financial Contributions to be a Condition of Consent

14.2.10.1 A financial contribution shall be calculated at the time of granting either land-use or subdivision consent as a condition of that consent.

14.2.11 Review of Financial Contributions Conditions

14.2.11.1 Any financial contribution amount specified in a condition of consent shall be reviewed on the anniversary of the consent unless the financial contribution has been paid in full. The review shall take into account any changes in the land value, Construction Price Index, current cost of works or other cost variable used in the assessment of the contribution.

14.2.12 Timing of Payment of a Financial Contribution

14.2.12.1 The payment of a financial contribution shall be made;

- a. in the case of a subdivision consent, before the certification of a subdivision plan pursuant to Section 224 of the Resource Management Act, 1991 or
- b. in the case of a land use consent, before the implementation of the consent.

14.2.12.2 Where contributions are in the form of land, the land shall be shown to be vested in Council on the survey plan for approval under Section 223 of the RMA.



CHAPTER
15

INDIGENOUS BIODIVERSITY

Ngā Rākau Tapu o Te-Wāo-Nui-ā-Tāne

15 Indigenous Biodiversity

15.1 OBJECTIVES AND POLICIES

<i>Objective IB1</i>	<i>Maintenance of the full range of the District's indigenous habitats and ecosystems, including through restoration and enhancement.</i>
Policy 1	To promote and encourage the protection, restoration and enhancement of indigenous biodiversity, using a range of methods such as subdivision incentives, assistance, education and ecological corridors, whilst giving priority to significant biodiversity sites.
Policy 2	To recognise sustainable land management practices and cooperative industry arrangements that reflect the principles of stewardship and kaitiākitanga, and to take into account the range of alternative methods in the maintenance and protection of indigenous biodiversity, including Tasman Forest Accord, NZFOA Forest Accord, Iwi Management Plans, Bay of Plenty Regional Council biodiversity management plans and protective covenants with the QEII Trust and Nga Whenua Rāhui.
<i>Objective IB2</i>	<i>Areas of indigenous vegetation and habitats of indigenous fauna identified as significant in Schedules 15.7.1, 15.7.2 and 15.7.3 are protected.</i>
Policy 1	To ensure that subdivision, use and development, is undertaken in a manner that protects scheduled Significant Indigenous Biodiversity Sites by: <ol style="list-style-type: none">in the coastal environment, avoiding adverse effects including the loss, fragmentation or degradation of those sites and cumulative effects on ecosystems; andoutside the coastal environment, avoiding, and where avoidance is not practicable, remedying or mitigating adverse effects including the loss, fragmentation or degradation of those sites and the cumulative effects on ecosystems.
Policy 2	To enable and encourage subdivision, land use and development that enhances indigenous biodiversity through the protection and enhancement of significant biodiversity sites.
Policy 3	To determine the significance of indigenous vegetation and habitats of indigenous fauna using criteria in Appendix F Set 3 Indigenous Vegetation and Habitats of Indigenous Fauna of the Bay of Plenty Regional Policy Statement and for sites in the coastal environment using the criteria listed in Policy 11 of the New Zealand Coastal Policy Statement 2010.
Policy 4	To require the restoration and rehabilitation of ecosystems and habitats, on or off sites, where the avoidance of adverse effects on Significant Indigenous Biodiversity Sites is not possible.
Policy 5	To provide for the sustainable use of indigenous vegetation including Scheduled Significant Indigenous Biodiversity Sites where the adverse effects of this use are minor.

15.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

15.2.1 Activity Status Table

15.2.1.1 The rules in this Activity Status Table relate only to any Significant Indigenous Biodiversity sites listed in Schedule A 15.7.1, Schedule B 15.7.2 and Schedule C 15.7.3.

15.2.1.2 Clearance of indigenous vegetation outside of Significant Indigenous Biodiversity Sites in Schedules 15.7.1, 15.7.2 and 15.7.3 is a permitted activity.

Key

P = Permitted
 C = Controlled
 RD = Restricted Discretionary
 D = Discretionary
 NC = Non-Complying
 Pr = Prohibited

Item	Activity Status	Schedule A Coastal and Wetlands	Schedule B Foothills	Schedule C Te Urewera - Whirinaki
1.	From the date of notification of this Plan to the date of adoption of the new Operative Plan, indigenous vegetation clearance within a Scheduled feature, where all of the vegetation in the area to be cleared is not significant (see Rule 15.2.4.1).	P	P	P
2.	Indigenous vegetation clearance, earthworks or structures within a scheduled feature that is in accordance with specific covenants or other legal instruments including; <ol style="list-style-type: none"> a Consent Notice or covenant for the protection of indigenous vegetation and habitats with the Council; a Biodiversity Management Plan or a Wetland Management Agreement approved by Bay of Plenty Regional Council or a resource consent from the Bay of Plenty Regional Council described in Rule 15.2.4.2; a covenant for the protection of indigenous vegetation and habitats approved by Department of Conservation, a covenant for the protection of indigenous vegetation and habitats with the QEII Trust; a covenant for the protection of indigenous vegetation and habitats with Nga Whenua Rāhui; and a covenant for the protection of indigenous vegetation and habitats empowered under Treaty claims settlement legislation. 	P	P	P
3.	Indigenous vegetation clearance, earthworks, or structures in a scheduled feature carried out in accordance with a Conservation Management Strategy, or management plan under the Reserves Act 1977, Conservation Act 1987, the National Parks Act 1980, Te Ture Whenua Māori Act 1993, or Te Urewera Act 2014.	P	P	P
4.	Indigenous vegetation clearance, earthworks, or structures in a scheduled feature which is provided for in an Iwi or Hapū Management Plan approved by an iwi authority which provides for the protection and maintenance of biodiversity, and which has been lodged with Council under s74(2A) of the RMA.	P	P	P

9.	Harvesting of mānuka and kānuka, excluding any kānuka in the Rural Coastal Zone, for commercial use provided that; a. an area equal to that harvested annually is replanted within one year in the same or similar indigenous species or allowed to naturally regenerate; b. the replanted or regenerating area is not subject to any further harvesting operation until at least twenty years has elapsed from the commencement of replanting or regeneration; c. no more than 10% of the total area of kānuka and mānuka in a scheduled feature on any site is harvested in any one year; and d. kānuka and mānuka is harvested only from identified areas where kānuka and mānuka represent at least 80% of the vegetation canopy cover.	D	RD	P ¹
10.	Except as provided for in Activity 8 above, harvesting of indigenous species under a Sustainable Forest Management Plan, under the Forests Act 1949.	NC	RD	RD
11.	Placement or construction of a building within a scheduled feature, not within an approved building platform; a. where the entire lot is covered by the scheduled feature; or b. there is no practicable alternative option outside of the feature (this activity does not include any associated vegetation clearance which would be covered by Activities 7 and 8)	C	C	C
11.a	Placement or construction of a building within a scheduled feature, where the building is within a building platform approved at the time of subdivision.	P	P	P
11.b	Placement or construction of a building within a scheduled feature, not within an approved building platform; a. where the feature does not cover the entire lot; and b. practicable alternative sites exist on the lot outside the feature (This activity does not include any associated vegetation clearance which would be covered by Activities 7 or 8)	NC	NC	NC
11.c	Placement or construction of a building within a scheduled feature, not within an approved building platform; and a. where the feature does not cover the entire lot; and b. practicable alternative sites exist on the lot outside the feature; but c. the site within the feature does not include indigenous vegetation. This activity does not include any associated vegetation clearance which would be covered by Activities 7 or 8.	D	RD	C
12.	Modification of any natural landform, earthworks, drainage or deposition of fill or excavation within a scheduled feature, excluding that required for; a. the ongoing management of a feature; or b. the maintenance of existing roads, tracks, earth dams, farm drains or fencelines; or c. the formation of new boundary fence lines whether or not on the legal cadastral boundary;	NC	RD	RD

¹ RD activity status applies where grazing is proposed during the natural regeneration phase

	d. the formation of new fence lines to exclude stock and pests; or e. works within a building platform approved at the time of subdivision. (For the exclusions at Activity 12(a)-(e) refer to Rule 11.2 or to Chapter 17 where an activity is proposed in the Rural Ōhiwa or Rural Coastal zone.			
13.	Clearance of indigenous vegetation that has grown up underneath or has overtopped production species; is within an area of failed planting; is temporary or intermittent and reversible disturbance caused by harvesting adjacent to a scheduled site or by hauling across indigenous vegetation in riparian margins where these are located within a production forest .	P	P	P
14.	Activities involving indigenous vegetation clearance or modification or habitat disturbance not otherwise provided for in this activity table.	NC	D	D

Advice Note 1: Sites within the three schedules 15.7.1; 15.7.2 and 15.7.3 have been identified by a combination of field evaluations and the use of aerial photographs, with evaluations applied within relevant ecological frameworks. All sites are considered to be significant using the criteria set in Appendix F of the Bay of Plenty Regional Policy Statement. Land Environments of New Zealand classifications have been used to categorise the sites within three schedules that reflect relevant ecological contexts and the state of the environment in particular parts of the District:

- Schedule A Coastal and Wetlands: sites are typically smaller and vulnerable sites located in much modified environments generally within Te Teko Ecological District and the coastal zone of the Taneātua and Ōtānewainuku Ecological Districts.
- Schedule B Foothills: sites are located in foothills environments in the Taneātua, Kāingaroa, Rotorua and Ōtānewainuku Ecological Districts, and typically involve indigenous forest remnants that often have some degree of modification and may be larger and less threatened than the coastal and wetland sites.
- Schedule C Te Urewera-Whirinaki: these tend to be larger sites within the Waimana, Ikawhenua, and Whirinaki Ecological Districts, where very extensive areas of indigenous vegetation are protected. The overall tract is nationally significant

Advice Note 2: Consents may also be required from the Bay of Plenty Regional Council for wetland modification, earthworks and vegetation clearance.

Advice Note 3: Where removal of non-indigenous species from a scheduled feature is necessary for the purposes of maintenance and restoration, such as control of plant and animal pests, care shall be taken to ensure that this removal does not compromise any surrounding indigenous vegetation.

Advice Note 4: Where an entire parcel of land is covered by scheduled features, section 85 of the Resource Management Act 1991, for the reasonable use of land, may apply.

Advice Note 5: Under s10 of the RMA existing use rights may apply where a use was lawfully established before the Plan was notified and where the effects of the use are the same or similar in character, intensity and scale to those that existed before the date of notification of the Plan, 28 June 2013.

Advice Note 6: Protected customary rights may apply as provided for in legislation.

15.2.2 Fire Safety

15.2.2.1 Any indigenous vegetation that is removed for the purpose of fire safety will be replaced with native plant species that are low or low/moderate flammability as outlined in Appendix 18.7.4. For the purposes of fire safety, a defensible zone 10m may be retained free of vegetation.

15.2.3 Goat and Deer Farming Near Te Urewera and Whirinaki Te Pua-a-Tāne Conservation Park

15.2.3.1 Goat farming within one kilometre of Te Urewera and Whirinaki Te Pua-a-Tāne Conservation Park and the contiguous areas of land managed by the Department of Conservation as shown in the map in Appendix 15.7.5 shall be a Restricted Discretionary activity (See Criteria in 15.4.3.)

15.2.3.2 Farming of all species of deer, except sika, within two kilometres of Te Urewera and Whirinaki Te Pua-a-Tāne Conservation Park and the contiguous areas of land managed by the Department of Conservation as shown in the map in Appendix 15.7.5 shall be a permitted activity provided that;

- a. the deer are kept and contained within an area fenced in accordance with the fencing(1) standard specified for that deer species as set out in the Deer Farming Notice No 5, New Zealand Gazette 2008 under the Wild Animal Control Act 1977; and
- b. written advice of the location of the deer farming activity is provided to the Council.

15.2.3.3 Sika deer farming shall be a Prohibited activity.

15.2.3.4 Non-compliance with Rule 15.2.3.2 shall be a Restricted Discretionary activity (See Criteria in 15.4.3).

Advice Note: The fencing standard applies to all goat and deer species even if it is not regulated in the Deer Farming Notice.

15.2.4 Indigenous Vegetation Clearance

15.2.4.1 If indigenous vegetation identified in Schedule A 15.7.1, Schedule B 15.7.2, Schedule C 15.7.3 is considered not to be significant, this must be certified through an ecological assessment undertaken by a suitably qualified person using the criteria under Set 3 – Indigenous Vegetation and Habitats of indigenous Fauna in Appendix F of the Bay of Plenty Regional Policy Statement and lodged with the Council. The Council will confirm whether the report establishes, to its satisfaction, that the area is not significant and reject the report if considered insufficient. As part of this determination, the Council may commission a peer review or additional ecological report. A certificate of compliance will be provided by Council to certify that the scheduled area is not significant. For the avoidance of doubt, no indigenous vegetation clearance is permitted until such time as the Council has provided a certificate of compliance to this effect.

Advice Note: Where a certificate of compliance is granted under this rule, an amendment to Schedules 15.7.1, 15.7.2, and 15.7.3 will need to be made via the plan change process in accordance with Schedule 1 of the Resource Management Act.

Where a certificate of compliance is granted under this rule, on the ground that the Significant Indigenous Biodiversity Sites which primarily includes exotic vegetation, the costs of any ecological assessment undertaken for or on behalf of an applicant shall be paid for by the Council.

15.2.4.2 Where a regional consent is also required for the clearance of indigenous vegetation under a Rule in a Regional Plan that specifically requires the consideration of the effects of clearance on significant indigenous biodiversity, the rules in 15.2.1.2 do not apply.

15.2.5 Bird Nesting Vehicle Restriction Areas

15.2.5.1 Vehicle use on the parts of Biodiversity Sites BS67A and BS71A as shown on Planning Maps 106A, 107A, 125A, 127A, 505A and 506A and marked as 'Bird Nesting Vehicle Restriction Areas' between 1 September and 31 January (except for emergency, search and rescue, lifesaving and law enforcement and associated management purposes) is a Prohibited Activity.

Advice Note: The Council will ensure that signage is installed in appropriate locations to advise people of the Rule in the District Plan and consequences of an offence.

15.2.6 Harvesting of kānuka and mānuka in Schedule C sites (Rule 15.2.1.2(9))

15.2.6.1 An initial plan prepared by a suitably qualified professional identifying that the areas to be harvested meet the requirements in (c) and (d) of 15.2.1.2(9) is submitted to Council prior to the activity being carried out, and two further plans verifying that replanting and/or regeneration is occurring in accordance with (a) and (b) of 15.2.1.2(9) are submitted to Council at five and 15 year intervals after the clearance has occurred.

15.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

15.3.1 Clearance of Indigenous Vegetation (Activity Status 15.2.1), including placement or construction of a building

15.3.1.1 Council shall exercise its control over;

- a. the location, timing, duration and extent of vegetation to be cleared;
- b. the species to be harvested;
- c. the management and protection of any threatened species and their habitat;
- d. the protection of any national rare or threatened ecosystem types;
- e. the sustainability of any harvesting, including the rate and extent of any clearance;
- f. the degree of mitigation offered, including the replanting of any indigenous species for the purpose of regeneration, pest control and retirement of some biodiversity areas;
- g. the effect of the building or structure on the habitat.
- h. method of vegetation removal and harvesting; and
- i. duration of consent.
- j. for any development affecting indigenous biodiversity within SIBS BS74A and BS110B on Kawerau A8D Block, the information and values identified in the Ngāi Tamarangi Ngā Tikianga Whakahaere Taonga Environmental Management Plan 2016.

15.3.1.2 Council shall exercise its control over:

- a. the location and scale of modification;
- b. the management and protection of any threatened species and their habitat;
- c. the impact of any modification on any ecosystem, including its long term sustainability;
- d. the cumulative effects of the clearance on ecosystems;
- e. the degree to which alternative sites are available for the proposed activity.

15.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

15.4.1 **Clearance of Indigenous Vegetation (Activity Status 15.2.1), including placement or construction of a building (excluding 15.2.1.2(9) in Schedule C sites where**

restricted discretionary activity status is due to grazing during regeneration)

15.4.1.1 Council shall restrict its discretion to:

- a. the location, timing, duration and extent of vegetation to be cleared;
- b. the management and protection of any threatened species;
- c. the protection of any nationally rare or threatened ecosystem types;
- d. the sustainability of any harvesting, including the rate and extent of any clearance;
- e. the impact of any clearance on any ecosystem, including its long term sustainability;
- f. the degree of any mitigation offered including on-going protection, maintenance and restoration of the feature, and the replanting of any indigenous species for the purpose of regeneration, and plant and animal pest control;
- g. the cumulative effects of the clearance on ecosystems;
- h. the degree of fragmentation of any ecosystem;
- i. the impact on ecological linkages and corridors; and
- j. the degree to which alternative sites are available for the proposed activity.
- k. the method of vegetation removal and harvesting; and
- l. duration of consent
- m. for any development affecting indigenous biodiversity within SIBS BS74A and BS110B on Kawerau A8D Block, the information and values identified in the Ngāi Tamarangi Ngā Tikianga Whakahaere Taonga Environmental Management Plan 2016.

15.4.2 Modification of landforms, earthworks, drainage or deposition of fill or excavation (Activity Status 15.2.1)

15.4.2.1 Council shall restrict its discretion to:

- a. the location and scale of modification;
- b. the management and protection of any threatened species and their habitat;
- c. the impact of any modification on any ecosystem, including its long term sustainability;
- d. the cumulative effects of the clearance on ecosystems;
- e. the degree to which alternative sites are available for the proposed activity; and
- f. for any development affecting indigenous biodiversity within SIBS BS74A and BS110B on Kawerau A8D Block, the information and values identified in the Ngāi Tamarangi Ngā Tikianga Whakahaere Taonga Environmental Management Plan 2016.

15.4.3 Goat and Deer Farming (Rule 15.2.3)

15.4.3.1 Council shall restrict its discretion to;

- a. the suitability of fences for effectively containing the deer or goats on the property;
- b. the variety or breed of animal being farmed;
- c. the identification of livestock;
- d. the nature of the terrain and the practicality of fencing goats in;
- e. the potential risk of adverse effects to areas of significant indigenous vegetation and fauna habitats; and
- f. the method of disposing of the deer/goats in the event of the activity being discontinued.

Advice Note 1: The Deer Farming Notice No 5, New Zealand Gazette, 2008 contains suitable fencing standards for the farming of deer.

Advice Note 2: Appendix 15.7.4 contains a boundary fence standard suitable for the farming of goats.

15.4.4 **Harvesting of kānuka and mānuka where restricted discretionary activity status is due to grazing during regeneration in Schedule C sites (Rule 15.2.1.2(9))**

15.4.4.1 Council shall restrict its discretion to:

- a. Timing to enhance the regeneration or establishment of mānuka and kānuka;
- b. Stock type;
- c. Grazing intensity;
- d. Stock containment methods; and
- e. Potential adverse effects on water bodies within the property.

15.5 **ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES**

See Section 3.7.

15.6 **OTHER METHODS**

15.6.1.1 Council will:

- a. Work with the Bay of Plenty Regional Council and the Department of Conservation in the maintenance of indigenous biodiversity, in particular the provision of education, advice and assistance;
- b. Consider appointing a Māori Commissioner to its Hearing Committee where resource consents are/is required for vegetation clearance on **Māori land**;
- c. Consider entering into a joint management agreement with iwi regarding consents for the clearance of indigenous vegetation.
- d. Provide incentives in the form of rate relief for sites under a protective covenant with the QEII Trust,

for **Māori land** and consider rates relief for sites legally protected under other instruments;

- e. Provide financial assistance, in partnership with the Bay of Plenty Regional Council, for the maintenance of indigenous biodiversity, including for fencing and for animal and plant pest control;
- f. Promote the maintenance of indigenous biodiversity in Reserve Management Plans including the maintenance of the full range of indigenous biodiversity, the protection of SNAs, and the creation of ecological corridors;
- g. Initiate minor variations to the Plan to update **SIB** boundaries as required;
- h. Work with stakeholders including the Bay of Plenty Regional Council, road controlling authorities and the community to identify additional areas where the control of vehicle use is necessary to give effect to Policy 20 of the New Zealand Coastal Policy Statement;
- i. Work with the Bay of Plenty Regional Council and other territorial authorities to develop education programs to raise public awareness of adverse effects caused by vehicle access and use in the coastal environment;
- j. Review and assess what other actions and options may be required to implement Policy 20 of the New Zealand Coastal Policy Statement, including installation of signage, physical works to manage access and parking, including construction of barriers if appropriate;
- k. Implement a program through Reserve Management Plans to identify and manage authorised vehicle access points and to control access elsewhere in the coastal environment;
- l. Review the provisions of the District Plan once the Proposed Regional Coastal Environment Plan is operative to determine if a Variation is necessary to manage and avoid adverse effects from vehicle use in the coastal environment.

15.7 APPENDICES

Sites within the three schedules have been identified by a combination of field evaluations and the use of aerial photographs, with evaluations applied within relevant ecological frameworks. All sites are considered to be significant using the criteria set in Appendix F of the Bay of Plenty Regional Policy Statement. Land Environments of New Zealand classifications have been used to categorise the sites within three schedules that reflect relevant ecological contexts and the state of the environment in particular parts of the District:

- Schedule A Coastal and Wetlands: sites are typically smaller and vulnerable sites located in much modified environments generally within Te Teko Ecological District and the coastal zone of the Taneātua and Ōtānewainuku Ecological Districts.
- Schedule B Foothills: sites are located in foothills environments in the Taneātua, Kāingaroa, Rotorua and Ōtānewainuku Ecological Districts, and typically involve indigenous forest remnants that often have some degree of modification and may be larger and less threatened than the coastal and wetland sites.
- Schedule C Te Urewera-Whirinaki: these tend to be larger sites within the Waimana, Ikawhenua, and Whirinaki Ecological Districts, where very extensive areas of indigenous vegetation are protected. The overall tract is nationally significant.

15.7.1 Schedule A Coastal and Wetland Sites – Significant Indigenous Biodiversity Sites

ID	Name	Legal Description	Planning Map No.
BS1 A	Asplin Forest	Allot 316 Waimana PSH, Lot 2 DPS 79182, Lot 2 DPS 82166, Lot 3 DPS 82166	510A
BS2 A	Awahou Kahikatea	Lot 2 DP 24383, Section 4 Block XIII Whakatāne SD	509A
BS3 A	Awaiti Government Purpose (Wildlife Management) Reserve	Allot 1540 Matatā PSH, Allot 1541 Matatā PSH, Section 16 Block IV Awaateatua SD	504A
BS4 A	Awaiti Stream Marginal Strip	Allot 1539 Matatā PSH, Allot 1540 Matatā PSH, Allot 1541 Matatā PSH, Crown Land Survey Office Plan 6180, Lot 3 DP 388608, Lot 4 DP 388608	504A
BS5 A	Awakaponga	Allot 161 Matatā PSH, Lot 1 DP 363632, Lot 1 DPS 52471, Lot 1 DPS 57641, Lot 1 DPS 6075, Lot 1 DPS 65545, Lot 1 DPS 80247, Lot 10 DP 381509, Lot 12 DP 381509, Lot 13 DP 381509, Lot 14 DP 363632, Lot 15 DP 381509, Lot 16 DP 381509, Lot 18 DP 363632, Lot 2 DP 363632, Lot 2 DPS 33585, Lot 2 DPS 57641, Lot 2 DPS 65545, Lot 2 DPS 71170, Lot 2 DPS 91180, Lot 3 DP 31874, Lot 3 DP 363632, Lot 3 DPS 52471, Lot 5 DP 381509, Lot 5 DP 389889, Lot 6 DP 381509, Lot 7 DP 381509, Lot 8 DP 381509, Lot 9 DP 381509, MATATĀ 14A2A Block, MATATĀ 14A2B Block, Part Allot 304 Matatā PSH, Part Lot 1 DPS 91180, Part Lot 2 DPS 6075, Part Section 1 Block II Awaateatua SD, Part Section 2 Block XII Waihi South SD, Section 1 SO 306405, Section 2 SO 330120	504A
BS6 A	Awakaponga Wildlife Management Reserve	Allot 866 Matatā PSH, Allot 868 Matatā PSH, Part Lot 5 DP 34366, Stopped Road Survey Office Plan 50481	504A
BS7 A	Awaraputuna Stream	Allot 247 PSH OF Waimana, Allot 795 Waimana PSH, Lot 1 DPS 80248	121A, 506A
BS8 A	Bookers	Kawerau A9 Block, Part Allot 331 Matatā PSH, Part Allot 332 Matatā PSH	508A
BS9 A	Braemar Road	Lot 3 DP 14373	504A
BS10 A	Bregman Wildlife Management Reserve	Lot 1 DPS 8489, Lot 2 DPS 10087, Part Lot 3 DP 31944	504A
BS11 A	Clayton Place	Lot 140 DPS 43126, Lot 142 DPS 43126, Lot 206 DP 320717	120A, 122A, 506A
BS12 A	Cranswick Kahikatea	Allot 220 Waimana PSH	514A
BS13 A	Earnest Pukatea	Lot 2 DP 316026	505A
BS14 A	Eivers Wetland	Part Allot 233 Matatā PSH	508A
BS15 A	Fire Lookout Remnants	Part Oputea B2 Block, Te Manawa O Tūhoe A Block, Waiohau B Section 11 Block Block	516A
BS16 A	Glenholme Road Kahikatea	Lot 1 DP 6994	510A
BS17 A	Harbour Road	Allot 452 Waimana PSH, Lot 1 DPS 35179, Lot 23 DPS 64655, Lot 95 DPS 8479	120A, 122A, 123A, 506A
BS18 A	Hauone Stream Wetland	Allot 63D11A Matatā PSH, Part Allot 63Z Matatā PSH	501A
BS20 A	Hiwarau (Part)	Allot 183A1 Waimana PSH, Allot 185B1A Waimana PSH, Lot 185 A1 Parish of Waimana, Lot 185B No 2 PSH OF Waimana, Lot 4 DPS 11207, Lots 183B & 184 Sec 3B Parish of Waimana, Lots 183B & 184 Sec 3C Parish of Waimana, Part Allot 183 Waimana PSH, Part Allot 186 Waimana PSH, Part Allot 356 Waimana PSH, Part Lot 1 DP 28012, Part Lot 2 DP 28012, River Bed Survey Office Plan 45647, Waimana 183 A2 Block, Waimana 185B 1B Block, Waimana Lots 183B & 184 Sec 1, Waimana Lots 183B & 184 Sec 2	510A
BS21 A	Islets Near Ōhakana Island		122A, 506A

BS22 A	Kawerau Pond	Kawerau A4 Block	508A
BS23 A	Kawerau Road Kānuka	Lot 6 DPS 26756	508A
BS24 A	Kawerau Township Remnants	Crown Land, Lot 3 DP 326468, Section 1 Block XIII Rangitāiki Upper SD	508A
BS25 A	Keir Kanuka	Lot 1 DPS 50985, Lot 1 DPS 89071, Lot 2 DPS 89071, Part Allot 72B3A2B1 Matatā PSH	508A
BS26 A	Kohi Point	Allot 538 Waimana PSH, Allot 739 Waimana PSH, Allot 791 Waimana PSH, Allot 792 Waimana PSH, Lot 1 DP 26948, Lot 1 DPS 26804, Lot 1 DPS 28633, Lot 1 DPS 31226, Lot 1 DPS 41723, Lot 1 DPS 85162, Lot 11 DPS 20581, Lot 2 DPS 2301, Lot 2 DPS 31226, Lot 3 DPS 2301, Lot 3 DPS 26804, Lot 4 DPS 27529, Lot 53 DP 21328, Part Allot 245 Waimana PSH, Part Allot 39 TN OF Whakatāne, Part Allot 537 Waimana PSH, Part Lot 1 DP 25400, Part Lot 1 DP 29191, Part Lot 1 DPS 4616, Part Lot 2 DPS 4616, Part Lot 54 DP 21328	107A, 110A, 111A, 505A
BS27 A	Kohika	Crown Land Survey Office Plan 6180, Lot 1 DP 31944, Lot 1 DPS 32953	504A
BS28 A	Kopuatawhiti	Allot 846 Matatā PSH	504A
BS30 A	Lake Āniwaniwa	Crown Land Survey Office Plan 36184, Lot 1 DPS 30220, Lot 1 DPS 30235, Lot 1 DPS 30502, Lot 1 DPS 32402, Lot 1 DPS 33181, Lot 1 DPS 33233, Lot 1 DPS 86331, Lot 2 DPS 30220, Lot 2 DPS 32402, Lot 2 DPS 45829, Lot 3 DPS 30502, Lot 3 DPS 32402, Lot 4 DPS 30333, Lot 4 DPS 30502, Lot 4 DPS 32402, Lot 5 DPS 30235, Lot 5 DPS 30502, Lot 8 DPS 30235, Matahina F Block, Part Lot 1 DPS 6675, Part Lot 2 DPS 550, Part Lot 3 DPS 6675, Part Section 50 Block VI Galatea SD, River Bed, River Bed Survey Office Plan 53513, Section 16 Block II Galatea SD, Section 17 Block II Galatea SD, Section 18 Block II Galatea SD, Section 19 Block II Galatea SD, Section 2 SO 51661, Section 3 SO 51661, Section 4 SO 51661, Section 5 SO 51661, Section 6 SO 51661, Section 7 SO 51661, Section 8 SO 51661, Stream Bed Deposited Plan South Auckland 86331	516A
BS31 A	Lake Matahina	Lot 1 DPS 77091, Lot 3 DPS 22583, Omataroa Rangitāiki 2 Block, Part Lot 2 DP 22523, Part Matahina A1D Block, Part Section 1 Block III Rangitāiki Lower SD, Part Section 13 Block III Rangitāiki Lower SD, Section 1 SO 60956, Section 1 SO 60978, Section 12 Block III Rangitāiki Lower SD, Section 2 SO 60956, Section 2 SO 60978	133A, 508A, 512A
BS32 A	Lake Onerahi Wetland	Lot 3 DP 308053	508A
BS33 A	Lake Otumahi	Lot 1 DP 402953, Omataroa 7AC6A Block, Part Omataroa 2B2 Block	509A
BS34 A	Lake Pūpūwharau	59B No.2C No.1 Parish of Matatā Block ML 444723, Lot 2 DP 411392, Matatā 60A Block, Matatā 60B Block	508A
BS35 A	Lake Tahuna Wetland	Lot 3 DP 308053, Lot 3 DP 326468	508A
BS36 A	Lake Taikehu	Lot 1 DP 374836, Part Omataroa 5A2 Block	508A
BS37 A	Lake Tamurenui Government Purpose (Wildlife Management Reserve)	Allot 35 Matatā PSH, Area D SO 55929, Lot 3 DPS 90582, Lot 6 DP 318079, Part Allot 1269 Matatā PSH, Part Allot 332 Matatā PSH	508A
BS38 A	Lambert's Wetland	Allot 117 Matatā PSH, Lot 2 DP 421630, Lot 3 DP 13307, Lot 3 DP 308053, Part Te Teko A1 Block	508A

BS39 A	Maawhai	Allot 59A Matatā PSH, Lot 59B No.3A Sec.2B PSH OF Matatā, Lot 59B No.3A Sec.3A PSH OF Matatā, Lot 59B No.3A Sec.3B PSH OF Matatā, Part Allot 59B3D1B Matatā PSH	508A
BS40 A	Mangaharakeke Remnant	Section 1 SO 378328	515A
BS41 A	Mangaone Stream Wetlands	Lot 1 DP 358788, Lot 5 DP 14373	504A
BS42 A	Mangate Stream Wetlands	Part Tarawera 1 Block	511A, 512A
BS43 A	Mangatoetoe Stream Wetland	Ruatoki C27 Block, Te Manawa O Tūhoe A Block	513A
BS44 A	Matahina Hill	Part Matahina A1D Block, Part Matahina A2 Block	512A
BS45 A	Matai Road Covenant	Lot 2 DPS 35347, Part Lot 1 DP 32183, Part Lot 2 DP 32183	512A
BS46 A	Matamanu	Allot 63D11A Matatā PSH, Lot 1 DPS 73739, Lot 2 DP 318314, Part Allot 63Z Matatā PSH	501A
BS47 A	Matatā Scenic Reserve	Allot 108 Matatā PSH, Allot 1270 Matatā PSH, Allot 213 Matatā PSH, Lot 1 DPS 25135, Lot 1 DPS 25136, Lot 1 DPS 67477, Lot 18 DP 363632, Lot 2 DPS 57641, Lot 2 DPS 65545, Lot 2 DPS 67477, Lot 2 DPS 90147, Lot 3 DPS 67478, Part Allot 227 Matatā PSH, Part Allot 833 Matatā PSH, Part Section 1 Block II Awaateatua SD, Part Section 1 Block VI Awaateatua SD, Section 2 SO 330120, Section 3 SO 329119	101A, 502A, 504A
BS48 A	Matuku Wildlife Management Reserve	Allot 1346 Matatā PSH, Allot 337 Matatā PSH, Allot 506 Matatā PSH, Closed Road Survey Office Plan 30366, Lot 2 DPS 12951	504A
BS49 A	Maungapohatu I	Part Urewera A Block, Part Maungapōhatu Block	526A
BS50 A	McGougan Kahikatea	Part Section 10 Block XIII Whakatāne SD	509A
BS51 A	Mid Wheao, Riki Road	Ngahuinga Block, Lot 1 DPS 65625, Lot 8 DPS 65625	523A
BS52 A	Millar Bush	Lot 14 DP 2492	510A
BS54 A	Murphy Road	Allot 207 Rangitāiki PSH, Allot 31P3F Rangitāiki PSH, Allot 94 Rangitāiki PSH, Lot 1 DP 392712, Lot 2 DP 392712, Lot 3 DP 392712, Lot 4 DP 392712, Lot 5 DP 392712, Lot 6 DPS 34546, Lot 8 DPS 34546	509A
BS55 A	Murupara Wetland 1	Part Ngatimanawa B4 Block	520A
BS56 A	Needham Ponds	Lot 3 DP 377499	508A
BS57 A	Nukuhou	Lot 1 DP 389845	510A
BS58 A	Nursery Road Gully	Part Matahina A1D Block	512A
BS59 A	Ōhinekoao	Allot 63D12B1 Matatā PSH, Allot 63D12B2 Matatā PSH, Lot 1 DP 334361, Lot 1 DP 335827, Lot 1 DP 376323, Lot 1 DPS 15562, Lot 1 DPS 29248, Lot 1 DPS 46346, Lot 1 DPS 47424, Lot 1 DPS 58037, Lot 1 DPS 63352, Lot 1 DPS 83378, Lot 2 DP 335827, Lot 2 DPS 29248, Lot 2 DPS 81965, Lot 3 DP 308914, Lot 3 DPS 83378, Lot 5 DP 334361, Lot 6 DP 334361, Lot 7 DP 316559, Part Allot 328 Matatā PSH, Part Allot 335 Matatā PSH, Part Allot 63D Matatā PSH, Part Allot 63Z Matatā PSH, Part Lot 1 DP 32549, Part Lot 2 DP 32549	502A
BS60 A	Ōhinekoao Recreation Reserve	Allot 336 Matatā PSH, Lot 1 DPS 28261, Part Allot 335 Matatā PSH	502A
BS61 A	Ōhinekoao Scenic Reserve	Allot 336 Matatā PSH, Lot 1 DPS 28261, Lot 1 DPS 48064, Lot 2 DPS 28261, Lot 2 DPS 53393, Part Allot 335 Matatā PSH	502A, 504A
BS62 A	Ōhiwa Harbour Marginal Strip	Allot 453 Waimana PSH, Crown Land Survey Office Plan 3212, Crown Land Survey Office Plan 474, Lot 13 DPS 31386, Lot 3 DPS 73851, Part Allot 157 Waimana PSH, Part Allot 158 Waimana PSH	124A, 126A, 506A, 510A

BS63 A	Ōhope Pohutukawa Remnants	Allot 796 Waimana PSH, Lot 1 DP 25694, Lot 1 DPS 90369, Lot 100 DP 24581, Lot 104 DP 25024, Lot 105 DP 25399, Lot 106 DP 25399, Lot 107 DP 25399, Lot 108 DP 25399, Lot 109 DP 25399, Lot 110 DP 25399, Lot 111 DP 25399, Lot 112 DP 25399, Lot 113 DP 25399, Lot 114 DP 25399, Lot 115 DP 25399, Lot 116 DP 25399, Lot 117 DP 25399, Lot 118 DP 25336, Lot 119 DP 25336, Lot 120 DP 22193, Lot 121 DP 22193, Lot 126 DP 25399, Lot 128 DP 23053, Lot 129 DP 25336, Lot 133 DP 25399, Lot 134 DP 25399, Lot 135 DP 25399, Lot 2 DP 25694, Lot 2 DP 325271, Lot 2 DP 327054, Lot 2 DP 386998, Lot 2 DP 399369, Lot 2 DPS 26473, Lot 2 DPS 76705, Lot 2 DPS 90369, Lot 2 DPS 92446, Lot 3 DP 25694, Lot 3 DPS 70305, Lot 4 DP 25694, Lot 4 DP 26657, Lot 60 DP 25024, Lot 61 DP 25024, Lot 62 DP 25024, Lot 63 DP 25024, Lot 64 DP 25024, Lot 70 DP 25024, Lot 71 DP 25024, Lot 76 DP 25024, Lot 92 DP 25024, Lot 93 DP 24581, Lot 94 DP 25024, Lot 95 DP 25024, Lot 97 DP 25024, Lot 98 DP 25024, Part Lot 125 DP 25399, Part Lot 130 DP 25336, Part Lot 2 DP 23762, Part Lot 96 DP 25024, Part Lot 99 DP 22193	118A, 119A, 505A, 506A
BS64 A	Ōhope Sand Dunes	Allot 450 Waimana PSH, Allot 452 Waimana PSH, Allot 453 Waimana PSH, Lot 1 Block II DP 25652, Lot 1 DP 30177, Lot 1 DPS 10468, Lot 1 DPS 4792, Lot 1 DPS 5504, Lot 1 DPS 57728, Lot 12 Block I DP 25652, Lot 12 DPS 11502, Lot 13 DPS 11502, Lot 14 Block I DP 25652, Lot 144 DP 22192, Lot 15 Block I DP 25652, Lot 15 DPS 35495, Lot 2 DP 348661, Lot 2 DPS 10468, Lot 2 DPS 5504, Lot 2 DPS 57728, Lot 20 Block I DP 25652, Lot 20 DPS 62212, Lot 21 Block I DP 25652, Lot 21 DP 25336, Lot 22 Block I DP 25652, Lot 22 DP 25336, Lot 24 DP 27169, Lot 24 DPS 12628, Lot 28 DP 25336, Lot 28 DPS 8114, Lot 3 Block II DP 25652, Lot 3 DPS 57728, Lot 33 DP 27169, Lot 34 DP 27169, Lot 35 DP 27169, Lot 37 DP 27169, Lot 38 DP 27169, Lot 4 Block II DP 25652, Lot 4 DPS 32393, Lot 7 DPS 8517, Lot 7 DPS 9753, Lot 8 DPS 35877, Lot 8 DPS 8517, Lot 8 DPS 9753, Lot 9 DP 27169, Lot 94 DPS 8479, Part Lot 140 DP 22193, Part Lot 48 DPS 5504, Section 1 SO 331004, Section 2 SO 331004, Section 2 SO 60829	117A, 118A, 119A, 120A, 123A, 124A, 505A, 506A
BS65 A	Ōhope Scenic Reserve	Allot 554 Waimana PSH, Allot 565 Waimana PSH, Allot 567 Waimana PSH, Allot 568 Waimana PSH, Allot 581 Waimana PSH, Allot 691 Waimana PSH, Allot 790 Waimana PSH, Allot 794 Waimana PSH, Allot 796 Waimana PSH, Allot 797 Waimana PSH, Lot 1 DP 23758, Lot 1 DP 23964, Lot 1 DPS 16673, Lot 1 DPS 33470, Lot 1 DPS 50950, Lot 2 DP 23964, Lot 2 DP 311486, Lot 2 DP 342189, Lot 2 DPS 13423, Lot 2 DPS 16673, Lot 2 DPS 33470, Lot 2 DPS 50950, Lot 2 DPS 80287, Lot 26 DP 26303, Lot 27 DP 26303, Lot 3 DP 25433, Lot 3 DP 311486, Lot 5 DPS 30938, Lot 6 DP 311486, Part Allot 573 Waimana PSH	111A, 115A, 117A, 118A, 505A, 506A
BS66 A	Ōhope Scenic Reserve Extension	Lot 1 DP 23964, Lot 1 DP 311486, Lot 1 DP 322545, Lot 1 DPS 5148, Lot 1 DPS 71518, Lot 1 DPS 80663, Lot 2 DP 23964, Lot 2 DP 311486, Lot 2 DPS 5148, Lot 2 DPS 71518, Lot 2 DPS 80663, Lot 3 DP 311486,	118A, 505A

		Lot 3 DPS 5148, Lot 3 DPS 71518, Lot 4 DP 311486, Lot 5 DP 311486, Lot 6 DP 311486, Part Allot 573 Waimana PSH	
BS67 A	Ōhope Spit	Allot 450 Waimana PSH, Allot 453 Waimana PSH, Allot 644 Waimana PSH, Crown Land Survey Office Plan 474, Lot 1 DPS 32375, Lot 1 DPS 83744, Lot 1 DPS 83963, Lot 1 DPS 84072, Lot 114 DPS 69618, Lot 115 DPS 69618, Lot 13 DPS 31386, Lot 19 DPS 32042, Lot 26 DPS 77370, Lot 27 DPS 77370, Lot 28 DPS 77370, Lot 29 DPS 77370, Lot 3 DPS 73851, Lot 37 DPS 77447, Lot 38 DPS 77447, Lot 48 DPS 77447, Lot 49 DPS 77447, Lot 51 DPS 77447, Section 1 SO 331006, Section 1 SO 355091, Section 2 SO 331004, Section 2 SO 331006	124A, 125A, 126A, 127A, 506A
BS68 A	Onerahi Wetland	Lot 3 DP 308053	508A
BS69 A	Ōrini Stream	Allot 28B12A1B Rangitāiki PSH, Allot 28B12A1C Rangitāiki PSH, Allot 28B12A2 Rangitāiki PSH, Allot 28B13A Rangitāiki PSH, Allot 28B17A2 Rangitāiki PSH, Parish of Rangitāiki 28B11B, Part Allot 28B21 Rangitāiki PSH, Rangitāiki Parish Lot 28B No.12B No.1, Taiwhakaea A Block	102A, 505A
BS70 A	Ōrini Wildlife Management Reserve	Allot 281 Rangitāiki PSH, Allot 282 Rangitāiki PSH, Allot 284 Rangitāiki PSH, Allot 289 Rangitāiki PSH, Allot 307 Rangitāiki PSH, Part Allot 62 Rangitāiki PSH, Part Lot 3 DP 14020	505A
BS71 A	Ōtamarākau-Matatā-Whakatāne Dunes	Allot 108 Rangitāiki PSH, Allot 109 Rangitāiki PSH, Allot 110 Rangitāiki PSH, Allot 1361 Matatā PSH, Allot 27 Rangitāiki PSH, Allot 277 Rangitāiki PSH, Allot 283 Rangitāiki PSH, Allot 28B1B1B Rangitāiki PSH, Allot 316 TN OF Richmond, Closed Road Survey Office Plan 44954, Crown Land Survey Office Plan 365/1, Customary Māori Land (Urupā) Block ML 18814, Lot 1 DP 343428, Lot 1 DP 427952, Lot 1 DP 441419, Lot 1 DPS 11376, Lot 1 DPS 19874, Lot 1 DPS 29769, Lot 1 DPS 32370, Lot 1 DPS 47185, Lot 1 DPS 56339, Lot 1 DPS 66961, Lot 1 DPS 75887, Lot 1 DPS 8392, Lot 1 DPS 89747, Lot 100 PSH OF Matatā, Lot 2 DP 343428, Lot 2 DP 401561, Lot 2 DP 412282, Lot 2 DP 428791, Lot 2 DP 441419, Lot 2 DPS 29769, Lot 2 DPS 56339, Lot 2 DPS 70322, Lot 2 DPS 76138, Lot 2 DPS 92070, Lot 28B No.1A Sec.2 Parish of Rangitāiki, Lot 3 DP 304894, Lot 3 DP 401561, Lot 3 DP 412282, Lot 3 DPS 29770, Lot 3 DPS 85424, Lot 4 DP 304894, Lot 4 DP 440491, Lot 4 DPS 68804, Lot 4 DPS 80947, Lot 4 DPS 85424, Lot 4 DPS 9881, Lot 446 DP 420644, Lot 5 DP 304894, Lot 5 DPS 68804, Lot 6 DPS 63452, Lot 6 DPS 9881, Lot 7 DPS 63452, Lot 7 DPS 9881, Lot 9 DP 411794, Part Allot 103 Rangitāiki PSH, Part Allot 108A Matatā PSH, Part Allot 271 Rangitāiki PSH, Part Allot 272 Rangitāiki PSH, Part Allot 273 Rangitāiki PSH, Part Allot 274 Rangitāiki PSH, Part Allot 28B2E1 Rangitāiki PSH, Part Allot 3 Matatā PSH, Part Allot 345 Matatā PSH, Part Allot 4 Matatā PSH, Part Allot 5 Matatā PSH, Part Allot 6 Matatā PSH, Part Allot 7 Matatā PSH, Part Allot 8 Matatā PSH, Part Lot 2 DP 32234, Part Lot 2 DPS 9881, Part Section 10 Block V Awaateatua SD, Part	101A, 102A, 103A, 106A, 107A, 501A, 502A, 504A, 505A

		Section 2 Blk VI Awaateatua SD, Part Section 5 Blk VI Awaateatua SD, Part Section 6 Blk VI Awaateatua SD, River Bed Survey Office Plan 45343, Section 1 Block I Awaateatua SD, Section 1 SO 331003, Section 1 SO 332912, Section 1 SO 373669, Section 1 SO 376302, Section 2 Block I Awaateatua SD, Section 2 SO 376302, Section 3 Block VI Awaateatua SD, Section 3 SO 376302, Lot 7 DPS, Lot 7 DPS 68804, Allotments 850-857 Matatā PSH, part Rail Corridor	
BS72 A	Ōtupiri Road	Lot 2 DPS 47427, Section 5 SO 431945	523A, 524A
BS73 A	Ouaki Creek Wetlands	Lot 1 DP 343813, Lot 1 DPS 82389, Lot 1 DPS 83543, Lot 2 DPS 82389	510A
BS74 A	Kawerau	Allot 39A2B2B2A Matatā PSH, Allot 990 Matatā PSH, Kawerau A11 Block, Kawerau A4 Block, Kawerau A5A Block, Kawerau A5B Block, Kawerau A7 Block, Kawerau A8C Block, Kawerau A9 Block, Lot 1 DPS 2878, Part Allot 39A2A Matatā PSH, Part Allot 39A4 Matatā PSH, parts of Part Kawerau A8D Block	508A
BS75 A	Park Road Kānuka	Lot 1 DP 387463, Lot 1 DPS 28987, Lot 2 DP 347548, Lot 2 DP 387463, Lot 2 DPS 28987, Lot 3 DP 387463, Part Lot 2 DP 13307	508A
BS76 A	Park Road Wetland	Lot 3 DP 308053	508A
BS78 A	Pohutukawa Remnant	Allot 796 Waimana PSH	118A, 505A
BS79 A	Pokairoa Road Wetlands	Crown Land Survey Office Plan 36184, Lot 1 DP 32763, Lot 3 DPS 30502, Rangipo 1 Block	516A
BS80 A	Pokairoa Stream Site	Lot 1 DPS 45829, Lot 2 DP 24048, Lot 2 DPS 45829, Lot 2 DPS 4703, Part Matahina A1B Block	516A
BS81 A	Pokohu Road Wetland	Lot 3 DP 326468	508A
BS82 A	Pukaahu Spring	Allot 173 Rangitāiki PSH	505A
BS83 A	Putakotare	Part Ngatimanawa B4 Block	520A
BS84 A	Putarangitawa Scrub	Part Tarawera 1 Block	508A
BS85 A	Rangitāiki at Wheao Confluence	Lot 2 DPS 47427, Section 5 SO 431945, Lot 8 DPS 65625, Lot 1 DPS 65625	523A
BS86 A	Rangitāiki River	Crown Land Block ML 11098, Part Allot 60D6 Rangitāiki PSH, Part Allot 60D7 Rangitāiki PSH, Part Allot 60D8 Rangitāiki PSH, Part Allot 60D9 Rangitāiki PSH	508A
BS87 A	Rangitāiki River Margins	Lot 2 DPS 47427, Section 2 SO 431945	520A, 524A
BS88 A	Rangitāiki River Riparian	Part Matahina A1D Block	516A
BS89 A	Rangitāiki Riverside	Crown Land, Lot 59B No.3A Sec.4 PSH OF Matatā, Part Allot 59B3B6 Matatā PSH, Part Allot 59B3D2 Matatā PSH	508A
BS90 A	Rangitāiki Riverside Wetland	Part Matahina A1D Block	512A
BS91 A	Richardson's Wetland	Lot 3 DP 390411, Lot 4 DP 390411, Lot 6 DP 390411	504A
BS92 A	Rimu Forest Remnant	Part Matahina A1D Block	512A
BS93 A	Rust Forest	Lot 1 DPS 86102, Lot 2 DPS 9839	510A
BS94 A	Sisam Forest Remnant 1	Allot 33L Rangitāiki PSH	509A
BS95 A	Sisam Forest Remnant 2	Allot 33L Rangitāiki PSH	509A
BS96 A	Sisam Wetland 1	Allot 41A9D Rangitāiki PSH	509A
BS97 A	Sisam Wetland 2	Allot 33L Rangitāiki PSH, Part Allot 32C Rangitāiki PSH	509A
BS98 A	Sisam Wetland 3	Allot 33L Rangitāiki PSH	509A
BS99 A	Sisam Wetland 4	Allot 33L Rangitāiki PSH	509A
BS100 A	Sisam Wetland 5	Part Allot 32C Rangitāiki PSH	509A

BS101 A	Stewardship Area ("Matahina Forest")	Lot 1 DPS 45824, Part Matahina A1D Block, Section 1 SO 60435, Part Rotoiti 15 Block	512A
BS102 A	Stewardship Area (Unnamed, near Fort Galatea)	Part Ngatimanawa B4 Block, Section 1 SO 431616, Section 13 Block V Galatea SD, Section 2 SO 431616, Section 3 SO 431616, Section 5 SO 431616, Section 6 SO 431616, Section 7 SO 431616	520A
BS103 A	Tarawera Cut Extension	Allot 874 Matatā PSH, Lot 3 DPS 2296, Part Lot 4 DPS 2296, Stopped Road Survey Office Plan 52362	504A
BS104 A	Tarawera Cut Wildlife Management Reserve	Allot 1354 Matatā PSH, Lot 3 DP 18522, Lot 3 DPS 2296, Part Allot 4 Matatā PSH	504A
BS105 A	Tarawera River B	Crown Land Survey Office Plan 6180, Lot 1 DPS 26511, Part Allot 21No8 Matatā PSH	504A
BS106 A	Tarawera River Kānuka	Lot 1 DPS 2878	508A
BS107 A	Tarawera River Raupo Wetland		504A
BS108 A	Tarawera Road Wetland	Lot 3 DP 308053	508A
BS109 A	Tauwhare	Lot 1 DPS 26909, Lot 1 DPS 34658, Lot 10 DPS 78778, Lot 11 DPS 71449, Lot 14 DPS 71449, Lot 15 DPS 78778, Lot 24 DPS 57498, Lot 27 DPS 80400, Lot 3 DPS 32393, Lot 6 DPS 42786, Lot 8 DPS 64605, Lot 8 DPS 73533, Lot 9 DPS 78778, Part Allot 246B2B2 Waimana PSH, Part Allot 246B2C2B2 Waimana PSH	120A, 122A, 506A
BS110 A	Te Kairere Wetland	Omataroa Rangitāiki 2 Block	509A
BS111 A	Te Kooti Road Tawa Forest	Lot 6 DPS 2943, Part Lot 4 DP 12843	510A
BS112 A	Tebutt Kahikatea	Lot 1 DPS 80039	509A
BS113 A	Thornton Road Dunes	Part Allot 272 Rangitāiki PSH, Part Allot 273 Rangitāiki PSH, Section 1 SO 331003, Section 1 SO 332912	504A
BS114 A	Titoki	Allot 39(D, E, F)2B Rangitāiki PSH, Allot 39(D, E, F)3 Rangitāiki PSH, Allot 40A1B Rangitāiki PSH, Lot 1 DP 347572	505A
BS115 A	Totara Road	Lot 3 DPS 45072	519A
BS116 A	Towai Road Wetland	Section 6 SO 431659	515A, 516A
BS117 A	Tūhoe Forest Wetlands	Ruātoki B78 Block, Te Manawa O Tūhoe A Block	513A
BS118 A	Tuhua Wetland	Allot 21No1A Matatā PSH, Allot 21No1B Matatā PSH, Allot 21No2 Matatā PSH, Part Allot 21 Matatā PSH	504A
BS119 A	Tukiri Block	Matatā 60A Block, Matatā 60B Block	508A
BS120 A	Tumurau Extension	Crown Land, Part Lot 2 DP 16031	504A
BS121 A	Tumurau Lagoon Conservation Covenant	Lot 3 DP 14373, Part Lot 1 DP 14373, Part Lot 2 DP 14373, Part Lot 2 DP 16031	504A
BS122 A	Tumutara Road Wetland	Lot 3 DP 424876	507A, 511A
BS123 A	Tunanui Stream Inlet	Allot 795 Waimana PSH, Part Lot 6 DP 10440	506A
BS124 A	Uretara Island Scenic Reserve	Allot 284 Waimana PSH	126A, 506A, 510A
BS125 A	Wahieroa Wetland	Lot 1 DPS 8392, Lot 7 DP 343428	504A
BS126 A	Waiaute Stream Wetlands	Part Tarawera 1 Block, Pokohu B1 Block	511A
BS127 A	Waingarara Stream Marginal Strip	Allot 319 Waimana PSH, Allot 437 Waimana PSH, Crown Land Survey Office Plan 47021, Crown Land Survey Office Plan 47022, Lot 2 DP 322307, Lot 2 DP 399942, Lot 2 DPS 65441, Lot 2 DPS 75057, Lot 3 DP 322307, Lot 3 DP 333657	510A
BS128 A	Wainui Wetland	Lot 1 DP 24634, Lot 1 DPS 83543, Lot 2 DP 24634, Lot 2 DPS 52405, Lot 5 DPS 31974, Part Lot 3 DPS 31974	510A
BS129 A	Waiohau Wetland	Lot 5 DPS 22583, Part Waiohau 2 Block, Section 1 SO 60956	512A

BS130 A	Waioho Kahikatea	Lot 16 DPS 29426, Lot 2 DP 326626, Lot 3 DPS 78407, Part Lot 2 DPS 6055, Part Lot 3 DP 10091	505A
BS131 A	Waioho Stream	Part Lot 2 DP 14700	509A
BS132 A	Waioira Road Scrub	Section 5 SO 431945	519A
BS133 A	Waiotane Wetland	Lot 1 DPS 28154, Lot 7 DPS 28154, Lot 9 DP 357453, Part Lot 1 DP 12843	510A
BS134 A	Waitahanui Catchment	Lot 1 DPS 57552, Lot 2 DPS 57645, Crown Land, Lot 1 DPS 57645	503A
BS135 A	Waiwhero Road Wetland	Omataroa Rangitāiki 2 Block	509A
BS136 A	Walker Road Wetlands	Lot 1 DPS 8392, Part Allot 103 Rangitāiki PSH	504A
BS137 A	West End	Allot 797 Waimana PSH, Lot 1 DP 26303, Lot 1 DP 359008, Lot 1 DPS 41723, Lot 1 DPS 77509, Lot 10 DP 26303, Lot 11 DP 26303, Lot 18 DP 26303, Lot 2 DP 359008, Lot 2 DPS 41723, Lot 2 DPS 77509, Lot 2 DPS 79875, Lot 20 DP 26303, Lot 21 DP 26303, Lot 22 DP 26303, Lot 23 DP 26303, Lot 24 DP 26303, Lot 25 DP 26303, Lot 26 DP 26303, Lot 27 DP 26303, Lot 29 DPS 9603, Lot 3 DP 26303, Lot 3 DP 330015, Lot 3 DPS 41723, Lot 3 DPS 72116, Lot 30 DPS 9603, Lot 4 DPS 41723, Lot 4 DPS 77467, Lot 5 DPS 72116, Lot 6 DP 26303, Lot 8 DPS 41724, Part Allot 245 Waimana PSH, Part Allot 246A2 Waimana PSH, Part Lot 1 DPS 39043, Part Lot 10 DP 15982, Part Lot 2 DP 26918, Part Lot 2 DPS 35854, Part Lot 9 DP 15982	111A, 505A
BS138 A	Whakatāne Estuary	Allot 165 Rangitāiki PSH, Allot 19 Rangitāiki PSH, Allot 20 Rangitāiki PSH, Allot 216 Rangitāiki PSH, Closed Road Survey Office Plan 44282, Part Allot 28B2D1 Rangitāiki PSH, Part Allot 28B2D2B2D Rangitāiki PSH, Part Allot 28B2E1 Rangitāiki PSH, Part Lot 1 DPS 11166, Part Lot 2 DPS 11166, Part Lot 4 DP 21268, Section 47 Block II Whakatāne SD, Section 49 Block II Whakatāne SD	105A, 106A, 109A, 505A
BS140 A	Whakatāne River Oxbow	Allot 233 Rangitāiki PSH, Allot 3107A Rangitāiki PSH	509A
BS141 A	White Pine Bush Scenic Reserve	Lot 4 DPS 76939, Part Lot 2 DP 14700	509A
BS142 A	Williams Wetland	Closed Road SO 15298/3, Lot 5 DP 409997, Part Allot 142 Waimana PSH, Part Allot 143 Waimana PSH, Part Lot 1 DPS 37706, Section 1 SO 54009, Section 4 SO 54009	510A
BS143 A	Wordsworth Covenant Extension	Allot 319 Waimana PSH, Crown Land Survey Office Plan 47022, Lot 2 DP 399942, Lot 2 DPS 65441, Lot 2 DPS 75057, Lot 3 DP 402280, Lot 4 DPS 49349	510A
BS144 A	Young Wetlands	Allot 1346 Matatā PSH, Allot 337 Matatā PSH, Allot 338 Matatā PSH, Allot 339 Matatā PSH, Allot 506 Matatā PSH, Crown Land, Lot 1 DPS 12951, Lot 2 DPS 12951, Lot 3 DP 14373, Part Allot 27 Matatā PSH, Part Lot 2 DP 14373, Part Te Parawai Block	504A
BS145A	Haumea Stream Marginal Strip	Crown Land Survey Office Plan 36182, Crown Land Survey Office Plan 37596, Crown Land Survey Office Plan 38264, Crown Land Survey Office Plan 38266, Lot 1 DPS 62361, Lot 2 DP 341852, Lot 2 DPS 62361, Lot 2 DPS 91025, Lot 3 DPS 62361, Lot 3 DPS 91025, Part Section 2 Block VI Galatea SD, Part Section 78 Galatea SETT, Section 22 Block IX Galatea SD, Section 23 Block IX Galatea SETT, Section 28 Block IX Galatea SD, Section 40 Block VI Galatea SD, Section 43 Block VI Galatea SD, Section	520A

		5 Block VI Galatea SD, Section 6 SO 395708	
BS146A	Port Ōhope Recreation Reserve	Section 2 SO 331006	126A, 506A

15.7.2 Schedule B Foothills – Significant Indigenous Biodiversity Sites

ID	Name	Legal Description	Planning Map No
BS1 B	Arawhatawhata	Lot 1 Sec 2 Block VIII Waimana SD, Lot 2 DPS 57567, Part Section 1 Block VIII Waimana SD, Waimana 13 Block, Waimana 1C1B Block, Waimana 1C1C1A2 Block, Waimana 1C1C1B2A Block, Waimana 1C1C1B2B2B Block, Waimana 1C1C2 Block, Waimana 1C1C3 Block	514A
BS2 B	Awakeri Extension	Allot 11A Rangitāiki PSH, Allot 11B Rangitāiki PSH, Allot 11C Rangitāiki PSH, Allot 12A1 Rangitāiki PSH, Allot 12A2 Rangitāiki PSH, Allot 12B2B Rangitāiki PSH, Allot 31P3F Rangitāiki PSH, Allot 89A Rangitāiki PSH, Allot 94 Rangitāiki PSH, Lot 1 DP 392712, Lot 1 DPS 28376, Lot 1 DPS 60081, Lot 1 DPS 76012, Lot 1 DPS 77914, Lot 2 DPS 83281, Lot 3 DPS 76012, Lot 3 DPS 83281, Lot 4 DPS 76012, Lot 4 DPS 83281, Lot 5 DPS 76012, Lot 6 DPS 34546, Omataroa Rangitāiki 2 Block, Part Allot 92 Rangitāiki PSH, Part Allot 93 Rangitāiki PSH, Part Omataroa 2B2 Block	130A, 505A, 509A
BS3 B	Awakeri Forest	Allot 12A2 Rangitāiki PSH, Allot 31P3F Rangitāiki PSH, Allot 89A Rangitāiki PSH, Omataroa Rangitāiki 2 Block	509A
BS6 B	Conservation Area - Murupara	Part Lot 61 DPS 7321, Section 242 Block XIII Galatea SD	136A, 520A
BS7 B	Conservation Area - Old Riverbed	Crown Land Survey Office Plan 27476, Whirinaki 2No1E2 Block	520A
BS8 B	Conservation Area - Puketi Rd	Part Allot 310 Waimana PSH	509A
BS10 B	Conservation Covenant	Section 17 Block I Ahikereru SD, Section 3 SO 432443	524A
BS11 B	East Block Covenant	Lot 1 DPS 57549, Lot 2 DPS 35012, Lot 4 DPS 35013	503A
BS12 B	Grace Road	Allot 33G2 Rangitāiki PSH, Allot 42 Rangitāiki PSH, Lot 1 DP 10785, Lot 1 DP 11736, Lot 2 DP 11736, Lot 3 DP 11736, Part Lot 2 DP 10480	509A
BS14 B	Herepuru Stream Marginal Strip	Crown Land, Crown Land Survey Office Plan 41242, Crown Land Survey Office Plan 43341, Crown Land Survey Office Plan 43344, Crown Land Survey Office Plan 46939, Crown Land Survey Office Plan 51355, Lot 1 DPS 57549, Lot 1 DPS 75378, Lot 2 DP 366599, Lot 2 DPS 57553, Lot 2 DPS 91465, Part Section 13 Block VIII Waihi South SD, Part Section 8 Block XII Waihi South SD, Section 12 Block VIII Waihi South SD, Section 18 Block VIII Waihi South SD, Section 24 Block XI Waihi South SD, Section 6 Block XII Waihi South SD, Section 9 Block XII Waihi South SD	502A, 503A, 504A
BS15 B	Horomanga Wash Crown Land	Section 13 SO 395798, Section 16 SO 395798, Section 2 SO 395798, Section 3 Block XI Galatea SD, Section 3 SO 395798, Section 33 Block X Galatea SD	520A
BS16 B	Horowera	Lot 2 DPS 74310	510A
BS17 B	Innes Smith Forest	Lot 3 DP 8675	510A, 514A
BS18 B	Kaihua	Allot 31P3F Rangitāiki PSH, Lot 2 DP 28783, Omataroa Rangitāiki 2 Block, Part Lot 2 DP 14700, Part Lot 3 DP 14700, Part Lot 4 DP 14700	509A
BS19 B	Kaingaroa Cave Protective Covenant	Section 1 SO 433212	519A
BS20 B	Kiwinui Foothills	Allot 220 Rangitāiki PSH, Allot 31P3F Rangitāiki PSH, Crown Land Survey Office Plan 48613, Lot 3 DPS	509A

		76939, Part Lot 2 DP 14700	
BS21 B	Lake Rotoma Scenic Reserve	Kawerau A 12 Block, Lot 1 DPS 13687, Lot 5 DP 359761, Part Allot 889 Matatā PSH, Part Section 10 Block XI Rotoma SD, Part Section 11 Block XI Rotoma SD, Part Section 15 Block XI Rotoma SD, Part Section 9 Block XII Rotoma SD, Section 19 Block XI Rotoma SD, Section 2 SO 330676, Section 20 Block XI Rotoma SD, Section 21 Block XI Rotoma SD, Section 22 Block XI Rotoma SD, Section 23 Block XI Rotoma SD, Section 24 Block XI Rotoma SD, Section 25 Block XI Rotoma SD, Section 26 Block XI Rotoma SD, Section 27 Block XI Rotoma SD, Section 28 Block XI Rotoma SD, Section 29 Block XI Rotoma SD, Section 30 Block XI Rotoma SD, Section 31 Block XI Rotoma SD, Section 32 Block XI Rotoma SD, Section 33 Block XI Rotoma SD, Section 34 Block XI Rotoma SD, Section 35 Block XI Rotoma SD	507A
BS22 B	Manawahe Scarp	Allot 21 Sec 3 Matatā PSH, Allot 21No1A Matatā PSH, Allot 21No1B Matatā PSH, Allot 21No2 Matatā PSH, Allot 21No4 Matatā PSH, Allot 21No5 Matatā PSH, Lot 3 DP 31874, Lot 3 DPS 52471, Lot 4 DPS 52471, Lot 5 DPS 52471, Section 5 Block IV Rotoma SD	504A
BS23 B	Mangaone Extension	Lot 1 DPS 76488, Lot 2 DPS 34633, Lot 2 DPS 36647, Lot 6 DPS 69598, Part Section 1 Block XII Rotoma SD, Section 11 Block VIII Rotoma SD, Section 4 Block XI Rotoma SD	507A, 508A
BS24 B	Mangaone Scenic Reserve	CL SO 41462, Kawerau A13 Block, Lot 1 DP 385119, Lot 1 DPS 13687, Lot 1 DPS 89603, Lot 3 DPS 89603, Lot 5 DP 359761, Lot 6 DPS 69598, Lot 7 DPS 69598, Part Section 1 Block XII Rotoma SD, Part Section 12 Block VIII Rotoma SD, Part Section 3 Block XII Rotoma SD, Part Section 9 Block XII Rotoma SD, Section 1 SO 329118, Section 10 Block XII Rotoma SD, Section 11 Block VIII Rotoma SD, Section 11 Block XII Rotoma SD, Section 25 Block VIII Rotoma SD, Section 36 Block XI Rotoma SD, Section 4 Block XI Rotoma SD	507A, 508A
BS25 B	Mangaone Stream Marginal Strip	CL SO 41462, Crown Land Survey Office Plan 43350, Lot 1 DP 385119, Lot 1 DPS 29181, Lot 2 DP 341853, Part Section 1 Block XII Rotoma SD, Part Section 3 Block XII Rotoma SD, Section 10 Block XII Rotoma SD, Section 25 Block VIII Rotoma SD	508A
BS26 B	Mangapapa Stream	Part Section 1 Block III Rangitāiki Lower SD, Part Section 13 Block III Rangitāiki Lower SD, Part Section 13 Block XIII Rangitāiki Lower SD, Part Tuararangaia 1B Block, Te Manawa O Tūhoe A Block	512A, 513A
BS27 B	Mangawhio Stream	Lot 1 DPS 35345, Part Lot 1 DP 32183, Part Tarawera 1 Block, Section 1 Block XII Ruawahia SD, Section 1 Block XV Ruawahia SD, Section 2 Block XV Ruawahia SD, Section 3 Block XV Ruawahia SD	511A, 512A, 515A
BS28 B	Mangawiri Stream Marginal Strip	Crown Land Survey Office Plan 47891, Part Section 16 Block I Ahikereru SD, Section 2 SO 432635	524A

BS29 B	Matatā-Maungawhakamana Natural Area Corridor Extension	Allot 21No6 Matatā PSH, Allot 28A2 Matatā PSH, Lot 1 DP 331609, Lot 1 DPS 13687, Lot 1 DPS 24802, Lot 1 DPS 25136, Lot 1 DPS 28261, Lot 1 DPS 67477, Lot 1 DPS 74419, Lot 1 DPS 75706, Lot 2 DP 331609, Lot 2 DP 397470, Lot 2 DPS 38608, Lot 2 DPS 57641, Lot 2 DPS 65404, Lot 2 DPS 67477, Lot 2 DPS 69145, Lot 2 DPS 75706, Lot 2 DPS 92508, Lot 3 DPS 67478, Lot 3 DPS 68592, Lot 3 DPS 74419, Lot 4 DPS 65404, Lot 4 DPS 66821, Lot 5 DP 359761, Lot 5 DPS 65404, Lot 6 DP 390411, Part Allot 335 Matatā PSH, Part Lot 1 DPS 34633, Part Section 10 Block XI Rotoma SD, Part Section 11 Block XI Rotoma SD, Part Section 12 Block IV Rotoma SD, Part Section 20 Block VIII Rotoma SD, Part Section 6 Block V Rangitāiki Upper SD, Section 12 Block V Rangitāiki Upper SD, Section 17 Block XI Rotoma SD, Section 18 Block V Rangitāiki Upper SD, Section 2 SO 330676, Section 25 Block VIII Rotoma SD, Section 26 Block VIII Rotoma SD, Section 27 Block VIII Rotoma SD, Section 35 Block V Rangitāiki Upper SD, Section 7 Block VIII Rotoma SD	502A, 504A, 507A, 508A
BS30 B	Maungawhakamana	Part Allot 889 Matatā PSH, Lot 3 DP 424876, Te Haehaenga 3 Block	507A, 511A
BS31 B	McLean's Forest	Allot 428 Waimana PSH, Allot 534 Waimana PSH, Lot 2 DP 404156	510A
BS32 B	Moetahanga Stream	Omataroa Rangitāiki 2 Block, Part Section 1 Block III Rangitāiki Lower SD, Part Section 13 Block III Rangitāiki Lower SD, Part Section 2 Block III Rangitāiki Lower SD, Section 2 SO 60284	508A, 509A, 512A, 513A
BS33 B	Mokorua Bush Scenic Reserve	Allot 553 Waimana PSH, Lot 1 DPS 10326, Lot 1 DPS 47029, Lot 1 DPS 86467, Lot 10 DP 331927, Lot 11 DP 331927, Lot 2 DPS 47029, Lot 20 DP 333130, Lot 5 DPS 30938, Lot 5 DPS 81253, Lot 55 DPS 23929, Part Allot 245 Waimana PSH	114A, 115A, 505A
BS34 B	Motuore Point Conservation Area	Allot 169 Waimana PSH	510A
BS35 B	Ngāti Awa	Allot 794 Waimana PSH, Part Lot 4 DP 10439	505A, 509A
BS37 B	Ohineteraraku Scenic Reserve	Allot 666 Waimana PSH, Lot 1 DPS 23031, Lot 1 DPS 75930, Lot 2 DPS 89021, Part Allot 4 Waimana PSH, Part Lot 4 DP 10439	509A
BS38 B	Ohinetewai	Lot 1 DPS 72772, Lot 2 DP 342151, Lot 2 DPS 88991, Lot 3 DPS 76044, Lot 4 DPS 76044, Lot 5 DPS 76044, Lot 6 DP 390411, Lot 6 DPS 76044, Lot 7 DPS 76044	504A
BS39 B	Old Rangitāiki Channel	River Bed	504A
BS40 B	Oruatewehi Extension	Lot 3 DPS 45072, Section 6 SO 431659	519A
BS41 B	Oruatewehi Forest	Part Oruatewehi 1 Block, Section 6 SO 431659	519A
BS42 B	Otitapu Pa	Part Section 9 Block XII Rotoma SD, Section 1 SO 329118	507A
BS43 B	Otuhepo	Allot 21No5 Matatā PSH, Allot 21No6 Matatā PSH, Lot 2 DPS 38608, Lot 2 DPS 65404, Lot 5 DPS 65404	504A
BS44 B	Paparoa Pa Historic Reserve	Lot 1 DPS 14153, Lot 2 DPS 14153, Part Allot 134 Waimana PSH, Part Allot 135 Waimana PSH	506A, 510A
BS45 B	Pekepeke Stream	Section 4 SO 431945	519A
BS46 B	Pikowai Stream Covenant	Lot 1 DPS 57549, Lot 2 DPS 35012, Lot 3 DPS 35013, Lot 4 DPS 35013, Lot 5 DPS 35014	503A

BS47 B	Pikowai Stream Marginal Strip	Crown Land Survey Office Plan 43341, Crown Land Survey Office Plan 47461, Crown Land Survey Office Plan 48699, Crown Land Survey Office Plan 50429, Crown Land Survey Office Plan 51355, Lot 1 DPS 57553, Lot 1 DPS 64173, Lot 1 DPS 74878, Lot 1 DPS 88008, Lot 2 DPS 57553, Lot 2 DPS 64173, Lot 3 DPS 53240, Part Section 10 Block XI Waihi South SD, Section 10 Block XII Waihi South SD, Section 12 Block VIII Waihi South SD, Section 14 Block VIII Waihi South SD, Section 14 Block XI Waihi South SD, Section 16 Block VIII Waihi South SD, Section 21 Block XI Waihi South SD, Section 23 Block XI Waihi South SD, Section 24 Block XI Waihi South SD, Section 6 Block XII Waihi South SD	501A, 502A, 503A
BS49 B	Protective Covenant	Lot 1 DPS 53630, Section 4 SO 59180, Section 8 Block II Galatea SD	516A
BS50 B	Puhikoko	Allot 33L Rangitāiki PSH, Omataroa Rangitāiki 2 Block	509A
BS51 B	Puhipuhi Road	Part Tarawera 1 Block	511A
BS52 B	Pukehoko Forest	Lot 1 DP 398317, Lot 1 DP 440129, Lot 1 DPS 66138, Lot 1 DPS 75060, Lot 2 DP 440129, Lot 3 DPS 89201, Lot 4 DP 398317, Lot 6 DPS 84223, Part Lot 4 DP 10439	509A
BS53 B	Putauaki	Lot 1 DP 326468, Lot 3 DP 326468	508A
BS54 B	Rangitāiki River Marginal Strip	Allot 59B3B1 Matatā PSH, Allot 59B3B5 Matatā PSH, Allot 60B11T Rangitāiki PSH, Allot 60B1B Rangitāiki PSH, Allot 60B2B1 Rangitāiki PSH, Allot 60B8B Rangitāiki PSH, Allot 60B9 Rangitāiki PSH, Allot 60D1B2D2 Rangitāiki PSH, Allot 60D2B Rangitāiki PSH, Allot 60D4 Rangitāiki PSH, Allot 60D5B Rangitāiki PSH, Closed Road Survey Office Plan 42599, Crown Land, Crown Land Block ML 11098, Crown Land Block XIV Rangitāiki Upper Survey District, Crown Land Deposited Plan South Auckland 6675, Crown Land Survey Office Plan 36184, Crown Land Survey Office Plan 56130, Crown Land Survey Office Plan 6334, Lot 1 DPS 26311, Lot 1 DPS 30220, Lot 1 DPS 35774, Lot 1 DPS 36482, Lot 1 DPS 77091, Lot 2 DPS 15150, Lot 2 DPS 28038, Lot 2 DPS 31041, Lot 2 DPS 33275, Lot 2 DPS 86680, Lot 3 DPS 86680, Lot 59B No.3A No.1B PSH OF Matatā, Lot 59B No.3A Sec.2B PSH OF Matatā, Lot 59B No.3A Sec.3A PSH OF Matatā, Lot 59B No.3A Sec.3B PSH OF Matatā, Lot 59B No.3A Sec.4 PSH OF Matatā, Ngahuinga Block, Parish of Rangitāiki 60B 4B 2B, Part Allot 59B3B2 Matatā PSH, Part Allot 59B3B3 Matatā PSH, Part Allot 59B3B4 Matatā PSH, Part Allot 59B3B6 Matatā PSH, Part Allot 59B3D1B6 Matatā PSH, Part Allot 59B3D2 Matatā PSH, Part Allot 60B10A Rangitāiki PSH, Part Allot 60B10B Rangitāiki PSH, Part Allot 60B3 Rangitāiki PSH, Part Allot 60B6 Rangitāiki PSH, Part Allot 60B7 Rangitāiki PSH, Part Allot 60D6 Rangitāiki PSH, Part Allot 60D7 Rangitāiki PSH, Part Allot 60D8 Rangitāiki PSH, Part Allot 60D9 Rangitāiki PSH, Part Lot 2 DPS 3240, Rangitāiki 60C1, Section 1 SO 342394, Section 11 Block I Ahikereru SD, Section 14 Block I Ahikereru SD, Section 18 Block XVI Kaingaroa SD, Section 2 SO	133A, 136A, 508A, 516A, 520A, 523A, 524A

		60568, Section 23 Block VI Galatea SD, Section 24 Block VI Galatea SD, Section 255 Block XIII Galatea SD, Section 3 SO 433064, Section 3 SO 60568, Section 34 Block XIII Galatea SD, Section 6 Block I Ahikereru SD, Section 7 Block I Ahikereru SD, Section 9 Block I Ahikereru SD	
BS55 B	Rerewhakaaitu Conservation Area	Part Run 54 SO 35574, Section 1 SO 378328, Section 10 Block III Kaingaroa SD, Section 11 Block III Kaingaroa SD, Section 4 Block XV Ruawahia SD, Section 5 Block XV Ruawahia SD, Section 6 SO 431659, Section 8 Block III Kaingaroa SD, Section 9 Block III Kaingaroa SD	515A
BS56 B	Rewatu Road	Allot 38A2A1B1 Rangitāiki PSH, Allot 38A2A1B2A Rangitāiki PSH, Allot 38A2A1B2B Rangitāiki PSH, Allot 38A2A1C2 Rangitāiki PSH, Allot 38A2A2B Rangitāiki PSH, Allot 38A2A2C Rangitāiki PSH, Allot 38A2S1 Rangitāiki PSH, Allot 38A2S2 Rangitāiki PSH, Lot 1 DP 30372, Lot 1 DP 413177, Lot 1 DP 424222, Lot 1 DP 451641, Lot 1 DPS 64433, Lot 1 DPS 74215, Lot 1 DPS 7505, Lot 1 DPS 82176, Lot 10 DPS 29124, Lot 13 DPS 29427, Lot 2 DP 424222, Lot 2 DP 451641, Lot 2 DPS 74215, Lot 2 DPS 82176, Lot 3 DP 451641, Lot 3 DPS 59132, Lot 3 DPS 74216, Lot 3 DPS 82176, Lot 4 DP 337406, Lot 4 DPS 82176, Lot 4 DPS 87090, Lot 5 DPS 82176, Part Allot 21A Rangitāiki PSH, Part Allot 21B9 Rangitāiki PSH, Part Allot 38A2A3 Rangitāiki PSH, Part Rewatu Papakāinga Block	505A, 509A
BS57 B	Ridge Road	Allot 31P3F Rangitāiki PSH	509A
BS58 B	Rotoehu Extension	Part Lot 1 DPS 48487, Section 14 Block IV Rotoma SD, Section 2 SO 60650, Section 9 Block IV Rotoma SD	503A
BS59 B	Rotoehu Forest	Lot 1 DPS 57549, Lot 1 DPS 57552, Lot 1 DPS 75779, Part Lot 1 DPS 48487, Section 1 SO 60650, Section 14 Block IV Rotoma SD, Section 2 SO 60650, Section 32 Block III Rotoma SD, Section 9 Block IV Rotoma SD, Section 4 SO 450764	503A
BS60 B	Rotoma Forest	Allot 1505 Matatā PSH, Kawerau A 12 Block, Part Allot 889 Matatā PSH, Section 1 SO 330119, Section 1 SO 58838, Lot 3 DP 424876	507A
BS61 B	Sisam's "Discing Reserve"	Allot 33L Rangitāiki PSH, Allot 41A9D Rangitāiki PSH	509A
BS62 B	Sisam's "Office" and "Gums" Reserves	Allot 33G2 Rangitāiki PSH, Allot 33L Rangitāiki PSH, Part Allot 32C Rangitāiki PSH	509A
BS63 B	Sisam's Round Bush	Allot 33L Rangitāiki PSH, Omataroa Rangitāiki 2 Block	509A
BS64 B	Sisam's Trig Bush	Allot 33L Rangitāiki PSH, Allot 41A9D Rangitāiki PSH, Part Allot 41 Rangitāiki PSH, Part Allot 41A9B Rangitāiki PSH, Part Allot 41A9C Rangitāiki PSH	509A
BS65 B	Soda Springs Reserve Crown Land	Crown Land, Lot 1 DPS 5210, Lot 1 DPS 75952	510A
BS66 B	Stanley Falls Scenic Reserve	Allot 388 Waimana PSH, Allot 676 Waimana PSH, Lot 1 DPS 17808, Lot 2 DPS 17808, Lot 2 DPS 9839, Part	509A

		Allot 337 Waimana PSH, Part Lot 1 DPS 9807	
BS67 B	Tahora P.F. Olsen	Part Tahora 2AD2 Block, Waimana 1D 5A 2 Block, Waimana 1D 5B 1 Block, Waimana 1D 5B 2 Block	514A
BS68 B	Tahuna Road	Lot 1 DP 22494, Lot 2 DP 22494, Lot 4 DPS 6800, Lot 59B No.3A No.1B PSH OF Matatā, Lot 59B No.3A Sec.2B PSH OF Matatā, Lot 59B3D Sec 1A1 Parish of Matatā, Lot 59D Parish of Matatā, Lot 59E Parish of Matatā, Part Allot 115 Matatā PSH, Part Allot 59B3D1B Matatā PSH, Part Lot 3 DP 22494, Section 5 Block X Rangitāiki Upper SD	508A
BS69 B	Tahuna Road Scrub	Lot 59D Parish of Matatā, Lot 59E Parish of Matatā, Part Allot 59B3D1(A&B) Matatā PSH	508A
BS70 B	Tait's Forest	Allot 347 Waimana PSH, Allot 360 Waimana PSH, Allot 459 Waimana PSH, Allot 460 Waimana PSH, Lot 1 DPS 60075, Lot 1 DPS 70262, Lot 1 DPS 75060, Lot 2 DPS 70262, Part Section 3 Block IX Whakatāne SD	509A
BS71 B	Taneātua Foothills	Allot 332 Waimana PSH, Allot 467 Waimana PSH, Lot 1 DPS 75808, Lot 1 DPS 78797, Lot 2 DPS 34616, Lot 2 DPS 78797, Lot 3 DPS 78797, Lot 4 DPS 78797	509A
BS72 B	Taneātua Road	Allot 666 Waimana PSH, Lot 1 DPS 23031, Lot 1 DPS 75930, Lot 2 DPS 47029, Lot 5 DPS 30938, Part Allot 17A Waimana PSH, Section 1 SO 59769	505A, 509A
BS74 B	Tarawera Road Shrubland	Lot 3 DP 308053, Lot 3 DP 326468, Matatā 60B Block	508A
BS75 B	Tarawera Scarp	Part Tarawera 1 Block	511A
BS76 B	Tarepe Stream	Lot 1 DPS 9430	509A
BS77 B	Te Atua Reretahi	Part Allot 889 Matatā PSH, Section 1 SO 330119	507A
BS78 B	Te Kooti Road Block	Lot 1 DP 315855, Lot 1 DP 320351, Lot 1 DP 325736, Lot 1 DPS 2943, Lot 1 DPS 32975, Lot 1 DPS 5210, Lot 1 DPS 75952, Lot 1 DPS 89925, Lot 10 DPS 89925, Lot 2 DP 308537, Lot 2 DP 320351, Lot 2 DP 325736, Lot 2 DP 378729, Lot 2 DPS 2943, Lot 2 DPS 32975, Lot 2 DPS 89925, Lot 2 DPS 9839, Lot 3 DP 308537, Lot 3 DP 320351, Lot 4 DPS 73996, Lot 5 DPS 73996, Lot 7 DPS 2943, Lot 7 DPS 73996, Part Allot 148 Waimana PSH, Part Allot 150 Waimana PSH, Part Allot 154 Waimana PSH, Part Lot 3 DPS 2943, Part Lot 4 DP 12843, Section 1 SO 312440, Section 15 SO 312440	510A
BS79 B	Te Mahoe Scrub	Crown Land, Lot 1 DPS 77091, Lot 59B No.3A Sec.4 PSH OF Matatā, Part Allot 59B3D2 Matatā PSH, Part Matahina A1D Block	133A, 508A
BS80 B	Te Pare Kawakawa Private Historic Reserve	Lot 1 DPS 23031, Lot 2 DPS 89021, Part Allot 4 Waimana PSH	509A
BS81 B	Te Rereoterangi	Lot 1 DPS 4369, Lot 14 DP 2492, Lot 16 DP 2492, Part Lot 2 DP 25692	510A, 514A
BS82 B	Tūhoe Forest 1	Ruātoki B78 Block, Te Manawa O Tūhoe A Block	513A
BS83 B	Tūhoe Forest 2	Part Ruātoki 3A1A (Roadway) Block, Ruātoki B73 Block, Ruātoki B76 Block, Te Manawa O Tūhoe A Block	513A
BS84 B	Tūhoe Forest 3	Te Manawa O Tūhoe A Block	513A
BS85 B	Tuketoromiro	Lot 3 DPS 22583, Part Section 13 Block III Rangitāiki Lower SD, Part Tuararangaia 1B Block, Part Tuararangaia 2B Block, Te Manawa O Tūhoe A Block	512A

BS86 B	Waikanapiti	Closed Road Survey Office Plan 39416, Kawerau A 10 Block ML 416486, Kawerau A 12 Block, Kawerau A 2 Block, Kawerau A1 Block, Kawerau A13 Block, Kawerau A4 Block, Part Allot 39A Matatā PSH, Part Allot 39A3E Matatā PSH, Part Allot 889 Matatā PSH, Part Allotment 39A3E Matatā Parish, Part Kawerau A3 Block, Part Lot 39A Sec 4 PSH OF Matatā, Part Section 11 Block XI Rotoma SD	507A, 508A
BS87 B	Waikowhewhe Road Gullies	Part Rotoiti 15 Block	512A, 516A
BS88 B	Waimana Forest Farms	Allot 340 Waimana PSH, Allot 355 Waimana PSH, Part Section 1 Block II Waimana SD, Section 18 Block XIII Whakatāne SD	509A
BS89 B	Waimana Gorge Scenic Reserve	Allot 327 Waimana PSH, Allot 340 Waimana PSH, Allot 355 Waimana PSH, Allot 363 Waimana PSH, Allot 376 Waimana PSH, Allot 639 Waimana PSH, Allot 640 Waimana PSH, Crown Land, Lot 2 DPS 16485, Lot 3 DPS 16485, Part Lot 1 DPS 16485, Section 17 Block XIII Whakatāne SD	509A
BS90 B	Waimana Gorge Scenic Reserve Extension	Allot 308 Waimana PSH, Allot 327 Waimana PSH, Allot 345 Waimana PSH, Allot 640 Waimana PSH, Lot 2 DP 367447, Lot 2 DPS 16485, Lot 2 DPS 4659, Lot 3 DPS 16485, Part Allot 323 Waimana PSH, Part Lot 1 DPS 16485, Part Lot 1 DPS 4659, Part Lot 1 DPS 4996	509A
BS92 B	Waingarara Stream	Allot 437 Waimana PSH, Allot 441 Waimana PSH, Lot 1 DP 455859, Lot 1 DPS 56136, Lot 1 DPS 77806, Lot 2 DP 455859, Lot 2 DPS 56136, Lot 2 DPS 88890, Lot 2 DPS 89369, Lot 4 DPS 49349	510A
BS93 B	Waiohau Extension	Omataroa Rangitāiki 2 Block, Part Section 13 Block III Rangitāiki Lower SD, Part Tuararangaia 1B Block, Section 2 SO 60284	509A, 513A
BS94 B	Waiohau Forest	Omataroa Rangitāiki 2 Block, Part Section 2 Block III Rangitāiki Lower SD, Part Section 5 Block IV Rangitāiki Lower SD, Part Tuararangaia 1B Block, Section 1 SO 60284, Section 2 SO 60284, Te Manawa O Tūhoe A Block	509A, 513A
BS95 B	Waiotahi Conservation Area Extension	Allot 250 Waiotahi PSH, Allot 251 Waiotahi PSH, Allot 252 Waiotahi PSH, Allot 253 Waiotahi PSH, Allot 522 Waiotahi PSH, Allot 523 Waiotahi PSH, Lot 1 DP 2972, Lot 1 DP 9281, Lot 2 DP 7072, Lot 2 DP 9281, Lot 3 DP 8228, Part Allot 249 Waiotahi PSH, Part Allot 260 Waiotahi PSH, Part Lot 1 DP 8324AK, Section 2 Block IV Waimana SD	510A, 514A
BS96 B	Waiotane Scenic Reserve	Allot 461 Waimana PSH, Allot 678 Waimana PSH, Lot 1 DPS 2943, Part Lot 1 DP 12843, Part Lot 1 DP 29595, Part Lot 3 DP 12843, Part Lot 4 DP 10439	509A, 510A
BS97 B	Waiotane Scenic Reserve Extension	Allot 360 Waimana PSH, Allot 377 Waimana PSH, Allot 460 Waimana PSH, Allot 461 Waimana PSH, Allot 678 Waimana PSH, Lot 1 DPS 2943, Lot 1 DPS 9430, Part Allot 352 Waimana PSH, Part Lot 1 DP 12843, Part Lot 1 DP 29595, Part Lot 3 DP 12843, Part Lot 4 DP 10439, Section 15 SO 437388	509A, 510A
BS98 B	Waipapa Stream	Crown Land Deposited Plan 26138, Crown Land Survey Office Plan 13825/10, Crown Land Survey Office Plan 46939, Lot 1 DP 424326, Lot 1 DPS 57549, Lot 1 DPS 74643, Lot 2 DP 424326, Lot 3 DP 424326, Lot 4 DP 424326, Part Lot 1 DP 26138, Part	503A, 504A

		Lot 2 DP 26138, Part Section 7 Block IV Rotoma SD, Section 2 SO 60650, Section 22 Block IV Rotoma SD, Section 32 Block III Rotoma SD, Section 9 Block XII Waihi South SD	
BS99 B	Waipapa Stream Marginal Strip	Crown Land, Crown Land Deposited Plan 26138, Crown Land Survey Office Plan 13825/10, Crown Land Survey Office Plan 46939, Lot 1 DP 424326, Lot 1 DPS 74643, Lot 2 DP 366599, Lot 2 DP 424326, Lot 3 DP 424326, Lot 4 DP 424326, Part Lot 1 DP 26138, Part Lot 2 DP 26138, Part Section 7 Block IV Rotoma SD, Section 22 Block IV Rotoma SD, Section 23 Block IV Rotoma SD	504A
BS100 B	Watchorn's Quarry	Omataroa 10A Block, Omataroa Rangitāiki 2 Block	509A
BS101 B	Whakahaupapa Stream Marginal Strip	Crown Land Survey Office Plan 41096, Lot 1 DPS 75626, Lot 2 DPS 57645, Part Section 3 Block XI Waihi South SD, Section 11 Block XI Waihi South SD, Section 12 Block XI Waihi South SD, Section 18 Block XI Waihi South SD, Section 19 Block XI Waihi South SD, Section 20 Block XI Waihi South SD, Crown Land Survey Office Plan 19927, Crown Land Survey Office Plan 18529, Crown Land, Lot 1 DPS 57645	503A
BS102 B	Whakapaukorero Reserve - Ngāti Awa Historic	Part Allot 227 Matatā PSH, Part Allot 833 Matatā PSH, Part Section 1 Block II Awaateatua SD, Section 3 SO 329119	101A, 504A
BS103 B	Wheao	Lot 2 DPS 47427, Ngahuinga Block, Section 5 SO 431945, Lot 8 DPS 65625, Lot 1 DPS 65625	523A
BS104 B	Wheao River Protective Covenant	Lot 8 DPS 65625, Lot 1 DPS 65625	523A
BS105 B	Whirinaki River Marginal Strip	Crown Land, Crown Land Block ML 21580, Crown Land Survey Office Plan 22912, Part Crown Land Survey Office Plan 27476, Crown Land Survey Office Plan 29304, Part Crown Land Survey Office Plan 38156, Lot 1 DPS 50671, Lot 2 DPS 50671, Lot 2 DPS 57694, Lot 3 DPS 50671, Minginui C Block, Part Section 1 Galatea SETT, Part Section 4 Block XIII Ahikereru SD, Part Section 5 Block VI Ahikereru SD, Part Section 5 Block XIII Ahikereru SD, Part Te Whaiti Block, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Section 1 Block II Ahikereru SD, Section 138 Galatea SETT, Section 2 Block VI Ahikereru SD, Section 2 SO 432338, Section 3 Block VI Ahikereru SD, Section 3 SO 432338, Section 35 Block XIII Galatea SD, Section 36 Block XIII Galatea SD, Section 37 Block XIII Galatea SD, Section 4 SO 432338, Section 5 SO 432338, Section 6 Block XIII Ahikereru SD, Section 6 SO 432338, Section 62 Block XIII Galatea SD, Section 7 Block X Ahikereru SD, Section 7 SO 432338, Section 8 Block X Ahikereru SD, Section 8 SO 432338, Section 86 Galatea SETT, Section 87 Galatea SETT, Waikotikoti 5 Block	135A, 137A, 520A, 524A, 528A
BS106 B	Whitiwhiti	Allot 722 Waimana PSH, Lot 1 DP 314109, Lot 1 DP 364480, Lot 1 DP 391259, Lot 1 DPS 63117, Lot 1 DPS 65736, Lot 1 DPS 75583, Lot 2 DP 347450, Lot 2 DP 364480, Lot 2 DP 391259, Lot 2 DP 415030, Lot 2 DPS 65736, Lot 3 DP 364480, Lot 3 DPS 48033, Lot 3 DPS 65736, Lot 4 DP 364480, Lot 4 DP 427514, Lot 4 DPS 88493, Lot 5 DP 304861, Lot 5 DP 427514,	506A, 510A

		Section 16 SO 437388	
BS107B	Herepu Stream	Crown Land Survey Office Plan 46939, Crown Land Survey Office Plan 51355, Lot 1 DPS 57549, Lot 2 DPS 57553, Section 32 Block III Rotoma SD	503A
BS108B	Kotare Scenic Reserve	Allot 483 Waimana PSH, Part Allot 334 Waimana PSH, Part Allot 356 Waimana PSH, Part Lot 1 DP 28012, Part Lot 2 DP 28012, Waimana 183 A2 Block	510A
BS109B	Pikowai Stream	Crown Land Survey Office Plan 51355, Lot 1 DPS 57549, Lot 1 DPS 57553, Lot 2 DPS 35012, Lot 2 DPS 57553, Lot 3 DPS 35013, Lot 5 DPS 35014, Lot 6 DPS 35014, Section 14 Block XI Waihi South SD, Section 21 Block XI Waihi South SD	503A
BS110B	Kawerau	Parts of Part Kawerau A8D Block	508A

15.7.3 Schedule C Te Urewera-Whirinaki Sites – Significant Indigenous Biodiversity Sites

ID	Name	Legal Description	Planning Map No
BS4 C	Conservation Area - Whirinaki River	Lot 3 DP 420851, Part Section 17 Block XIV Galatea SD, Part Urewera A Block, Section 16 Block XIV Galatea SD, Section 24 Block XIV Galatea SD, Section 25 Block XIV Galatea SD, Section 254 Block XIII Galatea SD, Section 26 Block XIV Galatea SD, Section 63 Block XIII Galatea SD	520A
BS5 C	Hanamahihi	Part Urewera A Block, Te Pae O Tūhoe Block	521A
BS6 C	Heruiwi	Heruiwi No 4F No 2 Block, Part Heruiwi 4B1 Block, Part Urewera A (Roadway) Block, Section 2 SO 431558, Heruiwi 4G Block, Part Urewera A Block	527A, 528A
BS7 C	Mangakaretu Strm/Wheao River/Basin Loop Protective Covenant	Ngahuinga Block, Section 3 SO 433101, Section 4 SO 433101, Section 8 SO 433101	523A, 528A
BS8 C	Mangamako Stream	Part Urewera A Block, Te Manawa O Tūhoe A Block	516A
BS9 C	Maungapohatu II	Maungapohatu Block, Part Ruatāhuna Block, Part Urewera A Block	525A, 526A
BS10 C	Minginui E Block	Part Minginui E (Roadway) Block, Part Minginui E Block, Part Urewera A (Roadway) Block, Section 1 Block IV Heruiwi SD, Section 2 SO 431558	528A
BS11 C	Minginui Forest	Lot 1 DPS 30682, Part Section 9 Block X Ahikereru SD, Section 2 SO 57000	528A
BS12 C	Minginui	Minginui A Block, Minginui B1 Block, Minginui B2 Block, Minginui B3 Block, Minginui B4 Block, Minginui B5 Block, Part Minginui E (Roadway) Block, Part Minginui E Block, Part Urewera A (Roadway) Block	528A
BS13 C	Minginui Stream Marginal Strip	Minginui C Block, Minginui D Block, Part Minginui E Block, Part Section 2 Block XIII Ahikereru SD, Section 7 Block XIII Ahikereru SD, Section 8 Block XIII Ahikereru SD	528A
BS14 C	Northern Urewera Conservation Area	Ōtekura Block, Part Section 1 Block VI Waimana SD, Part Urewera A Block, Part Wahataane Block, Section 1 Block VII Waimana SD, Section 1 Block XI Waimana SD, Tuturitanga Block	513A
BS15 C	Okui Forest Conservation Area	Crown Land Survey Office Plan 29304, Part Section 5 Block VI Ahikereru SD, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Section 1 Block II Ahikereru SD, Section 1 Block XI Ahikereru SD	524A
BS16 C	Parau Stream Headwaters	Lot 1 DP 2858, Part Tahora 2AD2 Block, Section 1 Block XII Waimana SD, Section 3 Block VIII Waimana SD	514A
BS17 C	Raroa-Matatere	Kaihapūku Block, Keteanoa No. 1 Block, Keteanoa No. 2 Block, Lot 1 DPS 77684, Lot 3 DP 29877, Lot 4 DP 29877, Lot 6 DP 29877, Otekura Block, Otohora Block, Part Section 1 Block VI Waimana SD, Part Tahora 2AD2 Block, Part Urewera A Block, Part Wahataane Block, Section 1 Block VII Waimana SD, Section 1 Block XI Waimana SD, Section 2 Block VII Waimana SD, Section 2 Block XI Waimana SD, Section 3 Block VII Waimana SD, Te Korapa Block, Te Pa O Tamaruarangi Block, Te Urutawa Block, Waimana 1C1A3A3 Block, Waimana 1C1A3B1 Block, Waimana 1C1A3B2 Block, Waimana 1C3 Block, Waimana 1D 1B 2B 1B Block, Waimana 1D 4C 2A Block, Waimana 1D 4C 2B Block, Waimana 1D 5B 2	513A, 514A

		Block, Waimana 1D4C1 Block, Whanganui A Block, Whanganui B Block	
BS18 C	Ruatāhuna (Part)	<p>APITIHANĀ T2 Block, Ahiherua Block, Apitihana X Block, Apitihana Y Block, Crown Land, Crown Land Block ML 13970, Crown Land Survey Office Plan 41678, Hauwai Block, Heipipi Block, Hiwi O Tewera T Block, Houhi Block, Huirau Block, Kakanui T Block, Kiha T Block, Kopuhaia 2 Block, Kopuhaia Urupā Block, Mangapai Block, Maramataupiri Block, Mātaatua (Urupā) Block, Maurea T Block, Ohau Block, Ohau Papakāinga Block, Ohore Block, Okete Block, Omakoi A1 Block, Omakoi A2 Block, Omakoi A3 Block, Omakoi B1 Block, Omakoi B2 Block, Omaruteangi (Urupā) Block, Onini Block, Oputao (Urupā) Block, Oraukura Block, Pamatanga (Roadway) Block, Pamatanga A Block, Papueru A Block, Papueru Marae, Parekaeaea T Block, Pareroa (Urupā) Block, Paripari Block, Part Pamatanga B Block, Part Parahaki Block, Part Section 1 Block IX Ruatāhuna SD, Part Te Maiora T Block, Part Te Ti T Block, Part Urewera A Block, Pawharaputoko T Block, Pukiore Block, Raketihau Block, Rongomataka (Urupā) Block, Ruahine Block, Ruatāhuna A Block, Section 1 Block XI Ahikereru SD, Section 1 Block XVI Ahikereru SD, Section 10 Block XVI Ahikereru SD, Section 14 Ruatāhuna TNSP, Section 2 Block IX Ruatāhuna SD, Section 2 Block XVI Ahikereru SD, Section 3 Block XVI Ahikereru SD, Section 4 Block XVI Ahikereru SD, Section 5 Block XVI Ahikereru SD, Section 7 Block XI Ahikereru SD, Section 7 Block XVI Ahikereru SD, Section 8 Block XI Ahikereru SD, Section 8 Block XVI Ahikereru SD, Section 9 Block XVI Ahikereru SD, Tahuaroa T Block, Tarapounamu (Urupā) Block, Tarapounamu Block, Tatahoata A Block, Tatahoata Block, Taumaha A1T Block, Taumaha B No. 4T Block, Taumaha B No.3 Block, Taumaha B No.6, Taumaha B2 T Block, Taumapou Block, Te Huia Block, Te Kopua Block, Te Repo (Urupā) Block, Te Roto Block, Te Whatuamawaki Block, Tieke Block, Tiritiri Block, Tongariro 1 Block, Tongariro 2 Block, Tutu Block, Umukahawai A Block ML 420459, Umukahawai B Block ML 420459, Umuroa Block, Umuroa T Block, Uwhiarae (Urupā) Block, Waiiti Papakāinga No. 2A, Waituhi Block, Whakaari (Urupa) Block, Whakapau Block, Whakatau Block, Wharekakaho T Block, Wharetangata Block, Part Urewera A Block, Ahiherua Block</p>	521A, 524A, 525A, 528A, 529A

BS19 C	Taiarahia	Allot 340 Waimana PSH, Hamoremore Block, Haurua Block, Lot 1 DP 29877, Lot 1 DPS 11223, Lot 2 DPS 11223, Lot 2 DPS 2181, Lot 2 DPS 35814, Lot 2 DPS 88515, Ngautoka A Block, Ohinenaenae Block, Onuitera Block, Otairangi 2 Block, Part Lot 2 Sec 4 Block II Waimana SD, Part Ngautoka (Urupa) Block, Part Parekohe Block, Part Puketapu Block, Part Section 1 Block VI Waimana SD, Part Section 5 Block II Waimana SD, Part Section 84 Waimana SETT, Part Section 87 Waimana SETT, Part Urewera A Block, Poutere A Block, Puketapu 2A Block, Ruatoki A 34C Block, Ruatoki A Section 23 Block, Ruatoki A Section 37A No.2 Block, Ruatoki A Section 37B No.2 Block, Ruatoki A Section 38B Block, Ruatoki A Section 40B Block, Ruatoki A Section 49B Block, Ruatoki A Section 68 Block, Ruatoki A Section 7 Block, Ruatoki A10B Block, Ruatoki A12 Block, Ruatoki A13 Block, Ruatoki A14B Block, Ruatoki A17 Block, Ruatoki A39A Block, Ruatoki A45 Block, Ruatoki A46 Block, Ruatoki A67 Block, Ruatoki A6B Block, Ruatoki A78 Block, Section 3 Block VI Waimana SD, Section 4 Block VI Waimana SD, Section 88 Waimana SETT, Te Manawa O Tūhoe A Block, Te Pae O Tūhoe Block, Te Pohue 1B Block, Te Rautao Block, Te Tapapatanga Block, Te Tarata Block, Toketehua B Block, Tuturitanga Block, Waitapu Block	509A, 513A
BS20 C	Tauwharemanuka	Crown Land, Crown Land Survey Office Plan 22918, Opei A Block, Opei B Block, Oueariu Block, Part Section 1 Block XII Urewera SD, Part Urewera A Block, Section 1 Block VIII Urewera SD, Section 2 Block VIII Urewera SD, Section 2 Block XII Urewera SD, Tarahore 1 Block, Tarahore 2 Block, Tauwharemanuka Block	522A
BS21 C	Tawhana	Crown Land Block ML 13308, Crown Land Survey Office Plan 22918, Crown Land Survey Office Plan 22936, Part Section 1 Block XII Urewera SD, Part Urewera A Block, Part Urewera Block, Section 1 Block XVI Urewera SD, Section 2 Block XVI Urewera SD, Section 3 Block XII Urewera SD, Section 3 Block XVI Urewera SD, Section 6 Block XVI Urewera SD, Section 7 Block XVI Urewera SD, Tawhana No 2 Block, Tawhana No 3 Block Block, Tawhana No 4 Block Block, Tawhana No 5 Block Block, Tawhana No 6 Block Block	522A
BS22 C	Te Pae o Tūhoe	Korouanui Block, Part Urewera A Block, Te Pae O Tūhoe Block	521A
BS23 C	Te Pohue	Part Section 1 Block X Ahikereru SD, Part Te Tawhitiwhiti Block, Part Te Whaiti-Nui-A-Toi, Part Waireporepo (Urupa) Block, Waireporepo No.1, Waireporepo No.2F, Part Urewera A Block	524A, 528A
BS24 C	Te Rake	Section 5 SO 433101, Section 8 SO 433101	523A, 524A, 527A, 528A
BS25 C	Te Urewera Extension (Tūhoe Forest)	Part Urewera A Block, Ruatoki C61 Block, Te Manawa O Tūhoe A Block, Te Pae O Tūhoe Block	513A

BS26 C	Te Urewera	<p>APITIHANNA T2 Block, Ahiherua Block, Ahirau Block, Apitihana X Block, Apitihana Y Block, Atuareretahi Block, Crown Land, Crown Land Block ML 13308, Crown Land Block ML 13970, Crown Land Block ML 13972, Crown Land Survey Office Plan 22876, Crown Land Survey Office Plan 22898, Crown Land Survey Office Plan 22898/2, Crown Land Survey Office Plan 22918, Crown Land Survey Office Plan 22936, Crown Land Survey Office Plan 23060, Crown Land Survey Office Plan 23066, Crown Land Survey Office Plan 23444, Hapenui Block, Hauwai Block, Heipipi Block, Hiwi O Tewera T Block, Houhi Block, Huinga o Ngakaahu A Block, Huinga o Ngakaahu B Block, Hukanui Block, Kaihapūku Block, Keteanoa No. 2 Block, Kiha T Block, Korouanui Block, Kotipu 2 Block, Lot 1 DP 390064, Lot 1 DPS 18393, Lot 1 DPS 33793, Lot 1 DPS 55557, Lot 1 DPS 89317, Lot 2 DP 325338, Lot 2 DP 390064, Lot 2 DP 447147, Lot 2 DPS 81916, Lot 3 DPS 32570, Lot 3 DPS 55557, Lot 3 DPS 81112, Lot 3 DPS 81916, Mangapai Block, Matahii Papakāinga Block, Maungapohatu Block, Maurea T Block, Nahunahu Block, Nihaohataka Block, Ohau Block, Ohiro Urupa Block ML 13900, Omakoi A1 Block, Omakoi A2 Block, Omakoi A3 Block, Omakoi B2 Block, Omaruwharekura A1 Block, Omaruwharekura A2 Block, Omuriwaka Block, Opei A Block Block, Opei B Block Block, Opuatawhiro B No. 2 Block, Opunua A Block, Otekura Block, Otohora Block, Otuiti 1 Block, Otuiti 2A and 2B Block, Otuiti 2C and 2D Block, Oueariu Block, Paemahoe Block, Pahekeheke Block, Panewhero Block, Papaohaki 1 Block, Papaohaki 2 Block, Papueru A Block, Paripari Block, Part Kahuwaea 1 Block, Part Kuhawaea 1 Block, Part Opunua B Block, Part Pamatanga B Block, Part Ponaua A Block, Part Ruatahuna Block, Part Section 1 Block VI Waimana SD, Part Section 1 Block XII Urewera SD, Part Section 11 Block XIV Galatea SD, Part Section 22 Block X Galatea SD, Part Section 5 Block VI Ahikereru SD, Part Tahora 2AD2 Block, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Part Urewera Block, Part Whirinaki 2No2 Block, Pawharaputoko T Block, Pukiore Block, Raketihau Block, Ruahine Block, Ruatahuna A Block, Ruatoki C61 Block, Section 1 Block II Urewera SD, Section 1 Block III Galatea SD, Section 1 Block III Urewera SD, Section 1 Block IV Urewera SD, Section 1 Block VI Urewera SD, Section 1 Block VII Urewera SD, Section 1 Block VII Waimana SD, Section 1 Block VIII Urewera SD, Section 1 Block X Waimana SD, Section 1 Block XI Ahikereru SD, Section 1 Block XI Galatea SD, Section 1 Block XI Waimana SD, Section 1 Block XV Waimana SD, Section 1 Block XVI Ahikereru SD, Section 1 Block XVI Urewera SD, Section 10 Block XVI Ahikereru SD, Section 11 Block VII Galatea SD, Section 12 Block VII Galatea SD, Section 13 Block VII Galatea SD, Section 14 Block XIV Galatea SD, Section 15 Block XIV Galatea SD, Section 16 Block VII Galatea SD, Section 17 Block VII Galatea SD,</p>	<p>513A, 514A, 516A, 517A, 518A, 520A, 521A, 522A, 524A, 525A, 526A, 528A, 529A, 530A</p>
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		<p>Section 17 SO 395798, Section 18 Block X Galatea SD, Section 18 SO 395798, Section 19 Block X Galatea SD, Section 2 Block III Urewera SD, Section 2 Block IV Urewera SD, Section 2 Block VII Waimana SD, Section 2 Block VIII Urewera SD, Section 2 Block XI Ahikereru SD, Section 2 Block XI Waimana SD, Section 2 Block XII Urewera SD, Section 2 Block XII Waimana SD, Section 2 Block XIV Waimana SD, Section 2 Block XV Waimana SD, Section 2 Block XVI Ahikereru SD, Section 2 Block XVI Urewera SD, Section 20 Block X Galatea SD, Section 20 Block XIV Galatea SD, Section 24 Block X Galatea SD, Section 24 Block XIV Galatea SD, Section 26 Block XIV Galatea SD, Section 3 Block III Galatea SD, Section 3 Block IV Urewera SD, Section 3 Block V Ahikereru SD, Section 3 Block VII Waimana SD, Section 3 Block VIII Urewera SD, Section 3 Block XI Waimana SD, Section 3 Block XII Urewera SD, Section 3 Block XV Waimana SD, Section 3 Block XVI Ahikereru SD, Section 3 Block XVI Urewera SD, Section 39 Block X Galatea SD, Section 4 Block III Galatea SD, Section 4 Block IV Urewera SD, Section 4 Block VI Ahikereru SD, Section 4 Block VIII Urewera SD, Section 4 Block XII Urewera SD, Section 4 Block XV Waimana SD, Section 4 Block XVI Ahikereru SD, Section 4 Block XVI Urewera SD, Section 40 Block X Galatea SD, Section 5 Block IV Urewera SD, Section 5 Block VII Galatea SD, Section 5 Block VIII Urewera SD, Section 5 Block XI Ahikereru SD, Section 5 Block XI Galatea SD, Section 5 Block XII Urewera SD, Section 5 Block XV Waimana SD, Section 5 Block XVI Ahikereru SD, Section 5 Block XVI Urewera SD, Section 6 Block IV Urewera SD, Section 6 Block VI Ahikereru SD, Section 6 Block VIII Urewera SD, Section 6 Block XV Waimana SD, Section 6 Block XVI Ahikereru SD, Section 6 Block XVI Urewera SD, Section 7 Block IV Urewera SD, Section 7 Block V Ahikereru SD, Section 7 Block VI Ahikereru SD, Section 7 Block VIII Urewera SD, Section 7 Block XI Ahikereru SD, Section 7 Block XI Galatea SD, Section 7 Block XVI Ahikereru SD, Section 7 Block XVI Urewera SD, Section 8 Block IV Urewera SD, Section 8 Block V Ahikereru SD, Section 8 Block VIII Urewera SD, Section 8 Block XI Ahikereru SD, Section 8 Block XIV Galatea SD, Section 8 Block XVI Ahikereru SD, Section 9 Block XIV Galatea SD, Tahuaroa T Block, Takapaurau Te Anina A, Takapaurau Te Anina B, Tarahore 1 Block, Tarahore 2 Block, Taumaha A1T Block, Taumataohine Block, Tawhana No 1 Block, Tawhana No 2 Block Block, Tawhana No 3 Block Block, Tawhana No 4 Block Block, Tawhana No 5 Block Block, Tawhana No 6 Block Block, Te Kaawa 2 Block, Te Kaawa 3 Block, Te Kopua Block, Te Korapa Block, Te Manawa O Tūhoe A Block, Te Pa O Tamaruarangi Block, Te Pae O Tūhoe Block, Te Rere Block, Te Roto Block, Te Taura-A-Te Pukuatua Block, Te Urutawa Block, Te Whaiti D Block, Te Whaiti Residue A Block, Te Whatuamawaki Block, Tieve Block, Tiritiri Block, Tuapou B1 and B2 Block, Tuapou</p>	
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		B3B and B4 Subdivision B Block, Tuapou B6 and B7 Block, Tuapou B8 Block, Tuapou B9 Block, Tutu Block, Tuturitanga Block, Waikotikoti 1 Block, Waikotikoti 5 Block, Waitapu Block, Waituhi Block, Whakapau Block, Whakarae B Block, Whakatau Block, Whanganui A Block, Whanganui B Block, Wharekakaho T Block, Wharetangata Block, Part Urewera A Block, Paharakeke Block, Part Manuoha Block, Ahiherua Block	
BS27 C	Te Whaiti 'B'	Part Matera Block, Part Ponaua A Block, Part Tawaatonga A, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Section 3 Block V Ahikereru SD, Section 7 Block VI Ahikereru SD, Section 8 Block V Ahikereru SD, Te Whaiti ResidueA Block	524A
BS28 C	Waikarewhenua	Crown Land, Korouanui Block, Manahautoa (Urupa) Block, Part Urewera A Block, Te Pae O Tūhoe Block	521A
BS29 C	Waikokopu Stream	Lot 1 DP 329650, Part Urewera A Block, Part Waiohau 1A6B (Roadway) Block, Part Waiohau 1A6B Block, Te Manawa O Tūhoe A Block, Waiohau 1A4A2 Block, Waiohau A Section 4B, Waiohau A1B Block, Waiohau C Section 1 Block	512A, 513A, 516A, 517A
BS30 C	Waimana River	Ahirau Block, Atuareretahi Block, Crown Land, Crown Land Survey Office Plan 22876, Crown Land Survey Office Plan 22898/2, Hapenui Block, Huinga o Ngakaahu A Block, Huinga o Ngakaahu B Block, Hukanui Block, Kotipu 2 Block, Nahunahu Block, OMARUWHAREKURA B Block, Omaruwharekura A2 Block, Omuriwaka Block, Opuatawhiro B No. 1 Block, Opuatawhiro B No. 2 Block, Opunua A Block, Otuiti 1 Block, Otuiti 2A and 2B Block, Otuiti 2C and 2D Block, Paemahoe Block, Pahekeheke Block, Panewhero Block, Papaohaki 1 Block, Papaohaki 2 Block, Part Opunua B Block, Part Tahora 2AD2 Block, Part Urewera A Block, Section 1 Block IV Urewera SD, Section 2 Block IV Urewera SD, Section 2 Block XII Waimana SD, Section 2 Block XV Waimana SD, Section 3 Block IV Urewera SD, Section 3 Block XI Waimana SD, Section 3 Block XV Waimana SD, Section 6 Block XV Waimana SD, Takapaurau Te Anina A, Takapaurau Te Anina B, Taumataohine Block, Te Kaawa 1 Block, Te Kaawa 3 Block, Te Rere Block, Te Taura-A-Te Pukuatua Block, Tuapou B1 and B2 Block, Tuapou B3B and B4 Subdivision B Block, Tuapou B6 and B7 Block, Tuapou B8 Block, Whakarae A Block, Whakarae B Block, Part Tahora 2A1&2B1 Block	514A, 518A
BS31 C	Waioka Conservation Area	Lot 1 DP 2972, Lot 1 DP 4989, Lot 1 Sec 2 Block VIII Waimana SD, Lot 2 DP 7072, Lot 2 Sec 2 Block VIII Waimana SD, Paemahoe Block, Part Section 1 Block IV Waimana SD, Part Section 1 Block VIII Waimana SD, Part Tahora 2AD2 Block, Part Urewera A Block, Section 1 Block XII Waimana SD, Section 2 Block IV Waimana SD, Section 3 Block IV Waimana SD, Section 3 Block VIII Waimana SD, Tahora 2A2 Block,	514A, 518A, 522A

		Taumataohine Block, Part Tahora 2A1&2B1 Block, Part Tahora 2A3A Block, Part Tahora 2B1 Block	
BS32 C	Wekanui	Part Section 1 Block XIII Ahikereru SD, Section 1 SO 57000, Section 2 SO 431517, Section 2 SO 57000	528A
BS33 C	Whakatāne River	Crown Land, Crown Land Block ML 13702, Crown Land Block ML 13704, Crown Land Survey Office Plan 23444, Ohinenaena Block, Part Urewera A Block, Section 1 Block II Urewera SD, Section 1 Block III Urewera SD, Section 1 Block VI Urewera SD, Section 1 Block X Waimana SD, Section 1 Block XI Waimana SD, Section 1 Block XIV Waimana SD, Section 2 Block III Urewera SD, Section 2 Block XIV Waimana SD, Section 4 Block XV Waimana SD, Te Manawa O Tūhoe A Block, Te Pae O Tūhoe Block, Te Rautao Block, Te Tapapatanga Block	513A, 517A, 521A
BS34 C	Whirinaki Te-Pua-a-Tāne Conservation Park (Including Conservation Area – Minginui, Old Te Whātai Road, Otohī and Kakarahunui)	Crown Land Survey Office Plan 22912, Heruiwi 4F1 Block, Heruiwi No 4F No 2 Block, Lot 1 DPS 53142, Mangapai Block, Minginui A Block, Minginui B1 Block, Minginui B2 Block, Ngahuinga Block, Part Heruiwi 4B1 Block, Part Minginui E Block, Part Ponaua A Block, Part Section 1 Block V Ahikereru SD, Part Section 1 Block X Ahikereru SD, Part Section 1 Block XIII Ahikereru SD, Part Section 1 Block XVI Wheao SD, Part Section 2 Block XIII Ahikereru SD, Part Section 3 Block XIII Ahikereru SD, Part Section 4 Block XIII Ahikereru SD, Part Section 5 Block XIII Ahikereru SD, Part Section 9 Block X Ahikereru SD, Part Te Whaiti-Nui-A-Toi, Part Urewera A (Roadway) Block, Part Urewera A Block, Part Whirinaki 1 Sec 3 Block, Part Whirinaki 1 Sec 4B1A Block, Part Whirinaki 1No1 Block, Part Whirinaki 1No3 Block, Part Whirinaki 2No2 Block, Section 1 Block IV Heruiwi SD, Section 1 Block IX Ahikereru SD, Section 1 SO 431558, Section 2 Block XI Ahikereru SD, Section 2 SO 431558, Section 2 SO 432635, Section 2 SO 433064, Section 3 SO 433064, Section 4 SO 433101, Section 5 SO 432338, Section 6 SO 432338, Section 7 Block V Ahikereru SD, Section 7 SO 432338, Section 8 SO 432338, Waireporepo No.1, Waireporepo No.2F, Waituhi Block, Section 8 SO 433101, Heruiwi 4I Block, Heruiwi 4H Block, Heruiwi 4G Block, Part Urewera A Block, Section 8 SO 433101, Part Minginui E Block, Part Section 1 Block XIII Ahikereru SD, Part Section 2 Block XIII Ahikereru SD, Part Section 3 Block XIII Ahikereru SD, Part Section 9 Block X Ahikereru SD, Part Urewera A Block, Section 1 SO 428389, Section 1 SO 428390, Section 1 SO 428391, Section 1 SO 431517, Section 1 SO 57000, Section 2 SO 431517, Section 2 SO 57000, Section 8 Block XIII Ahikereru SD, Part Urewera A Block, Crown Land Survey Office Plan 22912, Lot 2 DPS 57694, Part Section 4 Block XIII Ahikereru SD, Part Te Whaiti C Block, Section 6 Block XIII Ahikereru SD, Lot 1 DPS 25842, Lot 1 DPS 30682, Part Section 1 Block X Ahikereru SD, Part Section 4 Block X Ahikereru SD, Part Section 9 Block X Ahikereru SD, Section 1 SO 59033, Section 10 Block X Ahikereru SD, Section 11 Block X Ahikereru SD, Te Pahou No 2 Block, Waireporepo No.2F, Part	137A, 523A, 524A, 527A, 528A, 531A, 532A

		Urewera A Block, Part Whirinaki 2No3A Block, Part Whirinaki 2No3B5 Block, Part Whirinaki 2No4 Block, Section 1 SO 432443, Section 10 Block I Ahikereru SD, Section 17 Block I Ahikereru SD, Section 2 SO 432443, Section 2 SO 432635, Section 3 SO 432443, Section 8 Block I Ahikereru SD	
BS35 C	Whirinaki River Marginal Strip	Crown Land, Crown Land Block ML 21580, Crown Land Survey Office Plan 22912, Crown Land Survey Office Plan 27476, Crown Land Survey Office Plan 29304, Crown Land Survey Office Plan 38156, Lot 1 DPS 50671, Lot 2 DPS 50671, Lot 2 DPS 57694, Lot 3 DPS 50671, Minginui C Block, Part Section 1 Galatea SETT, Part Section 4 Block XIII Ahikereru SD, Part Section 5 Block VI Ahikereru SD, Part Section 5 Block XIII Ahikereru SD, Part Te Whaiti Block, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Section 1 Block II Ahikereru SD, Section 138 Galatea SETT, Section 2 Block VI Ahikereru SD, Section 2 SO 432338, Section 3 Block VI Ahikereru SD, Section 3 SO 432338, Section 35 Block XIII Galatea SD, Section 36 Block XIII Galatea SD, Section 37 Block XIII Galatea SD, Section 4 SO 432338, Section 5 SO 432338, Section 6 Block XIII Ahikereru SD, Section 6 SO 432338, Section 62 Block XIII Galatea SD, Section 7 Block X Ahikereru SD, Section 7 SO 432338, Section 8 Block X Ahikereru SD, Section 8 SO 432338, Section 86 Galatea SETT, Section 87 Galatea SETT, Waikotikoti 5 Block	135A, 137A, 520A, 524A, 528A
BS36C	Minginui Stream	Part Section 3 Block XIII Ahikereru SD, Section 8 Block XIII Ahikereru SD	528A
BS37C	Conservation Area – Whirinaki	Crown Land, Lot 1 DPS 53142, Lot 2 DPS 47427, Ngahuinga Block, Section 17 Block I Ahikereru SD, Section 2 SO 432635, Section 3 SO 433064	520A, 523A, 524A

15.7.4 Goat Farming Fence Standard

15.7.4.1 A bulldozed line, benching or some other method, if required, to ensure that the bottom wire is no more than 80mm above **ground level**.

Nine-wire post-and-batten fence, to be kept tight at all times, with no internal or external stays with;

- a. minimum high tensile 2.5mm diameter galvanised steel, and
- b. bottom wire placed no higher than 80mm above **ground level** and, above that, wires placed at the following intervals: 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post.

Bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.

15.7.4.2 Posts to be at the following intervals:

- a. less than 30 degrees ground slope: 5m;
- b. 30 degrees to less than 45 degrees: 4m; and

c. 45 degrees or more: 3m.

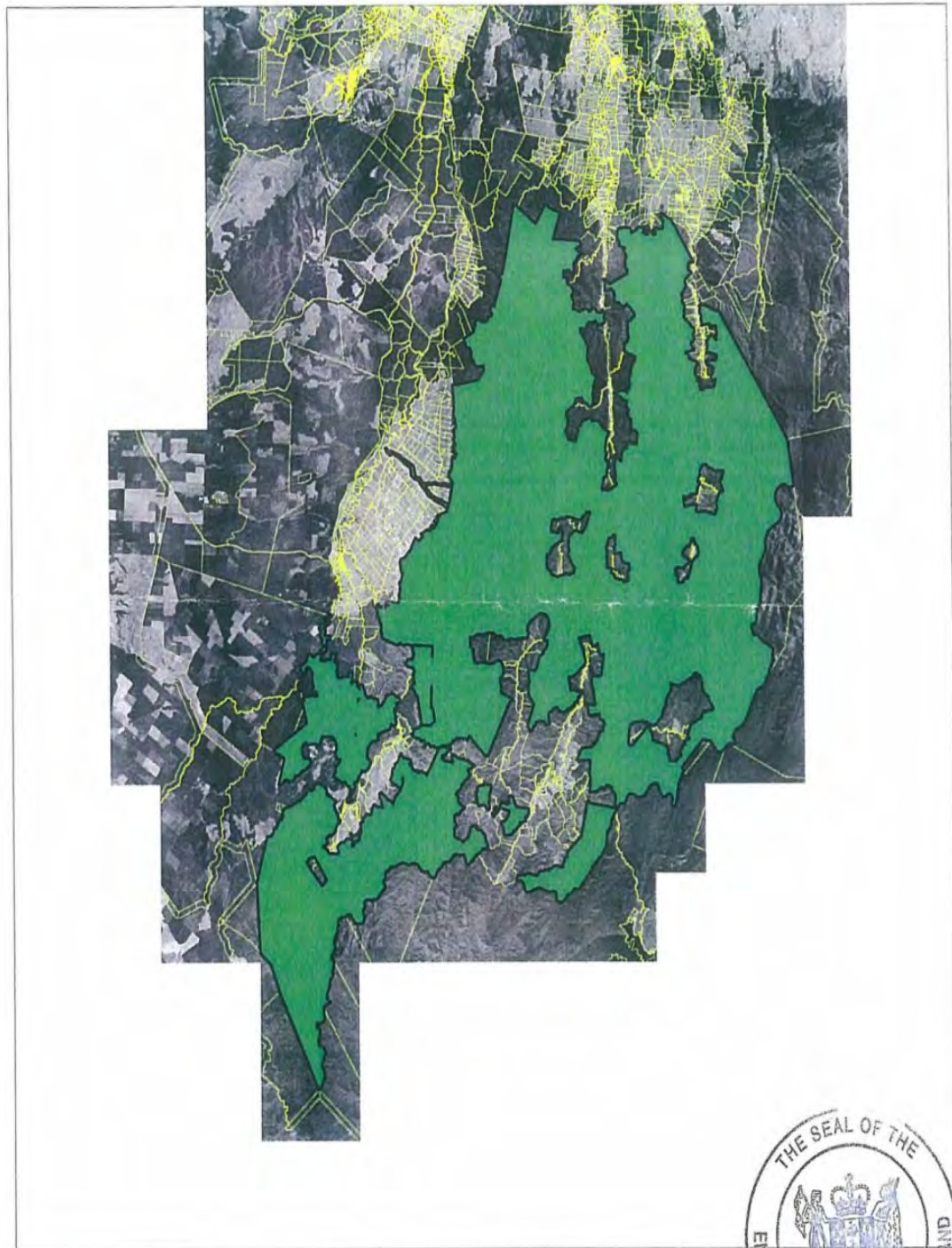
Battens are to be at 1m intervals.


All fences regularly checked and maintained to the above standards.

Fences across water bodies shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction. Flood gates across culverted watercourses shall be on the downstream side of the culvert.

Fences along watercourses shall be constructed alongside the water body with an appropriate setback to avoid possible slumping which may cause a breach of the fencing standard.

15.7.5 Map of Urewera and Whirinaki: Goat and Deer Farming rule



 Te Urewera National Park and Whirinaki Forest Park including contiguous areas of land managed by the Department of Conservation





CHAPTER 16

HERITAGE

**Built, Archaeological, Cultural
and Significant Specimen Trees**

Ngā Waahi Taunaha me Ngā Rākau Motuhake

16 Heritage – Built, Archaeological, Cultural and Significant Specimen Trees

16.1 OBJECTIVES AND POLICIES

<i>Objective CH1</i>	<i>The maintenance and protection of a range of the District's heritage buildings and structures, sites, places, features and values from inappropriate subdivision, use and development.</i>
Policy 1	To ensure the effects of activities on, in and around identified significant heritage features identified in Schedule 16.7.1 and 16.7.2 do not result in their destruction or deterioration or the cumulative loss of values.
Policy 2	To enable public access to sites with cultural significance to be retained through co-operative initiatives which do not jeopardise the reasonable operation of activities nor degrade the heritage values.
Policy 3	To encourage and support the protection and restoration of heritage features whilst giving priority to those sites listed in Schedule 16.7.1 and 16.7.2.
Policy 4	To avoid, remedy or mitigate the adverse effects of activities on, in and around heritage features.
Policy 5	To enable and encourage subdivision, land use and development that result in the protection and, where appropriate, enhancement of heritage.
Policy 6	To protect identified significant specimen trees and encourage the retention of other mature specimen trees in the District.
Policy 7	To identify heritage buildings and structures, sites, places, features and values using criteria in Appendix F of the Bay of Plenty Regional Policy Statement (Appendix 22.7), whilst recognising that only tangata whenua can define their relationship with their land, resources and other taonga.
Policy 8	To enable the strengthening of buildings included in the heritage schedule to increase their ability to withstand the effects of future earthquakes while minimising the significant loss of associated heritage values.

16.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-complying activities.

16.2.1 Activity Status for Scheduled Heritage Features

16.2.1.1 The rules of this section relate to any features listed in Schedules 16.7.1, 16.7.2 and 16.7.3.

Key

P = Permitted	D = Discretionary
C = Controlled	NC = Non-Complying
RD = Restricted Discretionary	Pr = Prohibited

Item	Activity	Archaeological and Cultural Site Schedule	Building Schedule
1.	Protection and maintenance of the site of an identified feature, but excluding any activity which falls within Rule 4 or 6 below.	P	P
2.	Maintenance and repair to any existing building or structure and which is carried out in a similar manner and design, and with the same or similar materials. This applies to both internal and external work.	NA	P
3.	Except for works complying with item 2 above, works required for scheduled buildings to meet the requirements of Section 131 of the Building Act 2004 for earthquake strengthening, dangerous or insanitary buildings and to provide fire egress and disabled access.	NA	C
4.	Alterations or additions to any scheduled building excluding works provided for in 2 and 3 above and in 12 and 13 below.	NA	RD
5.	The relocation of any Scheduled building.	NA	D
6.	Modification of any natural landform on the site of a feature including earthworks, deposition of fill, or excavation, or the disposal of solid or liquid waste, excluding that provided by (8) below.	D	D
7.	The placement, alteration or construction of any new building or structure (including signs).	D	D
8.	Existing cemeteries or urupā, including earthworks required for burials and interments.	P	NA
9.	Activities (excluding buildings) on public reserves operating in accordance with an approved Conservation Management Strategy, Management Plan under Conservation Act 1987, National Parks Act 1980 and under the Reserves Act 1977 or Te Ture Whenua Māori Act 1993 or which is provided for in an Iwi Management Plan approved by an iwi authority.	P	P
10.	Activities not otherwise provided for in this table.	D	D
11.	Demolition of heritage items	D	NC
12.	Alterations or additions to any element identified in the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016 as having a Heritage Significance rating of exceptional significance (A,a) or considerable significance (B,b) excluding works provided for in 2 and 3 above but including colour changes.	NA	RD
13.	Alterations, replacement or removal of any element identified in the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016 as having a Heritage Significance rating of some significance (C,c), neutral or intrusive excluding works provided for in 2 and 3 above but including colour changes.	NA	C

Advice Note 1: All development and subdivision must show the location of recorded archaeological sites as held at **Council**, on a resource consent application. The **Council** holds information about the location of all recorded archaeological sites in the **District**. However the absence of a site on this register should not be taken as confirmation that no sites exist in this area and **Council** may require an archaeological and

cultural assessment as part of an application.

Evidence of unrecorded archaeological sites uncovered as a result of earthworks may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

Earthworks affecting archaeological sites (recorded or unrecorded) are subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority (consent) from the Heritage New Zealand Pouhere Taonga must be obtained for the work prior to commencement and this process will include consultation with iwi. It is an offence to modify damage or destroy a site for any purpose without an authority. Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact the Heritage New Zealand Pouhere Taonga for further information.

Advice Note 2: Some of the buildings in this schedule may be earthquake prone. The rules in this plan do not exempt building owners from the provisions in Council's Earthquake Prone and Insanitary Buildings Policy.

Advice Note 3: Protected customary rights may apply and/or some parcels of land containing a scheduled cultural and archaeological heritage feature may be privately owned by tangata whenua as cultural redress provided under a Treaty settlement.

16.2.2 The Assessment of Potential Heritage, Buildings and Structures, Sites, Places, Features and Values

16.2.2.1 Heritage buildings and structures, sites, places, features and values will be assessed using criteria in Appendix F of the Bay of Plenty Regional Policy Statement.

16.2.3 Significant Scheduled Specimen Trees

16.2.3.1 The partial or complete destruction of any tree identified in the Schedule of Significant Specimen Trees (see Appendix 16.7.3) is a Restricted Discretionary activity. Provided that the trimming or maintenance of trees in accordance with accepted arboricultural practice, and the removal of dead trees and dead vegetation, are not considered to be partial or complete destruction and shall be Permitted Activities.

16.2.3.2 The trimming or removal of a Significant Scheduled Specimen Tree shall be a Permitted Activity where this is required to comply with the Electricity (Hazards from Trees) Regulations 2003.

16.2.3.3 Subject to compliance with Rule 16.2.3.1, the trimming or removal of a Significant Scheduled Specimen Tree shall be a Permitted Activity where tree roots and/or branches are likely to cause damage or injury to:

- a. water, stormwater, power, gas, telecommunications, or sewer lines; or
- b. the structural integrity of a building; or
- c. the safe and efficient operation of an existing public road, private road, right-of-way, or formed accessway, or the integrity of a base course of an existing public road, private road, right-of-way, or formed vehicle accessway; or
- d. the health and safety of a person/s.

16.2.3.4 Before a tree may be trimmed or removed under Rule 16.2.3.2, a report shall be prepared by a suitably qualified person to verify that the tree is causing an adverse effect on any of those matters listed in 16.2.3.3 and the recommended action required. This report must be provided to and certified in writing by the Council before any work is undertaken on the scheduled tree.

Advice Note 1: Significant Specimen Trees have been identified as having a score of 135 or more using

the Standard Tree Evaluation Method (STEM) in Appendix 22.3 (STEM Assessment).

Advice Note 2: In many cases the Council may be able to do the report required by this rule.

Advice Note 3: Before removing a Significant Scheduled Specimen Tree, under Rule 16.2.3.2, a certificate of compliance may be applied for under section 139 of the RMA to confirm that the requirements of Rule 16.2.3.3 have been met.

16.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

16.3.1 Works required under Rule 16.2.1.1

16.3.1.1 Council shall exercise its control over:

- a. the location, design, scale, and dimensions of the proposed works, and
- b. materials used for the works and how appropriate they are to the heritage building, and
- c. how any adverse effect on the scheduled feature may be avoided, remedied or mitigated, and
- d. how the works will maintain the heritage values of the building or structure.

16.3.2 Alterations, Replacement or Removal of elements identified in the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016 as having a Heritage Significance rating of Some significance (C,c), Neutral or Intrusive

16.3.2.1 Council shall exercise its control over:

- a. The degree to which the alteration, replacement or removal of the element affects the heritage value, character and integrity of identified individual element(s) and the overall heritage value of the building;
- b. The feasibility and costs of maintaining, repairing or replacing the item, and the ability of the applicant to develop, use or obtain economic benefit from the site without altering the existing item;
- c. The degree to which the use of colour distinguishes between the building components; and
- d. The degree to which the works are in accordance with the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016.

16.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

16.4.1 Alterations or additions to any Scheduled Heritage Building (see Appendix 16.7.1)

16.4.1.1 Council shall restrict its discretion to;

- a. the impact of the proposed activity on the values, character and integrity of the heritage feature including the location, design, scale, dimensions and materials of any structures or buildings or alterations, and how any adverse effect on the scheduled feature may be avoided, remedied or mitigated;
- b. the degree to which the proposal might result in the restoration and enhancement of the heritage

- feature that may be affected by the activity;
- c. the compatibility of the addition or alteration and the degree to which;
 - i. it overshadows or dominates the scheduled place;
 - ii. the activity will result in the loss of a finite resource; and
 - iii. the effects are reversible.
- d. where the proposal involves the alteration or demolition of heritage items, the feasibility and costs of maintaining and repairing the item and the ability of the applicant to develop, use or obtain economic benefit from the site without altering or demolishing the existing item.

16.4.2 The Partial or Complete Destruction of Any Tree (see Rules in 16.2.3 and Schedule 16.7.3)

16.4.2.1 Council shall restrict its discretion to:

- a. the evaluation of the tree under the Standard Tree Evaluation Method (STEM) (Appendix 22.3);
- b. the effect of the tree on reasonable use and development of the site including the provision of a practicable building site, access and manoeuvring space, or to provide for adequate services to the site;
- c. potential alternative methods for site layout such as alternative location of buildings, access and services;
- d. the health and safety effects of the tree on owners and occupiers of the site and neighbours;
- e. any adverse shading effects of the tree;
- f. the extent to which the tree is structurally unsound or is in poor health;
- g. the effects of the tree on the safe and efficient operation of network utility services, public roads or access to properties;
- h. the contribution of the tree to maintenance and enhancement of amenity values and neighbourhood character;
- i. mitigation such as the provision of a replacement tree or trees or landscaping; and
- j. the level of existing amenity provided by other trees or landscaping on the site.

16.4.3 Alterations or additions to any element identified in the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016 as having a Heritage Significance rating of exceptional significance (A,a) or considerable significance (B, b)

16.4.3.1 Council shall restrict its discretion to:

- a. the impact of the proposed activity on the values, design, character and integrity of the heritage feature including the location and setting, scale, relationship of component parts, dimensions, materials of any structures or building or alterations, and how any adverse effect on the scheduled feature may be avoided, remedied or mitigated;
- b. the degree to which the use of colour distinguishes between the building components;

- c. the degree to which the works are in accordance with the Conservation Plan – Whakatāne Airport Terminal Building, dated September 2016; and
- d. 16.4.1 (b), (c) and (d).

16.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

16.6 OTHER METHODS

16.6.1.1 Council will:

- a. consider encouraging and supporting the protection of privately owned heritage features through financial assistance and advice;
- b. provide information about heritage buildings, places, features; and significant specimen trees;
- c. work with iwi and **hapū** to include information from iwi management plans, including sites of significant, in Council's GIS system; and
- d. consider including additional sites of significance in Schedule 16.7, in consultation with iwi and **hapū** and affected landowners, through a variation or change to the Plan.

16.7 APPENDICES

16.7.1 Schedule of Built Heritage Features

ID	Description	Location	Lot Description	Heritage New Zealand Pouhere Taonga Register No.	Planning Map No.
BH1	Grant Homestead	Te Teko Road Galatea	Lot 2 DP 329046	2706	516A
BH2	Awaroa Homestead	Hallett Road Otakiri	Lot 8 DPS 48389	778	504A
BH3	Church (Presbyterian)	26 Tūhoe Street, Taneātua	Lot 2 DP 306657	2705	132A, 509A
BH4	Old School Block	Waimana Road Waimana	Section 10 Waimana SETT	780	134A, 514A
BH5	Camellia Court Homestead	11 Domain Road	Part Lot 1 DPS 17251,	2704	110A, 505A
BH6	Goulstone Road House	39 Goulstone Road	Lot 1 DPS 11257	779	109A, 505A
BH7	Commercial Hotel (1917 building)	45 The Strand	Part Allot 1 TN OF Whakatāne	NA	106A, 505A
BH8	Whakatāne Hotel (excl accessory buildings)	77-79 The Strand	Part Lot 1 DP 26799	NA	106A, 505A
BH9	Pohaturoa and memorials (1934 shelter, memorial to Te Hurinui Apanui, carved seat)	The Strand	Part Section 1A TN OF Whakatāne	NA	106A, 505A
BH10	Bridgers Building	88-92 The Strand	Lot 21 DP 11959	NA	106A, 505A
BH11	Whakatāne Airport Building	216 Aerodrome Road	Lot 1 DPS 75684	NA	102A

16.7.2 Schedule of Cultural and Archaeological Heritage Features

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No.	Planning Map No.
CH1	Pa	522 Sisam Valley Road, Urewera	W16/13	Allot 41B10D Rangitāiki PSH	6455	509A
CH2	Pa	87 State Highway 2 East, Urewera	W15/278	Lot 2 DPS 78797	6443	509A
CH3	Pa	833 White Pine Bush Road, Ōtakiri	W15/279	Lot 4 DPS 87090	6444	509A
CH4	Pits/Terraces	1544E Stanley Road, Urewera	W15/282	Part Allot 352 Waimana PSH	6445	509A
CH5	Terraces/Pit	699B, 699A Taneātua Road, Urewera	W15/284	Part Section 4 Block IX Whakatāne SD	6446	509A
CH6	Pa	883 White Pine Bush	W15/286	Lot 2 DPS 37637	6447	509A

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No	Planning Map No
		Road, Ōtakiri				
CH7	Pa	401 Taneātua Road, Urewera	W15/287	Lot 1 DPS 66138	6448	509A
CH8	Pits/Terraces	399A Taneātua Road, Urewera	W15/288	Part Lot 4 DP 10439	6449	509A
CH9	Pa	846, 785, 688, 663, 605, 600 Rewatu Road, Ōtakiri	W15/292	Rangitāiki 61B Block	6450	509A
CH10	Pa	844A Rewatu Road, Ōtakiri	W15/293	Lot 1 DP 30372	6451	509A
CH11	Pa	124 Downard Road, Urewera, 1511C State Highway 30, Urewera, 79 Omataroa Road, Urewera	W15/262	Omataroa Rangitāiki 2 Block	6442	509A
CH12	Pa	368 Sisam Valley Road, Urewera	W16/124	Allot 41A9D Rangitāiki PSH	6454	509A
CH13	Pa	846, 785, 688, 663, 605, 600 Rewatu Road, Ōtakiri	W15/209	Rangitāiki 61B Block	6439	509A
CH14	Pa	2, 1 Puketi Road, Urewera 7 Awahou Road, Urewera	W16/22	Part Section 34 Block IX Whakatāne SD	6456	509A
CH15	Pa	105 Awahou Road, Urewera	W16/241	Lot 2 DPS 4659	6457	509A
CH16	Pa	290A State Highway 2 East, Urewera	W16/25	Allot 308 Waimana PSH	6458	509A
CH17	Pits/Terraces	659 Awahou Road, Urewera	W16/33	Lot 2 DPS 88515	6459	513A
CH18	Pa	287 Rewarau Road, Urewera	W16/70	Allot 41A4 Rangitāiki PSH	6461	509A
CH19	Pa	269 Sisam Valley Road, Urewera	W16/11	Allot 33F6 Rangitāiki PSH	6453	509A
CH20	Terraces	401 Taneātua Road, Urewera	W15/139	Lot 1 DPS 66138	6431	509A
CH21	Swamp Pa	347B, 347A Sutherland Road, Ōtakiri	V15/80	Lot 1 DPS 32953	6406	504A
CH22	Ridge Pa	124 Downard Road, Ōtakiri 79 Omataroa Road, Urewera 1511C State Highway 30, Urewera	W15/124	Omataroa Rangitāiki 2 Block	6423	509A
CH23	Ridge Pa	94 Grace Road, Urewera	W15/125	Part Lot 2 DP 10480	6424	509A

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No	Planning Map No
CH24	Ridge Pa	36 Grace Road, Urewera, 38 Grace Road, Urewera, 45 Grace Road, Urewera	W15/126	Part Lot 1 DP 10480	6425	509A
CH25	Island Pa				6426	509A
CH26	Headland Pa	87 State Highway 2 East, Urewera	W15/130	Lot 2 DPS 78797	6427	509A
CH27	Ridge Pa	499 Tāneatua Road, Urewera	W15/133	Lot 1 DPS 62443	6428	509A
CH28	Pa	124 Downard Road, Urewera, 79 Omataroa Road, Urewera 1511C State Highway 30, Urewera	W15/251	Omataroa Rangitāiki 2 Block	6441	509A
CH29	Ridge Pa	379D Taneātua Road, Urewera	W15/138	Lot 5 DPS 84223	6430	509A
CH30	Terrace/Pits	364 Hodges Road, Waimana		Waimana 1C1A3A2B Block	7262	514A
CH31	Pa	844A Rewatu Road, Ōtakiri	W15/133	Lot 1 DP 30372	6432	509A
CH32	Pa	357A Taneātua Road, Urewera	W15/145	Part Allot 4 Waimana PSH	6433	509A
CH33	Pa	883 White Pine Bush Road, Ōtakiri	W15/200	Lot 2 DPS 37637	6434	509A
CH34	Pa	120B Foster Road, Urewera	W15/203	Rangitāiki Parish Lot 32B No.4A	6435	509A
CH35	Pa	502 Rewatu Road, Poroporo	W15/206	Lot 1 DPS 7505	6436	505A
CH36	Pa	588, 564, 545A Rewatu Road, Poroporo	W15/207	Part Allot 21B9 Rangitāiki PSH	6437	509A
CH37	Pa	588, 564, 545A Rewatu Road, Poroporo	W15/208	Part Allot 21B9 Rangitāiki PSH	6438	509A
CH38	Pa	223 Rewarau Road, Urewera	W16/72	Allot 41B1 Rangitāiki PSH	6462	509A
CH39	Pa	124 Downard Road, Urewera 79 Omataroa Road, Urewera 1511C State Highway 30, Urewera	W15/250	Omataroa Rangitāiki 2 Block	6440	509A
CH40	Ridge Pa	699B, 699A Taneātua Road, Urewera	W15/136	Part Section 4 Block IX Whakatāne SD	6429	509A

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No	Planning Map No
CH41	Terrace/Pits	155 Waimana Road, Waimana 1159 State Highway 2 East, Urewera 1106 State Highway 2 East, Urewera 1127 State Highway 2 East, Urewera	W16/275	Part Lot 7 DP 2492	6496	514A
CH42	Pa	138 Raroa Road, Waimana 47 Kirkbride Road, Waimana	W16/203	Part Section 87 Waimana SETT	6487	513A
CH43	Pa	319B, 319A Sisam Valley Road, Urewera	W16/68	Allot 33B2 Rangitāiki PSH	6460	509A
CH44	Pa	8 Waimana Road, Urewera, 169 Addison Road, Urewera	W16/251	Lot 1 DPS 90903	6489	514A
CH45	Pa	151 Addison Road, Urewera	W16/252	Lot 3 DP 380400	6490	514A
CH46	Pa	163 Addison Road, Urewera	W16/253	Lot 1 DP 375203	6491	513A
CH47	Pits	430 State Highway 2 East, Urewera	W16/265	Allot 345 Waimana PSH	6492	509A
CH48	Terraces/Pits	820 State Highway 2 East, Urewera	W16/266	Part Allot 463 Waimana PSH	6493	509A
CH49	Pa	215 Sisam Valley Road, Urewera	W16/94	Allot 33F4 Rangitāiki PSH	6463	509A
CH50	Terraces	274, 273 Hodges Road, Waimana	W16/270	Waimana 1C1A1B Block	6495	514A
CH51	Pa	138 Raroa Road, Waimana 47 Kirkbride Road, Waimana	W16/202	Part Section 87 Waimana SETT	6486	513A
CH52	Pa	522 Sisam Valley Road, Urewera	W16/277	Allot 41B10D Rangitāiki PSH	6497	509A
CH53	Terraces/Pits	269 Sisam Valley Road, Urewera	W16/278	Allot 33F6 Rangitāiki PSH	6498	509A
CH54	Terraces	151 Sisam Valley Road, Urewera	W16/279	Allot 33F2 Rangitāiki PSH	6499	509A
CH55	Terraces	19B, 19A Lowe Road, Waimana	W16/283	Part Lot 1 DP 14124	6500	514A
CH56	Terraces/Pits				6501	514A
CH57	Terraces	191 Awahou Road, Urewera	W16/287	Lot 2 DP 367447	6502	509A
CH58	Terraces	213 Awahou Road, Urewera	W16/290	Part Lot 1 DPS 16485	6503	509A
CH59	Terraces/Pits	191 Awahou Road, Urewera	W16/291	Lot 2 DP 367447	6504	509A

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No	Planning Map No
CH60	Terraces/Pits	145 Kirkbride Road, Urewera		Lot 2 DP 440034	8505	513A
CH61	Terraces/Pits	274, 273 Hodges Road, Waimana	W16/269	Waimana 1C1A1B Block	6494	514A
CH62	Pa	770 State Highway 2 East, Urewera	W16/154	Allot 340 Waimana PSH	6473	509A
CH63	Pa	215 Sisam Valley Road, Urewera	W16/95	Allot 33F4 Rangitāiki PSH	6464	509A
CH64	Pa	239A, 239B, 219 Raroa Road, Waimana	W16/124	Section 5S Waimana SETT	6465	514A
CH65	Pa	239A, 239B, 219 Raroa Road, Waimana	W16/134	Section 5S Waimana SETT	6466	514A
CH66	Terraces	138 Raroa Road, Waimana 47 Kirkbride Road, Waimana	W16/139	Part Section 87 Waimana SETT	6467	513A
CH67	Pa	297A Kirkbride Road, Urewera	W16/140	Lot 1 DPS 11223	6468	513A
CH68	Terraces/Pits	74 Addison Road, Urewera	W16/141	Lot 3 DPS 89381	6469	513A
CH69	Terraces/Pits	71 Raroa Road, Waimana	W16/146	Part Section 7 Waimana SETT	6470	514A
CH70	Terraces/Pits	159A Addison Road, Urewera	W16/241	Lot 1 DP 368498	6488	513A
CH71	Pa	292 Waimana Road, Waimana	W16/148	Lot 3 DPS 77321	6472	134A, 514A
CH72	Pa	8 Waimana Road, Urewera, 169 Addison Road, Urewera	W16/200	Lot 1 DPS 90903	6485	514A
CH73	Pa	176, 176A Raroa Pā Road, Urewera	W16/156	Part Wahataane Block	6474	513A
CH74	Pa	140 Puketī Road, Urewera	W16/158	Part Lot 1 DPS 4996	6475	509A
CH75	Pa	297A Kirkbride Road, Urewera	W16/160	Lot 1 DPS 11223	6476	509A
CH76	Pa	820 State Highway 2 East, Urewera	W16/163	Part Allot 463 Waimana PSH	6477	509A
CH77	Pa	522 Sisam Valley Road, Urewera	W16/165	Allot 41B10D Rangitāiki PSH	6478	509A
CH78	Pa	339 Rewarau Road, Urewera	W16/167	Allot 41A8 Rangitāiki PSH	6479	509A
CH79	Pa	297A Kirkbride Road, Urewera	W16/170	Lot 1 DPS 11223	6480	513A
CH80	Pa	8 Waimana Road, Urewera 169 Addison Road,	W16/171	Lot 1 DPS 90903	6481	513A

ID	Description	Address	NZAA Site Number	Legal Description	Heritage New Zealand Pouhere Taonga Register No	Planning Map No
		Urewera				
CH81	Pa	8 Waimana Road, Urewera 169 Addison Road, Urewera	W16/173	Lot 1 DPS 90903	6482	514A
CH82	Pa	1211 State Highway 2 East, Urewera	W16/174	Part Lot 8 DP 2492	6483	514A
CH83	Terraces/Pits	19B, 19A Lowe Road, Waimana	W16/175	Part Lot 1 DP 14124	6484	514A
CH84	Pa	71 Raroa Road, Waimana	W16/147	Part Section 7 Waimana SETT	6471	134A, 514A
CH85	Kaokaoroa Battle Site Historic Area	764 State Highway 2 East, Ōtakiri		Allot 853 Matatā PSH	6706	502A
CH86	Opihiwhanaungakore			Allot 27 Rangitāiki PSH	0	106A, 505A
CH87	Paru site, Kakahōroa Drive			Lot 9 DPS 70388	0	110A, 505A
CH88	Kapua Te Rangi			Allot 538 Waimana PSH	0	110A, 505A, 111A,
CH89	Te Ana o Muriwai			Lot 11 DPS 20581	0	107A, 505A
CH90	Historic Reserve/Hinetuahoanga			Section 13 Block II Whakatāne SD	0	107A, 505A
CH91	Te Toka a Houmea			Lot 52 DPS 22495	0	113A, 505A
CH92	Wairere Stream Waterfall			Part Allot 39 TN OF Whakatāne	0	110A, 505A
CH93	Ohuirehe Urupa			Allot 28B1C Rangitāiki PSH	0	103A, 505A
CH94	Pupuaruhe Urupa			Allot 29X2 Rangitāiki PSH	0	108A, 505A
CH95	Maraetotara Urupa			Lot 1 DPS 5504, Lot 2 DPS 5504	0	119A, 506A
CH96	Pits/Terraces	364 Hodges Road, Waimana	W16/271	Waimana 1C1A3A2B Block	7251	514A
CH97	Rotoiti-Paku	139 Spencer Avenue, Rotoma		Part Kawerau A8D Block	7453	508A
CH99	Huapepe	673B, 673A Matahī Valley Road, Urewera		Omuriwaka Block	7476	514A

16.7.3 Schedule of Significant Specimen Trees

ID	Common Name	Address	Legal Description	Planning Map No.
T1	English Oak	134 COLLEGE ROAD, Edgecumbe	Lot 2 DPS 15017	128A, 504A
T2	Kauri	1 TOTARA STREET, Edgecumbe	Lot 2 DPS 77743	129A, 504A
T3	Pohutukawa	8 WILSON STREET, Matatā	Allot 65 TN OF Richmond	101A, 504A
T4	Pohutukawa	23 PLANTATION RESERVE, Ōhope	Lot 36 DP 27169	119A, 506A
T5	Phoenix Palm	236 POHUTUKAWA AVENUE, Ōhope	Lot 129 DP 25336	119A, 506A
T6	Phoenix Palm	238 POHUTUKAWA AVENUE, Ōhope	Part Lot 130 DP 25336	119A, 506A
T7	Phoenix Palm	240 POHUTUKAWA AVENUE, Ōhope	Lot 4 DP 399369	119A, 506A
T8	Pohutukawa	66 WEST END ROAD, Ōhope	Lot 6 DPS 41723	111A, 505A
T9	Pohutukawa	70 WEST END ROAD, Ōhope	Lot 2 DPS 41723	111A, 505A
T10	Pin Oak	42 STATE HIGHWAY 30, Te Teko	Lot 1 DP 29639	131A, 508A
T11	Jacaranda	13 State Highway 30, Te Teko	Section 3 SO 57587	131A, 508A
T12	Deodar Cedar	56 BRIDGE STREET, Whakatāne	Lot 2 DPS 19586	113A, 505A
T13	Rimu	62 BRIDGE STREET, Whakatāne	Lot 4 DPS 20380	113A, 505A
T14	Jacaranda	32C BRIDGE STREET, Whakatāne	Lot 2 DP 378236	113A, 505A
T15	Jacaranda	CLIFTON ROAD	Part Allot 17 TN OF Whakatāne	110A, 505A
T16	Pohutukawa	59A COMMERCE STREET, Whakatāne	Lot 7 DPS 3139	110A, 505A
T17	Pohutukawa	59A COMMERCE STREET, Whakatāne	Lot 7 DPS 3139	110A, 505A
T18	Phoenix Palm	3 DOMAIN ROAD Whakatāne	Part Lot 5 DP 12759	110A, 505A
T19	Pohutukawa	11 DOMAIN ROAD Whakatāne	Part Lot 1 DPS 17251	110A, 505A
T20	Pin Oak	40 DOMAIN ROAD, Whakatāne	Lot 1 DPS 37818	110A, 505A
T21	Pin Oak	89 DOUGLAS STREET, Whakatāne	Lot 4 DPS 76464	113A, 505A
T22	Pin Oak	101 DOUGLAS STREET Whakatāne	Lot 2 DPS 76426	113A, 505A
T23	Pin Oak	101 DOUGLAS STREET, Whakatāne	Lot 12 DPS 70218	113A, 505A
T24	Dawn Redwood	5A Douglas Street, Whakatāne	Lot 2 DPS 83675	114A, 505A
T25	Tulip Tree	39 GOULSTONE ROAD, Whakatāne	Lot 1 DPS 11257	109A, 505A
T26	Lombardy Poplar	3 KOWHAI STREET, Whakatāne	Lot 47 DPS 3271	108A, 505A
T27	Lombardy Poplar	3 KOWHAI STREET, Whakatāne	Lot 47 DPS 3271	108A, 505A
T28	Pohutukawa	61 MELVILLE DRIVE, Whakatāne	Lot 37 DPS 23926	114A, 505A

ID	Common Name	Address	Legal Description	Planning Map No.
T29	Pin Oak	87 A RIVERSIDE DRIVE, Whakatāne	Part Lot 68 DPS 3271	108A, 505A
T30	Linden	41 STEWART STREET, Whakatāne	Part Lot 6A DP 14175	109A, 505A
T31	Totara	62 STEWART STREET, Whakatāne	Lot 1 DPS 24264	109A, 505A
T32	Atlantic cedar	120 Valley Road Whakatāne	Lot 14 DPS 70218	114A, 505A
T33	Copper Beech	2 WAIEWE STREET, Whakatāne	Lot 1 DP 28268	110A, 505A
T34	Pohutukawa	10B WAIEWE STREET, Whakatāne	Lot 2 DPS 3139	110A, 505A
T35	Pohutukawa	8A WAIEWE STREET, Whakatāne	Lot 2 DPS 6865	110A, 505A
T36	Pohutukawa (Metrosideros excelsa)	Mahy Reserve, Ōhope	Lot 18 DP 22192	118A, 505A
T37	Bunya Pine (Araucaria bidwillii)	Francis Street, Croquet Club	Allot 667 Waimana PSH	110A, 505A
T38	Pohutukawa (Metrosideros excelsa)	Pohaturoa Rock	Part Section 1A TN OF Whakatāne	110A, 505A
T39	Coast Redwood (Sequoia sempervirens) - Group of 24 Trees	Behind tennis courts, Rex Morpeth Group of 24	Allot 667 Waimana PSH	109A, 505A
T40	English Oak (Quercus robur)	Allandale Pensioner Flats	Road Reserve	113A, 505A
T41	Bunya Pine (Araucaria bidwillii)	Francis Street, Croquet Club	Allot 667 Waimana PSH	110A, 505A
T42	Deodar Cedar (Cedrus deodara), Group of 11 trees	Taneātua Cemetery	Road Reserve	509A
T43	Pohutukawa (Metrosideros excelsa)	3 Pioneer Pl, Matatā	Allot 358 TN OF Richmond	101A, 504A
T44	English Oak (Quercus robur)	Rex Morpeth park	Allot 667 Waimana PSH	110A, 505A
T45	Pin Oak (Quercus palustris)	Reid's Memorial Grove	Part Allot 28 Waimana PSH	509A
T46	Deodar Cedar (Cedrus deodara)	Reid's Memorial Grove	Part Allot 28 Waimana PSH	509A
T47	Norfolk Island Pine (Araucaria heterophylla)	Opposite Mahy Reserve, Ōhope	Road Reserve	117A, 505A
T48	Deodar Cedar (Cedrus deodara)	Aquatic Centre, Rex Morpeth Park	Allot 667 Waimana PSH	109A, 505A
T49	Conifer stand - 5 trees Wellingtonia (Sequoiadendron giganteum) Atlas Cedar (Cupressus atlantica) Ponderosa pine (Pinus ponderosa) x 2	Waimana Rugby Club	Section 22 Waimana SETT	134A, 514A
T50	Rimu (Dacrydium cupressinum)	Taneātua	Lot 4 DPS 43937	132A, 509A
T51	English Oak (Quercus robur)	Crn John Laughton/ Hinemoa	Road Reserve	109A, 505A
T52	Atlas Cedar (Cedrus atlantica)	Aquatic Centre, Rex Morpeth Park	Allot 667 Waimana PSH	109A, 505A
T53	Atlas Cedar (Cedrus atlantica)	Aquatic Centre, Rex Morpeth Park	Allot 667 Waimana PSH	109A, 505A
T54	Dutch Elm (Ulmus hollandica)	Rex Morpeth Park	Allot 667 Waimana PSH	114A, 505A

ID	Common Name	Address	Legal Description	Planning Map No.
T55	Coast Redwood (Sequoia sempervirens)	Next to cricket nets	Allot 667 Waimana PSH	110A, 505A
T56	Scarlet Oak (Quercus coccinea)	Galatea Squash Club	Part Section 53 Block IX TN OF Galatea	520A
T57	Norfolk Island Pine (Araucaria heterophylla)	Post Office roundabout	Road Reserve	110A, 505A
T58	English Oak (Quercus robur), 5 trees	Rex Morpeth Park	Allot 667 Waimana PSH	114A, 505A
T59	Phoenix Palm (Phoenix canariensis)	Short Street	Allot 667 Waimana PSH	110A, 505A
T60	English Oak (Quercus robur), 2 trees	Rex Morpeth Park	Allot 667 Waimana PSH	114A, 505A
T61	English Oak (Quercus robur)	Strathmore Place, roundabout	Road Reserve	113A, 505A
T62	Wellingtonia (Sequoiadendron giganteum)	Aquatic Centre, Rex Morpeth Park	Allot 667 Waimana PSH	110A, 505A
T63	Manna Gum (Eucalyptus viminalis)	Awatapu behind Ratima PI	Allot 301 Rangitāiki PSH	108A, 505A
T64	Brown barrel (Eucalyptus fastigata)	Radio Reserve, Waiewe St	Lot 2 DPS 25269	110A, 505A



CHAPTER
17

LANDSCAPE AND
COASTAL ENVIRONMENT

Ngā Papa Ātea me Ngā Ara Rau-ā-Tangaroa

17 Landscape and Coastal Environment

17.1 OBJECTIVES AND POLICIES

Objective LS1 The visual quality and character of the landscapes and coastal environment of the District are managed by:

- a. Protecting Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development;*
- b. In the coastal environment avoiding adverse effects on ONFL, and avoiding significant adverse effects on other natural features and landscapes; and*
- c. Maintaining Significant Amenity Landscapes; and*
- d. Sustaining the process, values and associations that underpin these landscape categories.*

Policy 1 To ensure the uniqueness and representative nature of scheduled outstanding natural features and landscapes including the aesthetic, intrinsic and cultural values are protected by:

- a. avoiding adverse effects of inappropriate subdivision, use and development where the Outstanding Natural Feature and Landscape is in the coastal environment; and
- b. outside the coastal environment, avoiding, remedying or mitigating adverse effects of inappropriate subdivision, use and development on the Outstanding Natural Feature and Landscape.

Policy 2 Subdivision, use and development, including recreational use, within ONFLs or SALs shall be managed to ensure that the location, scale, intensity and form is appropriate having regard to the amenity, natural character and landscape qualities (elements, features and patterns) of the environment.

Policy 3 The scale, location, orientation, design, materials and reflectivity of buildings, activities and earthworks in scheduled ONFLs, SALs and within the Rural Coastal and Rural Ōhiwa Zone and Residential zoned sites that adjoin the CPZ shall;

- a. protect or enhance the natural and physical processes and landforms which contribute to the site's natural character and landscape values;
- b. not detract from the amenity values of the scheduled area or zone;
- c. avoid, remedy or mitigate adverse environmental effects on the values and functions of natural habitats and ecosystems.

Policy 4 To have particular regard to the sensitivity of the following areas of high natural character and landscape qualities to the adverse visual effects from land and vegetation disturbance, increased density of buildings and to their size, shape and location:

- a. The escarpments in Whakatāne (Kohi Point to the Valley Road/Te Tahī Street intersection), Ōhope (Kohi Point to the Maraetōtara Road/ Pohutukawa Avenue intersection) and the Matatā Straights;
- b. Indigenous coastal habitats including, in particular stands of *Kunzea toelkenii* (of the kānuka family) and wetlands, areas subject to dynamic coastal erosion and accretion including Ōhope and Piripai Spits;
- c. Otamarākau to Piripai and Ōhope beaches and dune areas;
- d. Ōhiwa and Whakatāne Harbours and their margins;
- e. Ōhakana and Uretara Islands;
- f. The river mouth systems of the Tarawera, Rangitāiki and Whakatāne Rivers; and
- g. Wetland ecosystems and their margins.

- Policy 5 Buildings on **Significant Identified Ridgelines** or on dune ridges in an ONFL, SALs 1 and 4, Rural Ōhiwa Zone and Rural Coastal Zone shall be avoided and where possible buildings shall use the hills, dunes or ridgelines as their backdrop to reduce the visual prominence of development in the open green rural zones.
- Policy 6 Adverse effects resulting from land use change in ONFLs, including the adverse effects to the following;
- a. earthworks and tracking;
 - b. clearance of vegetation; and
 - c. the introduction or potential introduction of exotic plants and weed species shall be:
 - i. avoided within the coastal environment; or
 - ii. outside the coastal environment, where avoidance is not practicable, remedied or mitigated.
- Policy 7 To promote the integration of land use change with the natural landform and vegetation patterns.
- Objective LS2** *To maintain the character and diversity of rural landscapes.*
- Policy 1 To avoid, remedy or mitigate the adverse effects of building development on the visual character of rural open spaces in the coastal environment, ONFLs, SALs 1 and 4, Rural Coastal and Rural Ōhiwa Zones.
- Policy 2 Subdivision, use and development within the Rural Ōhiwa Zone and Rural Coastal Zone should be clustered or configured to ensure that dwellings on the same site are located in close proximity to one another or otherwise integrated into the landscape.
- Policy 3 To provide for the continued operation of rural activities, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the visual character of rural landscapes.
- Objective LS3** *(a) To protect the visual values of the Ōhiwa Harbour and Rural Ōhiwa Zone, from development that adversely affects the landscape distinctiveness as an intricate topography with a low density rural character.*
(b) To protect the ecological values of the Ōhiwa Harbour and Rural Ōhiwa Zone from development that adversely affects the ecological diversity and the healthy functioning of the harbour.
- Policy 1 To manage the effects of land based activities on the landscape and functioning of the Ōhiwa Harbour as an ecological and recreational resource based on a sustainable ecosystem. In giving effect to this policy particular regard shall be had to the need to;
- a. maintain and enhance the riparian margins of Ōhiwa Harbour and tributaries within the catchment of the harbour;
 - b. manage the effects of activities that release contaminants into streams or tributaries of the Harbour;
 - c. avoid loss of indigenous vegetation, large stands of exotic vegetation or the introduction of pests and weeds;
 - d. avoid locating buildings in visually prominent locations; and
 - e. manage the effects of subdivision, use and development on Ōhakana and Uretara Islands to retain their appearance of being unsettled.
- Objective LS4** *To preserve the natural character of the coastal environment including all its natural and physical resources and to protect it from inappropriate subdivision, use and development.*

- Policy 1 To require restoration and rehabilitation of the natural character of the coastal environment through resource consent conditions where the adverse effects of the proposed development, use or subdivision warrant such a response.
- Policy 2 To ensure that the development of the **public reserves** adjacent to the coastal marine area is compatible with the natural character values of the location and provides for public walking access.
- Policy 3 To manage the inappropriate use of vehicles within the coastal environment using a range of methods, including controlling access in sensitive areas.
- See also Policies under Objectives LS1, LS2 and LS3.
- Policy 4 To avoid significant adverse effects on areas of High and Very High Natural Character as mapped in the RPS Appendix I.

17.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

17.2.1 Activity Status Table

Key

P = Permitted	D = Discretionary
C = Controlled	NC = Non-Complying
RD = Restricted Discretionary	Pr = Prohibited
	N/A = Not Applicable

Item	Activity	Rural Ōhiwa Zone	Rural Coastal Zone	ONFL	SAL
1.	New Production forestry (established after date of Plan Notification, 28 June 2013) – less than 5 contiguous hectares in size.	P	D	D	P
2.	New Production forestry (established after date of Plan notification, 28 June 2013) over 5 contiguous hectares in size.	C	NC	D	C
3.	Production forestry (established before date of Plan notification, 28 June 2013), including harvesting of existing production forestry .	P	P	P	P
4.	The placement, alteration or construction of any building (including signs but not information signs and/or retaining walls less than 1.5m in height).	P or RD ¹ or D ²	D	D	P or C ³
5.	Any modification of any natural landform, including mining and quarrying less than or equal to 400m ² and 200m ³ in any 12 month period.	P	P	D	P
6.	Any modification of any natural landform, including	D	D	NC	D

¹ Refer to Rule 17.2.2 and 17.2.3

² Refer to Rule 3.4.1 Items 1 & 4

³ Refer to Rule 17.2.2.3

Item	Activity	Rural Ōhiwa Zone	Rural Coastal Zone	ONFL	SAL
	mining and quarrying in excess of 400m ² and 200m ³ in any 12 month period.				
6.a	Any modification of any natural landform, including earthworks less than or equal to 400m ² and 200m ³ in any 12 month period.	P	P	D	P
6.b	Any modification of any natural landform, including earthworks in excess of 400m ² and 200m ³ in any 12 month period.	D	D	D	D
6.c	Any earthworks for the maintenance of existing walking tracks, farm and forestry tracks, driveways, roads, fence lines and drains. This is in addition to the permitted standards in Activity 7.	P	P	P	P
7.	Any change of use in patterns of vegetation and enclosure, including clear fell harvesting of existing plantings both exotic and indigenous (excluding activities under Rule 17.2.1.1(3)). In the Lake Āniwaniwa SAL the removal of indigenous vegetation exclusive of foreshore maintenance for the operation of the hydro-electric power schemes. In the Lake Matahina SAL the removal of indigenous vegetation exclusive of foreshore maintenance and deformation survey for the operation of the hydro-electric power scheme is NC.	NA N/A N/A	NA N/A N/A	D N/A N/A	N/A NC NC
8.	Indigenous vegetation clearance, earthworks, or structures in a scheduled feature carried out in accordance with a Conservation Management Strategy, or management plan under Reserves Act 1977, Conservation Act 1987 or National Parks Act 1980, or Te Ture Whenua Māori Act 1993.	P	P	P	P

Advice Note 1: These rules do not apply where a regional consent is also required for clearances referred to above under a rule in a Regional Plan that specifically requires the consideration of the effects of clearance on natural character or landscape values.

Advice Note 2: Protected customary rights may apply as provided for in legislation.

Advice Note 3: Under section 10 of the RMA existing use rights may apply where a use was lawfully established before the Plan was notified and where the effects of the use are the same or similar in character, intensity and scale to those that existed before the Plan was notified.

17.2.2 Buildings in Significant Amenity Landscape 1 and 4 or Rural Ōhiwa Zone near Significant Identified Ridgelines

17.2.2.1 In the Rural Ōhiwa Zone, any roofline or highest point of any building shall be sited 5 metres below the natural ground level of the Significant Identified Ridgelines, as shown on the Planning Maps.

17.2.2.2 Non-compliance with Rule 17.2.2.1 shall be a Restricted Discretionary activity.

17.2.2.3 In SALs 1 and 4, any buildings within a 20m vertical distance of the Significant Identified Ridgelines, as shown on the Planning Maps, shall be a Controlled activity.

17.2.3 Buildings and Structures Near Mean High Water Springs

17.2.3.1 In the Rural Ōhiwa Zone buildings and structures shall be set back 100m from the Mean High Water Springs provided that on Ōhakana and Uretara Islands the set back from the Mean High Water Springs shall be 20m.

17.2.3.2 Non-compliance with Rule 17.2.3.1 shall be a Restricted Discretionary Activity.

17.2.4 Reflectivity of Buildings in the Rural Ōhiwa Zone and a Residential Zoned site that adjoins a Coastal Protection Zone.

17.2.4.1 All external surfaces of buildings shall in accordance with BS 5252 Reflective Value and shall meet;

- a. a maximum of 35% reflective value for walls;
- b. a maximum of 25% reflective value for roofs; and
- c. There shall be no mirror glazing.

Advice Note: Under this Rule “all external surfaces”, “walls”, “roofs”, includes gutters, spouting and joinery.

17.2.4.2 Non-compliance with the rules in 17.2.4.1 shall be a Restricted Discretionary Activity.

Advice Note: This rule shall apply to new buildings approved since 28 June 2013.

17.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

17.3.1 Location of Buildings in Significant Amenity Landscapes 1 and 4 (see Rules 17.2.2.3)

17.3.1.1 Council shall exercise its control over;

- a. the vegetation mitigation;
- b. the location and nature of the building and structure and associated earthworks; and
- c. the proposed building materials. The proposed cladding of the building and whether this has been selected to assist with the visual integration of the proposed building or structure. Consideration will be given to materials that closely relate to the natural colours of the landscape, that have limited contrast and that have reduced levels of reflectivity (i.e. the degree to which the selected materials will reflect light and glare).

17.3.2 Production Forestry in a SAL and Rural Ōhiwa Zone (See Rule 17.2.1.1(2))

17.3.2.1 Council shall exercise its control over;

- a. staging of planting and harvesting;
- b. landscaping to screen cuts and fills as seen from public roads and reserves;
- c. the alignment of the access routes relative to the natural contour;
- d. the replanting of the production forestry within the first planting season after harvesting; and

- e. the implementation of harvesting areas that is of a shape that reflects the natural landform and not necessarily cadastral boundaries.

17.3.3 All buildings less than 20m², on Public Reserves without a Reserve Management Plan in the Rural Coastal and Rural Ōhiwa Zone (refer to Item 10(c) of the Activity Table 3.4.1.3)

17.3.3.1 Council shall exercise its control over;

- a. the visual quality, visual absorption and visibility of the proposal in the context of the location;
- b. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- c. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- d. the foreground vegetative context and how this is used to mitigate visual effects;
- e. the extent and nature of other vegetative mitigation proposed;
- f. proposed building materials and finish and, in particular, choice of finishes that tone with the surrounding environment; and
- g. the degree of mitigation to be achieved through planting and timeframes for this to be achieved; and
- h. Rule 3.7.5.1(a)(i)-(iii); and
- i. Rule 3.7.6.1(f)

17.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

17.4.1 Buildings in the Rural Ōhiwa Zone near Identified Ridgelines and Buildings Near Mean High Water Spring (see Rules 17.2.2 and 17.2.3)

17.4.1.1 Council shall restrict its discretion to;

- a. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- b. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- c. the foreground vegetative context and how this is used to mitigate visual effects;
- d. the extent and nature of other vegetative mitigation proposed;
- e. the proposed building materials and finish and, in particular, choice of finishes that tone in with the surrounding environment; and
- f. the Criteria listed in 3.7.2 and 3.7.6.

17.4.2 Buildings not in Compliance with the **Reflectivity** Requirements (see Rule17.2.4.1)

17.4.2.1 Council shall restrict its discretion to;

- a. the visual Catchment and viewing audience for the proposed building;
- b. the location of the proposed building with regard to its visual prominence;
- c. the bulk, scale, form and height of the building;
- d. the overall scale of the building;
- e. the existing and proposed mitigation treatments including planting, land shaping or structural screening; and
- f. the Criteria listed in 3.7.3 and 3.7.2.

17.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

17.6 OTHER METHODS

17.6.1.1 The Council will:

- a. The Council will encourage **production forestry** operators, when planning new forests or re-establish forests, to consider the landscape sensitivities and possible methods to reduce these as set out in Section 2.2 Landscape Planning Principles of the New Zealand Environmental Code of Practice for Plantation Forestry Version 1, 2007.

17.7 APPENDICES

17.7.1 Schedule of Outstanding Natural Features and Landscapes (ONFL)

ID	Name	Legal Description	Planning Map No
L1	Matatā / Matatā Wetlands	Allot 1353 Matatā PSH, Allot 336 Matatā PSH, Allot 63D12A2A2 Matatā PSH, Allot 63D12A2B Matatā PSH, Allot 63D12A2C Matatā PSH, Allot 63D12A2D Matatā PSH, Allot 63D12B1 Matatā PSH, Allot 63D12B2 Matatā PSH, Allot 63D8A1 Matatā PSH, Allot 850 Matatā PSH, Allot 851 Matatā PSH, Allot 852 Matatā PSH, Allot 853 Matatā PSH, Allot 854 Matatā PSH, Allot 855 Matatā PSH, Allot 856 Matatā PSH, C1E (Section 1 Block IV & Section 1 Block VII) Waihi South Survey District, Crown Land Survey Office Plan 42328, Crown Land Survey Office Plan 43473, Lot 1 DP 334361, Lot 1 DP 335827, Lot 1 DP 358695, Lot 1 DP 376323, Lot 1 DP 455733, Lot 1 DPS 15562, Lot 1 DPS 22142, Lot 1 DPS 25136, Lot 1 DPS 28261, Lot 1 DPS 29248, Lot 1 DPS 34036, Lot 1 DPS 46346, Lot 1 DPS 47424, Lot 1 DPS 58037, Lot 1 DPS 63352, Lot 1 DPS 67477, Lot 1 DPS 75706, Lot 1 DPS 83378, Lot 2 DP 308914, Lot 2 DP 312559, Lot 2 DP 335827, Lot 2 DP 358695, Lot 2 DPS 29248, Lot 2 DPS 81965, Lot 3 DP 308914, Lot 3 DP 334361, Lot 3 DP 358695, Lot 3 DPS 74149, Lot 3 DPS 83378, Lot 4 DP 334361, Lot 4 DPS 74149, Lot 5 DP 334361, Lot 5 DPS 74149, Lot 6 DP 334361, Lot 6 DPS 31136, Lot 7 DP 316559, Part A (Section 1 Block IV & Section 1 Block VII) Waihi South Survey District, Part Allot 11 Matatā PSH, Part Allot 328 Matatā PSH, Part Allot 335 Matatā PSH, Part Allot 63A Matatā PSH, Part Allot 63D Matatā PSH, Part Allot 63D12A1 Matatā PSH, Part Allot 63D12A2 Matatā PSH, Part Allot 63D12A2B Matatā PSH, Part Allot 63D7B Matatā PSH, Part Allot 63Z Matatā PSH, Part Allot 857 Matatā PSH, Part Lot 1 DP 31868, Part Lot 1 DP 32549, Part Lot 2 DP 32549, Section 20 Block VIII Waihi South SD, Allot 1361 Matatā PSH, Closed Road Survey Office Plan 44954, Crown Land Survey Office Plan 365/1, Part Allot 108A Matatā PSH, Part Allot 3 Matatā PSH, Part Allot 4 Matatā PSH, Part Allot 5 Matatā PSH, Part Allot 6 Matatā PSH, Part Allot 7 Matatā PSH, Part Allot 8 Matatā PSH, Part Section 2 Blk VI Awaateatua SD, Part Section 5 Blk VI Awaateatua SD, Part Section 6 Blk VI Awaateatua SD, River Bed Survey Office Plan 45343, Section 1 Block I Awaateatua SD, Section 2 Block I Awaateatua SD, Section 2 SO 376302, Section 3 Block VI Awaateatua SD, Section 3 SO 376302	101A, 501A, 502A, 504A
L2	Pūtauaki / Mt. Edgecumbe	Lot 1 DP 326468, Lot 3 DP 326468	508A
L3	Te Urewera	Apitihana Y Block, Crown Land, Crown Land Block ML 13970, Crown Land Block ML 13972, Crown Land Survey Office Plan 22876, Crown Land Survey Office Plan 22898, Crown Land Survey Office Plan 22918, Crown Land Survey Office Plan 22936, Crown Land Survey Office Plan 23060, Crown Land Survey Office Plan 23066, Crown Land Survey Office Plan 23444, Hauwai Block, Heipipi Block, Hiwi O Tewera T Block, Houhi Block, Huinga o Ngakaahu B Block, Hukanui Block, Kaihapūku Block, Keteanoa No. 2 Block, Kotipu 2 Block, Lot 1 DP 390064, Lot 1 DPS 33793, Lot 1 DPS 55557, Lot 1 DPS 89317, Lot 2 DP 325338, Lot 2 DP 390064, Lot 2 DP 447147, Lot 3 DPS 57693, Lot 3 DPS 81112, Lot 3 DPS 81916, Mangapai Block, Maungapohatu Block, Nihaohataka Block,	513A, 514A, 516A, 517A, 518A, 520A, 521A, 522A, 524A, 525A, 526A, 528A, 529A, 530A

ID	Name	Legal Description	Planning Map No
		<p>Ohau Block, Ohiro Urupa Block ML 13900, Omakoi A1 Block, Omakoi A2 Block, Omakoi B1 Block, Omakoi B2 Block, Opei B Block, Opuatawhiro B No. 2 Block, Otohoro Block, Otuiti 1 Block, Otuiti 2A and 2B Block, Otuiti 2C and 2D Block, Oueariu Block, Papaohaki 1 Block, Papaohaki 2 Block, Papueru A Block, Paripari Block, Part Kahuwaea 1 Block, Part Kuhawaea 1 Block, Part Opunua B Block, Part Pamatanga B Block, Part Ruatahuna Block, Part Section 1 Block XII Urewera SD, Part Section 11 Block XIV Galatea SD, Part Section 5 Block VI Ahikereru SD, Part Te Whaiti-Nui-A-Toi, Part Urewera A Block, Pawharaputoko T Block, Raketihaui Block, Ruahine Block, Ruatahuna A Block, Ruatoki C61 Block, Section 1 Block III Galatea SD, Section 1 Block III Urewera SD, Section 1 Block IV Urewera SD, Section 1 Block VI Urewera SD, Section 1 Block VII Urewera SD, Section 1 Block VII Waimana SD, Section 1 Block VIII Urewera SD, Section 1 Block X Waimana SD, Section 1 Block XI Ahikereru SD, Section 1 Block XI Galatea SD, Section 1 Block XI Waimana SD, Section 1 Block XV Waimana SD, Section 1 Block XVI Ahikereru SD, Section 1 Block XVI Urewera SD, Section 10 Block XVI Ahikereru SD, Section 12 Block VII Galatea SD, Section 13 Block VII Galatea SD, Section 15 Block XIV Galatea SD, Section 16 Block VII Galatea SD, Section 17 Block VII Galatea SD, Section 2 Block III Urewera SD, Section 2 Block IV Urewera SD, Section 2 Block VII Waimana SD, Section 2 Block VIII Urewera SD, Section 2 Block XI Waimana SD, Section 2 Block XII Urewera SD, Section 2 Block XIV Waimana SD, Section 2 Block XV Waimana SD, Section 2 Block XVI Ahikereru SD, Section 2 Block XVI Urewera SD, Section 20 Block X Galatea SD, Section 20 Block XIV Galatea SD, Section 21 Block X Galatea SD, Section 24 Block X Galatea SD, Section 24 Block XIV Galatea SD, Section 3 Block III Galatea SD, Section 3 Block IV Urewera SD, Section 3 Block V Ahikereru SD, Section 3 Block VII Waimana SD, Section 3 Block VIII Urewera SD, Section 3 Block XI Waimana SD, Section 3 Block XII Urewera SD, Section 3 Block XV Waimana SD, Section 3 Block XVI Ahikereru SD, Section 3 Block XVI Urewera SD, Section 3 SO 395798, Section 38 Block X Galatea SD, Section 39 Block X Galatea SD, Section 4 Block IV Urewera SD, Section 4 Block VI Ahikereru SD, Section 4 Block VIII Urewera SD, Section 4 Block XII Urewera SD, Section 4 Block XV Waimana SD, Section 4 Block XVI Ahikereru SD, Section 4 Block XVI Urewera SD, Section 40 Block X Galatea SD, Section 5 Block IV Urewera SD, Section 5 Block VIII Urewera SD, Section 5 Block XII Urewera SD, Section 5 Block XV Waimana SD, Section 5 Block XVI Ahikereru SD, Section 5 Block XVI Urewera SD, Section 6 Block IV Urewera SD, Section 6 Block VI Ahikereru SD, Section 6 Block VIII Urewera SD, Section 7 Block IV Urewera SD, Section 7 Block V Ahikereru SD, Section 7 Block VI Ahikereru SD, Section 7 Block VIII Urewera SD, Section 7 Block XI Galatea SD, Section 7 Block XVI Ahikereru SD, Section 7 Block XVI Urewera SD, Section 8 Block IV Urewera SD, Section 8 Block V Ahikereru SD, Part Maungapohatu Block, Paharakeke Block, Part Manuoha Block, Part Urewera A Block, Ahiherua Block, Section 8 Block VIII Urewera SD, Section 8 Block XI Ahikereru SD, Section 8 Block XIV Galatea SD, Section 8 Block XVI Ahikereru SD, Section 9</p>	

ID	Name	Legal Description	Planning Map No
		Block VII Galatea SD, Tahuaroa T Block, Tarahore 2 Block, Taumaha A1T Block, Taumaha B No. 4T Block, Tawhana No 2 Block Block, Tawhana No 3 Block Block, Tawhana No 4 Block Block, Tawhana No 6 Block Block, Te Huia Block, Te Kaawa 3 Block, Te Kopua Block, Te Korapa Block, Te Manawa O Tūhoe A Block, Te Pa O Tamaruarangi Block, Te Pae O Tūhoe Block, Te Rere Block, Te Roto Block, Te Taura-A-Te Pukuatua Block, Te Whaiti ResidueA Block, Tiritiri Block, Tuapou B1 and B2 Block, Tuapou B3B and B4 Subdivision B Block, Tuapou B6 and B7 Block, Tuapou B8 Block, Tutu Block, Tuturitanga Block, Waikotikoti 1 Block, Waitapu Block, Whakarae B Block, Whanganui A Block, Whanganui B Block, Wharekakaho T Block	
L4	Whirinaki Te-Pua-a-Tāne Conservation Park	Crown Land, Heruiwi 4F1 Block, Heruiwi No 4F No 2 Block, Lot 1 DPS 53142, Lot 2 DPS 47427, Minginui A Block, Minginui B1 Block, Minginui B2 Block, Ngahuinga Block, Part Heruiwi 4B1 Block, Part Minginui E (Roadway) Block, Part Minginui E Block, Part Ponaua A Block, Part Section 1 Block V Ahikereru SD, Part Section 1 Block X Ahikereru SD, Part Section 1 Block XIII Ahikereru SD, Part Section 1 Block XVI Wheao SD, Part Section 2 Block XIII Ahikereru SD, Part Section 3 Block XIII Ahikereru SD, Part Section 4 Block XIII Ahikereru SD, Part Section 5 Block XIII Ahikereru SD, Part Section 6 Block XI Ahikereru SD, Part Section 9 Block X Ahikereru SD, Part Te Whaiti-Nui-A-Toi, Part Urewera A (Roadway) Block, Part Urewera A Block, Part Whirinaki 1No1 Block, Part Whirinaki 1No3 Block, Part Whirinaki 2No2 Block, Section 1 Block IV Heruiwi SD, Section 1 Block IX Ahikereru SD, Section 1 SO 428388, Section 1 SO 428389, Section 1 SO 428390, Section 1 SO 428391, Section 1 SO 431517, Section 1 SO 431558, Section 1 SO 433101, Section 1 SO 57000, Section 11 Block I Ahikereru SD, Section 17 Block I Ahikereru SD, Section 2 Block XI Ahikereru SD, Section 2 SO 431517, Section 2 SO 431558, Section 2 SO 432635, Section 2 SO 433064, Section 2 SO 56989, Section 2 SO 57000, Section 3 SO 433064, Section 4 SO 433101, Section 5 SO 432338, Section 6 SO 432338, Section 7 Block V Ahikereru SD, Section 7 SO 432338, Section 7 SO 433101, Section 8 Block XIII Ahikereru SD, Section 8 SO 432338, Waireporepo No.1, Waireporepo No.2F, Waituhi Block, Section 8 SO 433101, Heruiwi 4I Block, Heruiwi 4H Block, Heruiwi 4G Block, Part Urewera A Block	137A, 520A, 523A, 524A, 527A, 528A, 531A, 532A
L5	Kohi Point	Allot 538 Waimana PSH, Allot 739 Waimana PSH, Allot 791 Waimana PSH, Allot 792 Waimana PSH, Lot 1 DP 20477, Lot 1 DP 26948, Lot 1 DP 410087, Lot 1 DPS 26804, Lot 1 DPS 31226, Lot 1 DPS 85162, Lot 10 DPS 26458, Lot 10 DPS 9603, Lot 11 DPS 20581, Lot 11 DPS 9603, Lot 12 DP 20477, Lot 15 DP 20477, Lot 2 DPS 19437, Lot 2 DPS 2301, Lot 3 DPS 2301, Lot 3 DPS 26804, Lot 3 DPS 27529, Lot 31 DPS 9603, Lot 4 DP 20477, Lot 4 DPS 27529, Lot 40 DP 24647, Lot 5 DP 20477, Lot 51 DP 21328, Lot 6 DPS 62382, Lot 7 DPS 62382, Part Allot 39 TN OF Whakatāne, Part Allot 537 Waimana PSH, Part Lot 1 DP 25400, Part Lot 1 DP 29191	107A, 110A, 111A, 505A
L6	Ōhope Spit Distal End	Allot 644 Waimana PSH, Lot 1 DPS 83744, Lot 10 DPS 73856, Section 1 SO 331006, Section 1 SO 355091, Section 2 SO 331004, Section 2 SO 331006	124A, 125A, 126A, 127A, 506A
L7	Whakatāne / Piripai Spit Distal End	Allot 27 Rangitāiki PSH, Lot 1 DPS 19874, Part Lot 2 DP 32234	106A, 107A, 505A

ID	Name	Legal Description	Planning Map No
L8	Matatā Bush Scenic Reserve	Allot 108 Matatā PSH, Allot 213 Matatā PSH, Lot 1 DPS 25135, Lot 1 DPS 25136, Lot 1 DPS 44432, Lot 1 DPS 67477, Lot 16 DP 381509, Lot 18 DP 363632, Lot 2 DPS 3775, Lot 2 DPS 44432, Part Allot 227 Matatā PSH, Part Allot 833 Matatā PSH, Part Section 1 Block II Awaateatua SD, Part Section 1 Block VI Awaateatua SD, Section 1 SO 57191, Section 2 SO 330120, Section 3 SO 329119	101A, 502A, 504A
L9	Rotoma Forest (part)	Closed Road Survey Office Plan 39416, Kawerau A 10 Block ML 416486, Kawerau A 12 Block, Kawerau A13 Block, Lot 1 DPS 13687, Lot 5 DP 359761, Lot 6 DPS 69598, Lot 7 DPS 69598, Part Allot 39A Matatā PSH, Part Allot 39A3E Matatā PSH, Part Allot 889 Matatā PSH, Part Lot 39A Sec 4 PSH OF Matatā, Part Section 1 Block XII Rotoma SD, Part Section 10 Block XI Rotoma SD, Part Section 11 Block XI Rotoma SD, Part Section 15 Block XI Rotoma SD, Part Section 3 Block XII Rotoma SD, Part Section 9 Block XII Rotoma SD, Section 1 SO 329118, Section 1 SO 330119, Section 11 Block VIII Rotoma SD, Section 19 Block XI Rotoma SD, Section 2 SO 330676, Section 20 Block XI Rotoma SD, Section 21 Block XI Rotoma SD, Section 22 Block XI Rotoma SD, Section 23 Block XI Rotoma SD, Section 24 Block XI Rotoma SD, Section 25 Block XI Rotoma SD, Section 26 Block XI Rotoma SD, Section 27 Block XI Rotoma SD, Section 28 Block XI Rotoma SD, Section 29 Block XI Rotoma SD, Section 30 Block XI Rotoma SD, Section 31 Block XI Rotoma SD, Section 32 Block XI Rotoma SD, Section 33 Block XI Rotoma SD, Section 34 Block XI Rotoma SD, Section 35 Block XI Rotoma SD, Section 36 Block XI Rotoma SD, Section 4 Block XI Rotoma SD, Lot s DP 424876, Section 1 SO 58838	507A, 508A
L10	Pohutukawa Coastal Forest	Allot 567 Waimana PSH, Allot 568 Waimana PSH, Allot 790 Waimana PSH, Allot 794 Waimana PSH, Allot 796 Waimana PSH, Lot 1 DP 23964, Lot 2 DP 23964, Lot 6 DP 311486, Part Allot 573 Waimana PSH	111A, 115A, 117A, 118A, 505A, 506A
L11	Nukuhou Uplands (part)	Allot 183A1 Waimana PSH, Allot 185B1A Waimana PSH, Lot 185 A1 Parish of Waimana, Lot 185B No 2 PSH OF Waimana, Lot 2 DPS 11207, Lot 4 DPS 11207, Lots 183B & 184 Sec 3B Parish of Waimana, Lots 183B & 184 Sec 3C Parish of Waimana, Part Allot 183 Waimana PSH, Part Allot 186 Waimana PSH, Part Allot 334 Waimana PSH, Part Allot 356 Waimana PSH, Part Lot 1 DP 28012, Part Lot 2 DP 28012, River Bed Survey Office Plan 45647, Waimana 183 A2 Block, Waimana 185B 1B Block, Waimana Lots 183B & 184 Sec 1, Waimana Lots 183B & 184 Sec 2	510A
L12	Uretara Island	Allot 284 Waimana PSH	126A, 506A, 510A

17.7.2 Schedule of Significant Amenity Landscapes

ID	Name	Legal Description	Planning Map No
SAL1	Whakatāne Urban Escarpment	Allot 15 Waimana PSH, Allot 553 Waimana PSH, Allot 667 Waimana PSH, Allot 719 Waimana PSH, Allot 720 Waimana PSH, Lot 1 DP 11121, Lot 1 DP 26404, Lot 1 DP 28268, Lot 1 DP 29209, Lot 1 DP 307089, Lot 1 DP 324171, Lot 1 DP 342330, Lot 1 DP 376365, Lot 1 DP 378572, Lot 1 DPS 11572, Lot 1 DPS 12112, Lot 1 DPS 16121, Lot 1 DPS 18181, Lot 1 DPS 19749, Lot 1 DPS 23168, Lot 1 DPS 23201, Lot 1 DPS 23350, Lot 1 DPS 25420, Lot 1 DPS 2633, Lot 1 DPS 27435, Lot 1 DPS 28567, Lot 1 DPS 30628, Lot 1 DPS 3559, Lot 1 DPS 3822, Lot 1 DPS 3823, Lot 1 DPS 42042, Lot 1 DPS 44243, Lot 1 DPS 47029, Lot 1 DPS 5226, Lot 1 DPS 548, Lot 1 DPS 55885, Lot 1 DPS 5596, Lot 1 DPS 5675, Lot 1 DPS 5818, Lot 1 DPS 62757, Lot 1 DPS 64330, Lot 1 DPS 64604, Lot 1 DPS 67429, Lot 1 DPS 6865, Lot 1 DPS 70617, Lot 1 DPS 75930, Lot 1 DPS 79852, Lot 1 DPS 8054, Lot 1 DPS 82045, Lot 1 DPS 85162, Lot 1 DPS 86710, Lot 1 DPS 88166, Lot 1 DPS 88947, Lot 1 DPS 90431, Lot 10 DP 28167, Lot 10 DPS 21261, Lot 10 DPS 3559, Lot 11 DP 29360, Lot 11 DPS 21261, Lot 11 DPS 83168, Lot 12 DPS 21261, Lot 12 DPS 83168, Lot 13 DPS 21261, Lot 13 DPS 83168, Lot 14 DPS 21261, Lot 15 DPS 21261, Lot 15 DPS 83168, Lot 16 DPS 21261, Lot 17 DP 24648, Lot 17 DPS 21261, Lot 18 DPS 21261, Lot 2 DP 18869, Lot 2 DP 21521, Lot 2 DP 29209, Lot 2 DP 307089, Lot 2 DP 324171, Lot 2 DP 342330, Lot 2 DP 376365, Lot 2 DP 378572, Lot 2 DPS 12112, Lot 2 DPS 17399, Lot 2 DPS 19749, Lot 2 DPS 23350, Lot 2 DPS 25269, Lot 2 DPS 25420, Lot 2 DPS 3139, Lot 2 DPS 3559, Lot 2 DPS 3822, Lot 2 DPS 44243, Lot 2 DPS 47029, Lot 2 DPS 5226, Lot 2 DPS 58645, Lot 2 DPS 62757, Lot 2 DPS 64330, Lot 2 DPS 64604, Lot 2 DPS 6865, Lot 2 DPS 70617, Lot 2 DPS 7601, Lot 2 DPS 79852, Lot 2 DPS 8054, Lot 2 DPS 86710, Lot 2 DPS 88166, Lot 2 DPS 88947, Lot 24 DP 23953, Lot 25 DP 23953, Lot 26 DPS 83168, Lot 27 DP 23953, Lot 27 DPS 83168, Lot 28 DP 23953, Lot 3 DP 324171, Lot 3 DP 342330, Lot 3 DPS 13621, Lot 3 DPS 15862, Lot 3 DPS 19749, Lot 3 DPS 2524, Lot 3 DPS 25269, Lot 3 DPS 25420, Lot 3 DPS 26804, Lot 3 DPS 2832, Lot 3 DPS 3139, Lot 3 DPS 3559, Lot 3 DPS 3822, Lot 3 DPS 44243, Lot 3 DPS 47029, Lot 3 DPS 58645, Lot 3 DPS 64330, Lot 3 DPS 805, Lot 3 DPS 86710, Lot 3 DPS 88947, Lot 333 DPS 50135, Lot 334 DPS 50135, Lot 335 DPS 45445, Lot 336 DPS 45445, Lot 337 DPS 45445, Lot 338 DPS 45445, Lot 339 DPS 45446, Lot 34 DPS 21262, Lot 340 DPS 45446, Lot 341 DPS 45446, Lot 342 DPS 45446, Lot 35 DPS 21262, Lot 36 DPS 21262, Lot 37 DPS 21262, Lot 38 DP 12355, Lot 38 DPS 21261, Lot 39 DPS 21261, Lot 4 DP 21521, Lot 4 DP 29360, Lot 4 DP 324171, Lot 4 DPS 21260, Lot 4 DPS 2524, Lot 4 DPS 25269, Lot 4 DPS 3559, Lot 4 DPS 47029, Lot 4 DPS 86710, Lot 40 DPS 21261, Lot 42 DPS 21262, Lot 47 DP 11806, Lot 47 DPS 21261, Lot 48 DPS 21261, Lot 49 DPS 21261, Lot 5 DPS 21260, Lot 5 DPS 25269, Lot 5 DPS 3139, Lot 5 DPS 3559, Lot 5 DPS 45446, Lot 5 DPS 50135, Lot 5 DPS 58645, Lot 5 DPS 86710, Lot 50 DPS 21261, Lot 51 DPS 21261, Lot 52 DPS 21261, Lot 53 DPS 21261, Lot 6 DPS 11572, Lot 6 DPS 21261, Lot 6 DPS 25269, Lot 6 DPS 3139, Lot 6 DPS 3559, Lot 6 DPS 86710, Lot 61 DP 24647, Lot 7 DPS 21261, Lot 7 DPS	110A, 113A, 114A, 116A, 505A

ID	Name	Legal Description	Planning Map No
		25269, Lot 7 DPS 3139, Lot 7 DPS 3559, Lot 8 DPS 21261, Lot 8 DPS 3139, Lot 8 DPS 3559, Lot 9 DPS 21261, Lot 9 DPS 3559, Lot 9 DPS 86710, Lot 94 DP 11056, Part Allot 245 Waimana PSH, Part Allot 39 TN OF Whakatāne, Part Lot 2 DPS 15603, Part Lot 2 DPS 2524, Part Lot 2 DPS 56858, Part Lot 2 DPS 9944, Part Lot 245 DPS 805, Part Lot 29 DP 23953, Part Lot 45 DPS 21263, Part Lot 5 DPS 2832, Part Lot 56 DP 24647, Part Lot 57 DP 24647, Part Lot 7 DP 29360, Section 51 TN OF Whakatāne	
SAL2	Lake Matahina	Lot 1 DPS 77091, Lot 3 DPS 22583, Omataroa Rangitāiki 2 Block, Part Lot 2 DP 22523, Part Matahina A1D Block, Part Section 1 Block III Rangitāiki Lower SD, Part Section 13 Block III Rangitāiki Lower SD, Section 1 SO 60956, Section 1 SO 60978, Section 12 Block III Rangitāiki Lower SD, Section 2 SO 60956, Section 2 SO 60978	133A, 508A, 512A
SAL3	Lake Aniwaniwa	Lot 1 DPS 32402, Lot 1 DPS 33181, Lot 1 DPS 33233, Lot 1 DPS 86331, Lot 2 DPS 45829, Lot 4 DPS 30333, Lot 5 DPS 30235, Lot 5 DPS 30502, Matahina F Block, Part Lot 1 DPS 6675, Part Lot 2 DPS 550, Part Lot 3 DPS 6675, Part Section 50 Block VI Galatea SD, River Bed, River Bed Survey Office Plan 53513, Section 16 Block II Galatea SD, Section 17 Block II Galatea SD, Section 18 Block II Galatea SD, Section 2 SO 51661, Section 3 SO 51661, Section 4 SO 51661, Section 5 SO 51661, Section 6 SO 51661, Section 7 SO 51661, Section 8 SO 51661, Stream Bed Deposited Plan South Auckland 86331	516A
SAL4	Pohutukawa Coastal Forest Edge Above Ōhope	Allot 555 Waimana PSH, Allot 562 Waimana PSH, Allot 581 Waimana PSH, Allot 797 Waimana PSH, Lot 1 DP 25695, Lot 1 DP 26303, Lot 1 DP 359008, Lot 1 DPS 41723, Lot 1 DPS 77509, Lot 10 DP 26303, Lot 11 DP 26303, Lot 18 DP 26303, Lot 2 DP 359008, Lot 2 DPS 41723, Lot 2 DPS 77509, Lot 2 DPS 79875, Lot 20 DP 26303, Lot 21 DP 26303, Lot 22 DP 26303, Lot 23 DP 26303, Lot 24 DP 26303, Lot 25 DP 26303, Lot 26 DP 26303, Lot 27 DP 26303, Lot 3 DP 26303, Lot 3 DP 309834, Lot 3 DP 330015, Lot 3 DP 408391, Lot 3 DPS 41723, Lot 3 DPS 72116, Lot 4 DPS 77467, Lot 5 DPS 72116, Lot 6 DP 26303, Part Allot 245 Waimana PSH, Part Allot 246A2 Waimana PSH, Part Allot 537 Waimana PSH, Part Lot 1 DPS 39043, Part Lot 2 DP 26918, Part Lot 2 DP 34218, Part Lot 2 DPS 35854, Part Lot 58 DP 15982	111A, 117A, 505A
SAL5	Thornton Dunelands	Allot 107 Rangitāiki PSH, Allot 108 Rangitāiki PSH, Allot 109 Rangitāiki PSH, Allot 110 Rangitāiki PSH, Allot 177 Rangitāiki PSH, Customary Māori Land (Urupa) Block ML 18814, Drain Reserve, Lot 1 DP 304894, Lot 1 DP 343428, Lot 1 DP 401561, Lot 1 DP 403110, Lot 1 DP 412282, Lot 1 DP 414553, Lot 1 DP 427952, Lot 1 DP 428791, Lot 1 DP 441419, Lot 1 DPS 11376, Lot 1 DPS 11579, Lot 1 DPS 32370, Lot 1 DPS 35144, Lot 1 DPS 47185, Lot 1 DPS 66961, Lot 1 DPS 68217, Lot 1 DPS 8392, Lot 1 DPS 89747, Lot 10 DP 411794, Lot 2 DP 304894, Lot 2 DP 343428, Lot 2 DP 381328, Lot 2 DP 401561, Lot 2 DP 412282, Lot 2 DP 414553, Lot 2 DP 415258, Lot 2 DP 427952, Lot 2 DP 428791, Lot 2 DP 441419, Lot 2 DPS 35144, Lot 2 DPS 4088, Lot 2 DPS 70322, Lot 2 DPS 76138, Lot 2 DPS 79427, Lot 2 DPS 92070, Lot 3 DP 304894, Lot 3 DP 343428, Lot 3 DP 401561, Lot 3 DP 412282, Lot 3 DP 440491, Lot 3 DPS 35144, Lot 3 DPS 70322, Lot 4 DP 304894, Lot 4 DP 343428, Lot 4 DP 440491, Lot 4 DPS 35144, Lot 5 DP 304894, Lot 5 DP 343428, Lot 6 DP 304894, Lot 6 DP 343428, Lot 7 DP 343428, Lot 9 DP	102A, 504A, 505A

ID	Name	Legal Description	Planning Map No
		411794, Part Allot 103 Rangitāiki PSH, Part Allot 141 Rangitāiki PSH, Part Allot 176 Rangitāiki PSH, Part Allot 271 Rangitāiki PSH, Part Allot 272 Rangitāiki PSH, Part Allot 273 Rangitāiki PSH, Part Allot 274 Rangitāiki PSH, Part Lot 2 DPS 11579, Part Section 10 Block V Awaateatua SD, Part Section 3 Block V Awaateatua SD, River Bed, Section 1 SO 331003, Section 1 SO 332912, Section 1 SO 373669, Section 11 Block V Awaateatua SD, Stopped Road Survey Office Plan 53653	
SAL6	Ōhakana Island	Lot 1 DPS 14588, Lot 1 DPS 497, Lot 10 DPS 14589, Lot 2 DPS 14588, Lot 3 DPS 14588, Lot 4 DPS 14588, Lot 5 DPS 14588, Lot 6 DPS 14588, Lot 7 DPS 14589, Lot 8 DPS 14589, Lot 9 DPS 14589	121A, 122A, 506A



CHAPTER 18

NATURAL HAZARDS

*Te Mana Tipua o Tāwhirimātea raua
ko Ruāumoko*

18 Natural Hazards

18.1 OBJECTIVES AND POLICIES

Objective Haz1 *Manage the subdivision, use, development and protection of land so as to avoid or mitigate the adverse effects of natural hazards on the life and wellbeing of people, and significant environmental values.*

Policy 1 To avoid modification of natural features and processes for the purposes of natural hazard management unless research and community consultation justifies the need for modification by being the best practicable option.

Policy 2 To avoid or mitigate the adverse effects of building within high fire risk areas.

Policy 3 To avoid or mitigate the adverse effects of the subdivision, use or development of land which is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

Policy 4 To avoid or mitigate the adverse effects of the subdivision, use or development of land that is likely to accelerate, worsen or result in material damage to that land, or other land, or structures, by erosion, falling debris, subsidence, slippage or inundation from any source.

Policy 5 To take into account the extent and nature of seismic hazards to avoid, remedy or mitigate adverse effects on activities in suspected earthquake risk areas.

Policy 6 To encourage the retention and enhancement of natural areas and landforms such as dunes and wetlands which play an important role in hazard mitigation.

Policy 7 To ensure that new structures (including associated stormwater disposal systems, septic tanks, sewer lines and water mains) shall not be sited, designed or constructed to have an adverse effect on the stability of the escarpment in Whakatāne or Ōhope.

Policy 8 To manage vegetation and earthworks on the escarpment in Whakatāne and Ōhope to assist in stabilising the slope.

Policy 9 To manage the margins of streams to reduce the risk of damage from flooding and debris flow hazards affecting townships.

Policy 10 To provide for the continued operation, maintenance and upgrading of existing lawfully established activities and of infrastructure that provides an essential service for people and communities.

Policy 11 To manage the avoidance or mitigation of natural hazards according to their level of risk.

Policy 12 To take into account the effects of climate change when identifying hazards and the locations where those hazards could adversely affect people and property.

Policy 13 To assess the natural hazard risk from Debris Flows on the Awatarariki fanhead at Matatā by undertaking a risk analysis using the methodology set out in Australian Geomechanics Society, Landslide Risk Management, Australian Geomechanics, Vol 42, No 1 March 2007.

Policy 14 Awatarariki Debris Flow Policy Area
a. To reduce the level of natural hazard risk in the **Awatarariki High Risk Debris Flow Policy Area** from high to medium levels (and lower if reasonably practicable);

- b. To reduce the level of natural hazard risk in the **Awatarariki Medium Risk Debris Flow Policy Area** from medium to as low as reasonably practicable;
- c. To maintain the level of natural hazard risk in the **Awatarariki Low Risk Debris Flow Policy Area** to within the low natural hazard risk range.

Objective Haz2 *To protect natural and physical resources and provide for the economic wellbeing and safety of people and communities by:*

- a. avoiding the effects of coastal erosion on the use, subdivision and development of land in the Coastal Hazard Erosion Policy Area (CHEPA);*
- b. avoiding or mitigating the effects of coastal flooding on the use, subdivision and development of land in the Coastal Hazard Flood Policy Area (CHFPA); and*
- c. avoiding, remedying or mitigating the effects of land use, subdivision and development on the coastal environment.*

Policy 1 To avoid or mitigate subdivision, use or development in the **CHEPA** where it may aggravate instability or erosion of the coastal dune system, or fails to consider the effects of rising sea levels and inundation by the application of the following management regimes:

- a. avoidance of further buildings and structures within the **CHEPA**.
- b. **relocation** of existing buildings and structures landward of the **CHEPA**.
- c. avoidance of new subdivision and use in the Current Erosion Risk Zone (CERZ).
- d. mitigation of the effects of new subdivision or use on coastal erosion in the 2060 and 2100 Erosion Risk Zones (ERZs).

Policy 2 To retain and actively provide for the preservation, and where possible the enhancement, of natural areas and landforms, such as dunes and wetlands, which play an important role in hazard mitigation.

Policy 3 To ensure **dwelling**s and habitable buildings located in the **CHFPA** are erected at or above the minimum building floor level identified for the site.

Policy 4 To avoid, remedy or mitigate the effects of development on overland flowpaths and natural ponding areas in accordance with their identified purpose.

Policy 5 To ensure that access to property within the **CHFPA** is established and maintained in a manner that avoids remedies or mitigates adverse effects on the environment while providing for the safety of the residents within the area.

Policy 6 To ensure new buildings and other structures (including the foundation structures of buildings) within the **CHEPA** are able to be **practically moved** to a location landward of the **CHEPA** when threatened with exposure to coastal erosion.

Policy 7 To ensure that following demolition, **relocation** or removal of buildings and other structures from the **CHEPA**, the foredune is reinstated to maintain, or enhance, its natural buffering capacity.

Policy 8 To maintain or enhance the natural buffering effect of the foredune area by prohibiting new buildings and structures within the CERZ.

- Policy 9 To enable land use and development of land in the 2060 and 2100 ERZs only where the activity maintains or enhances the natural buffering effect of the foredune.
- Policy 10 To enable the establishment of new **dwelling**s in the 2060 ERZ and 2100 ERZ where an **Alternative Building Site** is provided and held within the same Certificate of Title as the newly established **dwelling**.
- Policy 11 To prohibit the creation of new **lots** located wholly within the CERZ unless such **lots** are created to vest in the **Council** as reserve or for the protection of the foredune area, or required as a **network utility lot**.
- Policy 12 To provide for the creation of new **lots** partially located within the Current, 2060 and/or 2100 ERZ only where an **Alternative Building Site** can be provided, unless such **lots** are created to vest in the **Council** as reserve, or required as a **network utility lot**, or where all buildings are removed from the **CHEPA**.
- Policy 13 To enable the establishment of “soft” protection works constructed or undertaken in accordance with a design prepared by a suitably qualified **professional experienced in coastal processes**.
- Policy 14 To avoid the establishment of “hard” protection works unless the structures are necessary to provide protection of existing infrastructure of national or regional importance, vehicular lifeline access and to protect stream banks.
- Policy 15 To enable **maintenance** and upgrading of existing public roads, car-parks and related **facilities**, located within the **CHEPA** provided that beach or dune **reinstatement** is undertaken at the completion of such works. Work undertaken shall have the least **impact possible** on the dune system and, wherever possible, enhance the buffering abilities of the foredune.
- Policy 16 To enable the **maintenance** and minor upgrading of existing **network utility services**, including **stormwater discharge structures**, located within the **CHEPA**, and to provide for the establishment of new **network utility services**, where the new services are required to be located within the **CHEPA** to fulfil their function and there is no alternative location, provided that beach or dune **reinstatement** is undertaken at the completion of such works. **Maintenance work**, upgrading and new works may include, work to reduce the structure’s impact on the dune system and, wherever possible, shall enhance the buffering abilities of the foredune.
- Policy 17 To provide for in the CHEPA and CHFPA the **maintenance**, development, or enhancement of **public reserves**, urupā or reserves held in perpetuity for the community’s benefit, and works associated with any Operative Reserves Management Plan or approved Regional Coast care programmes, subject to compliance with all other requirements of the District Plan.
- Any works undertaken shall, wherever possible, maintain or enhance;
- a. the natural buffering abilities of the dune system;
 - b. the provision of overland flowpaths and natural ponding areas;
 - c. the natural and existing character of the environment;
 - d. the purpose for which the reserve is set aside.
- Any works undertaken should maintain or enhance the purpose of the reserve and some change to the natural and/or existing character of the environment may be allowed.

Advice Note: Consent may also be required from the Bay of Plenty Regional Council.

18.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities.

18.2.1 Activity Status Table Coastal Erosion Risk Zones

Key

P = Permitted
 C = Controlled
 RD = Restricted Discretionary
 D = Discretionary
 NC = Non-Complying
 Pr = Prohibited

Activity		CHEPA		
		CERZ	2060 ERZ	2100 ERZ
1.	Beach replenishment, planting and restoration works associated with approved regional Coastcare programmes.	P		
2.	Beach grooming and cleaning operations on any beach abutting an urbanised settlement area.	P		
3.	The management or removal of vegetation and fauna as required to promote/protect the natural buffering ability of the dune system, tree husbandry, and/or pest control operations.	P		
4.	The erection and/or placement of Minor Structures or Works, as defined in Chapter 21 (Definitions) , on private property.	P		
5.	The maintenance, replacement or minor alteration of existing structures and buildings contained in the envelope created by the external surfaces of the existing structure or building provided that the requirements of section 10 of the RMA are met.	P		
6.	The construction of decks that meet the definition of “practically moved” that do not exceed a total of 30m ² in area, per dwelling unit.	P		
7.	Informal recreation and leisure activities, including the movement of people and vehicles, unless otherwise restricted or prohibited by another provision in the District Plan.	P		
8.	Surf life-saving activities and associated temporary structures.	P		
9.	Temporary commercial services, commercial recreation or retail activities.	P		
10.	The erection of new, and the minor upgrading and maintenance of existing, network utilities and related structures in the road reserve. (This rule shall apply unless an alternative activity status is stipulated elsewhere in the District Plan. Standards and terms for the underlying zone shall also apply).	P		
11.	Alterations or additions to, or replacement of, any existing lawfully established building or structure after 29 October 2008, that; a. proposes an additional floor area at ground level that does not in total exceed 20m ² in area, or; b. proposes an additional floor area in total of 50m ² including any upper floors and decks but not exceeding 20m ² at ground level ; At any upper floor level no addition shall project further	RD	P	P

	seaward than the existing building or structure, unless cantilevered from the existing structure.			
12.	Relocation of a building to an approved Alternative Building Site in accordance with a plan approved in a subdivision consent.	P	P	P
13.	Demolition and/or removal of a building or structure.	RD	P	P
14.	Construction of a new dwelling , or an additional dwelling , other buildings or structures or alterations , additions or replacement of existing ones not protected by existing use rights where an Alternative Building Site can be provided, and construction is not otherwise provided by the following rules in the this table: Rules 4, 5, 6, 8, 10, 11, 20, 21, 22 23, 24, 25, 26 or 28.	Pr	RD	C
15.	Construction of a new dwelling , or an additional dwelling , other buildings or structures or alterations , additions or replacement of existing ones not protected by existing use rights where no Alternative Building Site can be provided, and construction is not otherwise provided by Rules 4, 5, 6, 8, 10, 11, 20, 21, 22 23, 24, 25, 26 or 28.	Pr	NC	D
16.	Two or more dwellings per title where both or all of those dwellings is located within or partly within the CHEPA	Pr	NC	NC
17.	The disposal of domestic stormwater and wastewater.	Pr	RD	RD
18.	Site vegetation clearance a. less than or equal to 60m ² a. exceeding 60m ² per 500m ² site area, or part thereof, in any twelve-month period if not permitted by Rules 1 and 10 in this table. For the purposes of this rule the term “site area” refers, in respect of public land, to that part of the site that is the subject of the works, and for private property to the area of the lot on which the proposed works are being undertaken.	P NC	P RD	P RD
19.	Excavation of, or movement of, sand, or soil; a. less than or equal to 10m ³ ; or b. exceeding 10m ³ but less than that set out in Rule 11.2.2 (Earthworks and Site Restoration) per 500m ² site area in any twelve-month period if not permitted by Rules 1, 2 and 10 in this table. For the purposes of this rule the term “site area” refers for public land, to that part of the site that is the subject of the works, and for private property to the area of the lot on which the proposed works are being undertaken.	P NC	P RD	P RD
20.	The construction and maintenance of public pedestrian and cycle tracks including, but not limited to, boardwalks and walkways (timber and non-timber materials, e.g. shell paths, etc.), interpretative and directional signs, fencing, pedestrian stiles, gates, bollards (and associated barriers), seating, picnic tables, barbecues, play equipment, garden and grassed areas and rubbish/recycling bins (or similar).	P	P	P

21.	The maintenance and replacement of existing public and emergency service buildings, facilities and structures including, but not limited to, boat ramps, toilets, surf life-saving and coastguard facilities, car-parks and access roads (that do not provide Vehicular Lifeline Access) that are; a. within the existing envelope; b. outside the existing envelope and is encapsulated by the external surfaces, or lease area of, or area occupied by, the facility or structure.	P	P	P
22.	The construction of new public and emergency service buildings, facilities and structures and any associated network utility services including, but not limited to, boat ramps, toilets, surf life-saving and coastguard facilities, car-parks and access roads (that do not provide Vehicular Lifeline Access).	RD	RD	RD
23.	Soft protection works for the purpose of protecting private or public land, unless otherwise provided in Rule 1 of this Table.	RD	RD	RD
24.	Hard protection works for the purpose of protecting private or public land.	NC	NC	NC
25.	Hard protection works for the purpose of protecting Vehicular Lifeline Access and stream banks.	RD	RD	RD
26.	The creation of new public roads that create Vehicular Lifeline Access.	NC	NC	NC
27.	Any other activity	NC	NC	NC
28.	The construction of new stormwater outfalls to the ocean or to the Ōhiwa Harbour.	D	RD	RD

Advice Note 1: Consent may also be required from the Bay of Plenty Regional Council.

Advice Note 2: Bylaws may also control access to and along some locations in the coastal environment.

18.2.2 Protection of Flood Control Stopbanks, Streams, Rivers and Public Drains

18.2.2.1 The activities listed in Rule 18.2.2.2 shall not occur;

- a. within 12m (horizontal line) of any stream, river or public drain (measured from the lip of the stream, river or public drain) where the stream, river or public drain is administered by the Bay of Plenty Regional Council;
- b. within 5m (horizontal line) or within the defined distance (whichever is greater) of any stream river or public drain (measured from the lip of the stream, river or public drain) where the stream, river or public drain is maintained by the Council;
- c. within 12m (horizontal line) of the landward toe of a stopbank administered by the Bay of Plenty Regional Council;
- d. within five metres (horizontal line) or within the defined distance¹ (whichever is greater) of the landward toe of a stopbank maintained by the Council;
- e. on a stopbank;
- f. on the berm between a stopbank and a river or drain; or

¹ Where the height of a stopbank, as measured from the landward toe, is greater than one metre, the distance shall be three times the height of the stopbank up to a maximum of 12m.

- g. within a 12m radius of a pump station maintained or administered by the **Council** or Bay of Plenty Regional Council under the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, the Rangitāiki Land Drainage Act 1956 or Part XXIX of the Local Government Act 1974;

18.2.2.2 For the purposes of Rule 18.2.2.1, activities include only the activities listed in (a) to (d) below:

- a. the growing or allowing to grow of any shrub, hedge or tree or part thereof;
- b. the erection of any fence, **building** or other **structure**;
- c. the **construction** of any road or race for the **passage of stock or vehicles**; and
- d. the removal of soil (including but not limited to digging of a **drain**),

18.2.2.3 Rules 18.2.2.1 and 18.2.2.2 shall not apply if;

- a. such activities are undertaken under authority of the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, the Rangitāiki Land Drainage Act 1956 or Part XXIX of the Local Government Act 1974; or
- b. the written consent of the **maintenance** or administering authority has been obtained and a copy has been lodged with the **Council**; or
- c. a fence referred to in 18.2.2.2(b) is a fence for the purpose of protecting a significant cultural heritage **feature**;
- d. the removal of soil referred to in 18.2.2.2(d) constitutes boring holes up to 1.5m **depth** for immediate placement of posts or piles, or driving posts or piles.

18.2.2.4 The removal of soil shall not occur;

- a. within 20m of the landward toe of any stopbank administered under the Soil Conservation and Rivers Control Act 1941;
- b. between 20m and 150m from the landward toes of the stopbanks of the Rangitāiki River, from the spillway at the upper end of the Rangitāiki Floodway to the mouth; and
- c. between 20m and 60m from the landward toes of the stopbanks of the Tarawera River;
 - i. on the true right of the river from the State Highway 30 bridge to the mouth; and
 - ii. on the true left of the river from 800m downstream of the Tumurau Lagoon outfall structure to the mouth.

18.2.2.5 The rules in 18.2.2.4 shall not apply in the following instances:

- a. if the removal of soil is undertaken by or under the direction of the **maintenance** or administering agency;
- b. boring holes up to 1.5m in **depth** for immediate placement of posts or piles, or driving posts or piles; and
- c. soil removal and backfilling necessary for the installation and/or maintenance of network utilities within roads; and
- d. for the purposes of 18.2.2.4(b) and (c);
 - i. the removal of soil to a **depth** of 300mm (cumulative **depth**);
 - ii. permanent removal of up to 100m³ of soil to a maximum **depth** of 500mm, where within two

- weeks the excavation is filled by a concrete slab of at least equivalent mass to the soil removed;
- iii. temporary removal of up to 100m³ of soil to a maximum **depth** of 1.5m, where within two weeks the soil is replaced and compacted;
- iv. driving posts or piles to any **depth**;
- v. **removal of posts, piles and similar in-ground structures** providing that the resulting hole is refilled and compacted;
- vi. the digging of a **drain**; and
- vii. well-drilling or resource investigations allowed by a resource consent or a rule in a regional plan.

18.2.2.6 All activities shall be planned, designed, constructed and maintained so as to;

- a. protect and to preserve existing natural drainage channels;
- b. ensure all drainage systems do not cause erosion or flooding outside the subdivision to any greater extent than would occur in the absence of subdivision and improvements;
- c. avoid flooding of land;
- d. leave all drainage channels in as natural a condition as possible; and
- e. provide for the crossing of watercourses by bridging or culverts so that natural stream **beds** will not be altered, thereby causing adverse environmental effects.

Advice Note 1: Any activity subject to the provisions in 18.2.2 Protection of Flood Control Stopbanks, Streams, Rivers and Public Drains and 18.2.3 Flooding may also be subject to approval by Bay of Plenty Regional Council under its Floodway and Drainage Bylaw 2008 and any subsequent revisions. The purpose of the Bylaw is to control and protect **drains, pumping stations, defences against water, river edge protection works and floodways** owned by or under the control of Bay of Plenty Regional Council. Review of the proposed activity by the Bay of Plenty Regional Council will be required.

Advice Note 2: Any activity that involves the construction of a new crossing over an element of the Bay of Plenty Regional Council drainage system requires the approval of Bay of Plenty Regional Council.

18.2.3 Flooding

18.2.3.1 Within the Rangitāiki Floodway (NHaz1); or the Te Rahu Ponding Basin (NHaz2); any activity is a Discretionary activity unless listed in 18.2.3.1 (a) to (g) below; (which shall be a Permitted Activity unless they obstruct the free flow of water):

- a. **pasture farming** which does not involve the planting of trees or other vegetation which will exceed 2m in height at maturity;
- b. activities (excluding buildings) on **public reserves** as provided for in a management plan under the Reserves Act 1977;
- c. management of reserves by the Department of Conservation, Whakatāne District Council, Bay of Plenty Regional Council or Eastern Fish and Game Council;
- d. public roads and associated infrastructure (including network utilities located within the road reserve); and
- e. **operation, maintenance and reinstatement** of infrastructure (including network utilities located within the road reserve);
- f. light weight two wire electric fences or **fences of similar design**, and

g. the removal of vegetation cover located at distances greater than 20m from a spillway structure.

- 18.2.3.2 All building platforms, other than those for detached and non-habitable Accessory Building must account for flooding and include stormwater system designed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure Section 4.3.5.2 or subsequent revision, provided that the minimum free board shall be measured to the building platform level, not the underside of the floor joists or underside of the floor slab.

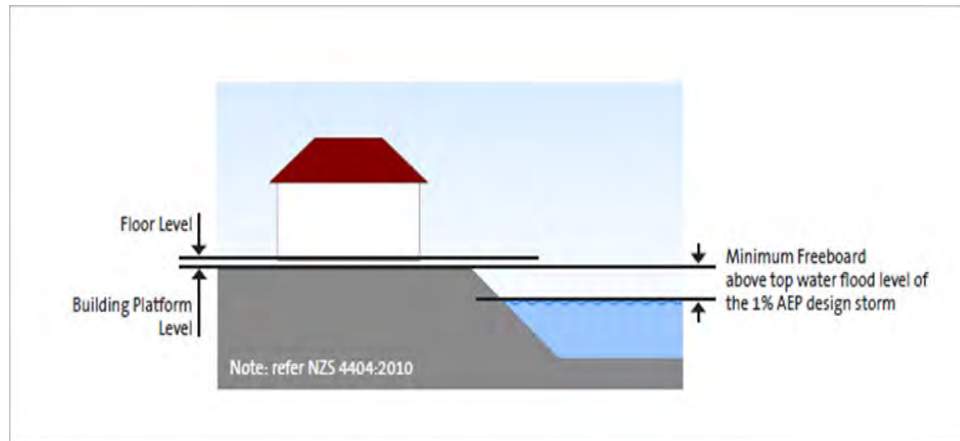


Figure 18.1 Freeboard illustration

Advice Note: Any activity subject to the provisions in 18.2.2 Protection of Flood Control Stopbanks, Streams, Rivers and Public Drains and 18.2.3 Flooding may also be subject to approval by Bay of Plenty Regional Council under its Floodway and Drainage Bylaw 2008 and any subsequent revisions. The purpose of the Bylaw is to control and protect drains, pumping stations, defences against water, river edge protection works and floodways owned by or under the control of Bay of Plenty Regional Council. Review of the proposed activity by the Bay of Plenty Regional Council will be required.

18.2.4 Overland Flowpaths

- 18.2.4.1 Any use and development including buildings and other structures shall not obstruct an overland flow path that is identified in the Planning Maps.

- a. all development proposals shall show, where relevant, overland flow paths on plans.
- b. this excludes non-habitable buildings and structures associated with network utilities where it is necessary that they be established in such areas.

18.2.5 Fire Hazard

- 18.2.5.1 Prior to the establishment of a production forest within the Whakatāne District Council Fire Authority Area, a forest owner shall provide a plan to the Council showing;

- a. the land area involved;
- b. the location of access roads;
- c. the location of fire breaks; and
- d. the location of the areas to be planted.

- 18.2.5.2 At the time of harvesting, the Council is to receive an updated plan showing any amendments to the location of access roads or fire breaks. No habitable building shall be erected closer than 30m to any production forest or **Significant Indigenous Biodiversity Sites** located in a high to extreme fire risk area

as shown in Appendix 18.7.3.

- 18.2.5.3 No **production forest** shall be planted within 30m of;
- a. any place of assembly; or
 - b. any dwelling; or
 - c. a property zones residential; or
 - d. a residential zone boundary; or
 - e. a boundary of a lot which is 5,000m² or less in area.

- 18.2.5.4 Rule 18.2.5.3 shall not apply to the replanting of a forest where existing use rights apply.

Advice Note: The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice: 2008. The Fire Service advises that often the best method to achieve compliance with this code of practice is through the installation of a home sprinkler system in accordance with Fire Systems for Houses NZS 4517: 2003, in each new dwelling. The qualified staff of the New Zealand Fire Service would be happy to assist.

18.2.6 Falling Debris and Debris Flows

- 18.2.6.1 On the Whakatāne and Ōhope escarpments, as shown on Planning Maps 107B, 110B, 111B, 117B 118B, 119B, 505B and 506B, within the area shown as NHaz4, and above or below the NHaz4 line to the point where the predominant slope is less than 35 degrees from horizontal the following activities are Discretionary activities unless specified as Permitted activities in c:

- a. the placement, construction, alteration or addition of a building or accessory building (including swimming pools) for a residential, community or **business activity**;
- b. the removal of vegetation; and.
- c. earthworks.

- 18.2.6.2 The following activities are Permitted activities in the areas described in 18.2.6.1;

- a. domestic gardening;
- b. management of Vegetation as defined in Chapter 21;
- c. earthworks that constitute the disturbance of the ground for domestic gardening;
- d. earthworks required for the establishment of a building platform after a building consent has been issued; and
- e. operation, maintenance and reinstatement of infrastructure.

Advice Note: Landslide and Debris Flow Risk Assessment at Whakatāne, Ōhope and Matatā (Planning Maps 101B, 107B, 110B, 111B, 114B, 117B, 118B, 119B and 502B, 505B and 506B)

Council is undertaking an assessment of landslide and debris flow risks in the vicinity of the escarpments at Whakatāne, Ōhope, and Matatā. This work is intended to provide the community with a better understanding of the nature and extent of these hazards and the risks they may present. Council has completed the debris flow risk assessment for the Awatarariki fanhead at Matatā and has included a Natural Hazard Policy Area on the Awatarariki fanhead.

It is likely that the District Plan maps and rules that control land use and subdivision in areas affected by landslide and debris flow hazards, in areas apart from the Awatarariki fanhead at Matatā, will need to be changed once the risk assessment has been completed. Any changes to the District Plan will be subject to a public submission process under the Resource Management Act. If you own land in close proximity to the escarpments at Whakatāne, Ōhope, and Matatā and are potentially affected by landslide and debris flow hazards, the Council will provide information to you on the risk assessment when this becomes available. If you are planning to purchase land or to undertake any development in the vicinity of the escarpments at Whakatāne, Ōhope, and Matatā you are advised to contact the Council at an early stage to obtain the latest information.

- 18.2.6.3 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā the following activities are Permitted Activities;
- a. The construction of structures and the use of land for passive recreation, including the construction and maintenance of public pedestrian and cycle tracks, interpretative and directional signs, fencing, pedestrian stiles, gates, bollards and associated barriers, seating, landscaping, gardens and grassed areas and rubbish and/or recycling bins;
 - b. Activities operating in accordance with, or that are provided for in, an approved Reserve Management Plan under the Reserves Act 1977.
 - c. The erection of new, and the minor upgrading (including ancillary earthworks) and maintenance of existing, network utilities and related structures;
 - d. Demolition and/or removal of a building or structure;
 - e. The removal of network utilities;
 - f. Vegetation clearance;
 - g. The erection of fencing, signage, a viewing platform and other minor structures, associated with the development of a commemorative reserve on Lot 20 DP 306286; and
 - h. activities operating in accordance with section 18(2) of the Reserves Act 1977 on the Te Kaokaoroa Historic Reserve (Allotment 373 Town of Richmond)
- 18.2.6.4 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā, the following activity is a Restricted Discretionary Activity;
- a. Earthworks
In assessing an application for a Restricted Discretionary Activity for earthworks in the Awatarariki High Risk Debris Flow Policy Area the Council shall restrict its discretion to;
 - i. Whether the activity will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow; and
 - ii. Whether the activity will appropriately address the accidental discovery of koiwi or other taonga, including giving effect to any protocols agreed with tangata whenua.
- 18.2.6.5 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā, any activity, other than those that are a Permitted Activity under Rule 18.2.6.3 or a Restricted Discretionary Activity under Rule 18.2.6.4, is a Prohibited Activity.
- 18.2.6.6 Within the area shown as **Awatarariki Medium Risk Debris Flow Policy Area** on Planning Map 101A Matatā, the following activities are Permitted Activities;
- a. Residential activities and associated buildings and structures within the existing building or structure envelope, including the footprint, as lawfully established before 31 December 2017;

- b. Demolition and/or removal of a building or structure; and
- c. The erection of new, and the minor upgrading (including ancillary earthworks) and maintenance of existing, network utilities and related structures.

18.2.6.7 Within the area shown as **Awatarariki Medium Risk Debris Flow Policy Area** on Planning Map 101A **Matatā**, all activities are a Restricted Discretionary Activity unless the activity is listed as a Permitted Activity by Rule 18.2.6.6, or a discretionary, non-complying or prohibited activity in Section 3.4.1 Activity Status Table.

18.2.7 Buildings, Structures and Activities in the CHEPA

18.2.7.1 All **dwelling**s, buildings and other structures, other than **minor structures and works**, within the **CHEPA** shall be designed or approved by a suitably qualified Chartered Professional Engineer.

18.2.7.2 Activities in the **CHEPA** shall ensure that the site is reinstated, maintained or enhanced so that the natural buffering ability of the dune system is not compromised.

Advice Note: The **Chartered Professional Engineer** shall be experienced in the analysis and design of structures and shall have experience in designing modular-type structures. The role of the **Chartered Professional Engineer** for section 18.2.7.1 includes confirming the suitability of the proposed structure's design, consistent with the requirements of the District Plan relating to easily relocatable structures from within the **CHEPA** if erosion occurs.

18.2.7.3 When the crest of the foredune, or top of any dune scarp or the top of the erosion scarp where there is no dune, recedes to within 20m of a building or activity, the location of buildings and activities in the **CHEPA** shall be reviewed by a suitably qualified person. Where required, the review shall assess the risk of erosion to the building or activity; and buildings and activities may be required to be removed, or relocated, as a consequence of the review undertaken.

Advice Note: Such a review will be applied as a condition of resource consent and will not apply to existing lawfully established buildings and Permitted activities.

18.2.7.4 The proposed **dwelling**, building, structure, addition or alteration (the works), provided for in the 2060 and 2100 ERZs under item 14 Activity Status Table 18.2.1, shall be able to be **practicably moved** to an **Alternative Building Site** located within the same title. A certificate from a **Chartered Professional Engineer** or house removal company shall be submitted detailing the means by which the proposed works can be **practicably relocated**.

18.2.7.5 The **Alternative Building Site** referred to in 18.2.7.4 shall be maintained in a form that will enable the **relocation** of the works to the **Alternative Building Site** at any time.

18.2.7.6 Reinstatement shall be provided to the extent that the natural shape of the foredune is maintained by reference to the existing natural shape of the dune in the vicinity of the **reinstatement works** and that, as a minimum, the volume of sand, or soil, between the 2100 ERZ boundary and the toe of the foredune per metre of frontage is not reduced to less than that existing before the **reinstatement works** commence. All excavated materials which comprise sand or soil material shall be respread within the **CHEPA** and be re-vegetated with plants suitable for the location. Revegetation planting shall be established within one month of the respreading of the sand or soil material. Revegetation within the CERZ should be native dune plants. Other excavation material (i.e. ash, topsoil, organic matter) may be removed from site.

18.2.8 Dwellings, Habitable Buildings and Activities in the CHFPA

18.2.8.1 Activities in the **CHFPA**, as shown on the Planning Maps, shall ensure that the site is developed, reinstated and maintained so that stormwater overland flowpaths, wave surge flows and natural ponding areas are not compromised and any change to ground contours does not cause adverse off-site effects.

18.2.8.2 All **dwelling**s and habitable buildings located within a **CHFPA**, as shown on the Planning Maps, shall have

a minimum floor level in accordance with the level identified in the Planning Maps.

Advice Note: The Council will, with its chosen management approach, establish a means of activity compliance through the compilation of WDC Coastal Hazard Building Guidelines. The guidelines will enable individual property owners to undertake certain aspects of works or development without the need for consultation with a **Chartered professional engineer experienced in coastal processes**. The guidelines will be compiled by an experienced **Chartered professional engineer experienced in coastal processes** and will provide property owners with advice on acceptable solutions when undertaking activities in the **CHEPA** and provide more appropriate environmental outcomes and reduce compliance costs for property owners affected by the **CHEPA**.

Advice Note: Abandonment does not meet the definition of **practicably moved**.

18.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

18.3.1 Activity Status Table Coastal Erosion Risk Zones (see item 14)

18.3.1.1 Council shall exercise its control over;

- a. the ability for the works to be **relocated** and the means by which this is achieved;
- b. the extent to which the works are likely to affect, or be affected by, coastal hazards;
- c. the on-going provision of access to the site for the purpose of enabling **relocation** of the works;
- d. the provision of an **Alternative Building Site** to accommodate the works;
- e. the **reinstatement** of the **CHEPA**, the clearance of debris, repair and disconnection of services from the site of the **relocation**; and
- f. the need, amount and form of a bond to ensure any **reinstatement**, upgrading or repair work are completed in a timely manner.

18.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

18.4.1 Coastal Hazard Erosion Policy Areas

18.4.1.1 Council shall restrict its discretion to;

- a. whether the proposal is consistent with the objectives and policies relating to Natural Hazards (Section 18.1) of the plan;
- b. the extent to which proposed activities, buildings and structures will be able to be **relocated** or **demolished** with minimal disturbance to the foredune and the buffering ability of the dune systems;
- c. the extent to which the proposed activity is likely to;
 - i. **accelerate, worsen** or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by coastal erosion;
 - ii. be subject to damage from erosion;
 - iii. **compromise** the natural buffering ability of the foredune system; or
 - iv. **reduce** the risk of coastal erosion; and
- d. for subdivision, those matters identified in Rule 12.7 for controlled activity subdivisions;

- e. for land use activities, any matter subject to control or restricted discretion of the Council that would have applied to the activity if the **CHEPA** did not exist;
- f. the general requirements for development or subdivision of land;
- g. the on-going provision of access to the site for the purpose of enabling **relocation** of buildings or structures
- h. the provision of an **Alternative Building Site**, where applicable; any other matter to which the Council has restricted its discretion in the zone in which the activity occurs;
- i. the location of the 2060 and 2100 ERZ boundaries on the subject site/s;
- j. the **reinstatement** of the foredune proposed to be undertaken following completion of the proposed works, development or activity; and
- k. the importance of maintaining Vehicular Lifeline Access, including but not limited to, National and Primary (Regional) arterials/routes.

18.4.2 **Awatarariki Medium Risk Debris Flow Policy Area**

18.4.2.1 Council shall restrict its discretion to;

- a. Whether the design and layout of the activity will reduce the risk to the activity, and any building and its occupants from a debris flow, to a level that is as low as reasonably practicable; and
- b. Whether the activity will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow.

An application for Restricted Discretionary Activity in the **Awatarariki Medium Risk Debris Flow Policy Area** shall not be notified, or served on affected persons.

18.5 **ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES**

See Section 3.7.

18.6 **SAMPLE RESOURCE CONSENT CONDITIONS FOR ACTIVITIES IN THE CHEPA AND CHFPA**

1. Subdivision and land use consent shall, where applicable, include conditions that existing and new lots, or development, be provided with **Alternative Building Sites**. Where required, any **Alternative Building Site** may be provided outside of the **CHEPA** or contiguous to the subject site and in either case shall be held in the same certificate of title. The **Alternative Building Site** shall remain as vacant land until it is needed for the **relocation** of the building or structure.
2. Consent may include conditions and requirements that need to be satisfied on an on-going basis such as those requiring periodic review. Such conditions and requirements shall be registered on the certificate of title for the lot by way of a consent notice, or for land use consent, shall be registered by way of a covenant on the certificate of title.
3. A review of conditions under section 128 of the RMA. This review would be initiated where defined hazard risk circumstances occur on the site, particularly when the crest of the foredune, or the top of any dune scarp or the top of the erosion scarp where there is no dune, recedes to a point within 20m or less from the nearest part of the building or activity.

4.	The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be necessary or appropriate including, but not limited to, conditions requiring the relocation of any building, structure or other works to the Alternative Building Site and/or further monitoring.
5.	Requiring the consent holder to monitor erosion and to report to the Council when the crest of the foredune, or the top of any dune scarp or the top of the erosion scarp where there is no dune, has receded to a point within 20m of the nearest part of the building or activity.
6.	Requiring the removal or relocation of the building to the Alternative Building Site as a result of the recommendations of a review conducted under 3 above.
7.	Requiring that access to the Alternative Building Site from existing or proposed dwelling s, buildings or structures, and manoeuvring appropriate to the nominated method of relocation on the Alternative Building Site , or removal, is provided, to ensure that buildings may be practicably moved .
8.	The general requirements for development or subdivision of land.
9.	Any other matter to which the Council has restricted its discretion in the zone in which the activity occurs.
10.	Requiring that, on demolition or relocation or abandonment of buildings or structures in the CHEPA , all materials used in constructing the building, including foundations, be removed from the CHEPA and that the site within the CHEPA be reinstated to the effect that the natural shape of the foredune is maintained by reference to the existing natural shape of the dune in the vicinity of the reinstatement works and that, as a minimum, the volume of sand, or soil, between the 2100 ERZ boundary and the toe of the foredune per metre of frontage is not reduced to less than that existing before the reinstatement works commence.

Table 1: Example conditions in relation to activities requiring resource consent within the CHEPA.

1.	A condition requiring the construction of all buildings and/or structures to a minimum floor level.
2.	A condition requiring the maintenance of overland flowpaths and natural ponding areas, on an on-going basis, in accordance with their defined purpose and optimal level of service.
3.	A condition requiring the construction and maintenance of access to a minimum standard and at a minimum ground level on an on-going basis while maintaining overland flowpaths and natural ponding areas.
4.	The general requirements for development or subdivision of land.
5.	Any other matter to which the Council has restricted its discretion in the zone in which the activity occurs.

Table 2: Example conditions in relation to activities requiring resource consent within the CHFPA

18.7 APPENDICES

18.7.1 Other Methods

The **Council** will compile Coastal Hazard Building Guidelines to enable property owners to undertake certain activities in the **CHEPA** without input from an engineer. This will help to reduce the cost of managing the effects of natural hazards.

Through its Earthquake-prone and Dangerous and Insanitary Buildings Policy, **Council** will identify earthquake prone buildings, facilitate negotiated solutions with building owners and seek the protection of heritage buildings and their contents.

Council will publicise the evacuation plans and will undertake community education.

In accordance with GNS Science Guidelines, the **Council** will monitor the number of buildings being purchased by **Council** and the level of community awareness and community acceptance of risk-based plan provisions.

The **Council** will place an advice note on every subdivision consent granted and, where the consent pertains to a site that has already been created through the subdivision process, but on which a permitted building has not yet been built, an advice note on every building consent granted. The advice note will read: "The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice: 2008. The Fire Service advises that often the best method to achieve compliance with this code of practice

is through the installation of a home sprinkler system in accordance with Fire Systems for houses NZS 4517: 2003, in **each new dwelling**. The qualified staff of the New Zealand Fire Service would be happy to assist and advise.

The Civil Defence Emergency Management Act 2002 and the Building Act 2004 work in conjunction with the Plan's rules to achieve the Plan's objectives and to implement the Plan's policies.

Flood risk will also be addressed by the Floodplain Management Strategies produced by the Bay of Plenty Regional Council.

Anyone planning to purchase land or undertake development in the **Awatarariki High Risk Debris Flow Policy Area** is advised to contact the Bay of Plenty Regional Council to determine if there are any regional rules that would affect their development, including in particular Rule NH R71 of the Regional Natural Resources Plan which prohibits residential activity on properties in the **Awatarariki High Risk Debris Flow Policy Area** that are listed in Table NH3.

The area shown as **Awatarariki Low Risk Debris Flow Policy Area** on Planning Map 101A Matatā has been assessed as having a low risk to life and property from debris flows from the Awatarariki catchment. While this is an acceptable level of risk, anyone planning to purchase land or undertake development in this area is advised to contact Council to obtain the latest information, and to then evaluate the risk. The debris flood in this area, resulting from a debris flow from the Awatarariki catchment, will be further assessed as part of future district wide susceptibility modelling of flooding. It is possible that the outcome of that assessment will result in controls being placed on land use and/or subdivision.

18.7.2 Main Fault Lines

Data source: QMap (1:250,000 Geological Map of New Zealand), GNS Rotorua Map Area, GNS Science.

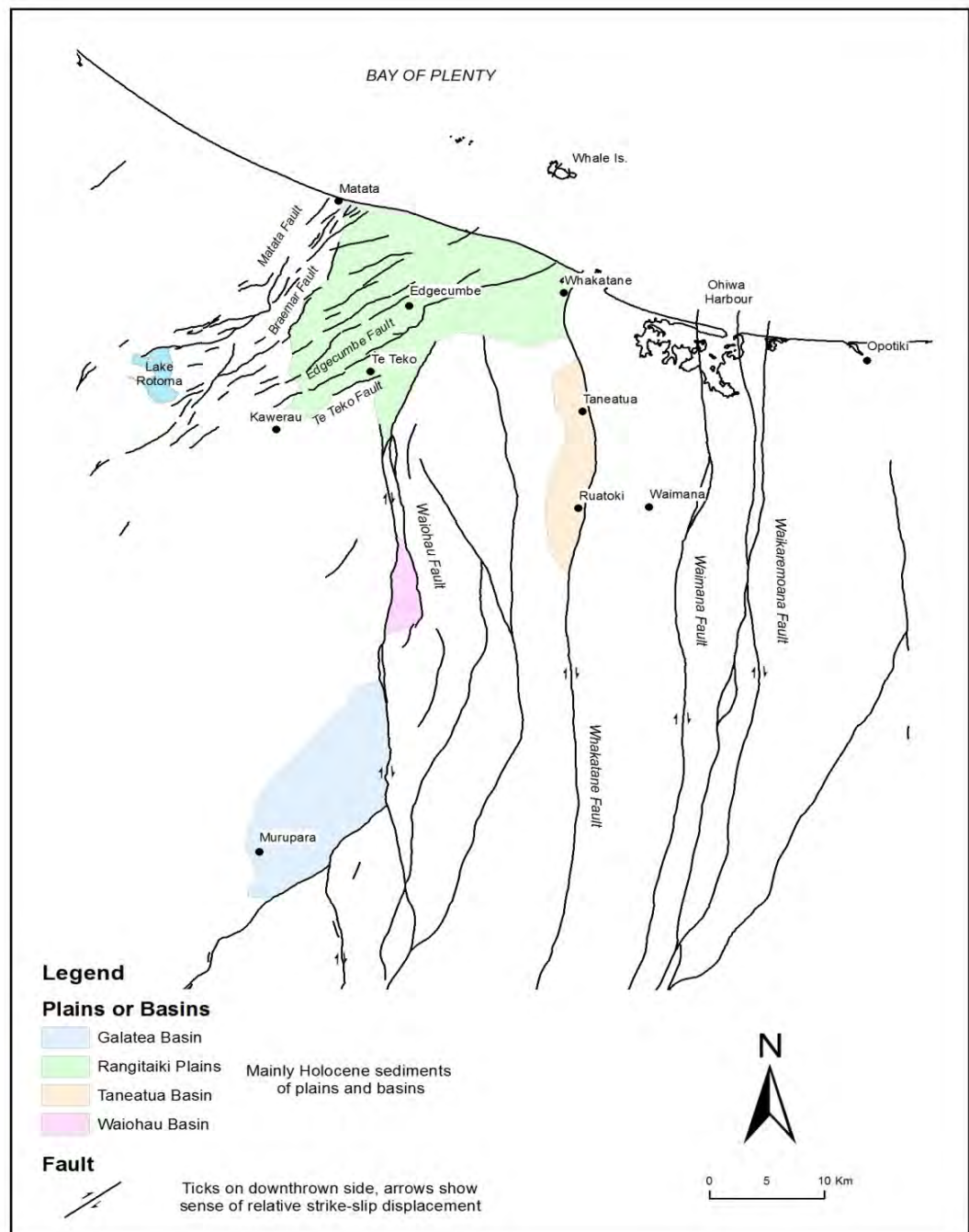


Figure 18.2 Main fault lines

18.7.3 Maps Showing Location of High to Extreme Fire Risk Areas

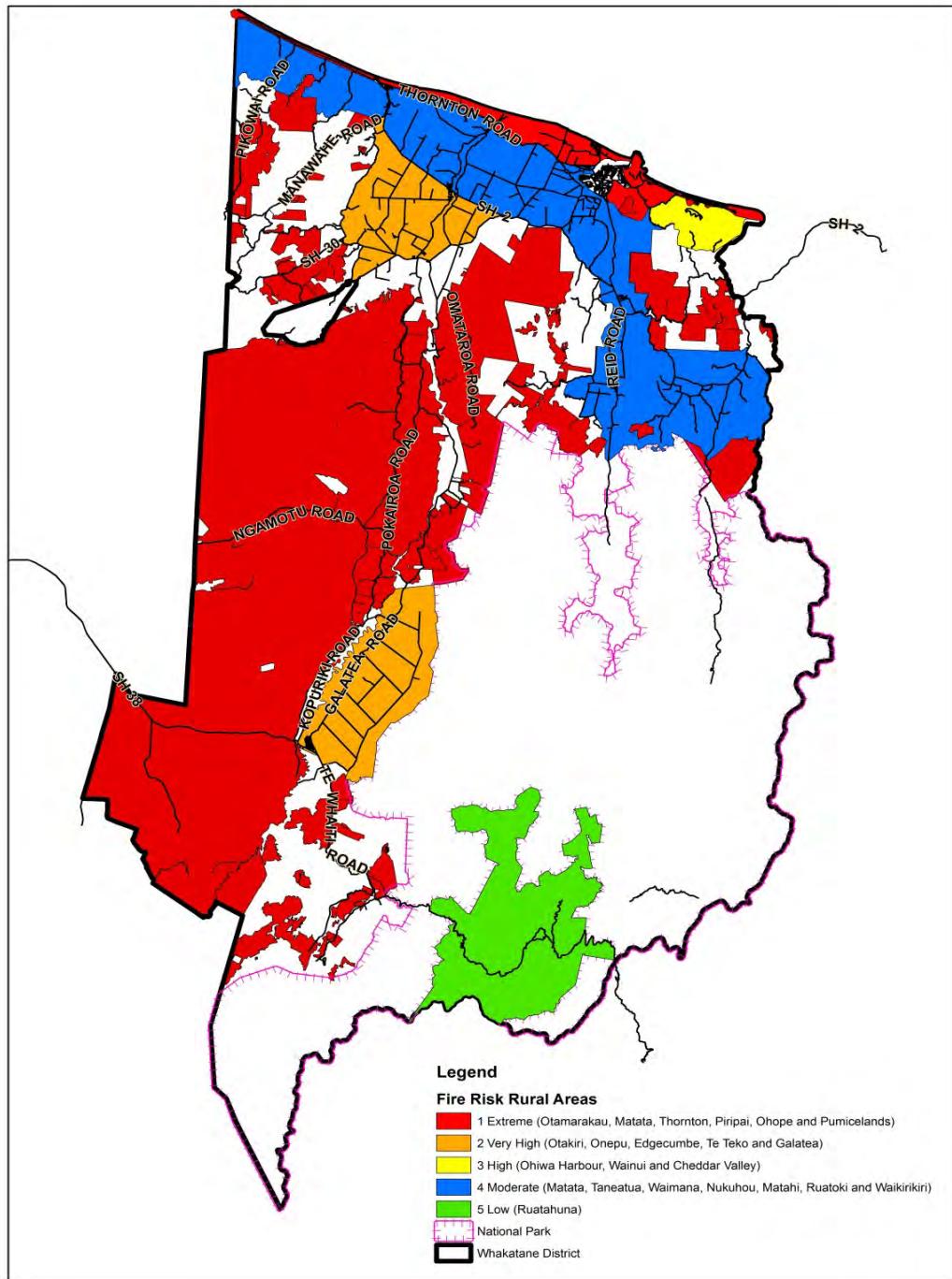


Figure 18.3 Location of high to extreme fire risk areas

18.7.4 Flammability of Native Plant Species

The following flammability classes are based on a series of surveys conducted by staff from Forest Research's rural fire research programme.

Experienced fire managers throughout New Zealand were asked to rank a list of native species in terms of flammability in the light of their observations at wildfires and prescribed burns under different fire danger conditions.

The final list of 42 species in five flammability classes is intended as a guide only. Genetic and environmental factors will affect the flammability of particular species, e.g. older plants carrying more dead material, drought conditions, or where a plant is situated.

Flammability class: Low	
Suitable for green breaks or defensible space, but when in the immediate vicinity of structures, leave at least 3 to 4m breaks between the crowns to reduce fuel continuity.	
Low flammability species	
<i>Fuchsia excorticata</i>	Kotukotuku
<i>Pseudopanax crassifolius</i>	Horoeka/Lancewood
<i>Pseudopanax arboreus</i>	Five finger
<i>Coprosma robusta</i>	Karamu
<i>Geniostoma ligustrifolium</i>	Hangehange
<i>Coprosma repens</i>	Taupata
<i>Corynocarpus laevigatus</i>	Karaka
<i>Griselinia littoralis</i>	Papauma/Broadleaf
<i>Griselinia lucida</i>	Puka
<i>Macropiper excelsum</i>	Kawakawa/Peppertree
<i>Solanum aviculare</i>	Poroporo
Flammability class: Low/moderate	
Not recommended for planting in green breaks. If planted in defensible space, remove elevated dead material and litter regularly, leave greater than 4m between tree crowns, and don't plant trees or shrubs in this category within 10m of structures.	
Low/moderate flammability species	
<i>Hebe salicifolia</i> and <i>H. stricta</i>	Koromiko
<i>Aristolelia serrata</i>	Mako-mako/Wineberry
<i>Coriaria arborea</i>	Tutu
<i>Myoporum laetum</i>	Ngaio
<i>Pittosporum crassifolium</i>	Karo
<i>Pittosporum eugenoides</i>	Tarata/Lemonwood
<i>Hoheria</i> spp.	Hoheria/Lacebark
<i>Knightia excelsa</i>	Rewarewa
<i>Nothofagus menziesii</i>	Tawhai/Silver beech
<i>Phyllocladus glaucus</i>	Toatoa
<i>Plagianthus regius</i>	Manatu/Ribbonwood
<i>Weinmannia racemosa</i>	Kamaha
<i>Carpodetus serratus</i>	Putaputaweta
<i>Coprosma grandifolia</i>	Raurekau/Kanono
Flammability class: Moderate	
Most of these species produce heavy accumulations of flammable litter and elevated dead material, and/or have flammable green foliage. Not recommended for green breaks or for planting in defensible space.	
Moderate/high flammability species	

<i>Podocarpus totara</i>	Tōtara
<i>Dodonaea viscosa</i>	Ake-ake
<i>Cyathea and Dicksonia</i> spp.	Tree ferns
<i>Cyathodes fasciculata</i>	Mingimingi
Flammability class: High	
Species burn readily at low/moderate forest fire danger conditions.	
High flammability species	
<i>Kunzea eriocoides</i>	Kānuka
<i>Leptospermum</i>	Mānuka

18.7.5 Rainfall Intensity

2090 Projected Rainfall Depth Duration Frequency Estimates (mm) for Whakatāne, Ōhope and Coastlands

Return Period (Years)	Duration (Time in minutes/hours)										
	10m	20m	30m	1h	2h	3h	6h	12h	24h	48h	72h
2	13	17	22	31	41	48	63	80	104	127	147
5	18	24	30	43	55	65	85	110	141	173	200
10	20	29	35	50	64	76	101	130	166	206	236
20	23	33	41	58	74	87	116	149	192	239	269
50	27	39	48	68	86	102	134	174	225	280	311
100	30	42	53	75	95	112	148	192	249	308	342

Figure 18.4 Projected rainfall for Whakatāne and Ōhope



CHAPTER 19

HAZARDOUS SUBSTANCES AND CONTAMINATED LAND

*Ngā Waahi Whakatūpato me Ngā
Waahi Parapara*

19 Hazardous Substances and Contaminated Land

19.1 OBJECTIVES AND POLICIES

Objective HS1 To prevent or mitigate adverse environmental effects and/or minimise risks to human health, property and/or the receiving environment associated with facilities and activities involving the manufacture, storage, use, transportation and/or disposal of hazardous substances.

Policy 1 Hazardous facilities involving the manufacture, storage, use, disposal and transportation of **hazardous substances** are located so the risk to the wider **environment** is prevented or mitigated, especially in sensitive **environments** and areas subject to risk from natural hazards.

Policy 2 Facilities involving the manufacture, storage, use, disposal or transportation of **hazardous substances** are designed, constructed and managed to prevent or mitigate adverse environmental effects and minimise risks to the **environment** and the community.

Policy 3 Hazardous facilities have emergency contingency plans or strategies capable of avoiding, remedying or mitigating adverse environmental effects upon failure of the facility, primary storage device or accidental spill or release during handling or transfer.

Policy 4 To provide for the manufacture, storage, use, disposal and transportation of hazardous substances in accordance with industry protocols and regulations established under the Hazardous Substances and New Organisms Act 1996.

Objective HS2 Land affected by contaminants in soil is appropriately managed to minimise the risk to human health in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

Policy 1 To require soil testing at the time of subdivision and development of sites that have a history of landuse that could have resulted in contamination of the soil to confirm that the land is fit for the intended use.

Policy 2 To ensure that any subdivision and development on **contaminated land** is managed so that significant risk to human health is avoided, remedied or mitigated.

Policy 3 To require management measures for **contaminated land** that provide for **remediation, containment, disposal of contaminated soil**, or other suitable measures so the level of contamination is appropriately managed for its current or proposed use.

Policy 4 To ensure that exposure from the on-going use of land affected by soil contaminants is managed in a way that **avoids, remedies** or mitigates any adverse effects on human health.

Policy 5 To minimise risk to human health from contaminated or potentially contaminated sites by providing adequate information.

Advice Note 1: Bay of Plenty Regional Council also controls this activity through the Regional Water and

Land Plan which has a range of thresholds triggering consents.

Advice Note 2: If the land that is potentially or actually affected by contaminants is production land, the NES regulations do not apply to:

- a. Soil sampling or soil disturbance (except on parts of production land used for residential purposes).
- b. Subdivision or change of use (except where that would result in production land being used for different purpose e.g. residential use).

19.2 RULES FOR HAZARDOUS SUBSTANCES

19.2.1 Exempted Activities

19.2.1.1 The following activities shall be exempted from assessment under Rule 19.2.3 but shall comply with all other standards in this District Plan:

- a. domestic storage and use of hazardous consumer products for domestic purposes;
- b. retail outlets for the sale of **hazardous substances** for domestic use (e.g. supermarkets, hardware shops, pharmacies);
- c. fuel in motor vehicles, boats and small engines;
- d. the storage of up to 5,000 litres of fuel in a Rural Zone;
- e. the retail sale and storage of up to 100,000 litres of petrol and up to 50,000 litres of diesel in underground storage tanks, provided it can be demonstrated that the following regulations are adhered to:
 - i. Below Ground Stationary Container Systems for Petroleum – Design and Installation HSNOCOP 44, Environmental Protection Agency, June 2013, and
 - ii. Below Ground Stationary Container Systems for Petroleum – Operation HSNOCOP 45 , Environmental Protection Agency, June 2013;
- f. the retail sale of LPG, with a storage of up to six tonnes (single or multiple vessel storage) of LPG, provided it can be demonstrated that the “Australian Standard (AS 1596—2008) for LP Gas Storage and Handling —Siting of LP Gas Automotive Retail Outlets” is adhered to;
- g. trade waste sewers, or waste treatment and disposal facilities (this exception does not apply to the storage of **hazardous substances** or waste associated with these facilities);
- h. any facility that was existing on 1 January 2001 and which increases the storage or use of **hazardous substances** by not more than twenty per cent over the base figure, where the base figure is the average volume stored or used on the site between 1 January 2000 and 31 December 2000.
- i. dust explosion;
- j. gas or oil pipelines;
- k. developments that are or may be hazardous but do not involve **hazardous substances** (e.g. radio masts, electrical sub-stations);

- l. the treatment and disposal of hazardous waste at the Pulp and Paper Waste Treatment and Disposal Sites as provided for in Rule 20.2.7;
- m. storage and transportation of liquid milk and milk products provided that any spillage is prevented from entering a watercourse or body or seeping into an underground water supply;
- n. electrical transformers containing up to 1,000 litres of oil, excluding the use of polychlorinated biphenyls (PCBs);
- o. the agrichemical use, storage, transportation [Hort NZ] and disposal of agrichemicals where these activities are carried out in accordance with NZS:8409: 2004 Code of Practice for the Management of Agrichemicals;
- p. the storage, transportation and spreading of dairy factory wastewater, whey and/or other dairy factory by- products;
- q. any temporary **hazardous facility** used in the management of a production forest where:
 - i. **hazardous substances** are used, stored or handled, but not disposed of; and
 - ii. the site is used for a period not exceeding one month.
- r. any other temporary **hazardous facility** used in the management of a production forest where:
 - i. **hazardous substances** are used, stored or handled, but not disposed of;
 - ii. the site is used for a period exceeding one month, but no longer than 6 months in any 12 month period; or
 - iii. the site was used as a temporary **hazardous facility** prior to 31 December 2002.
- s. the temporary storage of up to 5,000 litres of diesel, and up to 500 litres of chainsaw fuels and hydraulic oils used and located in a production forest;
- t. sealing of vehicle parking, loading, manoeuvring, access area, road carriage way and footpaths, provided that up to 10,000 litres of diesel can be temporarily stored if the tank is located and banded to meet Rules 19.2.4 (Site Design) and is located a minimum distance of 30m from any other **hazardous facility**;
- u. the storage, use and transportation of **hazardous substances** within the Edgecumbe Industrial Site (as shown on Planning Maps 128B and 129B), provided that these activities comply with the relevant regulations established under the Hazardous Substances and New Organisms Act 1996;
- v. the storage and use of fertiliser within the Rural Foothills and Rural Plains Zones is a permitted activity when conducted in accordance with the:
 - i. Fertiliser (Corrosive) Group Standard HSR002569;
 - ii. Fertiliser (Oxidising) Group Standard HSR002570;
 - iii. Fertiliser (Subsidiary Hazard) Group Standard HSR002571;
 - iv. Fertiliser (Toxic) Group Standard HSR002572; and
 - v. FertResearch's Code of Practice for Nutrient Management 2007.
- w. the storage, handling and use of a hazardous substance within the light industrial zone provided that it is demonstrated that it is undertaken in accordance with the requirements of the Hazardous Substances and New Organisms Act 1996 (including the HSNP Fertiliser Group Standards), and subject to the activity complying with Rules 19.2.4 to 19.2.10;

19.2.2 Activity Status

Except as exempted under 19.2.1.1, a **hazardous facility** or **hazardous sub-facility** shall be:

- a. a Permitted Activity if the effects ratio falls within the range specified as a Permitted Activity for the zone in Rule 19.2.3 Consents Status Matrix, and Rules 19.2.4 to 19.2.10 are complied with.
- b. a Controlled Activity if the effects ratio falls within the range specified for the zone as a Controlled Activity in Rule 19.2.3 Consents Status Matrix and Rules 19.2.4 to 19.2.10 are complied with.
- c. a Discretionary Activity if the effects ratio falls within the range specified for the zone as a Discretionary Activity in Rule 19.2.3 Consents Status Matrix. Rules 19.2.4 to 19.2.10 shall be used as a guide.

19.2.3 Effects Ratio Matrix

The activity status of a **hazardous facility** or **hazardous sub-facility** shall be determined by the effects ratio shown in Table 19:1 below subject to the levels in buffer zones in Table 19:2. The effects ratio is calculated by applying the Hazardous Facility Screening Procedure (HFSP), which identifies the threshold value, the proposed quantity and the type of risk the substances may have for the **environment**. The HFSP uses the toolbox on the website www.hazardoussubstances.govt.nz/hsno-calculator# or information may be obtained from the **Council** offices.

Zone/Area	Permitted	Controlled	Discretionary
Rural Plains	≤0.75	>0.75-1.5	>1.5
Rural Foothills	≤0.5	>0.5-1.0	>1.0
Rural Coastal	≤0.1	>0.1-0.2	>0.2
Rural Ōhiwa	≤0.1	>0.1-0.2	>0.2
Residential	≤0.1	>0.1-0.2	>0.2
Urban Living	≤0.1	>0.1-0.2	>0.2
Coastal Protection	<0.02	-	>0.02
Hospital	<0.1	>0.1-0.2	>0.2
Active Reserve Zone, and other public reserves in other zones	<0.1	>0.1-0.2	>0.2
Business Centre	<0.1	>0.1-0.2	>0.2
Mixed Use	≤0.1	>0.1-0.2	>0.2
Commercial	<0.2	>0.2-0.4	>0.4
Large Format Retail	<0.2	>0.2-0.4	>0.4
Light Industrial	<0.5	>0.5-1.0	>1.0
Industrial	<1.0	>1.0-2.0	>2.0
Community and Cultural Zone	≤0.1	>0.1-0.2	>0.2
Education Zone	≤0.1	>0.1-0.2	≤0.2

Table 19:1 Consents Status Matrix

- 19.2.3.1 The following effects ratios shall be met within the defined buffer zones

Zone	Width of Buffer Zone	Adjacent Zone/Land Use	Effects Ratio
Light Industrial	10m	Business Centre, Commercial, Rural Coastal, or Rural 4, Hospitals, Active Reserve Zone and other public reserves in	0.2
Industrial	20m		

		other zones	
Business Centre	10m	Urban Living	0.5
Commercial, Light Industrial, Industrial	20m		
Other zones	Not applicable		

Table 19:2 Consents Status Matrix for Buffer Zones

19.2.4 Site Design

19.2.4.1 Any part of a **hazardous facility** or **hazardous sub-facility** site where the **hazardous substances** are used for their intended function shall be designed, constructed and managed in a manner that prevents;

- a. any adverse effects of the use from occurring outside of the site;
- b. the entry or discharge of the **hazardous substances** into the stormwater drainage system;
- c. the entry or discharge of the **hazardous substance** into the sewerage system unless permitted by the sewerage utility operator; and
- d. any chance of incompatible substances being exposed to each other.

19.2.4.2 Any part of a **hazardous facility** or **hazardous sub-facility** site where **hazardous substances** are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and managed in a manner that prevents:

- a. the contamination of any land and/or water (including ground water and potable water supplies) in the event of a spill or other unintentional release of **hazardous substances**;
- b. the entry or discharge of the **hazardous substance** into the stormwater drainage system in the event of a spill or other unintentional release; and
- c. the entry or discharge of the **hazardous substance** into the sewerage system in the event of a spill or other unintentional release.

19.2.4.3 The **hazardous facility** or **hazardous sub-facility** site shall be designed, constructed and managed in a manner that any stormwater originating on or collected on the site that has become contaminated;

- a. does not contaminate any land/and or water (including ground water and potable water supplies) by acting as a transport medium for **hazardous substances** unless permitted by a resource consent;
- b. does not enter or discharge into the stormwater drainage system; and
- c. does not enter or discharge into the sewerage system unless permitted by the sewerage utility operator.

19.2.4.4 Compliance with the Rules in 19.2.5 to 19.2.10 will satisfy the Rules in 19.2.4 (Site Design).

19.2.5 Spill Containment System

19.2.5.1 The parts of the **hazardous facility** or **hazardous sub-facility** described in the Rules in 19.2.4 above shall be serviced by a spill containment system that is;

- a. constructed from impervious materials resistant to the **hazardous substances** used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site;
- b. able to contain the maximum volume of the largest tank used, or where the largest tank is linked to

other tank(s), the sum of linked tanks, or where drums or other containers are used, able to contain half of the maximum volume of substances stored;

- c. 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; and
- d. 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 ground water and potable water supplies) unless permitted by a resource consent.

19.2.6 Stormwater Drainage

19.2.6.1 All stormwater grates on the site shall be clearly labelled “drains to the sea/river”.

19.2.7 Washdown Areas

19.2.7.1 Any part of the **hazardous facility** or **hazardous sub-facility** site where vehicles, equipment or containers that are or may have become contaminated with **hazardous substances** are washed, shall be designed, constructed and managed to prevent the **effluent** from the washdown area;

- a. entering or discharging into the stormwater drainage system; or
- b. entering or discharging into the sewerage system unless permitted by the sewerage utility operator; or
- c. discharging into or onto land/or water (including ground water and potable water supplies) unless permitted by a resource consent.

19.2.8 Underground Storage Tanks

19.2.8.1 Underground tanks for the storage of petroleum products shall be designed, constructed and managed to prevent leakage and spills.

19.2.8.2 Compliance with the following codes shall be one method of complying with this rule:

- a. Below Ground Stationary Container Systems for Petroleum – Design and Installation HSNOCOP44, Environmental Protection Agency, June 2013, and
- b. Below Ground Stationary Container System for Petroleum – Operation HSNOCOP45, Environmental Protection Agency, June 2013

19.2.9 Signage

19.2.9.1 Any **hazardous facility** or **hazardous sub-facility** shall be signposted to indicate the nature of the substances stored, used or otherwise handled in accordance with the Code of Practice for;

- a. signage for Premises Storing Hazardous Substances and Dangerous Goods HSNO 2-1; and
- b. labelling of Hazardous substances HSNO CoP 10-1.

19.2.10 Waste Management

19.2.10.1 Any process waste or waste containing **hazardous substances** will be managed to prevent;

- a. the waste entering or discharging into the stormwater drainage system;
 - b. the waste entering or discharging into the sewerage system unless permitted by the sewerage utility operator; and
 - c. the waste entering or discharging into or onto land and/or water (including ground water and potable water supplies).
- 19.2.10.2 The storage of any process waste or waste containing **hazardous substances** shall at all times comply with the provisions of Rule 19.2.4 (Site Design).
- 19.2.10.3 The storage of any waste containing **hazardous substances** shall be undertaken in a manner that prevents;
- a. exposure to ignition sources;
 - b. corrosion or other alteration of the containers used for the storage of the waste; and
 - c. unintentional release of the waste.
- 19.2.10.4 Any **hazardous facility** or **hazardous sub-facility** generating waste containing **hazardous substances** shall dispose of these wastes only to authorised sites or facilities.

19.3 RULES FOR RADIOACTIVE SUBSTANCES

19.3.1 Permitted Activities

- 19.3.1.1 An activity which will generate 300 gigabecquerels or less (radioactive substances) shall be a Permitted Activity.

19.3.2 Discretionary Activities

- 19.3.2.1 An activity which will generate more than 300 gigabecquerels shall be a Discretionary Activity.

Advice Note: The National Radiation Laboratory issues licences for the purpose of controlling the location of radioactive materials and associated activities.

19.4 RULES FOR RADIOFREQUENCY RADIATION

19.4.1 Permitted Activities

- 19.4.1.1 Radiofrequency fields associated with a telecommunication or other facility that complies with Rules 19.4.2.2, 19.4.2.3 and 19.4.2.4 below shall be a Permitted Activity.

19.4.2 Non-Complying Activities

- 19.4.2.1 Radiofrequency fields associated with a telecommunication or other facility that cannot comply with Rules 19.4.2.2, 19.4.2.3 and 19.4.2.4 shall be a Non-complying Activity.
- 19.4.2.2 The planning and operation of a telecommunication or other facility that generates radiofrequency fields shall be undertaken in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz.

- 19.4.2.3 The network operator shall ensure that the **Council receives**, before the telecommunication facility becomes operational:
- a. a written or electronic notice of where the facility is or where it is proposed to be; and
 - b. a report that:
 - i. is prepared in accordance with AS/NZS 2772.2: 2011 Radiofrequency Fields: Part 2: Principles and Methods of Measurement and computation 300 kHz to 100 GHz; and
 - ii. takes account of exposures arising from other telecommunication facilities in the vicinity of the facility; and
 - iii. predicts whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.
- 19.4.2.4 If the prediction referred to in (iii) above is that the radiofrequency field levels will reach or exceed 25% of the maximum level authorised by NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz for exposure of the general public, the network operator shall ensure that the **Council receives**, within 3 months of the telecommunication facility becoming operational, a report that:
- a. is prepared in accordance with AS/NZS 2772.2: 2011 Radiofrequency Fields: Part 2: Principles and Methods of Measurement and computation 300 kHz to 100 GHz; and
 - b. provides evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

19.5 RULES FOR MANAGING CONTAMINATED SITES

- 19.5.1.1 The following activities require an assessment to be undertaken in accordance with the National Environmental Standard for Assessing and Managing Contaminated Soils to Protect Human Health 2011 (NES) to determine if the activity is located on a site that is currently, or has previously been, used for an activity that may potentially contaminate the soil. The Ministry for Environment website contains a list of activities that are considered to contaminate soil, the Hazardous Activities and Industries List (HAIL) and is available from Bay of Plenty Regional Council. Activities subject to assessment include;
- a. removal or replacement of underground fuel storage systems;
 - b. soil sampling;
 - c. soil disturbance; and
 - d. subdivision or change of land use.
- 19.5.1.2 The assessment will determine whether the National Environmental Standards for Assessing and Managing Contaminated Soils to Protect Human Health applies, and if a resource consent is required for an activity, it will be considered as either a Controlled, Restricted Discretionary or Discretionary Activity under the NES.

Note: Rural production activities may not be subject to the NES. Refer to regulation 5(8) of the NES for further guidance.

19.6 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

19.6.1 Hazardous substances

19.6.1.1 Council shall exercise its control over;

- a. the proposed operation and site layout having regard to potential or actual effects on the surrounding natural, human and physical **environment**;
- b. transport of **hazardous substances** within the site;
- c. separation distances from neighbouring activities, and the type of **environment**/number of people potentially at risk from the proposed facility;
- d. potential hazards and exposure pathways arising from the proposed facility;
- e. potential cumulative hazards presented in conjunction with neighbouring facilities;
- f. proposed fire safety and fire water management;
- g. proposed spill contingency and emergency planning;
- h. proposed monitoring and **maintenance** schedules; and
- i. compliance with;
 - i. Below ground stationary container systems for petroleum – design and installation: HSNOCOP 44, Environmental Protection Agency, June 2013;
 - ii. Below ground stationary container systems for petroleum – Operation HSNOCOP 44, Environmental Protection Agency, June 2013;
 - iii. "Australian Standard (AS1596–2008) for LP Gas Storage and Handling" Siting of LP Gas Automotive Retail Outlets;
 - iv. "Warning Signs for Premises Storing Hazardous Substances"— New Zealand Chemical Industry Council (1988);
 - v. NZS 8409:2004 Agrichemical Users—Code of Practice.
- j. the need to plant and/or fence a riparian margin or to provide public access to avoid, remedy or mitigate the adverse effects of an activity on a waterway; and
- k. the extent to which the proposed operation and part of a **hazardous facility** complies with the relevant regulations established under Hazardous Substances and New Organisms Act 1996.

19.7 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

See Section 4.6

19.8 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 4.6

19.9 OTHER METHODS

19.9.1.1 Council will:

- a. work with other organisations to have available up-to-date records (including maps) of sites where hazardous substances are used or stored and of known contaminated land;
- b. continue to include information on known contaminated sites through Land Information Memoranda and Property Information Memoranda and on property files;
- c. work with the Regional Council to maintain up-to-date records on the Regional Council's register of contaminated land;
- d. provide information about contaminated sites and their management; and
- e. continue to support a collaborative approach and to advocate for funding for the appropriate management of contaminated sites.



CHAPTER 20

WORKS, NETWORK UTILITIES AND RENEWABLE ELECTRICITY GENERATION

Te Kawenga o Ngā Mahi me te Huanga Hiko Whakahounga

20 Works, Network Utilities and Renewable Electricity Generation

20.1 OBJECTIVES AND POLICIES

Objective WNU1 To facilitate the development, operation and maintenance of works and network utilities throughout the District, while avoiding, remedying or mitigating adverse effects on the environment particularly the landscape character and streetscape within the urban areas and the health and safety of the communities, and to recognise the effects of natural hazards on works and utilities.

Policy 1 To recognise the benefits derived from works and network utilities, including but not limited to infrastructure projects of national significance, and any technical requirements to enable efficient operation including the creation of new land titles with non-standard shape and size.

Policy 2 To avoid, remedy or mitigate adverse visual effects of works and network utilities to the extent practicable and reasonable while recognising their technical and operational constraints by (for example);

- co-locating of equipment;
- placing services underground;
- landscaping.

Policy 3 To ensure that the adverse effects on the **environment** and human health from the construction, operation and maintenance of a work or network utilities are avoided, remedied or mitigated.

Objective WNU 2 Protect the safe and efficient operation of public works and network utilities and the land upon which they traverse from inappropriate subdivision, use or development.

Policy 1 To ensure that the establishment of an activity on land does not adversely affect the proper functioning of an existing public work or network utilities.

Policy 2 To ensure the security, safety and reliability of the District's existing network utilities is considered in the assessment of subdivision, use and development.

Objective WNU 3 Integrate the design of new services into the existing network to reduce the risk of failure of the service.

Policy 1 Services and other infrastructure that are to connect with existing services and should be designed and constructed to consistent engineering standards are compatible with the existing services network.

Policy 2 New and replaced service assets shall be of sufficient size and capacity to accommodate known future capacity requirements for upstream and downstream catchments.

Objective WNU 4 To recognise the importance of the National Grid to the District's, region's and nation's social and economic well-being and to provide for the development, operation, maintenance and upgrading of network utility systems and services so as to efficiently and effectively meet the current and foreseeable needs of the District whilst managing the adverse effects of other activities, including reverse sensitivity effects on the National Grid.

- Policy 1 Enabling the sustainable, secure and efficient use and development of the **National Grid** while ensuring that adverse effects on the **environment** (including **Outstanding Natural Features and Landscapes** and **Significant Indigenous Biodiversity Sites**) and human health are avoided, remedied or mitigated to the extent practicable, recognising the technical and operational requirements and constraints of the network.
- Policy 2 Ensuring that subdivision, use and development does not adversely affect the operation, maintenance, upgrading and development of the **National Grid** by:
- a. providing for **National Grid Yards** and **National Grid Corridors** as to establish safe buffer distances for managing subdivision and land use near **National Grid lines** and support structures; and
 - b. ensuring that any potential cumulative effects will not restrict the operation, maintenance, upgrading and development of the **National Grid lines** or support structures; and
 - c. excluding any sensitive activities, or buildings and structures that may restrict operation, maintenance, upgrading and development of the **National Grid**, from establishing within the **National Grid Yards**; and
 - d. ensuring changes to existing activities within a **National Grid Yard** or **National Grid Corridor** do not further restrict the operation, maintenance, upgrading and development of the **National Grid**.

20.2 **RULES**

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities.

Certain activities involving telecommunications infrastructure and existing National Grid electricity transmission infrastructure are subject to National Environmental Standards, which may result in a different activity status to that shown in the activity table or development controls. Users of the District Plan should refer to the following:

- a. Resource Management (National Environment Standards for Telecommunication Facilities) Regulations 2008;
- b. Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009.

Where the performance standards in activity status table 20.2.1 and Rules 20.2.2 to 20.2.8 differ from the performance standards for the zone for which the activity is located, the performance standards of this chapter shall have precedence.

20.2.1 **Activity Status Table**

Key

- | | |
|-------------------------------|--------------------|
| P = Permitted | D = Discretionary |
| C = Controlled | NC = Non-Complying |
| RD = Restricted Discretionary | Pr = Prohibited |

Item	Activity	Community and Cultural Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Deferred Residential	Residential, Urban Living, and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and Coastal Protection	Active Reserve Zone	Other Public reserves	Formed Roads
	Energy												
1.	<p>Electrical lines for conveying electricity, including their support poles at a voltage up to and including 110kV and associated telecommunications lines and aeriels up to 1m high:</p> <p>a. New lines, extension in length of overhead lines</p> <p>b. New or extension of underground lines.</p>	P P	P P	D P	D P	NA NA	D P	P P	P P	D D	D P	P P	
2.	Overhead electrical lines including support towers and structures (new lines; extension in length of lines) for conveying electricity at voltage in excess of 110kV and associated telecommunications.	D	D	D	D	D	D	D	P	D	D	D	D
3.	Upgrading (see Chapter 21 Definitions) of existing overhead electrical lines with a voltage less than or equal to 110kV for conveying electricity.	P	P	P	P	P	P	P	P	P	P	P	P
4.	Temporary overhead electrical and telecommunication lines, subject to the Council being formally notified of the route, voltage/type of telecommunications link and date by which they will be removed.	P	P	P	P	P	P	P	P	D	P	P	P
5.	Removal of above-ground electrical lines and underground lines.	P	P	P	P	P	P	P	P	P	P	P	P
6.	Single transformers and associated switching gear conveying electricity at a voltage up to and including 11kV not exceeding a GFA of 4m ² and a height of 2m.	P	P	P	P	P	P	P	P	D	P	P	P
7.	Transformers, sub-stations and switching stations (new, upgrading and additions thereof) conveying electricity, and ancillary buildings not exceeding 30m ² in GFA.	D	D	D	D	D	D	D	P	D	D	D	D
8.	Depots for the maintenance, upgrading and alteration, construction of lines or towers provided they are situated within a substation property.	D	D	NC	D	D	NC	D	P	NC	NC	NC	NC
9.	<p>Non-renewable power generation schemes (new, upgrading):</p> <p>a. dendrothermal,</p> <p>b. co-generation,</p> <p>c. natural gas,</p> <p>d. biomass,</p> <p>e. coal-fired generators of electricity.</p> <p>Note: Activities relating to renewable electricity generation are provided for under 20.6</p>	D	D	D	D	D	D	D	D	D	D	D	D

Item	Activity	Community and Cultural Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Deferred Residential	Residential, Urban Living, and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and Coastal Protection	Active Reserve Zone	Other Public reserves	Formed Roads
10.	Underground gas distribution pipelines at a pressure not exceeding 2,000 kilopascals including aerial crossings of bridges, structures or streams and ancillary equipment including regulator stations but not compressor stations.	P	P	P	P	P	P	P	P	D	P	P	
11.	Underground gas transmission pipelines at a pressure that does exceed 2,000 kilopascals including aerial crossings of bridges, structures or streams and ancillary equipment including compressor compounds with compressor stations	RD	RD	D	D	D	D	D	D	D	D	D	
Telecommunications													
12.	Underground telecommunication lines, ducting and cables (new lines; extension in length of lines and upgrading the capacity within the cable).	P	P	P	P	P	P	P	P	D	P	P	
13.	Overhead telecommunication lines and cables (new lines; extension in length of lines);	P	P	D	D	D	D	D	P	D	D	P ¹ D ²	
	a. Upgrading by increasing size of cable;	P	P	C	C	P	P	P	P	C	C	P	
	b. Attaching additional overhead telecommunication lines to existing support structures where there is an existing overhead lines network;	P	P	C	C	P	P	P	P	C	C	P	
	c. Overhead connections from existing overhead lines networks to adjacent buildings	P	P	C	C	P	P	P	P	C	C	P	
14.	Telecommunication Kiosks	P	P	P	P	P	P	P	P	D	P	P	
15.	Telephone exchanges	P	P	D	D	P	P	P	P	D	D	D	
16.	Telecommunication Depots and Workshops	D	D	NC	NC	D	D	P ³ D ⁴	P	NC	NC	NC	
17.	Radio and telecommunication masts up to and including 11m in height, together with associated: a. antennas contained within a horizontal circle measured from the centre of the mast not exceeding 1.2m and dishes not exceeding 2.5m in diameter. (see Figure 20:1) b. antenna not exceeding 6m in height and 75mm in diameter c. weather radar d. guy wires e. wooden or steel support poles provided that:	P	P	P	P	D	P	P	P	D	D	P	

¹ Where attached to existing overhead telecommunications network.

² Where ¹ does not apply.

³ Commercial Zone

⁴ Business Zone

Item	Activity	Community and Cultural Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Deferred Residential	Residential, Urban Living, and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and Coastal Protection	Active Reserve Zone	Other Public reserves	Formed Roads
	<ul style="list-style-type: none"> i. the total height of the mast and associated equipment shall have a maximum height of 13m. The mast shall have a maximum diameter of 1400mm. ii. small buildings not exceeding 30m² of GFA. 												
18.	<p>Radio and telecommunication masts above 11m and up to 26m in height, together with associated:</p> <ul style="list-style-type: none"> a. antennas contained within a horizontal circle/ measured from the centre of the mast not exceeding 5m (see diagram) b. antenna not exceeding 6m in height and 75mm in diameter c. weather radar d. guy wires e. wooden or steel support poles provided that: f. the maximum height of the mast and associated equipment combined shall not exceed 28m. g. The mast shall have a maximum diameter of 1,400mm h. small buildings not exceeding 30m² of GFA 	P	P	D	D	D	D	D	P	D	D	D	D
19.	Antennas not exceeding 1.3m in diameter or 1.5m ² in area or not exceeding 2.4m in height attached to any building or structure or extending above the highest point of the building by more than 1.2m	P	P	P	P	P	P	P	P	D	D	P	P
20.	Radio and telecommunication antenna up to 4m in height and not extending above the highest point of the building by more than 1200mm.	P	P	P	P	P	P	P	P	D	D	D	D
21.	Radio and telecommunication ancillary equipment shelters including telecommunication cabinets.	P	P	P	P	P	P	P	P	P ⁵ D	P	P ⁵	P ⁵
Meteorological													
22.	Meteorological enclosures and buildings:												
	a. Automatic weather stations and single anemometer masts provided that the anemometer mast does not exceed a height of 10m.	P	P	P	P	P	P	P	P	D	P	P	P
	b. Voluntary observer sites.	P	P	P	P	P	P	P	P	D	P	P	P
	c. Associated microwave links.	P	P	P	P	P	P	P	P	D	P	P	P
	d. Enclosures and buildings not exceeding 30m ² GFA .	P	P	P	D	P	P	P	P	D	D	D	D
	e. Enclosures and buildings exceeding 30m ² GFA .	D	D	D	D	D	D	P	P	D	D	D	D
Fluid													

Item	Activity	Community and Cultural Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Deferred Residential	Residential, Urban Living, and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and Coastal Protection	Active Reserve Zone	Other Public reserves	Formed Roads
23.	Underground pipelines conveying water and stormwater, wastewater, sewage and associated pump stations (with above-ground dimensions less than 50m ² GFA).	P	P	P	P	P	P	P	P	D	P	P	
24.													
25.	Water reservoirs not exceeding 4m above ground level and domestic water tanks not exceeding 32,000 litres volume.	P	P	P	P	P	P	P	P	D	D	P	
26.	Water Reservoirs exceeding 4m above ground level and domestic water tanks exceeding 32,000 litres volume.	P	P	NC	D	D	D	D	D	NC	NC	NC	
27.	Water and irrigation races, open drains, channels, stormwater ponds and necessary incidental equipment,	P	P	P	P	P	P	P	P	D	P	P	
28.	New flood control and drainage activities and necessary incidental equipment by a local authority exercising its function under the Soil Conservation and Rivers Control Act 1941, the Local Government Acts 1974 and 2002, Land Drainage Act 1908, or Rangitāiki Act 1995.	P	P	P	P	P	P	P	P	P	P	P	
Wastewater													
29.	Domestic septic tanks, aerated wastewater treatment systems and land application areas for the treatment and disposal of domestic wastewater.	P	P	P	P	P	P	P	P	D	P	P	
30.	Dairy shed effluent treatment Regional consent.	P	P	P	P	P	D	P	P	D	D	P	
31.	Community wastewater treatment systems	D	D	D	D	D	D	D	D	D	D	D	
32.													
33.	Spray irrigation of treated wastewater (excluding human wastewater) and whey and dairy factory by-products	P	P	P	P	P	D	D	D	D	D	P	
Solidwaste													
34.	Solid waste management and community disposal sites including the disposal of hazardous substances and community composting operations.	D	D	D	D	D	D	D	D	NC	NC	NC	
35.	Transfer stations and recycling depots .	D	D	D	D	D	D	D	P	D	D	D	
36.	Closure of a solid waste disposal site.	P	P	P	P	P	P	P	P	P	P	P	
Transport (see Transportation Chapter)													
Navigational Aids													
37.	Lighthouses.	P	P	D	D	D	D	D	P	D	D	D	
38.	Navigational aids and beacons (maritime and airways).	P	P	P	P	P	P	D	P	P	P	P	
Other													
39.	Trig stations.	P	P	P	P	P	P	P	P	D	D	P	

Item	Activity	Community and Cultural Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhwiwa	Deferred Residential	Residential, Urban Living, and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and Coastal Protection	Active Reserve Zone	Other Public reserves	Formed Roads
40.	Depots and/or workshops for maintenance, upgrading, alteration, construction or security of equipment and machinery associated with a work or network utility (not otherwise provided for as a permitted activity in this table).	D	D	NC	NC	D	D	D ⁴ P ³	P	NC	NC	NC	
41.	Operation and maintenance of existing works and network utilities in existence on 1 January 1998, excluding those which operate under a resource consent granted by the Council prior to this date.	P	P	P	P	P	P	P	P	P	P	P	
42.	All other works or network utilities not included in this list, or a work or network utility that does not comply with the performance standards listed.	D	D	D	D	D	D	D	D	NC	D	D	

⁵ Telecommunications cabinets located within the road reserve are subject to National Environmental Standard for Telecommunications Facilities.

20.2.1.1 All designations are listed in Schedule 22.1.

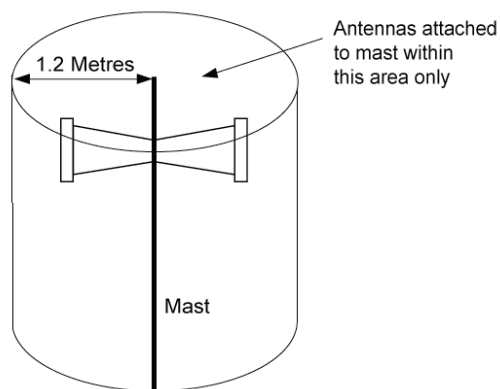


Figure 20.1 Radio and Telecommunication Masts

Advice Note: Items 30, 31, 33, 34 and 35 resource consents are required from the Regional Council.

20.2.2 General

20.2.2.1 All works and network utilities shall comply with;

- a. the Rules in 11.2.16 (Lighting and Glare);
- b. the Rules in 11.2.1 (Earthworks);
- c. the Rules in 13.2.2 (Roads and Property Access (excluding State Highways));

- d. the Rules in 13.2.5 (Design and construction of vehicle crossings (excluding State Highways));
- e. the Rules in 18.2.2 (Protection of flood control stop banks, streams, rivers and public drains);
- f. the Rules in Vibration 11.2.14;
- g. the Rules in Odour and Other Reverse Sensitivity Effects 11.2.15;
- h. the Rules in 19.2 (Hazardous substances – including radio frequency);
- i. chapters 14 (Financial contributions), 15 (Indigenous Biodiversity), 16 (Heritage - Built, Archaeological, Cultural & Significant Specimen Trees), 17 (Landscape and Coastal Environment), 18 (Natural Hazards) and 20 (Works and Utilities).

20.2.3 New Flood Control and Drainage Activities

20.2.3.1 New flood control and drainage activities undertaken by local authorities shall comply with the following:

- a. The **Council** shall be notified of all new capital works undertaken by the Bay of Plenty Regional Council 20 working days before the works commence;
- b. the Rules in 11.2.6 Noise Limits;
- c. all dust from earthworks activities shall be controlled in accordance with the Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010;
- d. activities shall not generate an objectionable or offensive odour beyond the boundary of the subject property.

20.2.4 Temporary Overhead Electrical and Telecommunication Lines

20.2.4.1 Temporary overhead electrical and telecommunication lines to construction sites or short term recreational activities for a period not exceeding 6 months subject to written details of the proposed activity being supplied to the **Council** not less than 10 working days prior to the commencement of the activity together with details outlining the route, voltage and date by which it will be removed.

20.2.5 Dimensions of Cabinets and Shelters Associated with Telecommunication Facilities

20.2.5.1 Cabinets and Shelters Associated with Telecommunication Facilities shall comply with the following:

- a. telecommunications cabinets within a road reserve must comply with the National Environmental Standard for Telecommunications Facilities as a Permitted Activity;
- b. telecommunication cabinets outside the road reserve must be no greater than 20m² and no higher than 2.0m, and comply with the relevant zone rules in relation to height, yards, and height in relation to boundary controls as a Permitted Activity.

20.2.5.2 Non-compliance with these Rules will be considered a Discretionary Activity.

20.2.5.3 For telephone exchanges electricity substations, water reservoir (exchange building not exceeding 30m² GFA) and Meteorological Buildings (not exceeding 30m² GFA) a minimum yard of 3m shall be provided (all yards).

20.2.6 Solid Waste

20.2.6.1 The **Council** is to be formally notified by any person or company undertaking **clean fill** activities prior to the commencement of the activity. The owner/occupier of the site shall be responsible for providing the **Council** with a plan of the works and details of the depth and the nature of the fill for the **Council's** land information database.

20.2.6.2 The **Council** is to be formally notified by any person or company closing a solid waste disposal site. The owner/occupier shall provide details of the location, type and volume of material within the disposal site.

20.2.6.3 All stand-alone or ancillary outdoor solid waste storage and disposal areas, exclusive of **clean fill** sites, shall be screened from adjacent properties, public roads and places by screen planting or screen protection

20.2.6.4 The disposal of **hazardous substances** shall be to an authorised site only (see Chapter 19 Hazardous substances).

Advice Note: Bay of Plenty Regional Council also controls this activity through the Regional Water and Land Plan which has a range of thresholds triggering resource consent.

20.2.7 Pulp and Paper Waste Treatment and Disposal Site (see Figure 20.2 and Figure 20.3)

While the land is zoned Rural Foothills, the provisions of Rule 20.2.7 shall apply. The provisions complement resource consents issued by Bay of Plenty Regional Council to manage adverse effects of the waste treatment and disposal process on land, air and water.

20.2.7.1 Any of the following activities shall be a permitted activity within the waste treatment and disposal area as shown on Figure 20.2 and Figure 20.3;

- a. the treatment and disposal of **liquid and solid waste**, but excluding;
 - i. the disposal of septic tank solids and sludges within the East Valley and West Valley;
 - ii. the disposal of secondary solids from the aeration and oxidation ponds within the East Valley after 31 December 1997; and
 - iii. the disposal of primary solids in the area shown as **Lake Rotoitipaku** on Figure 20.2 and authorised by the Bay of Plenty Regional Council.
- b. the disposal of hazardous or intractable by-products in the area shown for this purpose as (1)-(4) on Figure 20.2.
- c. structures associated with any permitted activity, including aeration and oxidation ponds, decanting ponds, septic tanks, pump stations, utilities, vehicle access, tracks, signs; stormwater structures, leachate collection systems, vermicomposting
- d. earthworks associated with a permitted activity;
- e. **production forestry**;
- f. conservation planting;
- g. screen planting and landscaping; and
- h. restoration and management of indigenous habitat (including wetland and wildlife) features.

20.2.7.2 Any of the following activities shall be a Permitted activity within the defined buffer area as shown on Figure 20.2 and Figure 20.3;

- a. screen planting;
 - b. **farming and production forestry; and**
 - c. vehicle access and utilities associated with a permitted activity in Area (1).
- 20.2.7.3 If an activity does not meet a standard specified in Rule 20.2.7.5 then that activity shall be a Discretionary Activity.
- 20.2.7.4 All other activities (including the exclusions in Rule 20.2.7.1 shall be a Discretionary Activity within the defined areas on below.
- 20.2.7.5 Standards for Permitted Activities include;
- a. the location and extent of all site activities carried out within the waste treatment and disposal area shall be mapped 5 yearly by the landowner or lessee, and submitted for the Council's information. The location of the screen planting or screen protection shall also be identified and mapped 5 yearly;
 - b. the activities in the waste treatment and disposal area are to be screened by screen protection or screen planting (see Chapter 21 Definitions) to a minimum depth of 30m;
 - i. The screen planting or screen protection is to be located in the defined buffer area. The purpose of the screening is to provide a visual buffer from adjacent properties and to potentially reduce the spread of aeration foam to other properties and public places;
 - ii. All trees planted and managed for screen planting must not be pruned or thinned in the way that **production forestry** is managed. This may require the use of selective logging practices to remove and replace alternative rows of trees;
 - iii. The screening is to be continuous and completely surround the waste treatment and disposal area; and
 - c. the identified pa and urupā site is not to be planted as part of any screen planting;
 - d. the identified pa shall be fenced in permanent materials such fencing to be maintained in a stock proof condition;
 - e. all machinery and equipment operating within the site is to be maintained and controlled so that the spread of malodorous or aeration foam to adjoining privately owned land is avoided, remedied or mitigated;
 - f. the following rules shall apply to activities within the area defined for the waste treatment and disposal area;
 - i. the Rules in 13.2.28 (Stormwater Disposal);
 - ii. the Rules in 11.2.1 (Earthworks);
 - iii. the Rules in 4.2.1 – Residential Zones, Rule 5.2.1 Business Zones - (Height);
 - iv. the Rules in 4.2.2 – Residential Zones, Rule 5.2.3 Business Zones - (Natural Light);
 - v. the Rules in 4.2.4 - Residential Zones, Business Zones 5.2.4 - (Distance to Boundaries); and
 - vi. the Rules in 11.2.6 and 11.2.16 (Noise Limits, Lighting and Glare).
 - g. the Rules in 19.2.9 (Signs – Hazardous Sites) shall apply to those areas defined for hazardous and intractable by-product disposal on.

Advice Note: Signs needed to meet the provisions of the Health and Safety in Employment Act 1992 are a Permitted activity under the rules in 19.2.9.
 - h. The landfill sites shall be fenced in permanent materials, with gates to control access.

20.2.7.6 If an activity does not meet a condition specified in Rule 20.2.7.5, then that activity shall be a Discretionary Activity.

20.2.7.7 All other activities shall be a Discretionary Activity within the defined areas on;

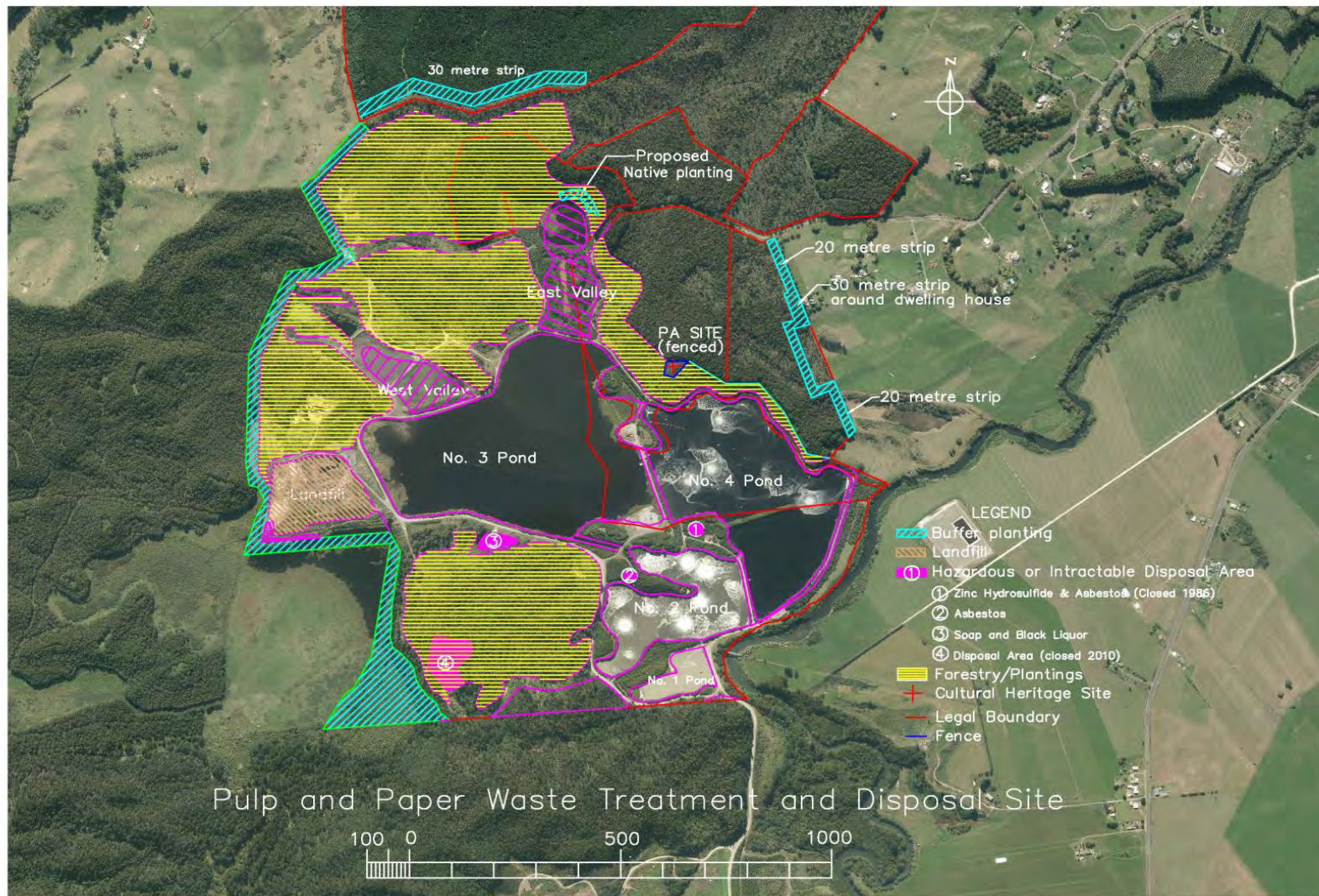


Figure 20.2 Pulp and Paper Waste Treatment and Disposal Site

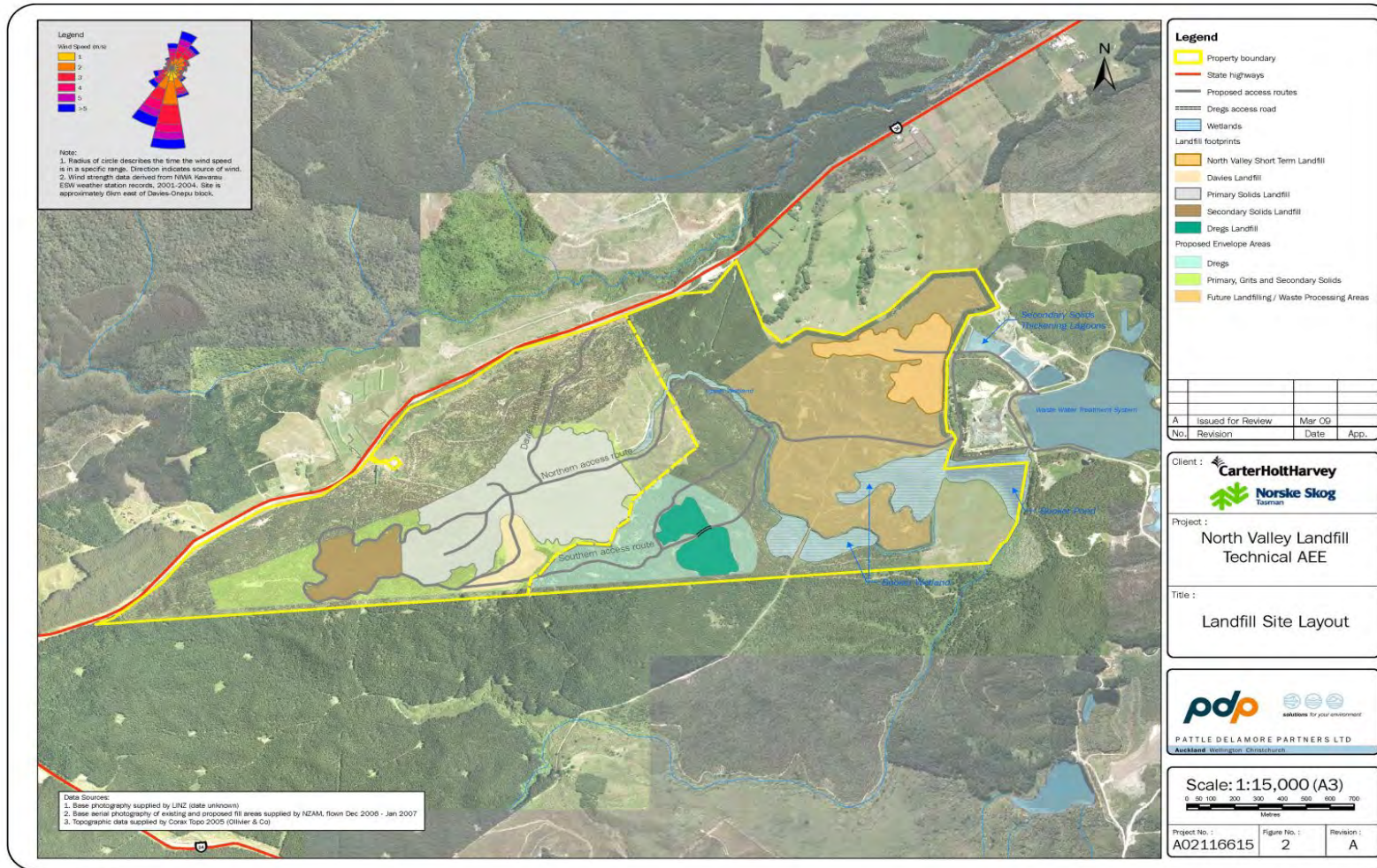


Figure 20.3 North Valley Landfill

20.2.8 National Grid Transmission Lines (see Planning Maps)

20.2.8.1 Permitted Activity Standards

- a. no buildings, structures, or **Sensitive Activities** shall be located within a **National Grid Yard** or **National Grid Corridor** except that this shall not apply to the following provided that they comply with the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34: 2001), and are located at least 12m from the outer visible edge of a **National Grid Yard** or **National Grid Corridor** transmission line support structure unless otherwise specified for below:
- i. Fences located at least 5m from a transmission line support structure.
 - ii. **Alterations** and additions to existing buildings that do not involve an increase in the building envelope or floor space.
 - iii. Network utilities (excluding buildings and structures for dams and irrigation schemes).
 - iv. Uninhabitable farm buildings and structures for **farming activities**, but excluding milking sheds and buildings for Intensive farming.
 - v. **Artificial Crop Protection Structures** and **Crop Support Structures**, located at least 8m from the outer edge of a transmission line support pole (not tower) provided it is no more than 2.5m high, is removable or temporary to allow a clear working space of 12m from the pole when necessary for maintenance purposes, and is located a sufficient distance from a pole to provide unimpeded access for maintenance equipment, including crane.
 - vi. **Artificial Crop Protection Structures** and **Crop Support Structures**, located within 8m of the outer edge of a transmission line support pole or 12m of the outer edge of a tower where Transpower New Zealand gives it written approval in accordance with clause 2.4.1 of NZECP 34:2001
- b. All earth works, quarrying and mining within a **National Grid** or **National Grid Corridor** shall meet the following standards;
- i. Around poles:
 - Shall not be deeper than 300mm within 2.2m of a transmission line pole support structure or stay wire; and
 - Shall not be deeper than 750mm between 2.2m to 5m from a transmission line pole support structure or stay wire.

Except that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of the pole support structure or stay wire are exempt from these conditions.

- ii. Around Towers:
 - Shall not be deeper than 300mm within 6m of the outer visible edge of a transmission line tower support structure; and
 - Shall not be deeper than 3m between 6m to 12m from the outer visible edge of transmission line tower support structure.
- iii. At any location in the **National Grid Yard** or **National Grid Corridor**:
 - Do not create an unstable batter that will affect a transmission line support structure; and/or
 - Do not increase ground levels such that the minimum ground to conductor clearance

distances in NZECP 34:2001 are not met

- iv. Provided that the following earthworks are exempt from the above:
 - Earthworks undertaken by a network utility operator (complying with NZECP 34:2001);or
 - Earthworks undertaken as a part of normal rural cultivation, or the repair, sealing or resealing of a road (including a farm track), footpath or driveway.

Advice Note 1: Vegetation to be planted within the transmission corridor as shown on Planning Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Advice Note 2: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP 34, including buildings, structures, and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

20.2.8.2 Restricted Discretionary Activities;

- a. earthworks, quarrying and mining within a **National Grid Yard** or **National Grid Corridor** that do not meet the Permitted Activity conditions of Rule 20.2.7.1;
- b. under section 77D of the RMA an activity requiring resource consent in relation to Rule 20.2.8.2 shall not be publically notified except where;
- c. the **Council** decides special circumstances exist (pursuant to Section 95A(4)); or
- d. the applicant requests public notification (pursuant to Section 95A(2)(b)); or
- e. a protected customary rights group or affected customary title group is affected by the resource consent application (pursuant to Section 95B(3)).

Advice Note: For the purposes of the notification provisions of the Resource Management Act, Transpower New Zealand Limited shall be an affected person, and any application for consent need not be publically notified. **Council** will have discretion over whether to publically notify any application.

20.2.8.3 Non-Complying Activities;

- a. Any new buildings or structures within a **National Grid Yard** or **National Grid Corridor** other than the exceptions provided for under Rule 20.2.8.1.

20.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

20.3.1 Attaching additional overhead telecommunication lines to existing support structures

20.3.1.1 Landscape and Visual Effects;

Council shall exercise its control over;

- a. the surrounding **environment** with particular consideration being given to residential accommodation, **public reserves**, scheduled outstanding natural features and landscapes, and significant heritage features, **places of assembly** and key urban spaces shown on Planning Map

110B in the vicinity of the proposal including whether the development acknowledges and contributes to the specific characteristics of the key urban spaces; for example. scale, colour, function and structural materials and the relationships between the individual **key urban spaces**;

- b. the visual backdrop including ridgelines, skylines and headlands from public places (including roads) and the general landscape character;
- c. design elements in relation to the locality, with reference to the existing landscape character of the locality and amenity values;
- d. natural character of the coastal **environment**;
- e. landform and vegetation;
- f. natural character of wetlands, rivers, lakes and their margins;
- g. the degree to which **buildings** on elevated ridgelines in the Rural Foothills and Rural Ōhiwa Zones are avoided and structures set back towards the toe of the rolling hills to provide a landform backdrop to build form;
- h. the scale of the activity;
- i. height, cross-sectional area, colour and texture of structures;
- j. distance between **buildings** and the degree of clustering of **dwelling**s in the Rural Coastal and Rural Ōhiwa Zones;
- k. degree of compatibility with surrounding properties;
- l. site location in terms of the general locality, topography, geographical features, adjoining land uses;
- m. proposed planting, fencing, shelterbelts, artificial screening and other landscaping treatments as detailed in a submitted landscape plan;
- n. the extent and location of proposed earthworks and the degree to which disturbed ground is contoured to integrate with the natural landform and cut faces are avoided, screened and/or vegetated;
- o. whether any native vegetation removed is to be replaced and maintained on-site;
- p. proposed signs;
- q. civil aviation requirements for height, colour and design requirements of **buildings**;
- r. the intensity of lighting when viewed from a distance;
- s. the directional spill and location of lights, and whether light adversely affects the use and enjoyment of adjoining properties;

- t. the location of network utilities and whether there is site-sharing of works and network utilities to reduce cumulative visual effects;
- u. the visual quality, visual absorption, visual rating of outstanding natural features and landscapes and/or significant amenity landscapes and significant landscape units;
- v. whether the new activity integrates into existing landscape features; and
- w. whether there are technical limitations on the location of the activity.

20.3.2 Resource consent in the Rural Coastal Zone, Rural Ōhiwa Zone, or within an Outstanding Natural Feature Landscape (ONFL)

Council shall have regard to;

- a. any adverse effect on existing indigenous vegetation, particularly kānuka stands, which contributes to the natural character of the site;
- b. the effect of stormwater resulting from within the development on **māhinga kai** and the natural character of the coastal **environment**, particularly Ōhiwa Harbour;
- c. the visual quality, visual absorption and visibility of the proposal in the context of the outstanding natural feature or landscape;
- d. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- e. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- f. the foreground vegetative context and how this is used to mitigate visual effects;
- g. the extent and nature of other vegetative mitigation proposed;
- h. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment**;
- i. the degree of mitigation to be achieved through planting and timeframes for this to be achieved; and
- j. matters set out in Section 3.7.

20.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

20.4.1 Earthworks within a National Grid Yard or National Grid Corridor

20.4.1.1 Council shall restrict its discretion to;

- a. the Criteria listed in 3.7.47.

20.4.2 Underground Pipelines at a pressure exceeding 2,000kilopascals including aerial crossings of bridges, structure, or streams

20.4.2.1 Council shall restrict its discretion to;

- a. any temporary adverse effects associated with construction on land uses in the vicinity of the site, including noise, dust vibration, traffic movement or cultural impact;
- b. the means by which the site will be restored following construction; and
- c. means by which public safety will be maintained during the life of the pipeline.

20.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

20.6 RENEWABLE ELECTRICITY GENERATION

20.7 OBJECTIVES AND POLICIES

Objective RE1 To recognise the national significance of renewable electricity generation activities and provide for the efficient operation, maintenance and upgrading of existing renewable electricity generation activities and the development of new renewable electricity generation activities in a manner that:

- a. contributes to the New Zealand national target for the generation of electricity from renewable resources;
- b. provides for the economic, cultural, social and environmental wellbeing of people locally, regionally and nationally;
- c. recognises the benefits of renewable electricity generation activities;
- d. to the extent practicable and reasonable avoids, remedies or mitigates adverse effects on the environment or otherwise addresses such effects through measures such as environmental off-setting or compensation;
- e. acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities; and
- f. avoids reverse sensitivity effects on existing and consented renewable electricity generation activities.

Policy 1 To ensure that any significant adverse effects on the **environment** resulting from renewable electricity generation activities are avoided, remedied or mitigated while recognising the significant benefits that renewable electricity generation activities create locally, regionally and nationally.

Policy 2 To recognise and provide for the continued operation, maintenance and upgrading of existing and consented renewable electricity generation activities and the development of new renewable electricity generation activities, including small and community-scale schemes.

Policy 3 To have particular regard to the logistical and technical requirements of renewable electricity activities when determining the appropriateness of any adverse effects from such activities.

Policy 4 To ensure existing and consented renewable electricity generation activities have continued physical access to energy resources,

Policy 5 To avoid unnecessary constraints or controls that have the potential to compromise the continued efficient operation, upgrading and development of the Kawerau Electricity Generating Plant which crosses district boundaries, and the Matahina Hydroelectric Power Generation Scheme.

Policy 6 To recognise the opportunity for environmental off-setting or environmental compensation where it is not practical or feasible to fully avoid, remedy or mitigate the effects of renewable electricity generation activities.

20.8 RULES

The following standards and terms apply to Permitted, Controlled and Restricted Discretionary activities

and as a guide for Discretionary and Non-complying

20.8.1 Activity Status Table

Key

P = Permitted

C = Controlled

RD = Restricted Discretionary

D = Discretionary

NC = Non-Complying

Pr = Prohibited

Renewable Electricity Generation Activities

Item	Activities	Rural Plains	Rural Foothills	Rural Coastal	Rural Ōhiwa	Deferred Residential	Residential, Urban Living and Mixed Use	Business Centre and Commercial	Light Industrial and Industrial	Scheduled Features and CPZ	Reserve Zone, Other public reserves	Formed Roads
1.	Power generation activities – Renewable (new, expansion):											
	a. wind turbines, windmills, wind power generators	D	D	D	D	D	D	D	P	D	D	D
	b. one wind turbine	P	P	P	P	P	P	P	P	D	P	P
	c. solar power (excluding panels on dwellings)	D	D	D	D	D	D	D	P	D	D	D
	d. solar power generating panels on dwellings/ buildings (compliance with bulk and location for each zone is required).	P	P	P	P	P	P	P	P	P	P	P
	e. hydroelectric power,	D	D	NC	NC	D	D	D	D	D	NC	NC
	f. geothermal, co-generation, biomass.	D	D	D	D	D	D	D	D	D	D	D
	g. biogas produced by anaerobic fermentation of waste not exceeding 4m ³ per day	D	D	D	D	D	D	D	D	D	D	D
	h. biogas produced by anaerobic fermentation of waste exceeding 4m ³ per day	D	D	NC	NC	D	NC	NC	D	D	D	D
2.	Geothermal drilling	C	C	C	D	C	D	C	D	D	D	D
3.	Operation, maintenance and upgrading of existing renewable electricity generation activities	P	P	P	P	P	P	P	P	P	P	P
4.	Above ground pipelines conveying geothermal fluid (Geothermal fluid includes steam)	C	C	D	D	C	C	D	C	D	D	D
5.	Underground pipelines conveying geothermal fluid (with above-ground dimensions less than 50m ²). (Geothermal fluid includes steam).	P	P	P	P	P	P	P	P	D	P	P

Advice Note 1: Where the performance standards in Activity Status Table 20.8.1 differ from those in Activity Status Table 15.2.1, the performance standards of Activity Status Table 20.8.1 shall have precedence.

20.8.2 Permitted Activities General

20.8.2.1 All permitted Renewable Energy Generation activities shall comply with;

- a. the Rules in 13.2.5 (Design and Construction of Vehicle Crossings (excluding State Highways));
- b. the Rules in 13.2.2 (Roads and Property Access (excluding State Highways));
- c. the Rules in 19 (Hazardous substances and Contaminated Land);
- d. the Rules in 11.2.6 (Noise);
- e. the Rules in 11.2.16 (Lighting and Glare);
- f. Chapters: 14, Financial Contributions, 15 Indigenous Biodiversity, 16 Heritage – Built, Archaeological, Cultural and Significant Specimen Trees, 17 Landscape and Coastal Environment , and 18 Natural Hazards; and
- g. Height.

20.8.3 Geothermal Drilling

20.8.3.1 For **Geothermal Drilling** the following standards shall apply:

- a. NZS6803:1999 Acoustics – Construction Noise (except for noise associated with steam release during well testing where no noise standard shall apply as these events are of limited frequency and duration);
- b. the site shall be no larger than 2 hectares;
- c. the rules in 13.2.5 (Design and Construction of Vehicle Crossings (excluding State Highways));
- d. no height limit shall apply to cranes or drilling rigs, except for compliance with the Galatea and Whakatāne Airport height restrictions;
- e. the rules in 11.2.16 (Lighting and Glare); and
- f. the rules in 19.2.10 (Waste Management).

20.8.3.2 Non-compliance with Rule 20.8.3.1 shall be a Discretionary activity.

20.9 ASSESSMENT CRITERIA – CONTROLLED ACTIVITIES

20.9.1 Geothermal Drilling/Pipelines

20.9.1.1 Council exercise its control over;

- a. ensuring that the Best Practicable Option is adopted for mitigation of noise effects for activities sensitive to construction noise as set out in NZS6803:1999;
- b. that appropriate controls are implemented for the management of **Hazardous substances**;
- c. traffic management plan;

- d. the extent to which public and private access is provided;
- e. natural hazards; and
- f. public safety.

20.9.2 Above-Ground Pipelines (excluding Geothermal Pipelines).

20.9.2.1 Council shall exercise its control over;

- a. the means by which the rural character will be maintained;
- b. the means by which public safety will be maintained;
- c. the means by which public and private access will be maintained; and
- d. the means by which the activity will avoid, remedy or mitigate areas identified as prone to natural hazards.

20.10 ASSESSMENT CRITERIA – DISCRETIONARY/NON-COMPLYING ACTIVITIES

See section 3.7.



CHAPTER 21

DEFINITIONS

Nga Taka Kupu

21 Definitions

Access means an area of land providing practical vehicular access from a formed public road to that site and/or lot, and being a minimum specified width for the permanent and legal use of that site for ingress and egress only.

Access leg means that part of any lot or site between the road and the main body of the lot or site, utilised for vehicle access to the main body of the lot or site. An example of an access leg is shown in Appendix 21.1.1

Access lot means a lot owned in common in undivided shares by the owners of two or more lots in a subdivision of the principal purpose access from all or any of the other lots 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. An example of an access lot is shown in Appendix 21.1.2

Access strip means a strip of land created by the registration of an easement in accordance with section 237B of the Resource Management Act 1991, for the purposes of allowing public access to or along any river, or lake, or the coast, or to any **esplanade reserve**, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act).

Accessway means an area of land used only for ingress and egress. It includes;

- a. privateway (including access leg, access lot and right of way);
- b. service lane;
- c. vehicular access on cross or company leases or unit titles; and
- d. private road.

Accessory building means a building,

- a. the use of which is incidental to that of any other building or buildings on the site, or to any permitted activity on the land if not built upon, and
- b. located on the same site as the principal building, other structure, or use of land.

Accessory building for habitation means a habitable building such as a sleep out or granny flat which is incidental to the main dwelling.

Accommodation facilities means any form of **residential activity** which does not comply with the definition of **dwelling** and includes boarding houses, hotels, hostels, motels, camping grounds, accommodation for seasonal workers.

Act means Resource Management Act 1991 and Amendments.

Active frontage means the frontage of a building to the road, typically of a commercial nature, that is designed to provide for access, interaction between the activities within the building and the public space in the road, or for the display of the actual goods and services for sale within the building.

Additions means an extension or increase in floor area, number of storeys, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

Aerial for the purposes of Chapter 20 (Works, Network Utilities and Renewable Electricity Generation) means any array of rods or tubes, that is part of a telecommunication or radio communication facility used or intended to be used for transmission or reception of telecommunication or radio communication signals, including the aerial mounting but not any supporting mast or similar structure. This definition excludes any antenna.

Alterations means any changes to the fabric or characteristics of a building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally. It does not include repair or maintenance.

Alternative building site means an area of land comprising a minimum area of 350m² (or the minimum size for a lot in the land use activity zone in which it is located, whichever is the greater) which is held in the same certificate of title as the land in the **CHEPA**. It must be suitable for a dwelling and be of a size and shape that will contain a dwelling (and associated activities) as a permitted activity complying with all permitted activity conditions in the District Plan. Such land shall remain able to be used as an **alternative building site** for the donor building (the building located in the **CHEPA**), for the duration of the land use consent or, in the case of subdivision, until it is needed for relocation of the consented activity, building or structure.

Note: For the purposes of this definition the phrase “shall remain able to be used” means that the area identified as an **alternative building site** shall not be developed, landscaped or otherwise contoured, or planted in trees in such a way that would prevent the relocation of the subject building and the provision of yards, car-parking, access and manoeuvring areas in accordance with the Performance Standards in the District Plan. For guidance, the erection and placement of fences, garden structures, clotheslines, letterboxes and paving areas may be appropriate on the **alternative building site**.

Amenity values has the same meaning as in Section 2 of the Resource Management Act 1991.

Ancillary means small and minor in scale in relation to, and incidental to, the primary activity and serving a subordinate but supportive function to the primary activity. An activity that is of a scale, character or intensity that is considered independent of the principle activity is not ancillary.

Annual exceedance probability means the chance or probability of a natural hazard event (usually a rainfall or flooding event) occurring annually and is usually expressed as a percentage. **Antenna** means an electrical device that converts electric power to radio waves and vice versa. **Antenna** can be in a range of physical configurations including dishes, panels, arrays, rods, loops, coils, spheres and linear wire spans.

Artificial crop protection structure means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

Artificial watercourse means a watercourse that is not a natural or modified watercourse, and is a completely human-made channel along which water would not naturally flow. An **artificial watercourse** includes irrigation canals, water supply races, and canals for the supply of water for electricity power generation, farm drains and other drains (e.g. roadside drains).

Assessment of Environmental Effects has the same meaning as in Section 2 of the Resource Management Act 1991.

Audible bird scaring device means a noise emitting device being used for the purpose of disturbing or scaring birds including a gas gun, avian distress alarm and firearm, when being used specifically for bird scaring.

Awatarariki High Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a high risk to life and property from debris flows as shown on Planning Map 101A.

Awatarariki Medium Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a medium risk to life and property from debris flows as shown on Planning Map 101A.

Awatarariki Low Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to low risk of life and property from debris flows as shown on Planning Map 101A.

Bed, for the purposes of **esplanade reserve** or esplanade strip requirements, means the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks.

Building means;

- a. any construction having a height from floor to ceiling (or to the underside of the rafters where no ceiling is provided) over any portion of the floor of more than 1.7m;
- b. any retaining wall or breastwork exceeding 1.5m in height;
- c. any fence or wall exceeding 2.0m in height;
- d. any pool or tank more than 1.0m in height above **ground level** immediately below (including a retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
- e. any vehicle, caravan or construction, whether movable or immovable used as a place of residence or business or for assembly or storage purposes;
- f. any verandah, bridge or other construction over a public place or any tunnel or excavation beneath the same;
- g. any mast, radio or television aerial which exceeds 7m in height above the point of attachment or its base support;
- h. any pole supporting lighting which exceeds 6m in height above **ground level**;
- i. any permanent tent or marquee or air-supported canopy;
- j. any part of a deck or terrace which is more than 1m above **ground level**;
- k. excludes **mimai stands**; and
- l. excludes geothermal pipelines.

Building coverage means that portion of a site which may be covered by buildings but does not include fences, retaining walls, pergolas, or uncovered swimming pools.

Business activity means retail, industrial and commercial activity.

Car-equivalent movement for the purposes of 13.2.7 means:

One car to and from the site	= Two car-equivalent movements
One truck to and from the site	= Six car-equivalent movements
One truck and trailer to and from the site	= Ten car-equivalent movements

provided that a single residential **dwelling** is deemed to generate ten car-equivalent movements per day.

For the purposes of this definition, a car;

- a. a passenger car with a wheelbase of 3m or less;
- b. a van, utility or light truck up to 3.5 tonnes gross laden weight; and
- c. a motorcycle.

For the purposes of this definition a truck is any other motorised vehicle in excess of 3.5 tonnes gross laden weight.

The traffic generation per day is the average number of vehicle movements measured over a period of one week.

Catteries mean land or buildings used for the boarding and/or breeding of cats.

Chartered Professional Engineer (CPE) means a person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act, 2002, or any superseding legislation.

Chartered Professional Engineer experienced in coastal processes means a person who is a Chartered Professional Engineer who also holds expertise and qualifications in coastal geomorphology, coastal processes, coastal hazards and climate change effects, and is able to evaluate the impact of the coastal processes on any proposed development.

Clean fill means the depositing of any naturally occurring non-biodegradable material such as rocks, soil and clay excluding organic materials, combustible materials and **hazardous substances**.

Coastal Environment all of the coastal marine area, land inland to the point defined in Appendix I of the Bay of Plenty Regional Policy Statement, the natural and physical resources within it, and the atmosphere above it.

Coastal Hazard Erosion Policy Area (CHEPA) means the land that comprises the Current Erosion Risk Zone (CERZ), the 2060 Erosion Risk Zone (2060 ERZ) and the 2100 Erosion Risk Zone (2100 ERZ), being that area of land located between the Mean High Water Springs mark and the landward extent of the 2100 ERZ boundary along the District's coastline identified on Whakatāne District Planning Maps.

Coastal Hazard Flood Policy Area (CHFPA) means the land potentially affected by coastal inundation and wave run up and identified on the Planning Maps as either the Moderate Inundation Risk Zone or the Extreme Inundation Risk Zone.

Commercial (and commercial service) means the provision of a service activity for reward, and includes but is not limited to;

- a. offices;
- b. medical facilities;
- c. kennels and catteries; and
- d. Storage ancillary to commercial.

but does not include a **retail** or **industrial activity**.

Commercial recreation means a service carried out on the surface of the water, for reward.

Commercial service means the provision of a service activity for reward, and includes offices and medical facilities, but does not include a retail or industrial activity.

Commercial stockyards, salesyards or holding paddocks means land or buildings used for the holding, viewing, or selling of farm animals.

Complementary for the purpose of Rule 5.2.14.2, refers solely to similarity of merchandise use or application as between the stock-in-trade of co-occupants and excludes co-occupation by other traders.

Comprehensive residential development means the development of 4 or more separate or attached residential dwelling units planned and designed in an integrated manner incorporating buildings, infrastructure and landscaping. Comprehensive Residential Development may include subdivision, but this is not a requirement.

Construction for the purposes of Rule 18.2.2.2 (c) means to modify, repair, extend, remove or demolish.

Contaminated land has the same meaning as in the Resource Management Act 1991. For sites on the Bay of Plenty Regional Council's Selected Land Use Register, limited to that part of a site(s) that is identified as being contaminated and is registered as contaminated confirmed. **Contaminated land** does not include land identified on the Bay of Plenty Regional Council's Selected Land Use Register as:

- a. Contamination Managed or Contamination acceptable/Remediated, unless the contamination levels are not acceptable for the proposed land use; and/or where the development is proposed that may compromise the integrity of any methods or procedures to control access and contact to the contaminant;
- b. Verified Site History;
- c. Unverified Site History;
- d. No Identified Contamination; and
- e. Entered into Database in Error.

Convenience shop means a shop that sells goods that individuals purchase often such as food and

beverages. Convenience retail has a corresponding meaning.

Council means the Whakatāne District Council or any committee, sub-committee or person to whom the Council's powers, duties and discretions have lawfully been delegated pursuant to the provisions of the Act.

CPZ means Coastal Protection Zone

Crematorium means a building or part of a building that houses a cremator and may include an ancillary vehicle parking area for the person performing the cremation. It does not include an associated place of assembly such as a funeral director's premises, a cemetery or chapel. For the avoidance of doubt, a crematorium is not a commercial service.

Cremator means a furnace for cremating corpses.

Crop support structures means open structures on which plants are grown.

Depots means transport, tradespersons' or contractors' depots, and includes land and buildings which are used for the receipt, delivery and transit, and storage of goods, materials and machinery or as a terminal for passenger transport services, and may include the housing or parking of commercial vehicles in association with the operation.

Depth for the purposes of 18.2.2.3 (d) and 18.2.2.5 (b) and (d) means the distance below the lower of the toe of the adjacent stopbank or the existing **ground level**.

District means the district of Whakatāne District Council as constituted by Part 2 Schedule 1 of the Local Government Act 2002.

Drain means a watercourse or channel artificially constructed to either lower the water table or to divert water.

Drive in food premises means land and/or buildings, or part thereof, used or intended to be used for the sale of food for consumption either on or off the premises and the customers have the option of ordering and receiving foods while remaining in their vehicles.

Dwelling means a building or part of a building used or intended to be used for a **residential activity** on a permanent basis, being one month or more in duration, and may include an apartment, a semi-detached or detached house, home unit, town house, papakāinga unit, kaumatua flat, rest home for the rehabilitation and care of any group and similar forms of permanent residential development. This includes the construction, alteration, demolition, relocation, removal and re-siting of a **dwelling**.

For the purposes of 4.2.6, retirement village dwellings and independent apartments will be considered a dwelling on a one to one basis, and every 6 rest home bedrooms will be considered one dwelling.

Earthworks mean any disturbance of the land or modification to the shape of the land surface, including;

- a. removal, deposition or excavation of soil;
- b. drilling and tunnelling in soil
- c. infilling and recontouring of land; and
- d. construction of any new road, track, landing or drainage channel.

but earthworks exclude the disturbance and/or compaction of land caused by;

- a. stock grazing or movement;
- b. normal agricultural and horticultural practices such as cultivation, ploughing, root ripping, stump removal and harvesting;
- c. **maintenance** of an existing road or farm **raceway**, or track;
- d. **maintenance** of farm drains and waterways;
- e. **production forestry**;
- f. activities undertaken in accordance with a National Environmental Standard; and

g. mining and quarrying.

Ecological corridor means an area of habitat connecting Indigenous vegetation and fauna that would otherwise have been separated by human activities (such as roads, development or logging)

Ecosystem means an interacting system of living and non-living parts such as sunlight, air, water, minerals and nutrients.

Education facilities mean land and/or buildings used to provide regular instruction or training and their ancillary administrative, cultural and commercial facilities. Such facilities include childcare facilities, pre-schools, Kōhanga reo, schools, and tertiary education institutions, work skills training centres, outdoor education centres, and sports training establishments.

Effluent means waste discharged as liquid.

Electrical line means the wire, cable (underground or overhead) or conductor that transmits electricity and includes the poles (and supports, switch gear and fuse gear), towers and pylons for supporting the lines insulations and casings necessary for their functioning.

Emergency services means those buildings, structures, facilities or authorities which are responsible for the safety and welfare of people and property in the community and includes but is not limited to, fire stations, ambulance stations and police stations.

Environment means

- a. Ecosystems and their constituent parts, including people and communities; and
- b. All natural and physical resources; and
- c. Amenity values; and
- d. The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

Esplanade reserve has the same meaning as in Section 2 of the Resource Management Act 1991.

Esplanade strip has the same meaning as in Section 2 of the Resource Management Act 1991.

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.

Farming means agriculture, pastoral farming, organic farming, horticulture, floriculture, beekeeping, aquaculture, and the keeping and/or breeding of horses, poultry, pigs and other animals, and includes;

- a. the fencing of land;
- b. construction and use of accessory buildings or structures;
- c. planting shelterbelts;
- d. topdressing and spraying and associated airstrips;
- e. application of additives (including fertiliser) to enhance the life-supporting capacity of the soil, dairy factory wastewater, whey and dairy factory by-products.

Sika deer farming is excluded from this definition and is a prohibited activity.

Fertiliser means any substance or mix of substances that is described as or held to be suitable for sustaining or increasing the growth, productivity or quality of plants (or animals indirectly) through the application to plants and soils of:

- a. the following major nutrients: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride, and sodium;
- b. the following minor nutrients: manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium;

- c. non-nutrient attributes of the materials used in fertiliser;
- d. fertiliser additives;
- e. gypsum and lime;
- f. compost that does not include animal products or waste.

For clarity, fertiliser does not include biosolids, animal effluent or poultry farm litter or pig farm litter.

Formed road for the purpose of Rules 20.2 and 11.2.2.5 means all the land within the area designated as D27 and D47 (this generally means state highways and **Council** roads).

Freestanding sign means a sign (defined) fixed permanently to a site, independent of any other building or structure on the site. To avoid doubt, **freestanding signs** do not include sandwich signs or other signs not fixed permanently to the site.

Geothermal drilling means the construction, maintenance and upgrading of wells associated with Geothermal resource exploration or development, including drilling rigs, well pads, well heads, well testing, drill cutting ponds, accessory buildings, structures and equipment, temporary ancillary accommodation and fencing.

Greenhouses means a structure enclosed by glass or other transparent material and used for the cultivation or protection of plants in a controlled environment but excluding **artificial crop protection structures**.

Gross floor area (GFA) is the sum of the total areas of building or buildings (including any void area in those floors such as service shafts or lift or stairwells) measured from the exterior faces of exterior walls or from the centre lines of walls separating two buildings, but excludes the floor area allocated to car-parking or vehicular access to car-parking and vehicular unloading areas.

Ground level means the level of the ground existing when approved earthworks associated with any subdivision of the land have been completed, but before cutting or filling of the land for any new building or structure has begun. Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a building shall not be used in the measurement of height provided that;

- a. where **ground level**, as defined above, was established prior to 1 January 1990, then **ground level** shall be deemed to be the level of the ground on 1 January 1990.
- b. where the **Council** has subsequently approved the deposit of fill to avoid inundation, subsidence, soil erosion or any other land stability problem, then **ground level** shall be measured at the new level.

Habitable room means a space used for activities normally associated with domestic living, but excluding any garage, bathroom, laundry, toilet (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.

Hapū means the genealogical and political authority ensconced in the people of a defined territory, usually comprised of several whānau.

Hard protection works means any man-made works, other than **soft protection works** that are designed to, or have the function of, protecting a building, structure or land from erosion by the sea e.g. revetments and seawalls.

Hazardous facility means;

- a. any activity involving **hazardous substances**;
- b. the sites at which and structures within which **hazardous substances** are used, stored, handled or disposed of; and
- c. vehicles used for the transport of **hazardous substances**.

A **hazardous sub-facility** is any **hazardous facility** that is separated by more than 30m from any other

hazardous facility on the same site.

Hazardous facility does not include a vehicle being used to apply diluted hazardous substances in a manner consistent with their intended use and industry standards.

Hazardous substance means any substance;

- a. with one or more of the following intrinsic properties:
 - i. an explosive nature;
 - ii. flammability;
 - iii. an oxidising nature;
 - iv. a corrosive nature;
 - v. acute and chronic toxicity; and
 - vi. ecotoxicity, with or without bioaccumulation.
- b. which in contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any one or more of the properties specified in paragraph a of this definition;
- c. that, when discharged to surface or ground waters, has the potential to deplete oxygen as a result of the microbial decomposition of organic materials (for example, milk or other foodstuffs); and
- d. radioactive substances except as contained within a smoke detector.

Height in relation to a structure means the vertical distance between any part of the structure and **ground level** immediately below that part of the structure. For the purposes of this definition, the measurement of height shall not include lift towers, stairwells, skylights, antennae, or plant rooms, chimneys, flues, flagpoles, aerials or other such projections which;

- a. do not exceed the maximum permitted height by more than 15% of the height limit for the zone, or 2.5m, whichever is the lesser; and
- b. do not exceed more than 10% of the area of the footprint of the building, or 50m², whichever is the lesser.

Height plane means a contour parallel to **ground level** over a whole site (see Appendix 21.1.4).

Heliport means a commercial or private base used for regular helicopter movements including support services for passengers or aircraft. A heliport may include passenger terminals, administration, freight, refuelling, helicopter parking or hangaring and helicopter maintenance or servicing.

Helicopter landing area means any area used for helicopter flight movements on a temporary or intermittent basis only.

High Fire Risk Vegetation means vegetation species that burn readily at low/moderate fire danger conditions thereby increasing the fire risk to people and the environment.

Historic heritage means;

- a. those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities;
 - i. archaeological;
 - ii. architectural;
 - iii. cultural;
 - iv. historic;
 - v. scientific; and
 - vi. technological;
- b. historic sites, structures, places, and areas; and
- c. archaeological sites; and

- d. sites of significance to Māori, including waahi tapu; and
- e. surroundings associated with the natural and physical resources.

Home-based education and care service means the provision of education or care, for gain or reward, to fewer than 5 children under the age of 6 (in addition to any child enrolled at school who is the child of the person who provides education or care), in:

- a. their own home; or
- b. the home of the person providing the education or care; or
- c. any other home nominated by the parents of the children

Home occupation means an occupation or craft which is ancillary to the predominant residential or rural use on the same site, but does not include;

- a. retail activity over 10m² in GFA; and
- b. **Kennels, catteries or beekeeping** in any of the following zones;
 - i. Industrial;
 - ii. Light Industrial;
 - iii. Business Centre;
 - iv. Large Format Retail
 - v. Commercial;
 - vi. Mixed Use;
 - vii. Residential;
 - viii. Urban Living;
 - ix. Coastal Protection;
 - x. Education; and
 - xi. Active Reserve.

Hydrological neutrality means nil or minimal change to stormwater patterns as a result of development.

Impermeable surface means a surface which is formed so that water cannot pass through it.

Indigenous biodiversity means the variability among living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part as this pertains to species or genetic variant found naturally in New Zealand. It includes diversity within species, between species and of ecosystems, and includes migrant species visiting New Zealand on a regular or irregular basis.

Indigenous fauna means native animals (including birds, fish, frogs, lizards and invertebrates insects) which belong naturally in the ecological locality. It includes birds which are self-introduced but does not include animals naturalised in New Zealand with human intervention.

Indigenous vegetation means any native naturally occurring plant community containing a complement of habitats and native species normally associated with that vegetation type or having the potential to develop these characteristics. It includes vegetation with these characteristics that has regenerated following disturbances or has been restored or planted. It excludes plantations and vegetation that have been established for commercial purposes.

Where indigenous vegetation naturally regenerates or is replanted within a SIB in accordance with Rule 15.2.1.2(9), it is not a “plantation or vegetation established for commercial purposes” as described in the definition of indigenous vegetation.

Industrial activity means;

- a. the production of goods by manufacturing, processing (including the milling or processing of timber), assembling or packaging;
- b. dismantling, servicing, testing, repairing, cleaning, painting, storage, and/or warehousing of any materials, goods or products (whether natural or man-made), vehicles or equipment, and
- c. **depots** (excluding rural processing activities and rural contractor depots), engineering workshops,

panel beaters, spray painters.

Infrastructure for the purposes of Chapter 14 (Financial Contributions) includes the following components owned or managed by the **Council**, or to be owned or managed by the **Council** through vesting as part of the resource consent process:

- a. Water, wastewater, stormwater and road networks (excluding state highways);
- b. Public carparks;
- c. Service lanes; and
- d. Reserves (excluding **esplanade reserves**).

Intensive farming means farming that,

- a. is not dependent on the qualities of the soils naturally occurring on the site; or
- b. is undertaken predominantly within buildings or tightly confined structures.

Examples of **intensive farming** are;

- d. mushroom farming;
- e. aquaculture;
- f. hydroponics;
- g. poultry farms;
- h. pig farming of more than ten adult pigs; and
- i. animal feed lots.

Intensive farming does not include buildings used for short periods of time to provide shelter (such as herd or calf housing)

Kaitiaki means persons who carry out the function of Kaitiakitanga.

Kennels means land and buildings used for the boarding and/or breeding of dogs.

Key urban spaces means public spaces that are important for the form and function of the town centre.

kv means one thousand volts.

Lake, for the purpose of **esplanade reserve** or **esplanade strip** requirements, means a body of fresh water which is entirely or almost surrounded by land and whose bed has an area of eight hectares or more.

Limited access road means any State Highway declared to be a **limited access road** under section 88 of the Roading Powers Act 1989 and any other road declared as **limited access road** under section 346A of the Local Government Act 1974.

Liquid and solid waste for the purposes of Rule 20.2.7 means;

- a. liquid effluent;
- b. primary and secondary solids;
- c. septic tank solids and sludges;
- d. hog fuel (bark and sawdust) contaminated with dirt and stone;
- e. cut and split logs and log billets;
- f. timber off-cuts and breakages;
- g. paper broke;
- h. wood pulp;
- i. special wastes comprising tall oil sludge's, soap sludge's, laboratory chemicals and mill chemicals;
- j. asbestos insulation and wall cladding;
- k. timber treatment sludges;
- l. tank sludges;
- m. chemicals likely to cause spontaneous combustion or explosion;
- n. chemical containers;
- o. Grits and dregs;

- p. Boiler ash; and
- q. Municipal waste (general waste but not including food).

Living area means any room in a **dwelling** or **accessory building** used for habitation, which is used principally as a communal **living area** and does not include a bedroom, kitchen, laundry, bathroom, toilet or passage.

Loading, in relation to a vehicle, means its fuelling and unloading, and the adjustment or covering or tying of its load, and the loading or adjustment of any part of its load; and **load**, in relation to a vehicle, has a corresponding meaning.

Loading space means that portion of a site including buildings used for loading vehicles as required under this District Plan, and includes a loading dock.

Lot means a parcel of land held in a separate certificate of title (or two or more titles required to be held in one ownership) 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 adjoining land.

In the case of land subdivided under the cross-lease or company lease systems (other than strata titles), **lot** shall mean an area of land containing:

- a. a building or buildings for residential or business purposes with any **accessory building**, plus any land exclusively restricted to the users of that building, or
- b. a remaining share or shares in the fee simple creating a vacant part of the whole for future cross-lease or company lease purposes.

In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), **lot** shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and an area of land being equivalent to the total land title area divided by the number of principal units located thereon.

In the case of strata titles, **site** shall mean the underlying certificate(s) of title immediately prior to subdivision.

Common land is to be included proportionally in the consideration of the District Plan rules.

Situations where part of a **lot**, a **lot**, or more than one **lot** comprise the site:

- a. **Corner lot** means a site having a frontage of not less than the minimum prescribed by this plan for front sites in the particular zone in which the site is situated to each of two or more roads, if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees.
- b. **Front lot** means a site having one frontage of not less than the minimum prescribed by this plan for the particular zone in which the site is situated to a road.
- c. **Rear lot** means a site which is situated generally to the rear of another site and which has not the frontage required for a front site for that use in the zone.
- d. **Through lot** means a front site having two frontages to a road or roads, such frontages not being contiguous and the average width of the site being not less than the minimum frontage required for a front site.

Māhinga kai means areas where tangata whenua have traditionally gathered foods.

Maimai stands means temporary and permanent game bird hunting structures with a floor area not exceeding 5 square metres located in, on, under or over the bed of a river, stream, lake or wetland or within 25 metres on the landward side of the edge of any water body, as measured at its maximum annual water level.

Main living area means either a lounge or dining room in a **dwelling**.

Maintenance (excluding a heritage building) means the protective care of a place, building, object, tree or ecological feature in order to arrest processes of decay, fatigue, structural fatigue, erosion or dilapidation or to encourage a tree or ecological feature to remain healthy. **Maintenance** may include structural repair, painting, cleaning, erosion control planting, clearance and removal of debris except that **maintenance**, for the purposes of 18.2.1 (10) means all activities associated with keeping a structure in good condition, or restoring a structure to good condition, provided the activity;

- a. does not result in any increase in the base area or height of the structure; and
- b. does not change the character, scale or intensity of any effects of the structure on the environment (except to reduce any adverse effects).

Maintenance and repair of a heritage building includes work that involves stabilisation, preservation restoration and conservation as defined in the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010 (the ICOMOS New Zealand Charter 2010). This work can include the patching, restoration or replacement of materials, elements, components or fixtures for the purposes of maintaining them in good condition. The work does not involve alterations, additions (including restoration and reconstruction as defined in the ICOMOS New Zealand Charter 2010), relocation, partial demolition and demolition (otherwise other standards apply).

Management for the purposes of the Criteria in 15.3 and 15.4 means, activities undertaken following accepted ecological practices, principally to avoid, remedy or mitigate adverse environmental effects on **indigenous vegetation**, or a habitat for **indigenous fauna**, or to otherwise maintain or enhance indigenous biodiversity. It shall include the following activities:

- a. Plant and animal pest control
- b. replanting of vegetation with locally sourced indigenous species if appropriate
- c. the trimming or pruning of **indigenous vegetation** or the removal of dead or diseased vegetation where it is necessary to maintain the health of the ecological feature, or public safety
- d. fencing to avoid an adverse effect on the managed feature from an adjoining activity
- e. monitoring the outcomes of the planned works.

Management of vegetation for the purposes of Rule c (b) means planned work undertaken in accordance with accepted arboriculture practices that will maintain the health of the vegetative cover on the escarpment and assist in stabilising the slope. **Management** may include;

- a. removal of weed species and animal and plant pests;
- b. replanting of vegetation;
- c. removal of dead or diseased vegetation where it is necessary to maintain the health of the vegetation or for public safety reasons;
- d. trimming or pruning of vegetation that achieves the purpose of the rule as described above; and
- e. seed collection.

Māori land shall have the same meaning as in Section 3 of Te Ture Whenua (Māori land Act) 1993.

Marae means a specific area containing a complex of buildings which an iwi, **hapū** or whānau regards as their base for hosting meetings and other ceremonial occasions (hui) which may include;

- a. wharenuī, wharetipuna (meeting house);
- b. paepaetapu (seating for tangata whenua);
- c. paepaemanuhiri (seating for visitors – shelter);
- d. Whakaruruhau (shelter);
- e. wharetaonga (building to house taonga);
- f. wharepaku (toilet block);
- g. wharetaputapu (mattress room/laundry room);

- h. wharemate (shelter for deceased body and bereaved family);
- i. pātaka/pākoro (storage shed);
- j. whare mo ngā ringawera (accommodation for cooks);
- k. waharoa (entrance to marae);
- l. wharekai (dining hall);
- m. urupā (cemetery);
- n. wharehauora (health centre); and
- o. other accessory buildings normally used in conjunction with the whareniui, but not permanent accommodation (except as provided within this definition).

Marine precinct activities means marina structures and activities, vessel haul-out, fuelling and storage activities, boat ramps, marina offices, ancillary retail, café and commercial services and associated car parking, landscaping, infrastructure and subdivision.

MHWS means Mean High Water Springs.

Mineral means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones including aggregate, sand and gravel, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Mining means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and "to mine" or "quarrying" has a corresponding meaning. **Mining** shall also include the processing of minerals, washing, crushing, screening, the removal of overburden, the erection and maintenance of buildings and structures, and other works connected with such operations.

Minor structures or works for the purposes of compliance with Rules 18.2.14 and 5 means fences, gardens, trees, garden structures (such as steps, pergolas, etc.), clotheslines, letterboxes and paving areas, and such structures and works not requiring a building consent or any other consent from the Council. Minor structures and works excludes **hard protection works**.

Minor upgrading for the purposes of 18.2.1, item 10 means all activities associated with improving the function of a structure, provided the activity;

- a. does not result in any significant increase in the base area or height of the structure; and
- b. does not significantly change the character, scale or intensity of any effects of the structure on the environment (except to reduce any adverse effects).

Moturiki datum is the base reference level used by Land Information New Zealand. Its origin is mean sea level as established by Land Information New Zealand from a tide gauge on Moturiki Island at Mount Maunganui. The point is defined as reduced level 0.00m.

National Grid means the assets used or owned by Transpower New Zealand Limited.

National Grid Yard means any land located within 12m of the centreline of a **National Grid** transmission line, or within 12m of the visible outer edge of any **National Grid** Support Structure. The **National Grid Yard** does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. Refer to Figure 1: Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**.

National Grid Corridor means the area measured either side of the centreline of above ground **National Grid** transmission lines as follows:

- a. 16 metres for 110kV transmission lines in pi poles
- b. 32 metres for 110kV transmission lines on towers
- c. 37 metres for 220kV transmission lines

The **National Grid Corridor** does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. Refer to Figure 21.1: Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**.

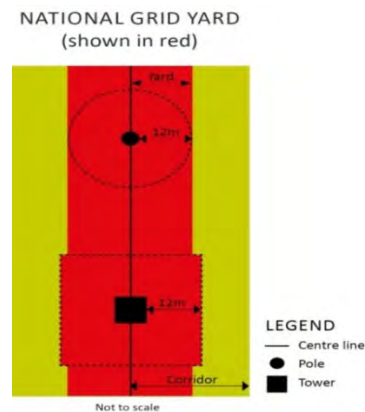


Figure 21.1 – Diagram to explain the definitions of **National Grid Yard** and **National Grid Corridor**

Natural and physical resources has the same meaning as Section 2 of the Resource Management Act 1991.

Natural character means: The qualities of the environment that give New Zealand recognisable character. These qualities may be ecological, physical, spiritual, cultural or aesthetic in nature. They include modified and managed environs. Natural character exists on a spectrum of values from low to outstanding with areas of high, very high and outstanding natural character being mapped and shown in Appendix I of the RPS.

Naturally regenerate means the harvested area is retired from other active land uses (including grazing) and indigenous vegetation is allowed to regenerate through natural processes. For kākūka and mānuka dominant stands this will typically take ten to twenty years.

Network utility means a network for any of the following activities:

- a. telecommunication and radio communications as defined in Section 2(1) of the Telecommunications Act 1987;
- b. the transformation, transmission or distribution of electricity;
- c. the distribution of water for supply, including irrigation;
- d. drainage or sewerage system;
- e. construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway;
- f. 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;
- g. undertaking a project or work described as a "network utility operation" by regulations made under the Resource Management Act 1991;
- h. lighthouses, meteorological facilities, navigation aids and beacons;
- i. pipes for the distribution or transmission of petroleum, or natural or manufactured gas;
- j. street lighting;
- k. all structures and incidental facilities such as lines, support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network;
- l. the operation, maintenance and upgrading of the network utility;
- m. private connections to the network utility.

Net density for a Greenfield site means the gross area of the site minus the area set aside for road reserve and other reserves.

Noise specific definitions

$L_{Aeq}(t)$ is the time-averaged, A-weighted sound pressure level during the sample period and effectively represents an average value. The suffix “t” represents the time period to which the sound level relates. A 15 minute measurement previously denoted as “55 dBA Leq” is now stated as “55 dB $L_{Aeq(15min)}$ ”; this should however not be confused with the rating level assessment as defined in NZS6802.

L_{AFmax} is the maximum A-weighted sound level measured using fast response (hence F), during a chosen sample period and previously denoted as L_{max} .

L_{AFmin} is the minimum A-weighted sound level measured using fast response (hence F), during a chosen sample period.

L_{A10} is the A-weighted sound level that is exceeded for 10% of the sample period. Previously denoted as L_{10} , this parameter has been used for many years to describe intrusive sound. In the latest version of New Zealand standards, it has been replaced by $L_{Aeq(t)}$.

$L_{90}(t)$ is the sound level that is exceeded for 90% of a chosen sample period, and is used to quantify background noise. Generally A-weighted (and denoted $L_{A90(t)}$, with the suffix “t” denoting the measurement time. L_{90} has replaced the previous L_{95} to bring New Zealand into line with International practice.

L_{AE} is the A-weighted Sound Exposure Level, previously known as SEL. This is a notional parameter and is the sound level, that if maintained for a constant 1 second, contains the same energy as the varying sound level.

L_{peak} is the peak sound pressure level, and unlike L_{max} which is the RMS value of sound measured. The L_{peak} measurement rise time is quicker than L_{max} and therefore may respond better to short duration events such as gunfire.

A-weighting is the process by which noise levels are corrected to account for the non-linear frequency response of the human ear.

dB decibels are a logarithmic unit used to measured sound pressure. A doubling of sound pressure results in a 3 dB increase in sound level.

L_{dn} is a “day-night” sound level. This is an L_{eq} measured over a 24hr period, where night-time sound levels are penalised by 10 dB to account for additional annoyance during sleeping hours.

SEL or L_{AE} Sound Exposure Level. The sound level of one second duration which has the same amount of energy as the actual noise event measured. Usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

Notional boundary is defined as a line 20m from the façade of any rural dwelling, or the legal boundary where this is closer to the dwelling.

Noise sensitive activities means:

- a. Buildings used for **residential activities** including:
 - i. Boarding establishments
 - ii. Homes for elderly persons
 - iii. **Retirement villages**
 - iv. In-house aged-care facilities; and
 - v. **Dwellings.**
- b. Buildings used as temporary accommodation including hotels and motels but excluding camp grounds.
- c. **Marae;**
- d. Spaces used for overnight patient medical care within buildings;
- e. Teaching areas and sleeping rooms in buildings used as educational facilities including tertiary institutions and schools, and premises licensed under the Education (Childhood

Services) Regulations, and playgrounds which are part of such facilities and located within 20m of buildings used for teaching purposes.

Noise sensitive activities do not include:

- f. Residential accommodation in buildings which predominantly have other uses such as commercial or industrial premises.
- g. Garages and ancillary buildings.

ONFL means Outstanding Natural Feature Landscape.

On-site parking space means an area of land formed and set aside exclusively for the parking of motor vehicles and complying with this District Plan.

Outdoor living space means a part of a site of a minimum area and dimension which is required to meet the private outdoor leisure needs of the occupants of the **dwelling** (or **accessory building** used for habitation).

Outdoor retail activity means a retail activity where at least 40% of the area of a site is utilised for retail activity outside of buildings.

Papakāinga housing means housing on multiple-owned **Māori land**.

Pigs for the purposes of the definition of **intensive farming**, excludes suckling piglets.

Places of assembly means land or buildings or surface of water for the purposes of the congregation of people for deliberation, entertainment, cultural or recreation purposes and includes churches, halls, **marae**, funeral directors' premises, clubrooms, art galleries, theatres, sports fields, tourist facilities (not accommodation facilities), and ancillary services such as catering kitchens and ablution blocks, but excluding a crematorium, bars and taverns.

Potentially contaminated land means a piece of land for which there are reasonable grounds to suspect that contamination of land may have occurred, based on information about past land uses at that location, or on evidence from or near the land itself. Past land uses that may lead to contamination are outlined in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). **Potentially contaminated land** includes land that is classified in the Bay of Plenty Regional Council's Selected Land Use Register as Verified Site History and Unverified Site History if HAIL.

Practically moved means that the activity, building (including foundations) or structure is able to be physically moved within a five-day period, upon commencement of the relocation activity, by way of a removal truck, a roller or rail system or crane and that access can be gained to the site to move the building. For the purposes of this rule the use of a helicopter, or abandonment of the activity, building or structure does not meet the definition of "relocatable".

Primary productive use means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining.

Private road means any roadway, place or arcade laid out or formed on private land by the owner thereof, but intended for the use of public generally.

Private way means any way or passage whatsoever over private land, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally. **Access legs, access lots and rights of way** are types of **private way**.

Production forestry means the management of land for commercial wood production and/or carbon sequestration purposes including the preparation of land for planting and harvesting (which may include earthworks, ground and vegetation clearance, formation or maintenance of access tracks, landings, skid

sites, fire breaks, riparian crossings, erosion and sediment control) harvesting (felling and extraction of timber), but does not include the milling or processing of timber or mining and quarrying.

Prospecting means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:

- a. geological, geochemical, and geophysical surveys;
- b. the taking of samples by hand or hand-held methods; and
- c. aerial surveys.

Protected customary rights means customary activities, uses and practices (for example the collection of hangi stones, or launching waka). A group applying for recognition of a protected customary right will need to demonstrate the right has been exercised since 1840 and it continues to be exercised in a particular part of the common marine and coastal area in accordance with tikanga. A protected customary right may evolve over time.

Protection lot means a lot permitted to be subdivided, that is less than the minimum lot size for the zone where, as a result of the subdivision, part or all of a Scheduled Feature is to be protected in perpetuity. The whole or part of the scheduled feature can be contained within the protection lot or remain within the parent lot.

Public reserve means all reserves held under the Reserves Act 1977, wildlife refuges, sanctuaries under the Wildlife Act 1953 and marginal strips, stewardship areas, conservation parks, ecological areas, sanctuary areas under the Conservation Act 1987, and national parks under the National Parks Act 1980.

Quarrying has the same meaning as "mining".

Regionally significant infrastructure means infrastructure of regional and/or national significance and includes:

- a. Rotorua, Whakatāne and Tauranga airports.
- b. The regional strategic transport network as defined in the Bay of Plenty Regional Land Transport Strategy or state highways as defined in the National State Highway Classification System.
- c. The Bay of Plenty rail network.
- d. Commercial port areas including Tauranga Harbour and its channels necessary for the operation of ports and related adjoining land and storage tanks for bulk liquids.
- e. The national electricity grid, as defined by the Electricity Governance Rules 2003.
- f. Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.
- g. Broadband and strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001.
- h. Strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989.
- i. Local authority water supply network and water treatment plants.
- j. Local authority wastewater and stormwater networks, systems and wastewater treatment plants.
- k. Pipelines for the distribution or transmission of natural or manufactured gas or petroleum and other energy sources.
- l. Regional parks.
- m. Tauranga, Rotorua and Whakatāne public hospitals.

Reinstatement means the reconstruction of the foredune to the extent that the natural buffering effect of the dune system is not compromised.

Relocatable (relocate, relocated or relocation) means, for the purposes set out in Chapter 18 Natural Hazards that the activity, building or structure is able to be "**practicably moved**";

- a. for subdivision: to an **alternative building site**; or
- b. for land use: the activity, building or structure shall be able to be **practicably moved** to and located on an **alternative building site**.

Renewable electricity generation means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable electricity generation activities means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes geothermal pipelines, small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Residential activity means the use of land or buildings by people for living accommodation where those people voluntarily live at the site alone or in family and/or non-family groups, whether the person is subject to care, supervision or not, and who will generally refer to the site as their home and permanent address.

Restaurant/Café means premises where meals are sold principally for consumption on the premises, whether or not the premises are licensed under the Sale of Liquor Act.

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 based hospital specialising in geriatric care.

Restricted vehicle access means those locations identified on the Planning Maps where vehicle access onto the road is discouraged.

Retail activity means goods offered for sale to the public. Retail activity includes display areas, the sale and consumption of food and drink, roadside stalls, service stations, garden centres and storage ancillary to retail activity, but does not include warehousing, storage (other than as provided for in the foregoing), or the distribution or assembly of goods.

Retirement village means a complex containing dwellings, which could be apartments or Kaumatua Flats, for the purpose of housing people predominantly in their retirement, and may include;

- a. services and facilities, including rest homes and hospitals, for the care and benefit of the residents;
- b. activities pavilions and/or other recreational facilities or meeting places for the use of residents of that complex and visitors of residents.

Reverse sensitivity means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.

Right of way means a portion of one lot which an owner of another lot is legally permitted to use to gain access to and from the latter lot; Two examples of rights of ways are shown in Appendix 21.1.3.

Riparian margin means a specified horizontal distance from a wetland, or from the bed of a river or lake, or from the coastal marine area, and excludes any intermittently flowing rivers or streams. The horizontal distance of a Riparian Margin is measured;

- a. for land adjacent to the coast, 40m landward from the edge of the coastal marine area; and
- b. on land adjoining a lake, river, stream or a wetland, the distance from the surface of the water body to the width stated:

Land Slope (°)	Horizontal Distance from a water body
0 to 7	5 metres
>7 to 15	10 metres
>15 to 25	20 metres
>25 to 35	25 metres
>35	40 metres

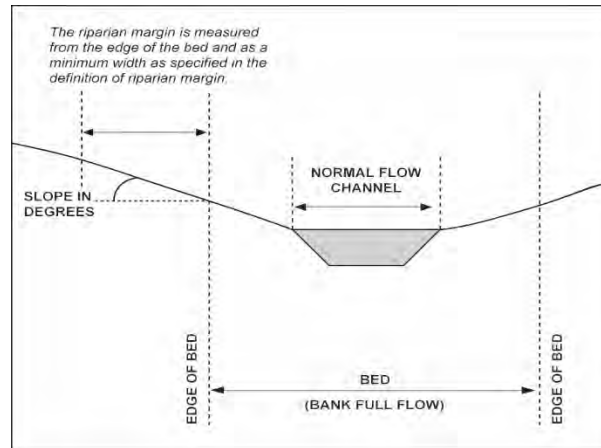


Figure 21.2 Riparian Margin

River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal):

River, for the purposes of **esplanade reserve** or esplanade strip requirements, means a river whose bed has an average width of 3m or more where the river flows through or adjoins a lot.

RMA means the Resource Management Act 1991.

Road has the same meaning as in Section 315 of the Local Government Act 1974, and includes a motorway as defined in Section 2(1) of the Government Roding Powers Act 1989, but excludes a **private road**, **private way** or service lane.

Road hierarchy means either strategic roads and/or district arterial and collector roads as defined in Appendix 22.8.

Rural character includes the following elements:

- a. A predominance of natural features over human made features;
- b. High ratio of open space relative to the built environment;
- c. Significant areas of vegetation in pasture, crops, forestry;
- d. Areas of indigenous vegetation;
- e. A rural working production environment;
- f. Presence of farmed animals;
- g. Noises, odour, landscape changes and effects associated with rural production activities and lawfully established activities;
- h. Low population;
- i. Existence of some narrow and/or unsealed roads;
- j. General lack of urban infrastructure (such as footpaths and streetlights) but includes the presence of infrastructure that has a functional need to be located in the rural environment.

Rural contractors depots is a base for an operation that provides a rural service, and includes the land and buildings used for the purposes of storing or maintaining associated machinery, equipment, goods and supplies associated with that rural services. Examples of rural services include (but are not limited to) hay and silage making, planting and harvesting crops, fertilising, fencing, farm drainage, spraying, hedge and shelter cutting, track maintenance, ploughing, mowing.

Excluded from this definition are transport and freight **depots**.

Rural processing activity means an operation that processes, assembles, packs and stores products from primary productive use. This includes wastewater treatment facilities associated with and within proximity of the Edgewater Dairy Manufacturing Site.

Rural production activity means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

SAL means a Significant Amenity Landscape

Scheduled features means those sites identified in Appendices 16.7 (Cultural Heritage), 17.7.1 (Outstanding Natural Features and Landscapes), 17.7.2 (Significant Amenity Landscapes), and 15.7.3 (Significant Indigenous Biodiversity Sites).

Screened, for the purpose of the Rules in 10.2.3, shall include the planting of a close-planted landscape strip with a minimum width of 2m which consists of plants that will grow to a mature height of at least 2m.

Screening for the purpose of Rule 5.2.13 shall mean;

- a. the construction of a 2m -high close-boarded wooden or concrete block fence, following consultation with the adjoining landowner(s); or
- b. the planting of a close-planted landscape strip with a minimum width of 2m which consists of plants that will grow to a mature height of 2m; or
- c. the construction of a building or **accessory building** located on the boundary, except where the rules in 5.2.4 (Distance to Boundaries) applies; or
- d. an alternative form of screening (including fence height up to but not exceeding 2m) approved by the adjoining landowner(s).

Screen planting means the planting and management of natural vegetation to provide a visual buffer.

Screen protection means a physical obstruction (other than screen planting) by mounding, natural topography, fences or walls to provide a visual barrier.

Sensitive activity means any Residential Building, Dwelling, Education Facilities, Rest Home, Retirement Village and Hospital.

Separate tenancy for the purposes of Rule 5.2.14.2 means a business conducted by, and marketed as, a single entity, within which space may not be sub-let, concessioned or otherwise occupied for trading purposes by any other entity (this excludes the one consented café on the development site).

Service Lane has the same meaning as in Section 315 of the Local Government Act 1974, and means any land laid out or constructed either by the authority of the Council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Service station means a business where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may include;

- a. the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- b. mechanical repair and servicing of motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment;
- c. car-wash facility;
- d. Warrant of Fitness testing; and
- e. an ancillary retail activity.

SIBS means a Significant Indigenous Biodiversity Site.

Significant Indigenous Biodiversity Site (SIBS) means an area of indigenous vegetation or habitat of indigenous fauna that has been identified as significant using criteria in set 3 Indigenous Vegetation and

Habitats of Indigenous fauna in Appendix criteria F of the Bay of Plenty Regional Policy Statement

Significant Identified Ridgelines means ridgelines that are identified on the Planning Maps and were derived from the Whakatāne District Landscape Review 2011.

Sign means any name, figure, character, outline, display, delineation, announcement, poster, handbill, advertising device, advertising flag, trailer sign or appliance, or any other things of a similar nature to attract attention which is visible from some public place and shall include all parts, portions, units and materials composing same, together with the frame, background, structure and support or anchorage thereof, as the case may be, and shall also include any of the foregoing things when displayed on a billboard or building. For clarification, a signage installation with two panels placed at less than 90 degrees to each other is considered to be one sign.

Site means the area of land clearly related to a particular development, application, proposal, or use. Included in this definition are all buildings and curtilages which form part of the site;

Small scale rural enterprise activity means processing, assembling, packaging and storage or retailing of primary products from the site on which the activity is located, with the exception of honey processing where honey may be sourced from hives on other sites, and:

- a. employs no more than ten people on the site; and
- b. is located within a building or open space with a maximum **Gross Floor Area** or land area of 50m².

For the avoidance of doubt small scale rural enterprise activities do not include activities provided as part of **farming**.

Soft protection works means any man-made works requiring the establishment of increased beachfront or dune volume, including beach replenishment and restoration and that are designed to, or have the function of, protecting a building, structure or land from erosion by the sea.

Statutory acknowledgement is an acknowledgement by the Crown in an Act of an iwi's special relationship with identifiable areas having cultural, spiritual, historical or traditional association with that area. These areas are called statutory areas. The proposal should include an assessment of effects on any statutory area.

Stopbank means an embankment bordering one or both sides of a river or drainage channel to contain flows. A stopbank is designed and constructed to provide a specific level of flood protection.

Structure means any building, equipment, device or other facility made by people and which is fixed to land and includes any raft, and excludes **maimai stands**.

Structure Plan means a planning technique applied to a defined geographical area so as to ensure coordinated development of an area through the integrated provision of infrastructure and the integrated management of related environmental effects and which may also encompass financial, economic, social and cultural considerations.

Sub-station 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.

Suitably Qualified and Experienced Practitioner means a person who is an independent expert with experience in natural hazard management who applies good professional practice, and assesses consequences with reference to accepted benchmarks and industry guidelines.

Supermarket: means the use of a building, having a GFA exceeding 350m², principally retailing groceries (including fresh fruit, vegetables, meat, fresh fish, bakery, delicatessen and liquor). A supermarket may also retail small variety goods (such as manchester, apparel and kitchenware), provided that the variety component occupies less than 20% of the floor area and that separate specialty shops do not comprise part of the operation.

Telecommunication kiosks means an interactive kiosk consisting of a computer terminal featuring specialised hardware and software designed within a public exhibit and provides access to information and applications for communication, commerce, entertainment and education. It can include card and coin phone boxes.

Telecommunication line means a wire or wires or a conductor of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, wiring, images, sounds or intelligence of any nature by means of any electromagnetic system, and includes any pole, mast or tower, insulator, costing, fixture, tunnel or other equipment or materials used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor, and also includes any part of a line.

Temporary military training activity means a temporary military training activity undertaken for defence purposes and covered by the Defence Act 1990.

Town centre means, as shown on the Planning Maps;

- a. the Whakatāne Town Centre;
- b. the Business Centre Zones at Murupara and Edgecumbe
- c. the Commercial and Business Centre Zones at Kōpeōpeō; and
- d. the Commercial Zones at Taneātua, Te Teko and Matatā.

Tourist facility, for the purposes of Rule 11.2.19.2 means;

- a. a site which is natural or built by people, and which is visited by tourists, whether or not tourists are charged to visit;
- b. geographical features viewed from the road but not actually visited; and
- c. a tourist route that has been selected by a regional or local authority for the particular scenic, cultural or historic attraction it offers

Accommodation facilities are not considered tourist facilities.

Upgrading, for the purpose of Rule 20.2.1.3 shall mean an increase in the carrying capacity, efficiency or security of electricity and telecommunication lines, utilising the existing support structures or structures of a similar scale or character, and includes:

- a. the addition of circuits and/or conductors
- b. the reconductoring of the line with higher capacity conductors
- c. the resagging of conductors
- d. the addition of longer or more efficient insulators
- e. the addition of earthwires (which may contain the telecommunication lines, earthpeaks and lightning rods).

Upgrading shall not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Urban area means an area that incorporates all the Urban Zones, including Residential, Business Centre, Commercial, Mixed Use, and Industrial zones

Vegetation clearance means;

- a. the removal of any tree listed in the Urban Tree Schedule; and
- b. the removal of vegetation including by cutting, felling, logging, roller crushing, spraying and burning

but excludes;

- a. the collection of plant material for traditional purposes or for scientific samples;
- b. trimming or pruning that does not result in the death of the tree;
- c. clearance of exotic vegetation; and
- d. domestic gardening;
- e. cultivation, ploughing and harvesting of horticultural crops;
- f. clearance of indigenous vegetation that
 - i. has grown up underneath or has overtopped production species; or
 - ii. is within an area of failed planting (within the last rotation); or
 - iii. is temporary or intermittent and reversible disturbance caused by harvesting adjacent to an area of indigenous forestry or by hauling across indigenous vegetation in riparian margins where these are located within a production forest.

Vehicle has the same meaning as in the Land Transport Act 1998 and is defined as follows:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include;
 - i. a perambulator or pushchair;
 - ii. a shopping or sporting trundler not propelled by mechanical power;
 - iii. a wheelbarrow or hand-trolley;
 - iv. a pedestrian-controlled lawnmower;
 - v. a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - vi. an article of furniture;
 - vii. a wheelchair not propelled by mechanical power;
 - viii. any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - ix. any rail vehicle

Vehicular lifeline access means those public roads, or the private right-of-way at the west end of West End Road, that provide for the evacuation of occupants from property and which provide primary access in an emergency event, or which are part of the strategic road network.

Versatile land includes land under the New Zealand Land Use Capability Classification System categorised as being classes 1, 2 and 3.

Warehousing means the storage and distribution of goods.

Water reservoir means facilities for the storage of water but excludes lakes created for water power schemes.

Whānau means a family group or a group of families.

Works, for the purposes of Chapter 20, shall mean structures and activities (public or private) related to the provision of energy including non-renewable electricity generation (but excluding renewable electricity generation), telecommunication, meteorological monitoring, transportation, waste/wastewater services, waste treatment disposal services and land drainage and flood control works.

Yard means a part of a site unoccupied and unobstructed by buildings from the ground upwards, being measured from the title boundary.

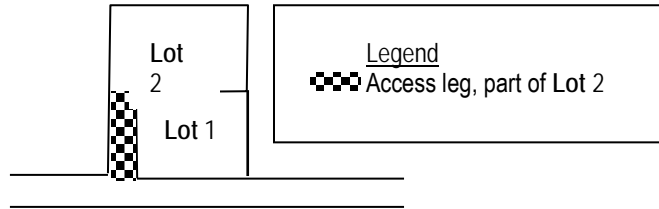
- a. **Front yard** shall mean that part of a site on any lot between the road and a line parallel thereto and extending across the full width of the site, where the width of the yard is determined by rules in the relevant zone. On Ōhakana Island and for lots with vehicle access available only on to

Plantation Reserve (Local Purpose [Accessway] Reserve), and not a legal road or over a right-of-way easement, the front yard shall be measured from the legal boundary of the lot adjoining the sea or the coast.

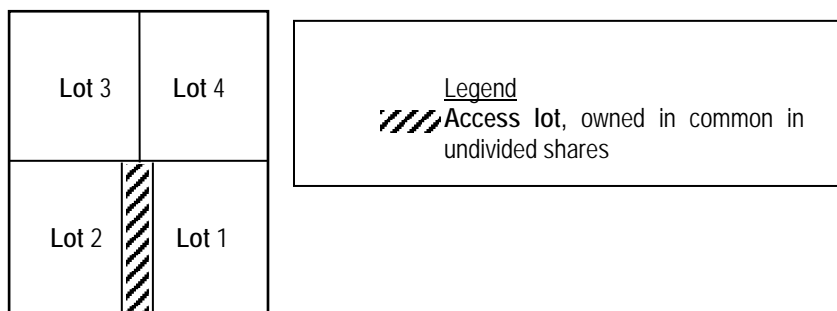
- b. **Rear yard** shall mean that part of a site on any lot between the rear boundary of the site and a line parallel thereto extending across the full width of the site, where the width of the yard is determined by rules in the relevant zone.
- c. **Side yard** shall mean that part of a site on any lot between a side boundary of the site and a line parallel thereto extending from the front yard (or the front boundary of the site) to the rear boundary of the site, or if there are two or more front yards extending from yard to yard where the width of the yard is determined by rules in the relevant zone.

21.1 APPENDICES

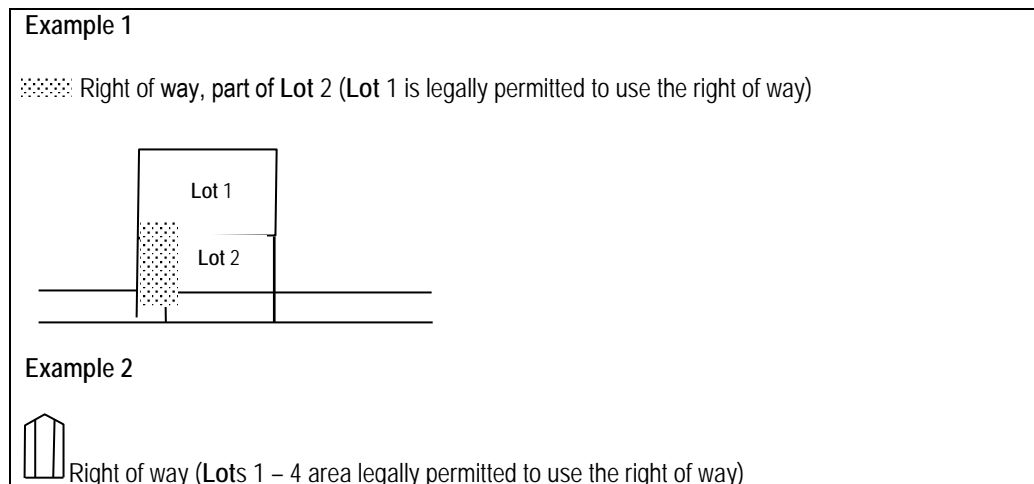
21.1.1 Access Leg

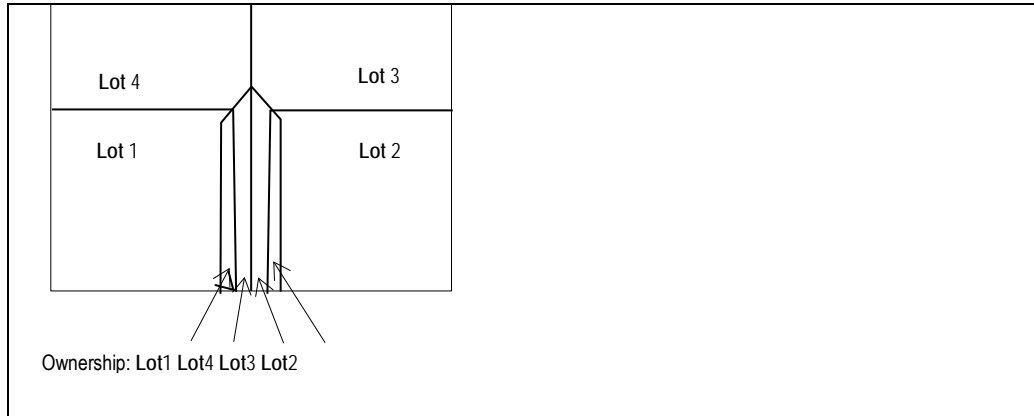


21.1.2 Access Lot

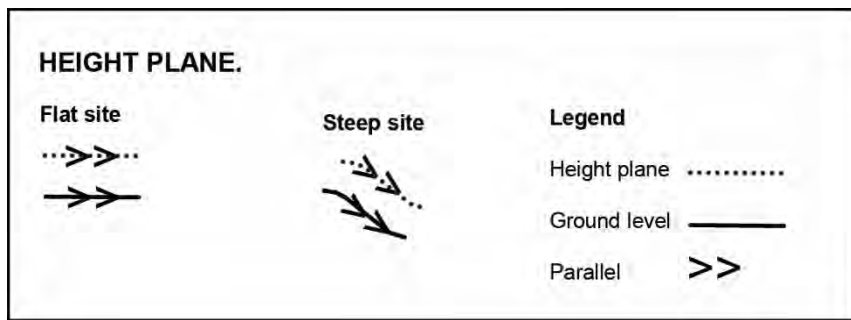


21.1.3 Right of Way





21.1.4 Height plane





CHAPTER 22

APPENDICES

Ngā Mahere Whakarite

22 Appendices

22.1 DESIGNATIONS

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D1							
D2	Ministry of Education	Awakeri School 976/1, 976A, 976B, 976, 974, 972 State Highway 30, Otakiri	Primary School	Pt Lot 1 DP 13064, Section 1 SO 49062, Pts Lot 3 DP 11508 , Lot 4 DP 11508, Pt Lot 1 DP 13064	2.3216 ha	Rural Plains	130B, 505B
D3	Ministry of Education	Galatea School 32 Mangamate Road, Matahina-Minginui 1, 3, 5, 7, 9, 11, 13 Omahuru Street, Matahina-Minginui	Primary School	Section 52 TN of Galatea Sections 43 to 49, TN of Galatea	2.3051 ha	Rural Plains	520B
D4	Ministry of Education	Te Kura Kaupapa Māori o Huiarau 64,98 Sister Annie Road, Matahina-Minginui 100C, 100A, 100A Huiarau Road, Matahina-Minginui	Kura Kaupapa Māori	Pts Section 1 Blk IX Ruatahuna SD	8.4226 ha	Rural Foothills	525B, 529B
D5							
D6	Ministry of Education	Te Kura Kaupapa Māori o Matahi 1176A, 1176 Matahi Valley Road, Urewera	Kura Kaupapa Māori	Pt Oपुरau	1.8494 ha	Rural Foothills	518B
D7	Ministry of Education	Matatā School 13D Fairfield Lane, Matatā 43, 43A Pollen Street Matatā	Primary School	Allotment 3A Matata Parish,Pt Allotment 3 No9 Matata Parish	1.6162 ha	Residential	101B, 504B
D8	Ministry of Education	Te Kura Toitu o Te Whātai-nui-a-Toi 767F, 767G Minginui Road, Matahina-Minginui	Primary School	Pt Section 2 Block XIII Ahikereru Survey District and Pt Section 2 Block XIII (being 2.9752ha and 0.1078ha respectively)	3.083ha	Residential	137B, 528B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
		43, 47 Rimu Crescent, Matahina-Minginui					
D9	Ministry of Education	Nukuhou North School 1647 State Highway 2 East, Urewera	Primary School	Pt Allotment 216 Parish of Waimana	1.2140 ha	Rural Foothills	514B
D10	Ministry of Education	Otakiri School 8, 12 Hallet Road, Otakiri 561A, 561, 567, 571 Otakiri Road, Otakiri	Primary School	Pt Lot 22 DP 7474, Lot 1 DP 31006, Pt Lot 23 DP 7474 (being 1,748m ² and 1.2141ha respectively)	2.2719ha	Rural Plains	504B
D11	Ministry of Education	Te Kura o Te Paroa School 34A, 34, 38 Paroa Road, Poroporo	Primary School	Pt Allotment 29D1 Rangitaiki Parish, Allotment 125 Rangitaiki Parish, Pt Allotment 29J1 Rangitaiki Parish	2.2287 ha	Rural Plains	505B
D12	Ministry of Education	Te Wharekura o Ruatoki 8, 16, 18, 20 Misson Road 137 Ruatoki Valley Road,	Primary School	Section 8 Blk II, Waimana SD Ruatoki 4 Common grounds with Ruatoki Kura Tuarua High School	4.2669 ha	Rural Plains	513B
D13	Ministry of Education	Tāneatua School 44 McKenzie Street, Tāneatua	Primary School	Pt Section 10 Blk IX Whakatāne SD.	2.0234 ha	Residential	132B, 509B
D14	Ministry of Education	Tawera Bilingual School 164, 166 Ngahina Road, Urewera	Primary School	Pt Ruatoki 1B1C16E	1.6172 ha	Rural Plains	513B
D15	Ministry of Education	Te Mahoe School 842 Galatea Road, Rotoma	Primary School	Lot 32 DPS 39599	1.0508 ha	Residential	131B, 508B
D16	Ministry of Education	Te Kura o Te Teko 6, 8, 14D, 14A, 14C, 14B, 24, 32 Te Teko Road, Te Teko	Primary School	Pt Allotment 72B3A Matata Parish, Pt Allotment 72A Matata Parish, Pt Allotment 123 Matata Parish	3.2422 ha	Residential	131B, 508B
D17	Ministry of Education	Te Kura Toitu o Te Whātai-nui-a-toa 49B, 49A, 49 Minginui Road, Matahina-Minginui	Primary School	Pts Te Pahou (being 1.967ha and 1.0117ha respectively)	2.9787ha	Rural Foothills	524B
D18	Ministry of Education	Thorton School	Primary School	Pt Allotments 50 and 50A Parish of Rangitaiki on DP 14660	1.6187 ha	Rural Plains	505B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
		43 East Bank Road, Otakiri					
D19	Ministry of Education	Waimana School 224 Waimana Road, Waimana 6 Raroa Road, Waimana	Primary School	Section 10 Waimana Settlement	1.2140 ha	Rural Plains	514B, 134B
D20	Ministry of Education	Te Kura Māori-a-rohe O Waiahau 2481, 2485 Galatea Road, Matahina-Minginui	Kura Kaupapa Māori	Pt Waiohau 1A8	2.6153 ha	Rural Plains	512B
D21	Kiwi Rail Holdings Limited		Railway Purposes	34651 Rail Corridor L 4527 Blk 34688 Rail Corridor Across Drain 34690 Rail Corridor over Awaitei 34727 L18683 Agricultural Site 34743 Vacant Land Pekatahi L45L59270 Lots 1, 2 LO 36994 30355 Station Building Lot 3 LO 369 31300 Vacant Land LO 34233/1 31378 Industrial Siding LO 3424 Railway Land - Murupara Station 31379 Run Around LO 34245/1 31381 Grazing and Cropping Land L 31382 Industrial Siding LO 3424 31383 Vacant Land LO 34245 31385 Rail Corridor LO 34245/1 31386 Run Around LO 34245/2 31387 Vacant Land LO 34245/2 31388 Industrial Siding LO 3424 31389 Vacant Land LO 34245/2 31391 Sorting Yard LO 34245/2 31392 Station Building LO 34245/2 31395 Pt L57001 - Lot 2 LO 34245 31490 Marshalling Yard and Holding 31494 Station Building on LO 26 31495 Amenity Building LO 26007 31499 Pt Rail Corridor L3807 31500 Industrial Siding LO 2600 31532 Rail Corridor LO 26007/2 Railway Land LO 26007/2 and 3 31535 Rail Corridor LO 26007/3 33103 Rail Corridor L1550 Blk I 33103-33107 Rail Corridor L1550 33104 Rail Corridor L1550 Blk I		Rural Plains, Rural Foothills, Rural Coastal, Residential, Industrial and Light Industrial	Various Maps

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				33105 Rail Corridor L1551 Blk X 33106 Rail Corridor L1552 Blk X 33107 Rail Corridor L1553 Blk X 33108 Rail Corridor L 1554 Blk 33108-31111 Rail Corridor L1554 33109 Rail Corridor L 1555 Blk 33110 Rail Corridor L1556 Blk 33111 Rail Corridor L1615 Blk 33220 33222 Pt L45908 Lots A B 33221 Rail Corridor L4540 Blks 33222 Pt L45908 Railway Land L 33223 L49151 Grazing and Growing 33224 Rail Corridor L4544 Blk V 33224 33228 33234 33235 33242 33225 Pt L45908 Railway Land L 33223 33226 Pt L45908 Lots C D 33226 Pt L 45908 Railway Land L 33228 Rail Corridor L4545 Blk V 33229 L54018 Railway Land L4546 33230 L58336 Grazing and Cropping 33233 Pt L51340 Railway Land Blk 33234 Rail Corridor/Awakeri Yard 33235 Rail Corridor/L4547 Blk V 33236 L45019 Railway Land L454 33237 Pt L19004 33211 Pt L 19980 Railway Res L4 33212 L52204 Vacant Land Blks 33213 L 52227 Lot 4 LO 19628 33214 Rail Corridor L4537 Blk I 33246 L39436 Lot 1 LO 12755 33247 Rail Corridor L4550 Blk I 33248 33250 33253 34322 L46961 33250 Pt L46961 Railway Land L4 33251 L45314 Drain and Stopbank L 33252 Rail Corridor and Whakatāne 33254 Rail Corridor L4551 Blk I 33406 Rail Corridor L4528 33254 L53032 Grazing/Gardening 33255 33257 L27669 Railway Land 33255 Pt L27669 Railway Land 33256 33259 L43424 Railway Land 33256 Pt L43424 Railway Land 33257 Pt L27669 Railway Land 33258 Rail Corridor L4552 Blk I			

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				33259 Pt L43424 Railway Land L 33260 L48259 Railway Land L45 33262 Rail Corridor L4553 Blk V 33263 L44461 Railway Land L453 33264 Rail Corridor L4555 Blk V 33266 L34590 Railway Land L455833267 L53040 Lots 1 2 LO 29419 33269 Pt L26265 Railway Land L4 33269 33271 L26265 Railway Land Hn 1201/15 33270 Pt L38137 Railway Land L 33270 33272 L38137 Railway Land 33271 Pt L26265 Railway Land L4 33272 Pt L38137 Railway Land L 33273 Rail Corridor L4558 and 456 33279 Rail Corridor and Station Yard 33382 L52299 Lot 1 LO 35312 and L 33383 Sand Recovery Sit L 451 33386 Rail Corridor 44517 Blk I 33386-33390 Rail Corridor L517 33387 Rail Corridor L 4518 Blk 33388 Rail Corridor L 4519 Blk 33389 Rail Corridor L 4520 Blk 33390 Rail Corridor L 4522 Blk 33391 Rail Corridor L 4523 Blk 33391-33393 33409 33419 33420 33392 Rail Corridor L4524 Blk 33393 34651 Rail Corridor L452 33394 L43903 Railway Land L452 33395 33396 33400 33401 L51491 33396 Pt L51491 Lot 4 LO 34059 33407 L50592 Vacant Land on L 4 33409 Rail Corridor L4529 Blk 33410 Pt L49501 Vacant Land On 33410 and 33411 L49501 Vacant Land 33411 Pt L49501 Vacant Land On 33412 L56162 Vacant Land on Lot 33413 L42596 Vacant Land L4532 33414 L58974 Lot 1 LO 33628 and L 33417 Pt L54014 Grazing and Cropp 33418 Pt L54014 Grazing and Cropp 33419 Rail Corridor L4532 Blk			

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				33420 Rail Corridor L4533 Blks 33420 Rail Corridor L1534 L45 33421 Rail Corridor L1534 Blk 33421-33426 Rail Corridor L153 33422 Rail Corridor L1535 Blk 33423 Rail Corridor L1526 Blk 33424 Rail Corridor 33398 Lot 1 L4527 Railway Land 33400 Pt L51491 Lot 1 LO 34059 33401 Pt L51491 Lot 2 LO 34059 33402 Rail Corridor L4527 L1537 Blk 33425 Rail Corridor L1538 Blk Pt 33426 Rail Corridor L1539 B Pt 33426 Rail Corridor L1539 B 33427 L49263 Grazing and Cropping 33428 Rail Corridor L1540 Blk 33428 33429 Pt 33426 Rail Corridor 33429 Rail Corridor L1541 Blk Pt 34138 Rail Corridor LO 34233 Pt 34141 Arrival Roads at Beg O Pt 34142 Material Storage Site Pt 34145 Car and Wagon and Logo and A Pt 34146 Car and Wagon Holding Ro 34284 L54082 Grazing and Cropping 34285 L23283 Grazing and Cropping 34288 L42245 of Lot 40 on LO 24 34291 Pt L19004 Grazing and Cropping 34292 Pt L19004 Grazing and Cropping 34293 L56166 Railway Land L 452 Level Crossing Shown as Area C 34295 Level Crossing L1536 Blk 34298 Vacant Land L4516 34323 Pt L27248 Railway Land L4 34462 L33872 Railway Land for G Rateable Portion of Valuation Ref 71 Non-rateable portion of Valuation Ref 34464 L52204 Grazing and Cropping 34521 Bridge No 124 over Tarawera 34529 Lots 1, 2 LO 34245 34535 Pt L57001 Lot 1 LO 34245			

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				34536 Station Access Road LO 3 35737 Access to Yard 32445/2 34541 Ballast Pit L4516 Blk IV 35569 Pt L58270 Lot 2 LO 36994 34583 Pt L58270 Lot 1 LO 36994 34623 Vacant Land at Murupara Yd 34624 Vacant Land at Murupara Yd 34625 Holding Road Murupara Yd 34632 Bridge at Pekatahi L4553 34651 Rail Corridor L4527 Blk 34688 Rail Corridor Across Drain 34690 Rail Corridor Over Awaïti 34727 L18683 Agricultural Site 34743 Vacant Land Pekatahi L45 31517 L48625 of Pt Lot 1 DPS 6 Lot 1 DPS 61291 31528 L56184 Lot 3 DPS 61291 31528 L57147 Lot 12 DPS 52680 31533 L45187 Lot 6 LO 27607/1 C 31534 L45188 Lot 7 LO 27607/1 C 33112 Rail Corridor L1616 Blk X 33112-33128 Rail Corridor L1616 33113 Rail Corridor L1617 Blk I 33114 Rail Corridor L1618 Blk I 33115 Rail Corridor L1619 Blk I 33116 Rail Corridor L1620 Blk I 33117 Rail Corridor L1621 Blk V 33118 Rail Corridor L1622 Blk V 33119 Rail Corridor L1623 Blk V 33120 Rail Corridor L1624 Blk V 33121 Rail Corridor L1625 Blk X 33122 Rail Corridor L1626 Blk X 33123 Rail Corridor L1627 Blk X 33124 Rail Corridor L1625 Blk X 33125 Rail Corridor L1629 Blk X 33126 Rail Corridor L1630 Blk X 33127 Rail Corridor L1631 Blk X 33128 Rail Corridor L1632 Blk I 33129 Rail Corridor L1733 Blk I 33129-33131 33133-33138 Rail Corridor 33130 Rail Corridor L1634 Blk I 33131 Rail Corridor L1635 Blk V			

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				33133 Rail Corridor L1636 Blk V 33134 Rail Corridor L1637 Blk V 33135 Rail Corridor L1638 Blk V 33136 Rail Corridor L1639 Blk I 33137 Rail Corridor L1640 Blk I 33138 Rail Corridor L1641 Blk I 33139 Rail Corridor L1642 Blk 33210 Rail Corridor L4535 Blk 33202 L 52007 Lot 1 LO 34548 33203 L 51164 Railway Land L453 33204 Rail Corridor L4535 Blk I Railway Land L4535 and 4536 Blk I Pt 33209 Rail Corridor L4536 Blk 33210 33211 L 19980 Railway Res 33210 Pt L 19980 Railway Res L4 Railway Land L4537 Blk I Railway Land L4537 and 3807 Bal 33215 L52101 Lot 3 LO 34536 33216 Rail Corridor L3807 Blk I 33217 Rail Corridor L4540 33217 33128 Rail Corridor L4540 33218 Railway Corridor L4540 33219 Rail Corridor L4540 33220 Pt L45908 Railway Land Pt 31532 34288 Railway corridor 31535 Railway corridor 33217 Railway corridor 33219 Railway corridor 33221 Railway corridor 31389 Railway Corridor 31391 Railway corridor 31382 Railway corridor 31395 Railway corridor 31392 Railway corridor 31387 Railway corridor 31383 Railway corridor 31385 Railway corridor 31381 Railway corridor 34535 Railway corridor			
D22	Primary Designation	Manawahe Microwave Station 1595B Manawahe Road, Otakiri	Telecommunications and Radiocommunication and ancillary purposes	Pt Sec 12, Blk IV, Rotoma Survey District	7 000 m ²	Rural Foothills	504B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
	Chorus New Zealand Limited						
	Secondary Designation Spark New Zealand Trading Limited						
D23	Chorus New Zealand Limited	Matatā Exchange 5 Richmond Street, Matatā	Telecommunications and Radiocommunication and ancillary purposes	Pt Allot 254, Town of Richmond	511 m ²	Residential	101 B
D24	Transpower New Zealand Limited	969A Galatea Road, Rotomā	Outdoor switchyard	Section 1 SO 59596	1 958 m ²	Rural Foothills	133B, 508B
D25	Transpower New Zealand Limited	Edgecumbe Sub-Station 106, 110, 118 Hydro Road, Otakiri	Electricity sub-station	Lot 1 DPS 60814, Pt Lot 2 DPS 43834	4.799 ha	Rural Plains	129B, 504B
D26							
D27	New Zealand Transport Agency	State Highways	Purpose of planning, design, supervision, construction and maintenances in accordance with the Government Roading Powers Act 1989.	State Highway 2 State Highway 30 State Highway 34 State Highway 38 Pt Allotment 364 TN Richmond ECM Railway Proc 4801			Various Maps
D28							
D29							
D30	Whakatāne District Council	275 Valley Road, Maraetotara	Water Reservoir	Pt Lot 245 DPS 805	1 399 m ²	Rural Foothills	116B, 505B
D31	Horizon Energy Distribution Limited	94 Hydro Road, Otakiri	Sub-station	Pt Allotment 54B2A Matatā PSH	5,007 m ²	Rural Plains	129B, 504B
D32	Whakatāne District Council	147 Edgecumbe Soldiers Road, Otakiri	Sewerage treatment and plant	Lot 1 DPS 10581	3.6750 ha	Rural Plains	504B
D33	Whakatāne	136, 136A, 136B, 136C Wainui	Sewerage treatment and plant	Section 1 SO 57323 , Section 1 46653	7.5102ha	Rural Ōhiwa and	121B, 506B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
	District Council	Road, Maraetotara		Lot 1 DPS 80248		Coastal Protection Zone	
D34	Whakatāne District Council	65C, 65D Keepa Road, Orini 108 Kope Canal Road, Orini 100 Shaw Road, Orini	Sewerage treatment and plant	Lot 3 DP 431244, Pt Lot 4 DP 431244, Pt Lot 5 DP 431244	5.1160 ha	Rural Plains	104B, 105B, 505B
D35	Whakatāne District Council	16 Te Mahoe School Road, Rotoma	Sewerage treatment and plant	Pt Allot 60C Blk XV Rangitāiki PSH	2 317 m ²	Rural Foothills	133B, 508B
D36	Whakatāne District Council	58A Johnson Road, Otakiri	Extraction of water and bore	Pt Lot 6 DP 7474	0.1642 ha	Rural Plains	504B
D37	Whakatāne District Council	292A Waimana Road, Waimana	Water reservoir	Lot DPS 28398	1 218 m ²	Rural Foothills	134B, 514B
D38	Whakatāne District Council	5A State Highway 2 East, Waimana	Water reservoir	Lot 1 DPS 10204	1783 m ²	Rural Foothills	101B, 509B
D39	Whakatāne District Council	Matatā	Water reservoir	Pt Allot 833 Matatā PSH	151.4492 ha	Rural Foothills	101B, 504B
D40	Whakatāne District Council	1108 White Pine Bush Road, Urewera	Refuse disposal	Sec 51 Whakatāne Block IX Whakatāne SD	6.4293 ha	Rural Foothills	509B
D41							
D42	Horizon Energy Distribution Limited	Station Road Sub Station 15, 17, 21 Station Road, Poroporo	Sub Station	Allot 316 Rangitāiki PSH, Allot 30G3B1A Rangitāiki PSH, Allot 319 Rangitāiki PSH	3,555m ²	Rural Plains	505B
D43	Horizon Energy Distribution Limited	Te Rahu Sub Station 322 Te Rahu Road, Poroporo	Sub Station	Lot 1 DPS 9702	2.0234ha	Rural Plains	505B
D44 ¹	Whakatāne District Council	92, 118, 142A, 142B, 142C, 142D, 142E, 142F, 144, 186, 216, 216C, 216B, 916A Aerodrome Road, Otakiri	Operation of airport	Lot 1 DPS 75684 Lot 1 DPS 75887	228.8773 ha	Rural Coastal	102B, 505B

¹ The Conditions set out in Section 22.2 apply to this designation

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D45	Horizon Energy Distribution Limited	5262 Galatea Road, Matahina-Minginui	Sub Station	Lot 1 DPS 4982	4046 m ²	Rural Plains	520B
D46	Horizon Energy Distribution Limited	749 East Bank Road, Otakiri	Sub Station	Lot 1 DPS 42113	1419 m ²	Rural Plains	129B
D47	Whakatāne District Council		Operation of the roading network for the safe, convenient and efficient movement of road users. This may include road repair, maintenance and upgrading of roads, control of access to roads, and traffic movement along roads, but not the formation or construction of a paper road which adjoins a waterway or is situated in or on an identified feature in Schedules A or B in Sections 15.6.1 and 15.6.2	All other legal roads, not being State Highways			Various Maps
D48	Whakatāne District Council	4791, 4845, 4911, 4913, 4915, 4919 Galatea Road, Matahina-Minginui	Operation of Galatea Aerodrome	Sect 21 TN of Galatea, Sect 22 TN of Galatea, Sect 23 TN of Galatea, Sect 25 TN of Galatea, Section 72 Galatea SETT, Sect 75 Galatea SETT, Section 24 TN of Galatea	67.730 ha	Rural Plains	520B
D49	Whakatāne District Council	489 Braemar Road, Otakiri	Water Supply purposes Braemar Springs	Pt Lot 2 DP 16031	5.8781	Rural Plains	504B
D103	Bay of Plenty Regional Council	Eivers/McGarvey Road 2/2 McGarvey Road, Whakatāne	Flood Control Reserve	Section 47 BLK 11 Whakatāne SD	1.1533 ha	Active Reserve	105B, 505B
D104							
D105	Bay of Plenty Regional Council	33, 39, 50, 50A, 50B, 50C Cleary Avenue, Whakatāne 289A Paroa Road, Poroporo	Flood Control Reserve	Allot 30ESO43796 (part) Allot 30B2D2 ML19876 (part) Allot 30B2D1SO43866 (part) Allot 30B2E1SO43796 (part) Allot 196SO44561 (part) Allot 30B2F3ML12388 (part) Allot 30B2F4BSO43796 (part) Allot 197SO44567 (part) Allot 30C1E2ML12830 (part) Allot 30C1E3 ML12830 Allot 30C2A SO45243 Closed Road SO Plan (part)	12.9 ha	Rural Plains	108B, 112B, 113B, 505B
D106	Bay of Plenty Regional Council	127B, 127C Riverside Drive, Whakatāne	Flood Control Reserve	Lot 584 SO 44283 Crown Land SO Plan 44282	25.38ha	Rural Plains	108B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
	Council						
D107							
D108	Bay of Plenty Regional Council	53, 55 Arawa Road, Whakatāne	Flood Control Reserve	Lot 7 DP 18662, Lot 6 DP 18662 Closed Road 5043872	8.1269ha	Rural Plains	113B, 505B
D109	Bay of Plenty Regional Council	254A Valley Road, Whakatāne	Flood Control Reserve	Allot 235A SO 52677	738m ²	Light Industrial	116B, 505B
D110	Bay of Plenty Regional Council	37 Arawa Road, Whakatāne	Regional Council Depot	Lot 1 DPS 76522	3,523m ²	Rural Plains	113B, 116B, 505B
D111	Bay of Plenty Regional Council	26, 28, 30, 32, 34 The Strand, Whakatāne 5 & 11 Quay Street, Whakatāne	Regional Council Whakatāne Office	Lots 1 & 2 DPS 72721,	3616m ²	Business Centre	110B
D112	Bay of Plenty Regional Council	44C, 44D, 110, 110A Keepa Road, Coastlands 24A, 244B, 244C 210C, 200C, 200B, 200A, 210B, 210A Whakatāne River North, Coastlands	Flood Control Reserve	Allot 216SO45162 Allot 20SO366 Lot 2 DPS11166 Lot 1 DPS11166 Allot 165SO35284	24.6850 ha	Coastal Protection Zone	105B, 106B, 109B
D113	Bay of Plenty Regional Council	101, 100, 101U, 101V, 101W, 101X, 101Y, Mill Road, Orini 1Z, 1B, 1A, 1 State Highway 30, Orini 2Z, 2 State Highway 30, Coastlands	Flood Control Reserve	Allot 163SO33824 Lot2 DP25604 Lot 4DP21268 PtLot3DP21268 Lot3DP21268 Allot 29F1DP25358 Pt Allot 29ESO4428	2.8929 ha	Rural Plains / Coastal Protection Zone	108B, 109B
D114	Bay of Plenty Regional Council	1152, 1132, 1204, 1152, 1132, 1177 Rangitāiki River North, Edgecumbe	Flood Control Reserve	Allot 1351SO47379 Allot 1300SO47380 Lot 2 DPS 17015	3.7653	Rural Plains	129B
D115	Bay of Plenty Regional Council	1173, 1169, 1159, 1131, 1121A, 1121, 23A, 1177, 1173, 1169, 1159, 1131, 1121A, 1121 Rangitāiki River North Edgecumbe 31A, 27A, 23A, 29A, 25A 21A Hydro Road, Edgecumbe	Flood Control Reserve	Lot1 DPS 36520 (part) Sections 8 & 9 Rangitāiki Upper Allot 22GSO46807 Allot 22F2SO47492 Allot 22ESO47492 Allot 22DSO47492 Allot 22C7SO47492 Allot 22C1SO47492 Allot 22C2SO47492 Allot 22C3SO47492 Allot 22C4SO47492 Allot 22C5SO47492 Allot 22C6SO47492	3.9340 ha	Rural Plains	129B, 504B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D116	Bay of Plenty Regional Council	10A Tanekaha Street, Edgecumbe	Flood Control Reserve	Allot 606SO45121	1.2809ha	Active Reserve	128B, 504B
D117	Bay of Plenty Regional Council	2B Ngaio Place, Edgecumbe	Edgecumbe Depot	Lot 1 DPS 74191	4 662m ²	Rural Plains	129B, 504B
D118	Bay of Plenty Regional Council	35 The Strand, Whakatāne	Council Car-park Strand East	Lot 1 DPS 86124 Lot 2 DPS 86124	1,595m ²	Business Centre	110B, 505B
D119	Bay of Plenty Regional Council	37 The Strand, Whakatāne	Regional Council Depot	Lot 2 DPS 91811 Lot 3 DPS 91811	2 373m ²	Business Centre	110B
D120	Minister of Police	62 Boon Street, Whakatāne	Police Station	Pt Lot 8 DPS2646	1,948 m ²	Business Centre	110B, 505B
D121	Minister of Police	54A Boon Street, Whakatāne	Police Station	Pt Lot 4 DPS 2646 Pt Lot 8 DPS 2646	298 m ²	Business Centre	110B, 505B
D122	Minister of Police	17 Kauri Street, Edgecumbe	Police Station	Lot 25 DPS 4540	926m ²	Residential	129B
D123	Minister of Police	24A Kowhai Avenue, Murupara 23, 23A, 25, 25Z Pine Drive Murupara	Police Station	Lot 120 DPS 9398, Sect 443, BLK XII Galatea SD, Sect 244 BLK XIII Galatea SD, Lot 146 DPS 4889, Lot 123 DPS 9398	1,691m ²	Residential	136B, 520B
D124							
D125	Ministry of Education	Apanui Kindergarten 414A Apanui Avenue Whakatāne	Apanui Kindergarten	Allotment 533 Waimana Parish	1146 m ²	Residential	109B, 505B
D126	Ministry of Education	Strathmore Kindergarten 45A Garaway Street, Whakatāne	Strathmore Kindergarten	Lot 9 DPS 5131	1389 m ²	Residential	113B, 505B
D127	Ministry of Education	Garaway Kindergarten 43A Garaway Street, Whakatāne	Garaway Kindergarten	Lot 8 DPS 5131	1386 m ²	Residential	113B, 505B
D128	Ministry of Education	Apanui School 92 McAlister Street Whakatāne	Apanui Primary	Lot 5 DPS 55822 Lot 21 DPS 10398 Lot 1 DPS 55822	3.8616ha	Residential	109B, 110B, 505B
D129	Ministry of Education	James Street School 96 James Street, Whakatāne	James Street Primary	Pt Lot 11 DP 10852	2.4155 ha	Residential	109B, 505B
D130	Ministry of Education	Allandale School 167 King Street, Whakatāne 67A, 67C, 67 Alexander Avenue, Whakatāne	Allandale Primary	Pt Lot 1 DP32425, Lot 2 DPS 1046; Lot 1 DP33559; Pts Lot 2 DP 32425	2.2837 ha	Residential	113B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D131	Ministry of Education	Ōhope Beach School 170, 172, 176 Pohutukawa Avenue, Ōhope	Ōhope Beach Primary	Pt Lot 2 DP 23762 being 0.5886 ha Pt Lot 2 DP 23762 being 0.8787ha, Pt Lot 2 DP 23762 being 0.0152 ha	1.4825ha	Residential	118B, 119B, 506B
D132	Ministry of Education	Edgecumbe School 92, 94, 96 College Road, Edgecumbe	Edgecumbe Primary	Pt Lot 2 DP 20129, Lot 2 DP 23062; Pt Lot 138A DP 20891	2.6119ha	Residential	128B, 504B
D133	Ministry of Education	Whakatāne Intermediate School 101, 101A, 101B, 101C, 101D, 103, 105, 107, 109, 111, 113, 115 James Street, Whakatāne	Whakatāne Intermediate	Pt Lot 9 DP 10395, Pt Lot 7 DP 10395; Lot 1 DPS 2967, Pt Lot 8 DP 197, Lots 1-5 DPS 5519, Pt Lot 6 DP 36293, Lot 6 DPS197, Pt Lot 8 DP 10395, Lot 7 DPS 197	3.7014 ha	Residential	109B, 505B
D134	Ministry of Education	Whakatāne High School 53, 55A, 55, 59A, 56 Goulstone Road, Whakatāne 11 Soutars Avenue, Whakatāne 11 Lovelock Street, Whakatāne	Whakatāne High	Pt Allotment 287 Waimana Parish, Part Lot 6 DP8986, Part Lot 17 DP 11056, Part Allotment 261 Waimana Parish Part Lot 5 DP 8986, Lot 15 DPS 581	5.4052 ha	Residential	109B, 505B
D135	Ministry of Education	Trident High School 74, 76, 84, 84A, 84C, 84D, 84E, Arawa Road, Whakatāne 44 Lord Cobham Avenue, Whakatāne	Trident High	Sections 1 and 2 SO 433035	8.2972 ha	Residential	113B, 505B
D136	Ministry of Education	Edgecumbe College 96A, 96B, 98A, 98, 102 College Street, Edgecumbe	Edgecumbe College	Pt Lot 2 DP 15747, Lot 1 DP 23062, Pt Lot 2 DP 20129, Allotment 887 Matata Parish, Drain Reserve DP 15747	12.666 ha	Residential	128B, 504B
D137	Ministry of Education	Waiariki Polytech 33 Cutler Crescent, Whakatāne	Waiariki Polytech	Lot 1 DPS 65906	1.1218 ha	Residential	113B, 505B
D138							
D140	Ministry of Education	Te Kura Kaupapa Maori o Te Orini 33 Meadow Vale, Coastlands 9 Fishermans Drive, Coastlands	Te Kura Kaupapa Maori o Te Orini	Lot 287 DPS 29249	2.3860 ha	Education	103B, 505B
D141 ²	Ministry of Education	Murupara School 84 Pine Drive, Murupara	Murupara Early Childhood Education, Primary School and Secondary School	Lot 1 DPS 5003	2.8900 ha	Residential	136B, 530B

² The conditions set out in Section 22.2 apply to this Designation.

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D142							
D143	Ministry of Education	Te Kura Kaupapa Motuhake o Tawhiuau 43 Miro Drive, Murupara	Te Kura Kaupapa Motuhake O Tawhiuau	Pt Section 18 Blk XIII Galatea SD	2.3065 ha	Residential	136B, 520B
D144	Ministry of Education	Karamuramu Kindergarten School 20, 22 Rewa Crescent Murupara	Murupara Kindergarten	Lot 49 DPS 9398 Lot 48 DPS 9398	1280 m ²	Residential	136B, 520B
D145	Primary Designation Chorus New Zealand Limited	Whakatāne Exchange 69, 81 King Street, Whakatāne	Telecommunication & Radiocommunication and ancillary purposes	Pt Lots 2 & 3 DP 5008	2760 m ²	Business Centre	109B, 505B
	Secondary Designation Spark New Zealand Trading Limited						
D146	Primary Designation Chorus New Zealand Limited	Ōhope Exchange 185 Pohutukawa Avenue, Ōhope	Telecommunication & Radiocommunication and ancillary purposes	Lot 1 DP 352787	474 m ²	Residential	119B, 506B
	Secondary Designation Spark New Zealand Trading Limited						
D147	Chorus New Zealand Limited	Murupara Exchange 46 Pine Street, Murupara	Telecommunication & Radiocommunication and ancillary purposes	Part Lot 20 DPS 6620	586 m ²	Business Centre	136B, 520B
D148	Minister of Health	Whakatāne Health	Hospital Purposes	Lot 6 DPS 66626, Lot 7 DPS 6626, Lot 19 DPS 66626, Lot 2 DPS 77143, Lot 1 DPS 70738, Lot 2	8.1684 ha	Residential	109B, 505B 113B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
		6, 8, 16, 18 Garaway Street, Whakatāne 33, 39, 41, 46, 46A, 48/1, 48/2, 52/1, 52/2, 52/3, 52/4, 52/5, 52/6, 56A, 56B, 56C, 63, 63A, 63B Stewart Street		DPS 70738, Lot 13 DPS 6626, Lot 1 DPS 77143, Lot 18 DPS 66626, Lot 12 DPS 66626, Lot 5 DP 36953, Lot 1 DP 12339, Lot 1 DPS 63128, Pt Lot 6A DP 14175, Allot 6B3D Waimana PSH, Lot 3 DPS 63128, Lot 8 DPS 582			
D149	Minister of Health	Murupara Hospital 49, 51, 53 Oregon Drive, Murupara	Hospital Purposes	Lots 114, 115 and 116 DPS4889	2,076 m ²	Residential	136B, 520B
D150	Horizon Energy Distribution Ltd	Kope Substation 7B Victoria Avenue, Whakatāne	Substation	Lot 3 DPS 54500	1,281 m ²	Business Centre	109B, 520B
D151	Horizon Energy Distribution Ltd	Ōhope Substation 100 Maraetōtara Road, Maraetōtara	Ōhope	Lot 680 SO 49842	1,600 m ²	Rural Foothills	121B, 506B
D152	Whakatāne District Council	20 Harakeke Road, Murupara	Operation of Works Depot, Landfill, Pound & Dog Control Murupara, transfer station	Sec 34 BLK XII Galatea SD	10.2815 ha	Rural Foothills	136B, 520B
D153	Whakatāne District Council	52 Te Tahi Street, Whakatāne	Operation of Pound & Animal Control Whakatāne	Lot 14 DPS 83168	852 m ²	Light Industrial	116B, 505B
D154	Whakatāne District Council	12B, 16B, 18B Pine Drive, Murupara	Car-parking Pine Drive, Murupara Recreational Purposes – Playground Toilets	Sec 238 BLK XIII Galatea SD Sec 234 BLK XII Galatea SD Lot Pt 3 DPS 8825	4,501 m ²	Business Centre	136B, 520B
D155	Whakatāne District Council	205B Ngāti Manawa Road, Murupara	Sewerage Treatment Works, Murupara	Pt 1No2A, Ngatimanawa	10.2444 ha	Rural Plains	135B, 520B
D156	Whakatāne District Council	Valley Road, Whakatāne 276 Valley Road, Whakatāne 60C, 60B Te Tahi Street, Whakatāne	Water Treatment Plant	Lot 1 DPS 805 Lot 1 DPS 83635	5,105 m ²	Light Industrial	116B, 505B
D157	Whakatāne District Council	866A State Highway 38, Murupara	Water supply reservoir and pump station.	Pt Sec 2 SO 431945	4252 m ²	Rural Plains	136B, 520B
D158	Whakatāne District Council	10Z Kowhai Street, Ōhope	Water Supply Reservoir	Pt Allot 246B2C2B2 Waimana PSH	3052 m ²	Rural Foothills	136B, 520B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D159	Whakatāne District Council	17 Hurinui Avenue, Whakatāne	Water Supply reservoir (Astronomical Observatory)	Lot 1 DPS 75526	2137 m ²	Residential	110B, 505B
D160	Whakatāne District Council	Kōhī Point Lookout Rd, Whakatāne 22, 24 Kōhī Point Lookout Road	Water Supply Reservoir	Lot 1 DPS 76920	1627 m ²	Residential	111B, 505B
D161	Whakatāne District Council	63 Melville Drive, Whakatāne	Water Supply Reservoir	Lot 56 DPS 23927	843 m ²	Rural Foothills	115B, 505B
D162	Whakatāne District Council	7RDR (Road Reserve) Melville Drive, Whakatāne	Water Pump Station	Lot 53 DPS 23925	27 m ²	Residential	114B, 505B
D163	Whakatāne District Council	Ōtarawairere Road, Whakatāne 10, 14 Ōtarawairere Road, Ōhope	Water Supply Reservoir and Pump Station	Allot 789 Waimana PSH	3052 m ²	Rural Foothills	111B
D164	Whakatāne District Council	2, 2A Beach Street, Whakatāne	Sewer Pump Station	Pt Lot 28 DP 16278 Pt Lot 29 DP 16278	1570 m ²	Residential	110B, 505B
D165	Whakatāne District Council	Bridger Glade	Water pump station	Road reserve	2138 m ²	Residential	114B, 505B
D166	Whakatāne District Council	Bunyan Road 2 Bunyan Road West, Coastlands	Screen Planting, Access Denial	Lot 278 DPS 27738	5,672 m ²	Active Reserve	103B, 505B
D167	Whakatāne District Council	5 Bunyan Road, Coastlands	Screen Planting, Sewer Pump Station	Lot 120 DPS 24685	719 m ²	Residential and Active Reserve	103B, 505B
D168	Whakatāne District Council	164 King Street, Whakatāne, 32, 34 Garaway Street, Whakatāne	Stormwater Drainage (Wainui Te Whara stream)	Part of Lot 37 DPS 582 Lot Pt 60 DPS 582 Allot 686 Waimana Parish	1.3006 ha	Residential and Active Reserve	113B, 505B
D169	Whakatāne District Council	7 Goulstone Road, Whakatāne	Stormwater Drainage	Lot 93 DP11056	1011 m ²	Residential	114B, 505B
D170	Whakatāne District Council	Waiewe Street 23A, 27A Waiewe Street, Whakatāne	Stormwater Drainage, Water Supply Line	Pt Lot 22 DPS 21260	3787 m ²	Residential	110B, 505B
D171	Whakatāne District Council	30 Pyne Street, Whakatāne 262 The Strand, Whakatāne 12 Buddle Street, Whakatāne	Stormwater Drainage	Lot 10 DPS 70388 Pt Lot 1 DPS 2646 Lot 4 DPS 46314 Lot 1 DPS 75412	1.020 ha	Active Reserve	110B, 505B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D172	Whakatāne District Council	10, 10A Konini Place, Edgecumbe	Stormwater Drainage	Lot 17 DPS 19320 Lot Pt 25 DPS 18320 Lot 5 DPS 20035	448 m ²	Residential	129B, 504B
D173	Whakatāne District Council	2, 8, 26 Otakiri Road, Edgecumbe 103 Main Street, Edgecumbe	Stormwater Drainage	Sec 14 Town of Edgecumbe Sec Pt 75 Town of Edgecumbe	1.4674 ha	Residential	129B
D174	Whakatāne District Council	Whakatāne Wharf 2/2, 2/3, 2/1, 2 The Strand, Whakatāne	Harbour Operations	Sec Pt 7 DP 22594, Pt Lot 1 DPS 72551		Business Centre and Active Reserve	106B, 110B, 505B
D175	Whakatāne District Council	38Z, 38, 32 Muriwai Drive, Whakatāne	Harbour Operations & Car-parking	Lot 1 DP 72551 (part) and Lot 2 DPS 72551		Active Reserve	107B, 505B
D176	Whakatāne District Council	Ohope Wharf 340/7 Harbour Road, Ohope	Harbour Operations	Allot 453 Waimana Parish SO 39216 (part)		Active Reserve	123B, 124B, 506B
D177	Whakatāne District Council	Haig and Lovelock Street, Whakatāne	Proposed Service Lane (width 7 m)	Lot 28 DP 15708 (part) Lot 1 DPS 27264 (part) Lot 2 DPS 27264 (part)		Business Centre	109B, 505B
D178	Whakatāne District Council	11A Rata Avenue, Edgecumbe	Sewer Pump Station	Pt Allot 887 SO 48302	3050 m ²	Residential and Active Reserve	128B, 504B
D179	Whakatāne District Council	59, 63, 93, 93A, 139 Valley Road, Whakatāne	Plantation Reserve	Lot 3 DPS 44243 Lot 1 DPS 18181 Lot 2 DPS 44243 Lot 1 DPS 44243 Allot 503 Waimana PSH	10.1954 ha	Rural Foothills	113B, 505B
D180	Whakatāne District Council	10A, 10B, 10C, 10D, 10G, 10E, 10F James Street, Whakatāne 5A, 5B, 5C, 7A Victoria Avenue, Whakatāne	Car-parking and Service Lane (width 7m)	Lot Pt 55, 56 & 57 DP 11385 SO 48544 Lot 2 & 4 DPS 54500 Lot Pt 26, 27, 28, 30, 31 & 32 DP 8878 Lot 3 DPS 69893	6537 m ²	Business Centre	109B, 505B
D181							
D182	Whakatāne District Council	Bluett Park 5 Bluett Road, Ohope	Car-parking	Lot 4 DPS 44531	1068 m ²	Business Centre	119B, 505B
D183	Whakatāne District Council	1, 9 Kakahoroa Drive, Whakatāne	Car-parking	Lot 13 DPS 70664	1.1221 ha	Business Centre	110B, 506B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D184	Whakatāne District Council	21 College Road, Edgcumbe	Proposed Service Lane (width 7 metres)	Part Allot 51 & 52 17 Matatā PSH		Business Centre	129B, 504B
D185	Whakatāne District Council	9, 9A James Street, Whakatāne 106Z, 98Z King Street Whakatāne	Proposed service Lane (width 7m) & car-parking	Section 4 and Section 5 SO 471204 Lot 3 DPS 689893	439 m ²	Business Centre	109B, 505B
D186	Whakatāne District Council	1, 3, 55A Valley Road, Whakatāne 33 Mokorua Parade, Whakatāne 129 Gorge Road, Whakatāne 33 Gorge Road, Maraetotara	Scenic Reserve (Mokorua)	Allot 720 Waimana Parish Allot 719 Waimana Parish Lot 1 DPS 16121 Allot 553 Waimana Parish	240 ha	Rural Foothills	110B, 114B, 115B, 505B
D187	Whakatāne District Council	1A Muriwai Drive, Whakatāne	Harbour Operation (Signal Station)	Lot 3 DPS 2301	1328 m ²	Residential	107B, 505B
D188	Whakatāne District Council	12C, 23, 11Y, 11Z, 13C, 14B, 13Z, 14Z, 18A, 18X, 18Y, 22X, 23J, 22Y, 24X, 22Z, 24Y, 24Z, 26B, 26D, 26E, 29A, 30A, 31A, 32D, 33Z, 32Z, 33Z, 32Z, 34B, 35B, 36A, 37A, 40C, 41X, 41Y, 42B, 41Z, 44Z, 45A, 43A, 44Y, 47Z, 48X, 48Y, 50C, 48Z, 51D, 52B, 55Y, 56X, 57A, 58A, 60Y, 60z West End Road, Ōhope	Proposed Coastal Protection (West End)	LOT 1 DPS 35837, LOT 2 DPS 36191, PT LOT 1 DPS 33353, PT LOT 1 DPS 33274, LOT 1 DPS 40005, LOT 1 DPS 64211, LOT 2 DPS 67447, LOT 3 DPS 67447, LOT 3 DPS 77585, LOT 1 DPS 67447, LOT 3 DPS 78500, PT LOT 4 DPS 33353, LOT 5 DPS 78500, LOT 5 DPS 83177, LOT 4 DPS 78500, LOT 4 DPS 83177, LOT 3 DPS 83177, LOT 3 DPS 71679, LOT 5 DPS 71679, LOT 4 DPS 71679, PT LOT 2 DPS 33531, PT LOT 3 DPS 33531, PT LOT 1 DPS 34758, PT LOT 1 DPS 37201, PT LOT 1 DPS 35606, PT LOT 1 DPS 39228, PT LOT 1 DPS 33531, PT LOT 1 DPS 34955, LOT 3 DP 307405, LOT 4 DP 307405, LOT 3 DPS 56811, PT LOT 3 DPS 35666, PT LOT 1 DPS 35876, LOT 1 DPS 56811, LOT 3 DP 313541, LOT 4 DP 313541, LOT 5 DP 313541, LOT 4 DP 307922, LOT 5 DP 307922, PT LOT 2 DPS 35666, LOT 5 DPS 64407, LOT 4 DPS 64407, PT LOT 1 DPS 33530, PT LOT 3 DPS 33530, LOT 3 DP 314438, PT LOT 2 DPS 35854, LOT 4 DPS 72116, PT LOT 3 DPS 39043, PT LOT 1 DPS 39043, LOT 4 DP 330015, LOT 5 DP 330015, LOT 8 DPS 41724, LOT 1 DPS 77509, LOT 5 DPS 41723, LOT 4 DPS 41723, LOT 2 DPS 77509, LOT 6 DPS 41723, LOT 3 DPS 41723, LOT 2 DPS 41723, LOT 1 DPS	3.1315ha	Coastal Protection	117B, 505B, 111B

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
				41723			
D189	Whakatāne District Council	44, 50, 52 Ohuirehe Road, Coastlands 3606, 3508, 3468, 3438 Bay of Plenty Coastlands 39A, 39B 39C, 29C, Bunyan Road, Coastlands 105, 121 Dawn Parade, Coastlands 57A Omega Place, Coastlands	Coastal Protection (Coastlands)	Lot 4 DPS 68804, Lot 2 DPS 56339, Lot 4 DPS 80947, PT Lot 2 DPS 9881, Lot 7 DPS 63452, Lot 1 DPS 56339, Lot 6 DPS 9881, Lot 7 DPS 68804, Lot 1 DPS 68804, Lot 2 DPS 29769, Lot 7 DPS 9881, Lot 4 DPS 9881, Lot 3 DPS 29770, Lot 1 DPS 29769, Lot 3 DPS 85424, Lot 4 DPS 85424, Lot 5 DPS 68804, Lot 1 DP 420626, PT Lot 2 DP 32234	37.0951ha	Coastal Protection	103B, 505B, 106B
D190	Whakatāne District Council	21C, 21D, 55Z, 56Y, 56Z, 59W, 59Y, 59Z West End Road, Ōhope	Esplanade Purposes, Car-parking, Public-access	Lot 3 DPS 73487, Lot 4 DPS 73487, Lot 5 DPS 73487, Lot 1 DPS 46220, Lot 1 DPS 64589, Lot 5 DPS 64406, Lot 3 DPS 64406, Lot 4 DPS 64406	2,503m ²	Coastal Protection	117B, 111B, 505B
D191	Whakatāne District Council	1, 5, 7, 9, 11, 13 Pohutukawa Avenue, Ōhope 7, 9, 11, 13 Mair Street, Ōhope	Recreation purposes, Car-parking, Playground, Toilets (Mahy Reserve)	Lot 23 DP 25336, Lot 20 DP 22192, Lot 17 DP 22192, Lot 19 DP 22192, Lot 18 DP 22192, Lot 16 DP 22192, Lot 24 DP 25336, Lot 21 DP 25336, Lot 22 DP 25336, Lot 144 DP 22192, PT Lot 15 DP 22192	2.5901ha	Active Reserve	117B, 118B, 505B
D192	Whakatāne District Council	213, 237, 239, 243 Pohutukawa Avenue, Ōhope	Recreation purposes, Car-parking, Playground, Toilets (Maraetōtara Reserve)	ALLT 681 Waimana PSH, Pt Lot 140 DP 22193, Lot 1 DPS 4792, ALLT 682 Waimana PSH, Lot 144 DP 22192	2.4159ha	Active Reserve	119B, 506B
D193	Whakatāne District Council	149 Ocean Road, Ōhope	Recreation Purposes (Ocean Road Reserve)	Lot 94 DPS 8479	2.2213ha	Coastal Protection	120B, 123B, 506B
D194	Whakatāne District Council	202 Harbour Road, Ōhope	Recreations purposes, Playground, Toilets (Otao Reserve)	Allot 452 Waimana PSH	1.9043ha	Coastal Protection/Active Reserve	123B, 506B
D195 ³	Chorus New Zealand Ltd	Edgecumbe Exchange 7 College Road, Edgecumbe	Telecommunications and radio communications and ancillary purposes	Pt Allotment 52 Parish of Matatā & Pt Sec 28 Allotments 51 & 52 Parish of Matatā	1,012m ²	Business Centre	129B

³ The conditions set out in Section 22.2 apply to this Designation

No	Requiring Authority	Facility and Address	Purpose	Legal Description	Area	Underlying Zoning	Planning Map No
D196	Whakatāne District Council	86 Victoria Avenue, Whakatāne	Sewer Pump Station	Lot 3 DPS 15006	1,718m ²	Active Reserve	109B, 505B
D197 ⁴	Whakatāne District Council	37A Kirk Street, Whakatāne	Stormwater Drainage Sewer Line	Lot 32 DPS 4214	1,798m ²	Active Reserve	113B, 505B
D198 ⁵	Whakatāne District Council	Pyne Street South Car Park	Parking (Pyne Street South)	LOT 1 DPS 57637, LOT 2 DPS 57637	2,498m ²	Business Centre	110B, 505B
D199 ⁶	Whakatāne District Council	Pyne Street North Car Park	Parking (Pyne Street North)	Lot 2 DPS 46314	3,027m ²	Business Centre	110B, 505B
D200	Whakatāne District Council	Canning Place to Kakahoroa Drive through Wharaurangi ("The Gap")	Pedestrian Street/Road	Lot 1 DP 27126, Lot 11 DP 11959, Sect 1 SO 46861, Lot 13 DPS 70664		Business Centre/Active Reserve	110B, 505B
D201 ⁷	Chorus New Zealand Ltd	Galatea Exchange 4522 Galatea Road, Matahina-Minginui	Telecommunications and radio communications and ancillary purposes	Part Section 2 Block VI Galatea SD	268m ²	Rural Foothills	520B
D202 ⁸	Chorus New Zealand Ltd	Waimana Exchange 275B Waimana Road, Waimana	Telecommunications and radio communications and ancillary purposes	Section 2 SO Plan 57402	1,378m ²	Residential	134B
D203 ⁹	Chorus New Zealand Ltd	Te Teko Exchange 11 State Highway 30, Te Teko	Telecommunications and radio communications and ancillary purposes	Section 2 SO Plan 57587	354m ²	Commercial	131B
D204 ¹⁰	Chorus New Zealand Ltd	Tāneatua Exchange 63 Tūhoe Street, Tāneatua	Telecommunications and radio communications and ancillary purposes	Section 2 Survey Office Plan 57401	280m ²	Commercial	132B

Table 22:1 Designations

⁴ The conditions set out in Section 22.2 apply to this Designation

⁵ The conditions set out in Section 22.2 apply to this Designation

⁶ The conditions set out in Section 22.2 apply to this Designation

⁷ The conditions set out in Section 22.2 apply to this Designation

⁸ The conditions set out in Section 22.2 apply to this Designation

⁹ The conditions set out in Section 22.2 apply to this Designation

¹⁰ The conditions set out in Section 22.2 apply to this Designation

22.2 CONDITIONS OF SPECIFIED DESIGNATIONS

22.2.1 Designation D44: Whakatāne District Council: Operation of Airport

This designation is subject to the following conditions:

1. No works associated or consistent with the designation purpose, including erection of buildings or structures, modification to the land, earthworks, removal or disturbance of indigenous vegetation (except weed control) shall be undertaken on that part of the designated land identified as being within **Significant Indigenous Biodiversity Site** BS71A unless, pursuant to rule 15.2.4.1, a certificate of compliance has been issued by the Council confirming that the proposed works will not involve the clearance of any significant indigenous vegetation.

22.2.2 Designation D141: Ministry of Education: Murupara School

This designation is subject to the following conditions:

1. Additional on-site car parking to comply with the requirements of the Whakatāne District Plan shall be provided.
2. A lay-by facility to provide for student drop-off and pickup shall be provided.
3. A bus loading zone shall be provided.
4. A comprehensive Outline Plan is required to be submitted to Council for consideration prior to any development of the site to accommodate the new purpose. (Note: This does not include the already “approved” temporary buildings).

Advice Notes:

1. The above conditions are imposed to mitigate potential traffic effects identified in the Traffic Impact Assessment accompanying the application.
2. An Outline Plan was approved on 4 February 2013 to allow temporary buildings to be located on this site to accommodate the new student range. That approval lapses on 4 February 2015. The above conditions must be complied with by 4 February 2015, even if the “permanent” redevelopment of the site has not been completed.

22.2.3 Designation D197 and D198: Whakatāne District Council: Pyne Street Car Parks North and South

These designations are subject to the following conditions:

22.2.3.1 Engineering

- a) Engineering plans for all engineering works shall be in accordance with Whakatāne District Council's Engineering Code of Practice and shall be submitted to Council for approval prior to any work being carried out on site.
- b) All works shown on the approved engineering drawings shall be installed in accordance with the Whakatāne District Council's Engineering Code of Practice.
- c) A new commercial double lane vehicle crossing shall be formed and constructed in accordance with Standard Drawing R09 of the Whakatāne District Plan and the Whakatāne District Council's Engineering Code of Practice.
- d) An application form for road opening must be submitted and approved by the Council prior to any works commencing.

- e) Any redundant vehicle crossings shall be removed with the footpath, berm, kerb and channel being reinstated.
- f) All on-site parking and manoeuvring areas shall be formed and constructed to a minimum two-coat sealed standard, with approved stormwater control.
- g) The dimensions of the access, all parking spaces and manoeuvring aisle widths shall meet or exceed AS/NZS requirements. Engineering design drawings for the proposed parking areas, including disabled parks shall be submitted to Council for approval prior to works commencing on site.
- h) All nominated parking spaces shall be marked on site in accordance with the approved plan and AS/NZS 4121 to clearly demarcate their positions.

22.2.3.2 Construction Management Plan

- a) The Requiring Authority shall prepare and submit a Construction Management Plan (CMP) prior to works commencing on the site. The plan shall detail how the potential adverse effects from construction activities will be avoided, remedied or mitigated. The CMP shall include:
 - i. The contact name and day time and after hours phone numbers of the person responsible for implementation of the CMP
 - ii. A traffic management plan prepared in accordance with the TNZ Code of Practice for Temporary Traffic Management. The plan shall include routes to be taken and dates and times of truck movements for cut/ fill transportation and shall be submitted to the Council's Engineering Provider for approval at least five working days prior to any works being carried out on site.
 - iii. Details on stormwater management and sediment control during the excavation and construction stage.
 - iv. Details of how the construction area shall be fenced off from the adjacent areas with appropriate warning signs erected advising the public of the works taking place.
 - v. How dust will be managed so it does not become a nuisance pursuant to the Health Act.
 - vi. Hours of operation for works
 - vii. How noise levels will be kept in compliance with the construction noise standards
 - viii. Time frames and methods of re-grassing of areas as necessary

22.2.3.3 Lighting

- a) Any external lighting including security lighting, shall comply with the following.
 - i. Day-time Lighting- No person shall use, on any premises, between the hours of 7.00 am to 10.00 pm, any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 125 lux, measured horizontally or vertically at any point two meters within the boundary of or at a building on (whichever is the closer) any adjacent land which is zoned Residential 1 (Urban Living).
 - ii. Night-time Lighting- A person shall not use on the premise between the hours of 10.00 pm and 7.00 am any artificial lighting in such a manner that the use of such lighting causes: (i) an added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjacent dwelling; (ii) an added illuminance in excess of 20 lux measured horizontally or vertically at any point of any adjacent land which is used for residential purposes.
 - iii. Glare- Exterior lighting adjacent to land on which there is a dwelling or a public road shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause an appreciable level of discomfort to any person (including drivers of vehicles on roads).

- 22.2.3.4 Fencing
- a) A 1.8 metre high close-boarded wooden fence shall be erected and maintained by the requiring authority along the southern property boundary of the land affected by Designation 197.
- 22.2.3.5 Landscaping
- a) The Requiring Authority shall submit for approval, prior to the commencement of work on the site, a landscaping plan prepared by a suitably qualified person. It shall show vegetation to be retained and proposed new landscaping works. The plan shall be prepared in accordance with the Council's Standard Landscape Requirements
- b) The approved landscape plan shall be implemented by the end of the first growing season following completion of the works on the site. The landscaping shall be maintained on the site in perpetuity.
- 22.2.3.6 Archaeology / Cultural
- a) The Requiring Authority shall cease all operations immediately should any koiwi or other taonga be discovered within the area of the development. Any archaeological sites within the area affected by this operation shall not be modified or disturbed in any way unless written authority has been obtained from the Heritage New Zealand Pouhere Taonga in consultation with the relevant iwi authority.

22.2.4 Conditions for Chorus NZ Ltd Designations D195, D201-D204

- 22.2.4.1 Mast and **Antenna** Height
- a) The height of any new mast and associated **antennas** (excluding any lighting rod) shall not exceed:
- i. 25 metres at D201 (Galatea Exchange);
 - ii. 13m at D202 (Waimana Exchange)
 - iii. 15m at D203 (Te Teko Exchange), D204 (Taneātua Exchange), D195 (Edgecumbe Exchange).
- b) **Antennas** mounted on the roof of a building shall not extend more than:
- i. 3m above the maximum height of the roof of the building at D202 (Waimana Exchange), D203 (Te Teko Exchange) and D205 (Taneātua Exchange) sites.
 - ii. 5m above the maximum height of the roof of the building at D201 (Galatea Exchange) and D195 (Edgecumbe Exchange) sites.
- c) Any new mast and associated **antennas** shall comply with the following height in relation to boundary control from adjoining Residential zoned site:
- i. A height equal to 2.7m plus the horizontal distance between that part of the building and the nearest site boundary.
- 22.2.4.2 Building Height and Location
- a) The maximum height of any new building or building extension (excluding any mast, **antennas** or generator exhaust flue), shall not exceed:
- i. 9m at D202 (Waimana Exchange) and D195 (Edgecumbe Exchange);

- ii. 8m at D201 (Galatea Exchange), D203 (Te Teko Exchange) and D204 (Taneātua Exchange).
- b) At D202 (Waimana Exchange) and D203 (Te Teko Exchange), the minimum building setback from any land zoned Residential (excluding any mast, antennas, generator exhaust flue or air conditioning equipment) is 3m, except that this shall not restrict the maintenance and upgrading of any existing building where it already infringes this condition, provided there is no additional exceedance of the setback.

22.2.4.3 Noise

- a) Any new noise generating equipment (excluding any electricity generator required for emergency backup power generation) shall not exceed the following noise limits:
 - i. At the site boundary where the zone is Business Centre or Commercial:
 - a. 7.00am – 10.00pm: 55 dBA Leq
 - b. 10.00pm – 7.00am: 45 dBA Leq
 - ii. At the site boundary/ notional boundary 20m from the façade of any building (whichever is closer to the dwelling) where the zone is Rural, or at the site boundary where the zone is Residential.
 - a. 7.00am – 10.00pm: 50 dBA Leq
 - b. 10.00pm – 7.00am: 40 dBA Leq
- b) Where existing site noise already exceed the levels in condition 6 above, any new noise generating equipment (excluding any electricity generator required for emergency backup power generation and/or load shedding) shall cumulatively, in combination with any other noise generating equipment on the site, not result in any increase in existing noise levels received at any other property boundary. A noise assessment may need to be submitted as part of any outline plan (depending on circumstances such as the nature of noise generating equipment, remoteness of the site, and proximity to boundaries) to confirm the existing noise levels and predicted new noise levels to confirm compliance with this condition.
- c) For any new electricity generator required for energy generation and/or load shedding that exceeds the noise limits in condition 6. above, an Outline Plan shall be required that demonstrates how the equipment and any mitigation is the best practicable option (BPO) to ensure that noise levels do not exceed a reasonable level.

22.2.4.4 Outline Plans

- a) No Outline Plan shall be required for any internal building works that do not result in any increases in noise emissions, or for the replacement of any antennas with antennas of a similar size provided that there is no overall increase in the overall height of the facility.

22.3 STEM ASSESSMENT

The Standard Tree Evaluation Method (STEM) evaluates an individual tree against the following criteria:

CONDITION EVALUATION

Form	To obtain the most points, the tree should be reliable in structure and be a good example of the species.
Occurrence	This is an assessment of botanical detail and determines whether or not a species is predominant or rare, the latter scoring highest.
Vigour and	This is an assessment of the health of the tree. Mature trees display vitality and

Vitality	younger trees show greater vigour. Trees do shed branches but often to sustain their natural balance. Without interference and having vitality, a tree will outlive the human life span by hundreds of years.
Function	Trees have firstly a physical function, e.g., to filter sun, noise, dust and wind; and secondly a conservation function, e.g., to act as wildlife corridors, provide refuge and shelter for birds and are also a source of food for birds, animals and humans.
Age	The loss of a mature tree because of human actions leaves an equivalent time lapse before a replacement tree will fulfil similar functions.

AMENITY (COMMUNITY BENEFIT)

Stature	This serves to record the height or width of the tree, whichever is the greater.
Visibility	This identifies trees which contribute as a visual feature in both urban and rural situations. They often provide an orientation device for the community, especially in cities and towns where few landmarks exist.
Proximity of other Trees	This recognises the potential significance of a lone tree in an urban situation. The rationale in the broadest terms is that one tree in a street or bare rural field draws attention to itself, meaning the fewer the trees, the more they are valued. A tree removed from a group would have less of an overall impact.
Role in Setting	This determines a tree's value and influence, in a particular landscape or setting. It is an expression of the tree's visual and amenity contribution, or its particular association to its location, e.g., a churchyard yew.
Climatic Influence	This evaluates a tree's influence on the microclimate by providing shade, shelter, cooling, modifying wind turbulence and intercepting rain.
Notability (Distinction)	This is used to qualify trees of major importance and usually over 50 years old; otherwise it is left blank. It also details the overriding major factors used in describing the notable qualities of a significant tree, group or stand of trees. These notable qualities are awarded for stature, historic or scientific merit and divided into local, district, regional, national or international columns.

STATURE

Feature	This verifies exceptionally large proportions of visual interest owing to height, spread, trunk dimensions, unusual or sculptural shapes, e.g., windswept.
Form	The tree would have to be recognised as an outstanding example of the species. This can also apply to groups of trees.

HISTORIC

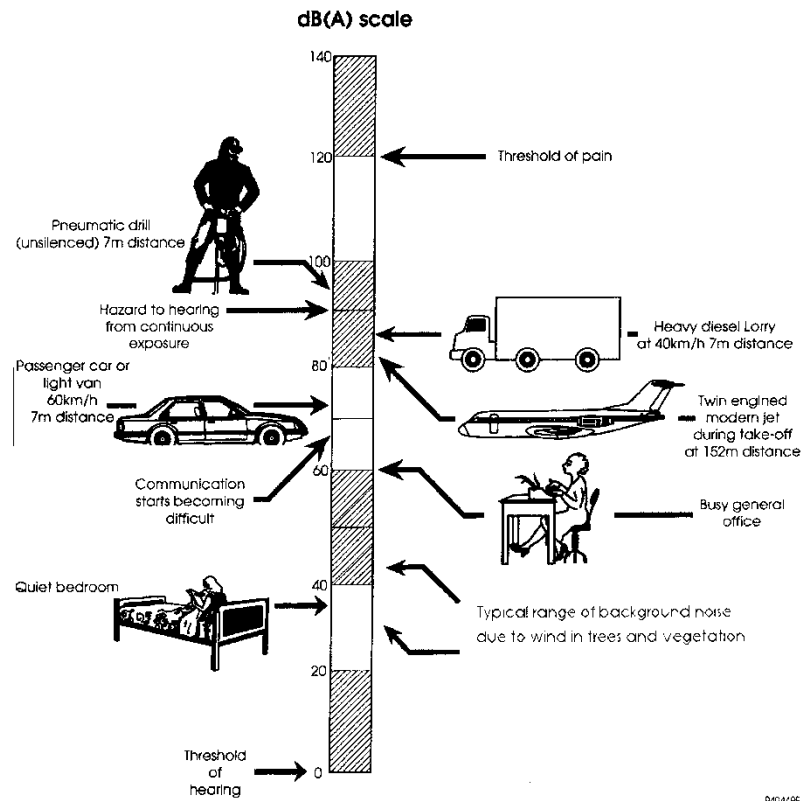
Age	The tree would need to have a well documented age over 50 years.
Association	The tree, group or stand, must have a well recorded association with a major natural or planned event, an eminent person, or perhaps be known and revered for traditional or cultural significance.
Commemoration	Trees that have been planted to commemorate an occasion would qualify under this criterion. This is particularly the case with early Arbor Day plantings or links with occasions of importance in New Zealand's history, such as battles or treaties.
Remnant	This applies to remnants of native forest or exotic tree plantations. This section may give added weight to the outstanding merits of a tree because of its intrinsic value to a particular ecosystem. Points for proven importance to flora or fauna can also be awarded.
Relict	This description applies when a tree exists in an environment which has changed from that which is typical for that tree species.

SCIENTIFIC

Source	Trees that gain special recognition under "source" would gain points for their exceptional species qualities or generic derivation.
Rarity	These trees need to have authenticated scientific documentary evidence of their rarity.

Endangered These trees are assessed as threatened under the criteria developed by the International Union for the Conservation of Nature (IUCN), i.e., locally threatened, rare, endangered, threatened and critical.

22.4 EXAMPLE SOUND LEVELS



SUMMARY OF NEW ZEALAND NOISE STANDARDS

This Plan references a number of New Zealand standards. Below is a summary of the purpose of the standard.

NZS 6801:2008 Acoustics – Measurement of Environmental Sound

Provides guidance with regard to measurement of environmental sound. Includes definitions of basic quantities to be used in describing sound and procedures for the measurement of sound.

NZS 6802:2008 Acoustics – Environmental Noise

Sets out procedures for the assessment of noise for compliance with noise limits and also provides guidance for setting noise limits. This standard must be read in conjunction with NZS6801.

NZS 6803:1999 Acoustics – Construction Noise

Sets out a procedure for the assessment of noise for compliance with noise limits and provides guidance on the setting of noise limits from certain activities. It is generally accepted that receivers of noise will tolerate a higher level of noise provided that it is not on going and that its hours and days are shorter than that for permitted activities.

NZS6803 provides generous noise limits during the daytime but shortens the working week and requires compliance with limits normally associated with night-time limits at times when an activity is not occurring.

NZS 6805:1992 Airport Noise Management and Land Use Planning

Establishes maximum acceptable levels of aircraft noise exposure around airports. The Airport Noise Boundary concept is used by Territorial Local Authorities to establish compatible land use planning and to set limits for the management of aircraft noise where this is needed to protect community health and amenity.

NZS 6806: 2010 Acoustics – Road traffic Noise: New and altered roads

Recommends noise criteria to be applied to road traffic noise from new or altered roads received at the assessment position(s) of noise sensitive receivers. This standard does not apply to existing roads. NZS6806 replaces the “Transit Guidelines” which were used to assess road traffic noise impacts.

NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas

Details procedures for the measurement and assessment of noise from existing and proposed helicopter landing areas, and recommends land use planning measures where these are necessary to mitigate the adverse effects of noise on land uses surrounding the helicopter landing area.

NZS 6808: 2010 Acoustics – Wind farm noise

Cover the prediction of sound from wind turbine generators (WTGs), the measurement of sound from WTGs and assessment of the received sound. The standard is intended for use with turbines with a swept area of greater than 80m² (rotor diameter greater than 5m). Domestic size WTGs are unlikely to have a rotor diameter greater than 5m; nonetheless components of NZS6808 are still valid and can be used in conjunction with NZS6801 and 6802 where an assessment is required.

NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning

For use by local authorities in resource management and regulatory roles, and port operators to facilitate management of noise emanating from port operations. The standard describes a method for establishing noise limits and associated land use controls with the objective of protecting community health and amenity while recognizing the need for efficient operation, use and development of ports.

22.6 STRAND CHARACTER AREA GUIDELINES

INTRODUCTION

The Whakatāne Town Centre is the focal point of Whakatāne's community life, **business activity** and tourism. Whakatāne is fortunate to have maintained a compact and vibrant town centre from Buddle Street to Kakahōroa Drive, and Richardson Street to George Street, with retailing activity focused on The Strand.

These design guidelines are intended to protect and reinforce the character of The Strand, inform builders, designers and developers about the community's goals and expectations, and still allow creative freedom in meeting those goals. In addition, they form a set of criteria against which new development can be evaluated.

The guidelines which follow offer a range of techniques to encourage positive outcomes for alterations and additions to existing buildings in the character area, as well as encourage new development that responds sympathetically to existing character. It is important to note that parts of The Strand Character Area are quite distinctive in terms of when they were developed and their built character.

Since no two particular situations will be alike, creative design solutions and alternative approaches which meet the goals of the guidelines are welcome.

OBJECTIVES

The objectives of these guidelines are to ensure that all new development, and changes to existing buildings, within The Strand Character Area:

- a. Harmonises with the design, scale, massing and appearance of adjacent development, i.e., is a "good neighbour"; and
- b. Reinforces the character of Whakatāne, particularly for new development in proximity to heritage buildings.

OVERVIEW

New development may be co-ordinated with its surrounding urban environment in a number of ways. An important starting point is understanding the local context. A brief summary of the historic development of The Strand Character Area is set out below, together with an overview of its built character.

Overview of historic development in the strand character area

Ngāti Awa have been based at Whakatāne since the arrival of the Mātaatua canoe. Abundant resources, fertile soil, and easy transport and communication routes up rivers and along the coast led to the region becoming heavily-populated. Several hundred years of occupation by tangata whenua Ngāti Awa leading a traditional Māori lifestyle were slowly influenced over the first few decades of the 19th century following contact with European explorers, missionaries and traders. By the 1840s more sustained relationships were established particularly through trade, shipbuilding and religion.

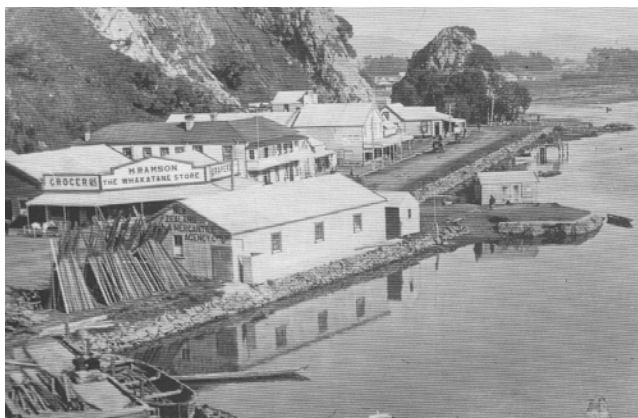
Ngāti Awa's lands were confiscated in 1866 and soon after government surveyors began to map the district and plan subdivisions for commercial development, residential settlement and farms. More upheaval came in March 1869, when Te Kooti Arikirangi and his followers attacked Te Poronui mill near Whakatāne. Following this the Armed Constabulary remained at Papaka Redoubt above Whakatāne for several years.



View eastward along the Strand in 1910 showing small-scale timber framed buildings. WMG 524

The river-side location, together with proximity of the rock escarpments behind, provided a unique setting for the township, further defined by the location of Pohaturoa, the sacred rock, within the centre of the township. The town itself was slow to develop, partly due to the limited availability of land: the only dry areas were the coastal strip to the east of Pohaturoa and a narrow strip between what became Commerce Street and the foot of the escarpment. These areas were surveyed into small plots of land, some of which were allocated for government needs. The earliest commercial development occurred along The Strand east of Pohaturoa and faced the Whakatāne River. Access to Whakatāne was primarily by sea and goods stores were built near the jetties and wharves.

Whakatāne's economic development was agriculture-based. Whakatāne became a service town for the region's farmers, as well as the port for export and import of goods and produce. As the town's business opportunities expanded and population numbers increased, the coastal strip at the base of the escarpment proved too confined. A series of reclamations provided additional land for development. The first of these was in 1899 creating a site specifically for the post office.



An early photograph of the Strand showing stone faced breast work along the river bank representing the first efforts to reclaim the soft shore east of Pohaturoa. (Photograph from Ken Phillips private collection)

Between 1916 and 1921 Whakatāne was the fastest growing town in the country. Reclamation of the river bed on the northern side of The Strand and widening of this main thoroughfare between George Street and Pohaturoa in 1912 provided additional commercial land. In the early decades of the 20th century masonry buildings were progressively constructed on the new northern sites. Redevelopment of the southern side of The Strand also occurred with many of the buildings on this side built in the 1920s and 30s, including the Whakatāne Hotel and Commercial Hotel, both built in 1939. This part of Whakatāne retains a consistent and cohesive group of early or traditional buildings from this period of development.



A similar view eastward along the Strand after reclamation on the northern side. WMG 524



Development on the north side of The Strand following reclamation. WMG Neg no P6736

Further development was possible after WWII with the land west of Pohaturua and north of Louvain Street drained and developed for commercial land. The Post Office, and banks relocated to The Strand extension and new commercial retail outlets and offices located in this precinct along with the District Council offices, Power Board and Police Station. This development coincided with the earliest formal planning mechanism, the district scheme in the late 1950s and early 1960s. This period and pattern of development is clearly evident in the age, type and scale of buildings in this area.



Aerial photo taken in May 1937. The top right corner is the location of the central shopping area. Commerce Street runs diagonally up the page and connects into The Strand. Land north of Louvain Street is un-reclaimed tidal estuary with rudimentary tracks. New Zealand Aerial Mapping 50 B/4



Aerial photo taken in the early 1970s showing the extent of development that has occurred west of Pohaturua. Whakatāne District Council

The Built Character of The Strand

The Strand in Whakatāne developed as the commercial and retail mainstreet and has clearly identifiable areas or precincts, in terms of built character, that relate to periods of development. To the east of Pohaturoa and the intersection with Commerce Street is the earliest part of the town centre developed in the late 19th and early 20th centuries, while to the west, development on the north side, occurred after WWII, following drainage and reclamation works. The south side of The Strand includes buildings such as the Whakatāne Hotel and Commercial Hotel built in the 1930s.

There is a clearly recognisable historic core in the buildings on The Strand between Pohaturoa and the Quay and George Street intersections. This group of early 20th century retail and commercial buildings remains largely intact and creates a distinctive streetscape because of its consistency in terms of scale, materials, form, design and its continuity of retail frontages. These buildings are typically one or two storied, constructed of plastered brickwork and designed in 'stripped' Classical and Art Deco styles.

Buildings are built up to the street edge, and reasonably narrow in width, reflecting the lot sizes. The façades of wider buildings are broken into bays, and also modulated vertically by parapets and cornices. Upper storey windows are often vertically proportioned and appear as openings in a predominantly solid wall, whereas large framed display windows at the **ground level** give this part of the façade a more transparent appearance. Verandahs are typically suspended from the façades. Roof forms are concealed behind building parapets.



Figure 1: Typical components of late 19th and early 20th century building frontages



76 The Strand, built c. 1912



80-82 The Strand, built c. 1922



84 The Strand, built c. 1920



88-92 The Strand, built c. 1922



108-110 The Strand, built c.1921



159 – 163 The Strand, Post Office built in 1956



Whakatane Hotel, 77-79 The Strand, built 1939



175 The Strand, Bank of New Zealand, built in 1961



101 The Strand, Whakatane. In 1936 the first floor was added to building for NZ Loan & Mercantile Co.



156 – 158 The Strand, built in 1950

THE STRAND- WESTERN PRECINCT

The area west of the historic core and west of Pohaturua along The Strand continues the historic pattern of development with generally small lots and buildings constructed to the edge of the street. This part of The Strand contains a recognisable group of post WWII buildings, including the Post Office; BNZ bank; Coronation Buildings and office building on the south west corner of Richardson and Boon Street. The architectural style of these buildings includes a range of post-WWII modernist styles, with greater variety in fenestration and verandah types. The scale continues to be typically one and two storeys.

THE GUIDELINES MAINTAINING, ADAPTING AND ALTERING EXISTING HERITAGE AND CHARACTER BUILDINGS

Existing buildings in Whakatāne make a significant contribution to the established character of the streetscape and its sense of place. The many well-maintained heritage character buildings are an asset to the centre, making it an appealing place to visit and use. The retention, sympathetic use and maintenance of Whakatāne's existing character buildings is encouraged.

KEY TIPS:

1. Find out more about the architectural character and history of a place as a helpful starting point. Identify the most important original exterior and interior elements and aim to retain and enhance during any work.
2. Carry out regular and careful **maintenance**
3. Retain sound elements - buildings don't have to look as new and aged elements help to understand their historic character.
4. Repair elements in compatible materials rather than replacing where possible.
5. Retain original timber joinery and repair.
6. Where repairs are necessary, carry out to match original materials and detail. Seek specialist advice on repair if necessary.
7. Retain existing unpainted brick or plaster facades as is.
8. Don't obscure significant elements with coverings or recladding, or with signage.
9. Keep original verandahs and shopfronts if possible, or consider reinstating detail that has been lost, based on sound evidence of the original. Shopfront design and detail should relate to the overall architectural character of the building rather than being a separate or themed feature.
10. Keep important original or early interior detail that still remains where practical.
11. Seek advice on structural work and aim to first optimise
12. the inherent strength of the existing building structure.
13. Keep change to a reasonable minimum in planning any alterations or additions. Ensure alterations or additions don't dominate and relate sensitively to an existing building.
14. Signage shouldn't obscure architectural detail and should be well integrated with the design of the facade. It should not be mounted above the parapet.
15. Investigate original or early colours used to help with developing new colour schemes when repainting is due.



Locating copies of the original architectural drawings can be very useful in identifying important elements to be repaired or possibly reinstated, as well as in planning new **additions** and preparing colour schemes. The drawing above is for the Commercial Hotel designed in 1939 by Birr and Mirfield a well known Gisborne firm of architects.

New and infill buildings in The Strand character area

As noted parts of The Strand Character Area were developed at different times and the built character varies. The eastern part of the character area comprises groups of early 20th century buildings while the western end was developed later. So before developing designs for new or infill buildings, it is important to understand the particular site context, scale and architectural character of neighbouring buildings.



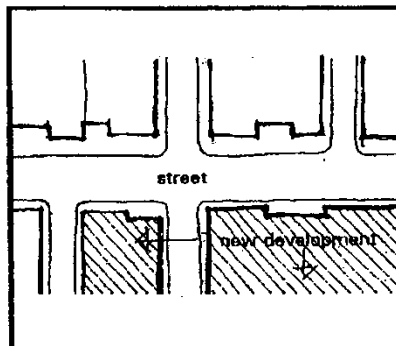
3.1 Context

Guideline

New buildings should express their own identity while respecting the height, massing, scale, and appearance of adjacent buildings.

Rationale

For a building to fit its context, it must relate to its neighbouring buildings.



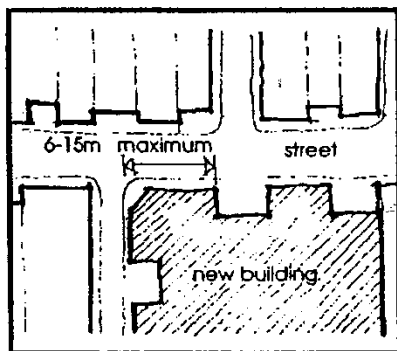
3.2 Development Framework

Guideline

Large new development should maintain the existing pattern of streets and blocks. Where the street pattern is interrupted, a pedestrian arcade or walkway should be considered.

Rationale

This guideline is intended to continue scale and pattern of development within The Strand Character Area.



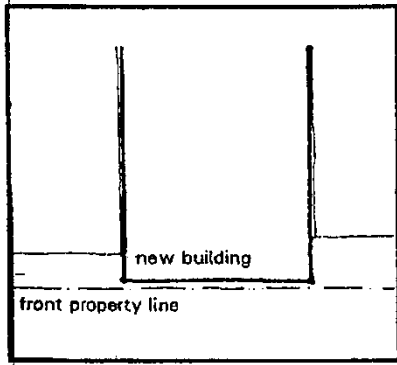
3.3 Development Rhythm

Guideline

Respect Whakatāne's historic subdivision and development patterns by breaking up larger, multi-lot buildings at between six and 15m intervals.

Rationale

Whakatāne's original pattern of subdivision established a "rhythm" of individual shopfronts and freestanding buildings which should be continued.



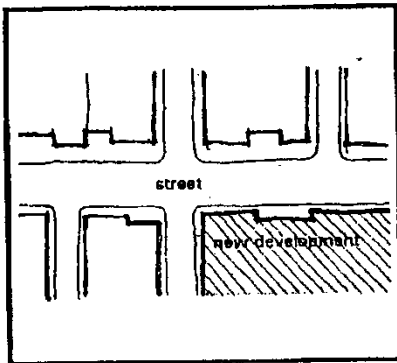
3.4 Street Enclosure

Guideline

All new buildings should be built as close as possible to the front property line.

Rationale

The traditional pattern of buildings located close to the sidewalk optimises pedestrian amenity and activity, and defines the various streets and open spaces of The Strand Character Area.



3.5 Building Massing

Guideline

Large new development should be broken into smaller component "blocks" wherever possible to reduce their apparent bulk and visual size.

Rationale

This guideline is intended to continue the present scale of development, i.e., smaller individual buildings and shops.



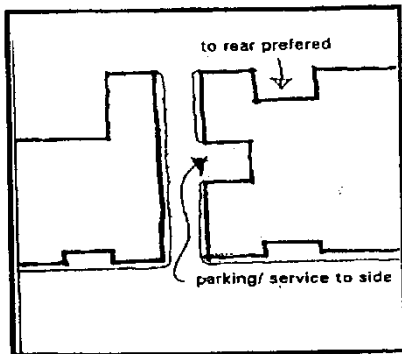
3.6 Transparency and Activity

Guideline

Shopfronts should generally be kept as transparent as possible, i.e., incorporate a high percentage of glazing. Operable storefronts, outdoor seating or display areas on private property are encouraged.

Rationale

All of these elements add to pedestrian activity and to the attractiveness of The Strand and its retail viability.



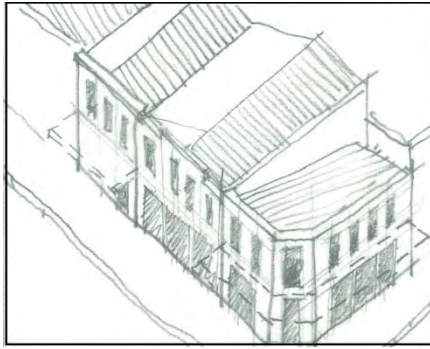
3.7 Parking, Loading and Service Areas

Guidelines

All parking, loading and service areas should be located to the rear or side of new development, and should be screened from pedestrian areas and neighbouring properties.

Rationale

All of these elements detract from the attractiveness for pedestrians, and should be concealed to the extent possible.



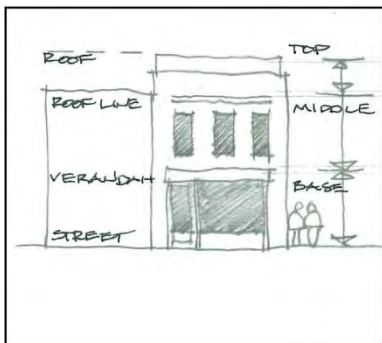
3.8 Street Façades

Guideline

All visible building façades should be designed to a similar level of quality. Building elevations should be appropriately modulated with vertical elements (such as structural bays and windows), and horizontal elements (such as verandahs, cornice and parapet lines), in context of neighbouring buildings.

Rationale

There is sometimes a tendency to "design" only the front façade and neglect the other sides of the building, which may be almost as visible.



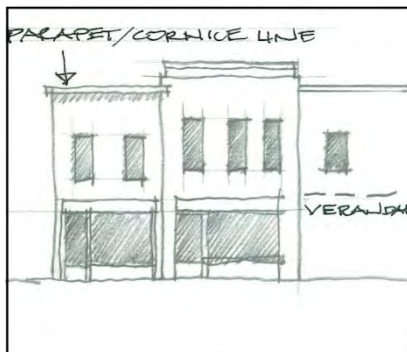
3.9 Building Scale

Guideline

All buildings should have a defined base, middle and top. Generally buildings should be related in size, scale and proportion to adjacent properties. Façade heights should fall within the established range of the block or surrounding buildings.

Rationale

The consistent one and two storied scale is an important characteristic of The Strand Character Area.



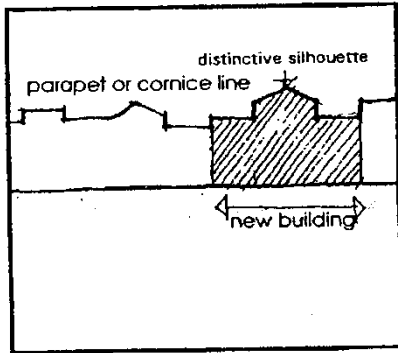
3.10 Building Height

Guideline

The roof heights and horizontal elements of adjacent buildings should be co-ordinated in terms of roof parapets, ridge and eave lines (for sloping roofs), cornice lines, and also the height of verandahs, canopies and awnings.

Rationale

Co-ordinating the heights of adjacent buildings and their major horizontal features helps new development to fit in with adjacent buildings.



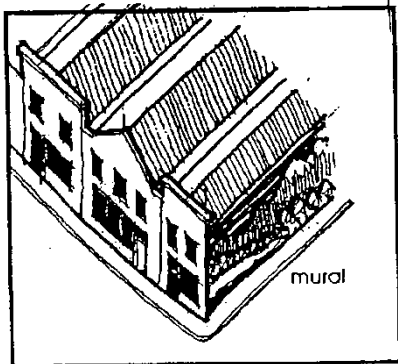
3.11 Silhouette

Guideline

The design of the top of the street faced (parapet or cornice line) should respond to neighbouring buildings.

Rationale

Shaped parapets are a common feature of many of the early 20th century buildings in The Strand, however post WWII buildings are typically designed in modernist styles, without stepped or shaped parapets. Responding to the specific context is important.



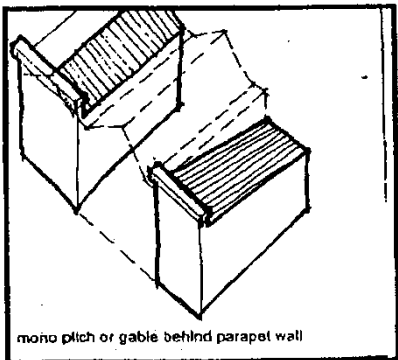
3.12 Blank Walls

Guideline

Blank walls and exposed concrete block firewalls visible from pedestrian areas should be avoided wherever possible. Visible blank walls should be finished with detailing of architectural elements, to a high standard. All street elevations should be appropriately designed to provide visual interest at street level and enhance pedestrian amenity and activity.

Rationale

Blank walls detract from the appearance and amenity of The Strand Character Area.



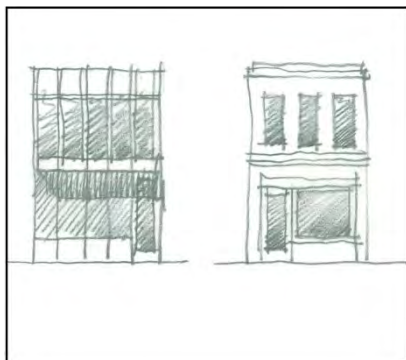
3.13 Roofs

Guideline

The existing pattern of roofs concealed behind a parapet wall should be continued. The design of roofs in The Strand should be carefully considered as the roofscape of the centre can be viewed from the cliffs above.

Rationale

This guideline reflects the traditional approach to roofs within The Strand Character Area.



3.14 Windows and Openings

Guideline

The design, proportion and placement of windows should be compatible with neighbouring buildings.

Rationale

Early 20th century buildings in The Strand typically have large glazed shopfronts while upper level windows are typically vertically proportioned openings within a solid wall, arranged to give a rhythm to the façade. In the western part of The Strand however there is greater variation in age, including modernist

buildings which do not necessarily have 'punched' windows. A careful consideration of the particular context is needed.

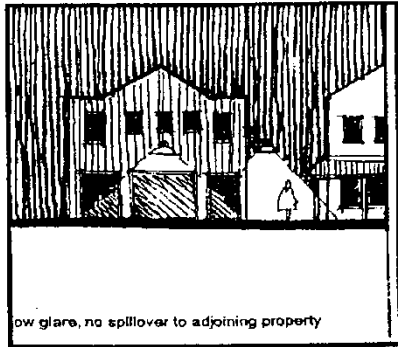
3.15 Lighting

Guideline

Lighting of the building and surrounding areas should be kept to the minimum necessary. Any exterior lighting should be directed downwards, and shielded to prevent glare affecting neighbouring properties.

Rationale

While lighting is necessary for visibility and security, over-lighting detracts from the appearance and amenity of The Strand Character Area.



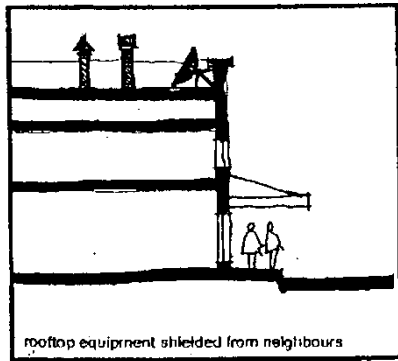
3.16 Rooftop Equipment

Guideline

Rooftop mechanical equipment, (including antennae) should be located (or screened) so that they are not visible from adjacent streets or neighbours. All rooftop projections including exposed metal flues, vents, air-conditioning equipment, machine rooms, or lift towers should be integrated in an architecturally attractive manner as part of the overall design of the building, and should harmonise with the building's colour scheme.

Rationale

Usually these elements can be placed in an unobtrusive location the time of design. Screening such elements and painting in with building's colour scheme is another way of reducing their visual impact.



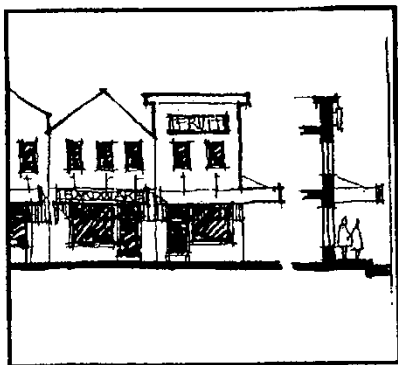
3.17 Signage

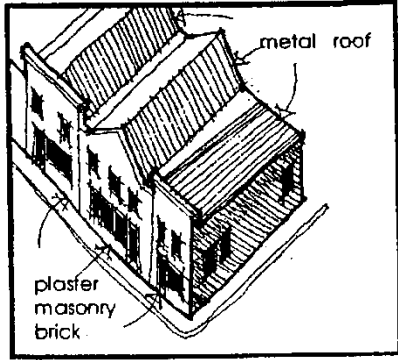
Guideline

All signs should be integrated with the design of the building façade, and should not be mounted above the parapet. The use of individual raised or recessed letters and symbols is encouraged. If lighting is required, signs should be front-lit (illuminated by external spot lights), not back-lit (internally illuminated).

Rationale

Too many signs lead to visual clutter and lose effectiveness. In general, signs should be kept to the minimum necessary to identify the business and the product or service provided.





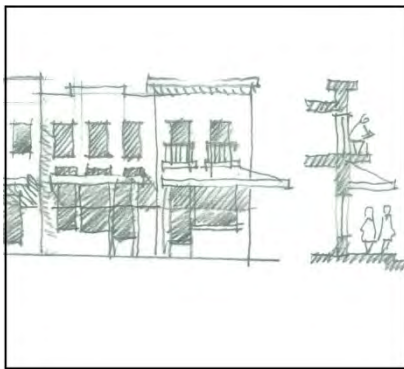
3.19 Materials and Finishes

Guideline

Tradition materials should be used where practicable e.g. plastered masonry, brick, glass, timber and non-reflective metal roofing. Materials that imitate brickwork, weatherboards or plasterwork should be avoided. Building colour schemes should relate well to the architectural character of the building as well as considering neighbouring buildings and the streetscape.

Rationale

Using materials in common use locally is a powerful way of reinforcing local character.



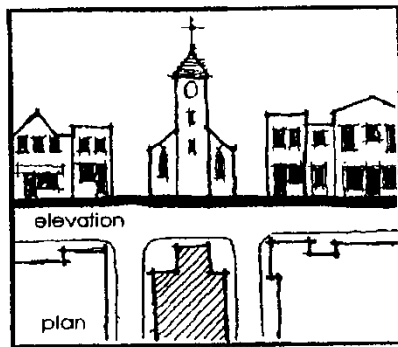
3.20 Relief and Texture

Guideline

Building façades should be "three-dimensional" and incorporate a high degree of relief which may be achieved by the incorporation of recesses, protections, and other architectural elements.

Rationale

This guideline relates to the need for ornamentation and the character of many existing buildings within The Strand Character Area.



3.21 Feature Buildings

Guideline

There are some building which deserve special design attention because of their function or location, e.g., freestanding community or religious buildings, buildings on corner lots, or buildings located at the end of axial views.

Rationale

It is important to recognise when to design buildings which work together as a whole, and when a building type or location deserves a design which "stands out".

22.7 CRITERIA FOR DETERMINING ECOLOGICAL, LANDSCAPE AND HISTORIC HERITAGE SIGNIFICANCE

The following Criteria is from the Bay of Plenty Regional Council's Regional Policy Statement.

APPENDIX F
CRITERIA FOR ASSESSING SPECIFIED MATTERS
IN THE BAY OF PLENTY REGION

Set 1 Natural Character

Natural Systems Expressed

- 1.1 The qualities and patterns of the landscape express integrated physical processes and ecological systems and promote and support the healthy functioning of the natural environment;

Landform

- 1.2 Landform retains its natural form and qualities;

Land Cover

- 1.3 Land cover is unmodified from its natural state or is regenerating and contributes to a high degree of naturalness or, where managed, retains the qualities of naturalness;

Waterscape

- 1.4 Seascapes, harbours, estuaries, wetlands, geothermal surface features, lake or river water bodies are natural without obvious human structures or intervention;

Fauna

- 1.5 Habitat for fauna is natural and functions without compromise by human influence or modification.

Set 2 Natural Features and Landscapes

Natural Science Factors

Representativeness

- 2.1 Natural features and landscapes are clearly and recognisably characteristic of the area, district or region. The key components of the landscape will be present in a way that more generally defines the character of the place, but which distils this character in essence;
- 2.2 Natural features in a good state of preservation are representative and characteristic of the natural geological processes and diversity of the region;

Research and Education

- 2.3 Natural features and landscapes are exceptionally valued for the contribution they make to research and education;

Rarity

- 2.4 Natural features are unique or rare in the region or nationally, and few comparable

examples exist;

Aesthetic Values

Coherence

- 2.5 The patterns of land cover and land use are largely in harmony with the underlying natural pattern of the landform of the area and there are no significant discordant elements of land cover or land use;

Vividness

- 2.6 Natural features and landscapes are widely recognised across the community and beyond the local area and remain clearly in the memory; striking landscapes are symbolic of an area due to their recognisable and memorable qualities;

Naturalness

- 2.7 Natural features and landscapes appear largely uncompromised by modification and appear to comprise natural systems that are functional and healthy;

Intactness

Natural systems are intact and aesthetically coherent and do not display significant visual signs of human modification, intervention or manipulation; visually intact and highly aesthetic natural landscapes;

Expressiveness (Legibility)

- 2.9 Natural features and landscapes clearly demonstrate the natural processes that formed them. Exceptional examples of natural process in landscape exemplify the particular processes that formed that landscape;

Transient Values

- 2.10 The consistent occurrence of transient features (for example the seasonal flowering of pohutukawa) contributes to the character, qualities and values of the landscape; landscapes are widely recognised for their transient features and the contribution these make to the landscape;

Shared and Recognised Values

- 2.11 Natural features and landscapes are widely known and valued by the immediate and wider community for their contribution to a sense of place leading to a strong community association with or high public esteem for the place;

Māori Values

- 2.12 Natural features and landscapes are clearly special or widely known and influenced by their connection to the Māori values inherent in the place;

(Refer also to set 4 - Māori Culture and Traditions criteria);

Historical Associations

- 2.13 Natural features and landscapes are clearly and widely known and influenced by their connection to the historical values inherent in the place.

(Refer also to set 5 - Historic heritage criteria).

Set 3 Indigenous Vegetation and Habitats of Indigenous fauna

Representativeness

- 3.1 Indigenous vegetation or habitat of **indigenous fauna** contains associations of indigenous species representative, typical or characteristic of the natural diversity of the region or any relevant ecological districts;

Rarity or Distinctive Features

- 3.2 Indigenous vegetation or habitat of **indigenous fauna** supports an indigenous species or associations of indigenous species threatened or rare nationally, regionally or within the relevant ecological district;
- 3.3 Indigenous vegetation or habitat of **indigenous fauna** can contribute to the **maintenance** or recovery of a species threatened or rare nationally, regionally or within the relevant ecological district;

Indigenous vegetation or habitat of **indigenous fauna** is distinctive, of restricted occurrence, or at the limits of its natural distribution range, or has developed as a result of factors such as natural geothermal activity, historical cultural practices, altitude, water table, or soil type;

- 3.5 Indigenous vegetation or habitat of **indigenous fauna** is one of the largest remaining examples of its type within the region or any relevant ecological district;
- 3.6 Indigenous vegetation or habitat of **indigenous fauna** is significantly reduced in area and is degraded but retains key natural **ecosystem** functions (for example hydrology) and has a **high** potential for restoration;

Diversity and Pattern

- 3.7 Indigenous vegetation or habitat of **indigenous fauna** contains a high diversity of indigenous **ecosystem** or habitat types, or changes in species composition, reflecting the existence of diverse natural features (for example landforms, soil types or hydrology), or communities along an ecological gradient;

Naturalness

Indigenous vegetation or habitat of **indigenous fauna** is in a natural state or healthy condition, or is in an original condition;

Ecological Context

- 3.9 Indigenous vegetation or habitat of **indigenous fauna** contributes to the ecological viability of adjoining natural areas and biological communities, by providing or contributing to an important ecological linkage or network, or providing a buffer from adjacent land uses;

- 3.10 Indigenous vegetation or habitat of **indigenous fauna** provides habitat for indigenous species at key stages of their life cycle;

Viability and Sustainability

- 3.11 Indigenous vegetation or habitat of **indigenous fauna** is of sufficient size and compact shape and has the capacity to maintain its ecological viability over time;
- 3.12 Indigenous vegetation or habitat of **indigenous fauna** supports intact habitats and healthy functioning ecosystems;
- 3.13 Indigenous vegetation or habitat of **indigenous fauna** is of sufficient size and compact shape to resist changes initiated by external agents;

Māori

- 3.14 Indigenous vegetation or habitat of **indigenous fauna** contributes to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;

(Refer also to set 4 - Māori Culture and Traditions criteria);

Historical

- 3.15 Indigenous vegetation or habitat of **indigenous fauna** is known and valued for its connection to the history of the place;

Community Association

- 3.16 Indigenous vegetation or habitat of **indigenous fauna** is known and valued by the immediate and wider community for its contribution to a sense of place leading to community association with or public esteem for the place, or due to its value for recreation or education;
- 3.17 Indigenous vegetation or habitat of **indigenous fauna** is valued for the contribution it is making to research into the Bay of Plenty's or New Zealand's ecosystems.

Set 4 Māori Culture and Traditions¹

Mauri

- 4.1 Ko te mauri me te mana o te waahi, te taonga ranei, e ngakaunuitia ana e te Māori;

The mauri (for example life force and life supporting capacity) and mana (for example integrity) of the place or resource holds special significance to Māori;

Waahi Tapu

- 4.2 Ko tera waahi, taonga ranei he waahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, me nga wairua a te Māori;

¹ In the event of any conflict in meaning between the Māori and the English versions of the Māori culture and traditions criteria, the Māori version shall prevail.

The place or resource is a waahi tapu of special, cultural, historic and or spiritual importance to Māori;

Korero Tuturu/Historical

- 4.3 Ko tera waahi e ngakaunuitia ana e te Māori ki roto i ona korero tuturu;

The place has special historical and cultural significance to Māori;

Rawa Tuturu/Customary Resources

- 4.4 He waahi tera e kawea ai nga rawa tuturu a te Māori;

The place provides important customary resources for Māori;

Hiahiatanga Tuturu/Customary Needs

- 4.5 He waahi tera e eke ai nga hiahia hinengaro tuturu a te Māori;

The place or resource is a venue or repository for Māori cultural and spiritual values;

Whakaaronui o te Wa/Contemporary Esteem

- 4.6 He waahi rongonui tera ki nga Māori, ara, he whakaahuru, he whakawaihanga, me te tuku Mātauranga;

The place has special amenity, architectural or educational significance to Māori.

Set 5 Historic heritage

Generic Values (criteria to be applied in all assessments of historic heritage):

Period

- 5.1 The development sequence of a place or area, the likely age, duration of use or chronology of a place or area;

Rarity or Special Features

- 5.2 The unique, uncommon or rare features of a place or area. This may be as a result of the cultural context of the place or area. This may include the technical interest of all or any part of the place or area. The previous existence and nature of lost or obliterated components or aspects. The function of the place and its parts and the relationship of the place and its parts with its setting;

Integrity

- 5.3 The condition, quality and state of original features of a place or area. Comparison with other examples of its class. The quality of any restoration, addition or modification of the place or area;

Representativeness

- 5.4 The characteristics and relationship of the place or area to other places or areas in its class, for example in respect of design, type, features, technology, use, activity, location or origin;

Context or Group Value

- 5.5 Association with other places, areas or elements of its context. Association with and illustration of broad patterns of history. Places or areas in which evidence of the association or event survives *in situ*, or in which the settings are substantially intact;

Diversity (Form and Features)

- 5.6 The characteristics, diversity and pattern of a place or area. The cultural influences which have affected the form and components of the place or area. Form, scale, colour, texture and materials. The historical content of the place or area with particular reference to the ways in which it has been influenced by historical forces or has itself influenced the course of history;

Fragility or Vulnerability

- 5.7 The components, form and structure of the place or area and the effect of this on its survival. Its vulnerability to deterioration or destruction. The degree to which it is threatened and its context in terms of protection and services;

In addition to the above generic values, any assessment of historic heritage qualities must consider the following:

Archaeological Qualities

Information

- 5.8 The potential of the place or area to define or expand knowledge of earlier human occupation, activities or events through investigation using archaeological methods;

Research

- 5.9 The potential of the place or area to provide evidence to address archaeological research questions;

Recognition or Protection

- 5.10 The place or area is registered by the Heritage New Zealand Pouhere Taonga for its archaeological values, or is recorded by the New Zealand Archaeological Association Site Recording Scheme, or is an 'archaeological site' as defined by the Heritage New Zealand Pouhere Taonga Act 2014;

Architectural Qualities

Style or Type

- 5.11 The style of the building or structure is representative of a significant development period in the region or the nation. The building or structure is associated with a significant activity (for example institutional, industrial, commercial or transportation);

Design

The building or structure has distinctive or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, detail, fenestration, ornamentation, artwork, functional layout, landmark status or symbolic value;

Construction

- 5.13 The building or structure uses unique or uncommon building materials, or demonstrates an innovative method of construction, or is an early example of the use of a particular building technique;

Designer or Builder

- 5.14 The building or structure's architect, designer, engineer or builder was a notable practitioner or made a significant contribution to the region or nation;

Cultural Qualities

Sentiment

- 5.15 The place or area is important as a focus of spiritual, political, national or other cultural sentiment;

Identity

- 5.16 The place or area is a context for community identity or sense of place, and provides evidence of cultural or historical continuity;

Amenity or Education

- 5.17 The place or area has symbolic or commemorative significance to people who use or have used it, or to the descendants of such people. The interpretative capacity of the place or area and its potential to increase understanding of past lifestyles or events;

Historic Qualities

Associative Value

- 5.18 The place or area has a direct association with, or relationship to, a person, group, institution, event or activity that is of historical significance to Bay of Plenty or the nation;

Historical Pattern

- 5.19 The place or area is associated with broad patterns of local or national history, including development and settlement patterns, early or important transportation routes, social or economic trends and activities;

Scientific Qualities

Information

The potential for the place or area to contribute information about an historic figure, event, phase or activity;

Potential – Scientific Research

- 5.21 The degree to which the place or area may contribute further information and the importance of the data involved, its rarity, quality or representativeness;

Technological Qualities

Technical Achievement

- 5.22 The place or area shows a high degree of creative or technical achievement at a particular time or is associated with scientific or technical innovations or achievements.

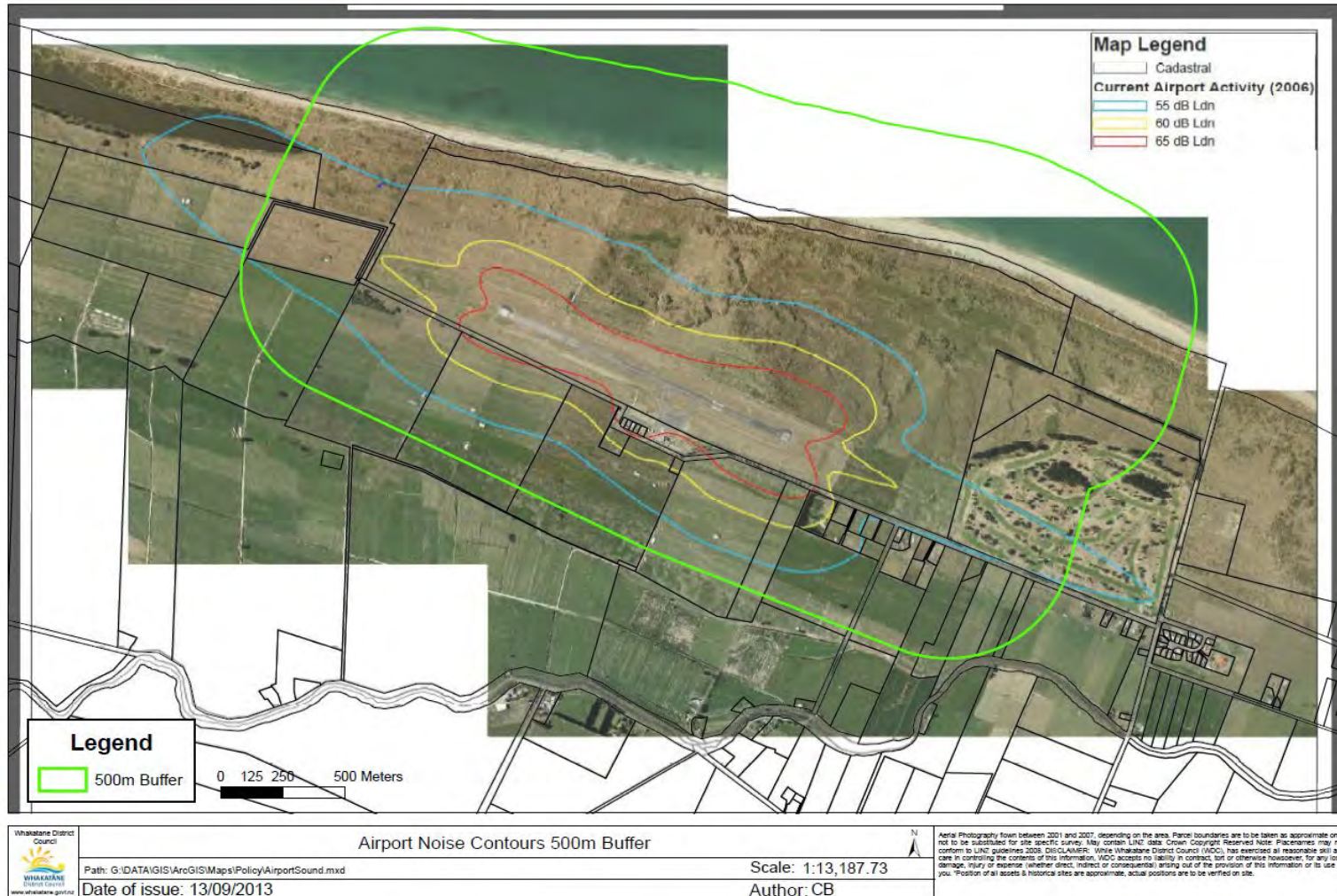
22.8

ROADING HIERARCHY

Roading Hierarchy	
National Arterial Roads	State Highway 2
(Regional) Arterial Roads	State Highways 30, 34 and 38
District Arterial Roads	Arawa Street, Matatā Commerce Street Domain Road Galatea Road Landing Road McDonald Road McAlister Street Mokorua Gorge Road Ōhope Road Pohutukawa Avenue Taneātua Road Thornton Road Valley Road Wainui Road Whirinaki Road
District Collector Roads	Alexander Avenue Arawa Road, Whakatāne Awatapu Drive Bridge Street College Road, Edgecumbe Eivers Road George Street Goulstone Road Harbour Road, Ōhope Hillcrest Road Hinemoa Street James Street King Street Kowhai Street, Whakatāne Main Street, Edgecumbe Mill Road Paroa Road Patuwai Road Peace Street Reid Road Te Rahu Road Te Teko Road The Strand Waimana Road West Bank Road
District Local Roads	All other roads

22.9

AIRPORT BUFFER NOISE CONTOURS



22.10 Guidelines For Ecological Protection And Enhancement In The Ōpihi Structure Plan Area

Overview

The Ōpihi Structure Plan in Appendix 2.6.2 provides a spatial framework for urban development that includes protection and enhancement of ecological values in identified areas. Outcomes for each identified area are achieved through assessment criteria in Rules 2.3.1 and 2.4.1.

This guideline is intended to assist those seeking to develop the site in addressing protection and enhancement of ecological values.

Identified Areas

The areas identified on the Ōpihi Structure Plan for ecological protection and enhancement are listed below with an outline of their values, and outcomes sought by the District Plan through the assessment criteria.

Coastal Protection Area

The Coastal Protection area is an area of active foredune that has significant ecological values. Ecological values include a Spinifex sand field with threatened and vulnerable plant species¹.

The assessment criteria (2.3.1.1(b) and 2.4.1.1(b)) seek to put in place measures to protect and enhance the Coastal Protection Zone (CPZ) and the public dune land margin along the foreshore.

Urupa Buffer Area

The Urupa Buffer is an area immediately adjacent to the culturally significant Ōpihi Whanaungakore Urupa. The buffer provides separation between the urupa and urban development. It is an area that will remain as open space.

The assessment criteria (2.3.1.1(f) and 2.4.1.1(f)) seek to put in place measures to protect the culturally sensitive urupa from the effects of intrusion of urban activities, including through ownership, control and management of the Urupa Buffer. Measures are also required to maintain and enhance indigenous coastal vegetation within the Urupa Buffer (2.3.1.1(c) and 2.4.1.1(c)).

Landscape Buffer Area

The Landscape Buffer is an area on the southern dune ridge that provides a natural visual buffer of the urban development area from views from the Whakatane River environs and Whakatane Town Centre. It is stable dune that has mixed vegetation.

The assessment criteria (2.3.1.1(c) and 2.4.1.1(c)) seek to maintain and enhance indigenous coastal vegetation within the Landscape Buffer and to retain natural dune features (3.3.1.1(d) and 3.4.1.1(d)).

Green Links Area

The Green Links follow the transport corridors linking between the foredune and rear dune. The green links provide a corridor for indigenous flora and fauna, in addition to enhancing visual amenity.

The assessment criteria (2.3.1.1(c) and 2.4.1.1(c)) seek to maintain and enhance indigenous coastal vegetation within these corridors.

Neighbourhood Reserve Area

The Neighbourhood Reserve sits adjacent to the Coastal Protection area. It will allow for passive public recreational use outside the area of ecological significance within the active dune. It also provides a connection between the coastal protection area reserve and Green Link corridor, and a focal point for public beach access.

¹ Ecological significance Assessment – Wildlands November 2013

The assessment criteria (2.3.1.1(c) and 2.4.1.1(c)) seek to maintain and enhance indigenous coastal vegetation within the Neighbourhood Reserve. This will need to occur in a manner complementary to passive recreational use and also should control activities that may encroach into the Coastal Protection Area.

Development Areas

Within development areas, opportunities also exist to promote biological diversity through retention of indigenous vegetation and new planting using endemic or other compatible species.

The assessment criteria (2.3.1.1(d) and 2.4.1.1(d)) seek clustering or grouping of development within areas that will have least impact on natural character and its components including dune landforms, indigenous vegetation and natural patterns.

Guidelines

The following guidelines are recommended methods to address ecological protection and enhancement in the preparation of applications for resource consent.

Assessment

In planning development for the site a developer should, as part of the overall planning and design assessment:

- Undertake a full and detailed ecological survey over the whole site using a stratified survey method. This should identify the location of all existing ecological features and provide an input to the design process;
- Develop a detailed restoration and maintenance plan for the whole site;
- Identify measures to secure ongoing maintenance at an appropriate level on land to vest as reserve such as targeted rates, sinking fund, or other contributions.

The assessment should be independently peer reviewed to ensure that best practice methods are employed.

Restoration Planting

Restoration planting should provide:

- Protection and enhancement of the active foredune, including pingao restoration planting along the seaward dune face;
- Restoration planting of Thornton's kanuka throughout reserve and green areas within the site to provide additional cover and ecological connectivity;
- Seeds eco-sourced from stock within the site;
- Revegetation with indigenous duneland plants planted at 3 plants per m², with fertiliser tablets and mulch;
- Planting and fencing requirements for development sites adjacent to protected areas to minimise the introduction of invasive plant species.

Maintenance

Maintenance should provide:

- Initial intensive weed control, with 6 monthly follow up (assumed 6 monthly control works over a five year period, then reduced to annually on an ongoing basis);
- Plant release, maintenance and replacement of sickly/dead stock on a 6 monthly basis for first three years, then annually until vegetation is established;
- A further two years monitoring, followed by annual weed control across the site.

Animal Pests

Pest management should include:

- Ongoing mammalian pest control across the whole site;
- Pest control twice yearly with bait stations and night spotting/shooting for five years, then reduced effort on an ongoing basis;
- Restrictions on ownership of cats within the area for the protection of Threatened and At Risk birds that are known to nest on the foredune areas.

Access

Access management should include:

- Limiting access across the active foredune from the Piripai block to no more than the three formalised access points shown on the structure plan;
- Signage identifying ecological values on the site and how to protect them;
- Information panels at access points to the site identifying the ecological values of the site and how to protect them.

WHAKATĀNE DISTRICT COUNCIL

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