



## 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 Zone<sup>1</sup>

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,

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<sup>1</sup> 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, <b>papakāinga</b> housing, kaumatua flats, includes relocated or resited dwellings	P	P or RD <sup>1</sup>	P	P	P	P	D	D <sup>2</sup>	D	NC or Pr <sup>3</sup>	D	P	P	D or P <sup>4</sup>	P <sup>4</sup> or RD <sup>5</sup> or D <sup>6</sup>	P
2.	Two or three dwellings per lot (not including accessory buildings) (see also Rules in 4.2.6)		D	C or RD <sup>1</sup>	C	C	P	P	D	NC <sup>2</sup>	NC	NC or Pr <sup>3</sup>	NC	D	D	D	D	NC
3.	Four or more dwellings per lot		D	RD	RD	RD	P	P	NC	NC <sup>2</sup>	NC	NC or Pr <sup>3</sup>	NC	NC	D	D	D	NC
4.	One accessory building for habitation per lot		P	P or RD <sup>1</sup>	P	P	P	P	D	NC <sup>2</sup>	NC	NC or Pr <sup>3</sup>	NC	P	P	RD	P <sup>4</sup> or RD <sup>5</sup> or D <sup>6</sup>	P
5.	<b>Papakāinga</b>		C <sup>7</sup>	RD <sup>1</sup>	RD	RD	P	P	NC	NC	NC	NC or Pr <sup>3</sup>	NC	C	C	D	D	NC

<sup>1</sup> In the **Awatarariki Medium Risk Debris Flow Policy Area** this activity is a Restricted Discretionary Activity.  
<sup>2</sup> This rule does not apply to Allotments 28B3C2A and 28B3C2B. Rule 6.2.6 applies.  
<sup>3</sup> In the **Awatarariki High Risk Debris Flow Policy Area** this activity is a Prohibited Activity.  
<sup>4</sup> 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.  
<sup>5</sup> 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.  
<sup>6</sup> 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 Ōhewa	Community & Cultural
6.	Accessory buildings for papakāinga <sup>5</sup>		C <sup>7</sup>	C or RD <sup>1</sup>	C	P	P	P	D	C <sup>7</sup>	D	NC or Pr <sup>3</sup>	D	C	C	D	C	NA
7.	<b>Retirement Villages</b> excluding a Hospital		D	C or RD <sup>1</sup>	C	D	D	D	NC	NC	NC	NC	NC	D	D	D	D	NC
8.	<b>Retirement Villages</b> including a Hospital		D	RD	RD	D	D	D	NC	NC	NC	NC	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 <sup>1</sup>	P	P	P	P	P	P	P	P or Pr <sup>3</sup>	P	P	P	P	P	NA
10.	<b>Buildings on public reserves</b> (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;	Clubrooms, ablution buildings,																
		Swimming pools	P	P or RD <sup>1</sup>	P	P	P	P	P	P	P	D or Pr <sup>3</sup>	P	P	P	D	D	NA
		all buildings less than 20m <sup>2</sup> 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	P	P or RD <sup>1</sup>	P	P	P	P	P	P	P	P	NC or Pr <sup>3</sup>	P	P	P	C	C
			D	D or RD <sup>1</sup>	D	D	D	D	D	D	NC or Pr <sup>3</sup>	D	D	D	D	D	D	NA

<sup>7</sup> 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><b>Places of assembly</b> (not provided for by any other category):</p> <p><b>Advice Note:</b> 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><b>additions, alterations</b> or extensions where the extension is to buildings less than 50m<sup>2</sup> 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 <sup>1</sup>	P	P	P	P	P	P	P	NC or Pr <sup>3</sup>	D	P	P	D	C	P
			P	D or RD <sup>1</sup>	D	C <sup>8</sup>	P	P	RD	P	P	NC or Pr <sup>3</sup>	D	P	P	D	D	P
			D	D or RD <sup>1</sup>	D	R <sup>9</sup>	RD	RD	RD	RD	RD	NC or Pr <sup>3</sup>	D	RD	RD	D	D	P or C
			P	P or RD <sup>1</sup>	P	P	P	P	D	P	P	NC or Pr <sup>3</sup>	P	P	P	D	C	P
12.	<p>Educational facilities:</p> <p>a) <b>home-based education and care service;</b></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 <sup>1</sup>	P	P	P	P	D	D	D	NC or Pr <sup>3</sup>	D	P	P	P	P	P
			P	P or RD <sup>1</sup>	P	P	P	P	D	D	D	NC or Pr <sup>3</sup>	D	RD	RD	D	RD	P
			P	D or RD <sup>1</sup>	D	C <sup>8</sup>	P	P	D	D	D	NC or Pr <sup>3</sup>	D	RD	RD	D	RD	P

<sup>8</sup> See Rule 5.3.4.

<sup>9</sup> 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 <sup>1</sup>	D	D	P	P	D	D	D	NC or Pr <sup>3</sup>	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 <sup>3</sup>	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 <sup>3</sup>	D	D	D	D	D	D	NC
15.	<b>Emergency service</b> facilities	Fire stations, police stations	D	D	D	D	P	P	P	P	P	NC or Pr <sup>3</sup>	D	P	P	RD	C	D	
	<b>Business</b>																		
16.	Home occupation (see also Rule 11.2.22)		P	P or RD <sup>1</sup>	P	P	P	P	P	D	D	NC or Pr <sup>3</sup>	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 <sup>1</sup>	P	P	P	P	P	P	P	P or Pr <sup>3</sup>	P	P	P	P	P	P	NC
18.	Retail activity <30m <sup>2</sup> GFA.	Roadside stalls, shop associated with a home occupation	D	C <sup>10</sup> or D	D	P	P	P	NC	P	P	NC or Pr <sup>3</sup>	P	D	D	D	D	D	P
19.	Retail activity > 30m <sup>2</sup> GFA	Shops, restaurants, cafes, taverns and bars ancillary to a sports club	NC	C <sup>11</sup> or NC	D	D	P	P	C	P	P	NC or Pr <sup>3</sup>	NC <sup>12</sup>	NC	NC	NC	NC	NC	P <sup>13</sup>
20.	Bars and taverns	Stand-alone taverns, bars	NC	NC	NC	D	P	P	D	D	D	NC or Pr <sup>3</sup>	NC	NC	NC	NC	NC	NC	NC
21.	Supermarkets		NC	NC	NC	NC	P	P	NC	D	NC	NC or Pr <sup>3</sup>	NC	NC	NC	NC	NC	NC	NC
22.	Catteries and Kennels		D	D	D	D	D	D	D	P	P	NC or Pr <sup>3</sup>	NC	P	P	P	P	P	D
23.	<b>Commercial service</b>	Medical and/or veterinary centres, offices	D	D	D	P	P	P	D	P	D	NC or Pr <sup>3</sup>	D	NC	NC	NC	NC	NC	P
24.	Professional offices	Lawyers, accountants	D	D	D	P	P	P	D	P	D	NC or Pr <sup>3</sup>	NC	NC	NC	NC	NC	NC	P

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

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

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

<sup>13</sup> 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 <sup>3</sup>	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 <sup>3</sup>	NC	NC	NC	NC	NC	NC
27.	Service stations		NC	NC	NC	D	D	P	D	P	P	NC or Pr <sup>3</sup>	NC	NC	NC	NC	NC	NC
28.	<b>Drive in food premises</b>		NC	NC	NC	D	D	P	D	P	P	NC or Pr <sup>3</sup>	NC	NC	NC	NC	NC	NC
29.	Carparking		D	D	D	D	RD	RD	D	D	D	D or Pr <sup>3</sup>	D	RD	RD	D	D	D
30.	<b>Accommodation facilities</b> 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 <sup>1</sup> D or RD <sup>1</sup>	P D	P P	P P	P P	D D	D D	D D	NC or Pr <sup>3</sup> NC or Pr <sup>3</sup>	NC NC	P D	P D	P D	P D	P D
Rural Activities																		
31.	<b>Farming</b>	Dairying grazing, crops, horticulture and orcharding]	P	D	NC	NC	NC	NC	NC	P	P	NC or Pr <sup>3</sup>	NC	P	P	P	P	P
32.	<b>Intensive farming</b> excluding greenhouses	Piggery and mushroom farming	NC	NC	NC	NC	NC	NC	NC	D	D	NC or Pr <sup>3</sup>	NC	D	D	D	D	NC
32.a	<b>Greenhouses</b>		NC	NC	NC	NC	NC	NC	NC	D	D	NC or Pr <sup>3</sup>	NC	RD	RD	RD	RD	NC
33.	<b>Production Forestry</b>		NC	D	NC	NC	NC	NC	NC	P	P	NC or Pr <sup>3</sup>	NC	P	P	NC	P <sup>14</sup> or C	P
34.	Management and restoration of <b>indigenous vegetation</b> , 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 <sup>3</sup>	P	P	P	P	P	P
35.	<b>Prospecting</b> for mineral deposits		P	P	P	P	P	P	P	P	P	P or Pr <sup>3</sup>	P	P	P	P	P	NC

<sup>14</sup> 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 <sup>3</sup>	D	P	P	D	C	NC
37.	Mining and Quarrying and the processing of minerals <sup>15</sup>		NC	NC	NC	NC	D	D	D	D	D	NC or Pr <sup>3</sup>	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 <sup>3</sup>	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 <sup>3</sup>	NC	P	P	NC	P	NC
			NC	NC	NC	NC	NC	NC	NC	NC	NC	NC or Pr <sup>3</sup>	NC	RD	RD	NC	RD	NC
			NC	NC	NC	NC	NC	NC	NC	P	P	NC or Pr <sup>3</sup>	NC	RD	RD	NC	RD	NC
			NC	NC	NC	NC	NC	NC	NC	P	P	NC or Pr <sup>3</sup>	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 <sup>3</sup>	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 <sup>3</sup>	D	D	D	D	D	D

<sup>15</sup> 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 <sup>3</sup>	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 <sup>3</sup>	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 <sup>3</sup>	D	D	D	D	D	D
	Temporary Activities (see also Rule 11.2.20 and 11.2.21)																	
42.	<b>Places of assembly</b> 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 <sup>3</sup>	P	C	C	C	C	NA
43.	<b>Building</b> 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 <sup>3</sup>	D	P	P	P	P	P
44.	Temporary Military Training activities.		P	P	P	P	P	P	P	P	P	P or Pr <sup>3</sup>	P	P	P	P	P	P
	General																	
45.	<b>Accessory buildings</b> 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 <sup>3</sup>	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 <sup>3</sup>	P	P	P	P	P	P
47.	Marine precinct activities		D	D	D	D	D	D	D	D	D	NC or Pr <sup>3</sup>	D	D	D	D	NC	D
48.	<b>Heliport</b>	Commercial or private helicopter hangars, bases or facilities	D	D	D	D	D	D	D	D	D	D or Pr <sup>3</sup>	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.	<b>Helicopter Landing Areas</b> 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 <sup>3</sup>	P	P	P	P	P	P
50.	<b>Helicopter Landing Areas</b> 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 <sup>3</sup>	D	P	P	P	P	P
50.a	<b>Helicopter Landing Areas</b> 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 <sup>3</sup>	RD <sup>16</sup>	NA	NA	NA	NA	NA
50.b	<b>Helicopter Landing Areas</b> for primary productive use	Frost protection, spraying	P	NA	NA	NA	NA	NA	NA	NA	NA	NA or Pr <sup>3</sup>	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 <sup>3</sup>	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 <sup>3</sup>	NA	NA	NA	NA	NA	NA
	<b>Site Specific</b>																	
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: <b>Significant Indigenous Biodiversity Site</b> 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 <b>hazardous substances</b> or on <b>contaminated land</b>	See Chapter 19																
60.	Activities involving Works and Network utilities, including any building, structures and earthworks in a National Gird Yard	See Chapter 20																

<sup>16</sup> 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 **dwelling**s 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 1,000m<sup>2</sup>, 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 kānuka 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.