

**Proposed Opotiki District Plan
Summary of Decisions Requested**

Submitter No.	Submission Point	Submitter Name	Provision No.	Topic	Support / Amend / Oppose	Decision Requested (Relief Sought)	Further submitter no.	Further submission point no.	Submitter Name	Support/Oppose	Decision Requested (Relief Sought)	Planners Recommendation
27	27.2	Tio Te-Kahika Whanau Trust Joseph Hohepa Te Kahika	4	General	Support	Activity status						Accept support is noted.
12	12.14	NZ Transport Agency Mathew Stulen	4.1.1	Issues	Support / Amend	Amend 4.1.1 as follows: Delete " main arterial roads ". Replace with " <u>regional strategic transport network</u> ".						Accept, the amendment is consistent with national terminology.
17	17.107	Bay of Plenty Regional Council Fiona McTavish	4.1.6	Issues	Support	Retain issue 4.1, 6 as notified.						Accept support is noted.
17	17.108	Bay of Plenty Regional Council Fiona McTavish	4.2.1.3	Policies	Support / Amend	Amend Policy 4.2.1.3 to read: <i>Manage the potential effects of activities on ponding areas to ensure their effects on the capacity of the ponding areas <u>and overland flow paths</u> are minimal.</i>						Accept, amend as recommended.
37	37.23	NZ Fire Commission Stephanie Dean	4.2.2	Objective	Oppose	Amend Objective 4.2.2 and Policy 4.2.2.1 as follows: OBJECTIVE 4.2.2 To provide a mixture of Residential <u>Community</u> and Commercial Activities within the zone. POLICIES 4.2.2.1 Enable a mix of Residential <u>Community</u> and Commercial Activities to locate within the zone, whilst managing the effects on existing lawfully established activities."	FS32	FS32.3	Department of Corrections	Support	Accept submission point.	Accept the amendment sought is consistent with the purpose of the zone.
37	37.24	NZ Fire Commission Stephanie Dean	4.2.2.1	Policies	Oppose	Amend Objective 4.2.2 and Policy 4.2.2.1 as follows: OBJECTIVE 4.2.2 To provide a mixture of Residential <u>Community</u> and Commercial Activities within the zone. POLICIES 4.2.2.1 Enable a mix of Residential <u>Community</u> and Commercial Activities to locate within the zone, whilst managing the effects on existing lawfully established activities."	FS32	FS32.4	Department of Corrections	Support	Accept submission point.	Accept the amendment sought is consistent with the purpose of the zone.
12	12.15	NZ Transport Agency Mathew Stulen	4.2.3	Objective	Support / Amend	Amend 4.2.3 as follows: " ...adversely affect the functioning of roads and state highways <u>the transport network</u> "						Accept amend as requested.
12	12.16	NZ Transport Agency Mathew Stulen	4.2.3.1	Policies	Support / Amend	Amend: <i>Control the location of activities which may adversely affect the safe and efficient traffic flow on state highways <u>regional strategic transport network</u>.</i>						Accept amend as requested.
18	18.5	Heritage NZ Carolyn McAlley	4.3	Status	Oppose	That the ODC PDP is amended to include the following advice note: "It should be noted that all pre 1900 sites, recorded or unrecorded are protected under the Heritage New Zealand Pouhere Taonga Act and Heritage New Zealand should be consulted prior to proposed works to identify the need for an archaeological authority" In all chapters of the ODC PDP under the heading Activity Status, except in the Heritage Chapter, which already contains a similar note.						Reject. The Heritage Chapter provides a similar advice note which sits across all zones. Under 4.3.1 the Heritage chapter is referenced stating that additional controls apply. No amendments are recommended.
26	26.1	Whakatohea Research & Archives Trust Salena Christie	4.3	Status	Support	Activity status						Accept support is noted.
39	39.26	Transpower NZ Ltd Pauline Whitney	4.3.1	Status	Support in part	i) Amend the clause as follows: <i>Network utilities are subject to the provisions in Chapter 17 and are not subject to the Zone Standards Rules in this Chapter.</i> ii) Insert the above clause in other zone chapters as appropriate.						Accept amend as requested.
38	38.2	Brandon Hickey	4.3.2	Status	Amend	would propose: - That the Rules relating to retailing in the Mixed Activity Zone be lightened and removed as a controlled activity within that zone.						Accept in part. Controlled retail activities must be an activity that is accessory to a controlled activity. This significantly reduces the type and nature retail activities in the zone.
14	14.6	Department of Corrections Craig Pim	4.3.2.1	Status	Oppose	Amend the Mixed Activity Zone permitted activities rule (4.3.2.1) as follows: 4.3.2.1 Subject to compliance with the Zone Standards in Section 4.6, the following activities may be established in the Mixed Activity Zone without resource consent: X Community corrections activities						Accept amend as requested.
37	37.25	NZ Fire Commission Stephanie Dean	4.3.2.1	Status	Oppose	Amend Rule 4.3.2.1 to include the following as a permitted activity: <u>Emergency services training and management activities.</u>						Accept amend as requested.

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37	37.26	NZ Fire Commission Stephanie Dean	4.3.2.1	Status	Oppose	Amend Rule 4.3.2.1 to include the following as a permitted activity: "Emergency service facilities."						Accept amend as requested.
19	19.8	NZ Defence Force Rebecca Davies	4.3.2.1.10	Status	Support in Part	Retain permitted activity rule for TMTA, and include a statement to clarify that the other zone standards do not apply to TMTA (note: this appears to be the intent of the provisions but is not entirely clear in the rule framework). We suggest amending the introduction to the zone standards in each chapter (section 8.6 in the Rural Zone for example) to state – "For clarity, the zone standards shall not apply to temporary military training activities."						Accept in part. Recommend inserting the requested amendment under 4.6 to clarify that the zone standards do not apply to TMT activities.
57	57.56	Toi Te Ora - Public Health Service Sally Webb	4.3.2.1.10	Status	Support	Allow the provision for temporary military training as a permitted activity complying with noise controls in Appendix 3.						Accept. No amendments recommended, the amendment sought is currently as requested.
24	24.8	Opotiki District Council Aileen Lawrie	4.3.3	Status	Amend	Refer to compliance with Appendix 3 – Provide for temporary military training activities as a controlled activity in chapters 4, 5, 6, 8, 9, 10. Add matters of control where required.	FS15	FS15.2	NZ Defence Force (NZDF)	Oppose	Reject submission point	Reject submission point. Recommend providing for TMTA as a permitted activity provided compliance with Appendix 3.
41	41.8	Ministry of Education Andrew Hill	4.3.3.1.8	Status	Support	Amend wording: 9. A sign not exceeding 1.1m ² in area for any public purposes or in connection with and on the same site as any of the following activities. c) Educational institutions – Education facilities.						Accept amend as requested.
24	24.40	Opotiki District Council Aileen Lawrie	4.3.4.1	Status	Amend	Add Activities not complying with Rule 2.6.2.3 (Building setback from Council pipelines) Similar changes to other Zone Chapters with reference to applicable standard number						Accept amend as requested.
41	41.9	Ministry of Education Andrew Hill	4.3.4.1	Status	Support	Amend wording: The Council will restrict its discretion to the following matters: 4.5.1.1 Education facilities 1. Design and appearance of the activity facility 2. Effects of the activity on adjoining property 3. Vehicle access and site manoeuvrability 4. Parking						Accept amend as requested.
24	24.24	Opotiki District Council Aileen Lawrie	4.3.4.1.3	Status	Amend	Include Restricted Discretionary criteria for buildings not complying with 2.6.2.2 and include in activity list in 2.3.4.1. Correct similar provisions in other chapters						Accept amend as requested.
50	50.5	Z Energy Limited Karen Blair	4.3.5.1.7	Status	Support	Retain as notified						Accept support is noted.
19	19.33	NZ Defence Force Rebecca Davies	4.3.6.1	Status	Oppose	Provide for TMTA that do not comply with the noise standards as controlled activities in each Zone.						Accept have included as a Controlled Activity.
17	17.4	Bay of Plenty Regional Council Fiona McTavish	4.4	Heading	Amend	Amend Chapters 2 to 18 (excluding Chapter 16) to insert a new heading: "Matters over which control is reserved" before the heading "Assessment Criteria for Controlled Activities". Copy 'matters' to the new 'Matters' heading. Amend the list of criteria so it includes only criteria. Replicate this process for RDA activities having inserted a new heading "Matters over which discretion is restricted."						Accept amend as requested.
17	17.20	Bay of Plenty Regional Council Fiona McTavish	4.4.1.4	Criteria CA	Support / Amend	Amend assessment criteria within Chapters 2 to 11 as they relate to <u>Historical and archaeological and cultural resources</u> , to read: <u>Historical, archaeological and cultural values and resources</u> 2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.	FS18	FS18.5	Heritage NZ	Support	Accept submission point	Accept amend as requested.
18	18.52	Heritage NZ Carolyn McAuley	4.4.1.4	Criteria CA	Support in part	Heritage New Zealand seeks that the assessment criteria 4.4.1.4 is amended to state the heritage items to which they are applicable.						Reject, no amendments recommended. The assessment criteria are specific to the activities listed as restricted discretionary, when an application is being made the activity must consider the criteria in 4.4.1.5 and 4.5.1.4. These do not apply specifically to identified heritage features.

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17	17.40	Bay of Plenty Regional Council Fiona McTavish	4.4.1.5	Criteria CA	Support / Amend	Amend as a 'Matter of Control' in Chapters 2 to 8 (as listed in the index column) : <i>The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards and achieve a low level of risk.</i>	FS9	FS9.3	Department of Conservation	Support in part	Amend so that an increase in the risk of adverse effects from coastal hazards is avoided, rather than achieving a low level of risk.	Accept in part. The Ōpōtiki District Council is committed to managing the effects of natural hazards within its district. As part of this commitment Council will enter into a project with the Bay of Plenty Regional Council to respond to the management of use and development of land in a way that reduces natural hazard risk. This project is to commence within the next three years. The project will be undertaken in an integrated manner that incorporates a number of modeling projects, sustainability of the stopbanks on the Waioeka and Otara rivers, along with a number of other hazards including coastal hazards. It is intended that the project team will consult and engage with the Ōpōtiki Community to provide options around responding. At the completion of the project dependant on findings a plan change may be undertaken to implement the outcomes of the project in an RMA framework. This will guide use, development and subdivision of land within our District.
17	17.59	Bay of Plenty Regional Council Fiona McTavish	4.5	Criteria RDA	Amend	Insert into sections 3.5, 4.5, 5.5, 6.5 a new heading <u>Matters over which discretion is restricted</u> , (or similar) before the heading <u>Assessment Criteria for Restricted Discretionary Activities</u> and insert new matters: <u>Natural hazard occurrence</u> . <u>1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards and achieve a low level of risk.</u> <u>2. The effects that the activity may have on the Volkmers Island and Tarawa Creek ponding areas.</u> Under the heading 'Assessment Criteria for Restricted Discretionary Activities' insert: <u>The extent to which the activity may accentuate the adverse effects of natural hazards.</u>	FS9	FS9.12	Department of Conservation	Support in part	Amend so that an increase in the risk of coastal hazards is avoided rather than achieving a low level of risk.	Accept in part. Reject requirement to achieve low level of risk. As this will be assessed as part of the natural hazards project.
18	18.20	Heritage NZ Carolyn McAuley	4.5	Criteria RDA	Oppose	That the restricted discretionary assessment criteria are amended to include assessment criteria related to the impact of restricted discretionary activities on historic heritage.					Accept in part. If an activity affects a listed heritage item, the Heritage Chapter provides the framework that the activity must comply with and an assessment will be made under those provisions. No amendments are recommended.	
24	24.30	Opotiki District Council Aileen Lawrie	4.5.1.3	Criteria RDA	Amend	Include Restricted Discretionary criteria for buildings not complying with 2.6.2.2 and include in activity list in 2.3.4.1. Correct similar provisions in other chapters					Accept	
37	37.31	NZ Fire Commission Stephanie Dean	4.5.1.4	Criteria RDA	Oppose	As a consequence of the change to 4.6.10, amend 4.5.1.4 to include the following: "Firefighting water supply 1. Mitigation of the potential adverse effects of fire, including fire spread."					Reject. Provisions for matters relating to fire fighting are recommended as an advice note in the network utilities chapter.	
12	12.6	NZ Transport Agency Mathew Stulen	4.6	Standards	Amend	Provide an effect based framework for signage that enables Council to consider the potential adverse effects of signs on the safety and efficiency of the transport network. Suggested provisions to include in the zone standards (including but not limited to): <u>The proposed sign should not:</u> <u>- have reflective material or illumination that flashes or moves;</u> <u>- Obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;</u> <u>- Physically obstruct or impede traffic or pedestrians;</u> <u>- Resemble or be likely to be confused with any official traffic signs or signals; and</u> <u>- Use support structures which are not frangible.</u> Amend the 'approval of the Transport Agency' requirement so that it becomes an advice note and it is amended as follows: <u>Approval for signs visible from any state highway must be gained from NZ Transport Agency. Consultation with the NZ Transport Agency will be important in the assessment of traffic safety for sign resource consent applications where they are proposed to be located on private property and are visible from a State Highway. The NZ Transport Agency also controls signs on state highway corridor Legal Road by the means of the NZ Transport Agency signs on state highways bylaw July 2010.</u>					Accept/amend as follows: <u>Signs that are visible from the State Highway are a permitted activity provided the following are met:</u> <u>i. Do not have reflective material or illumination that flashes or moves;</u> <u>ii. Must not obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;</u> <u>iii. Must not physically obstruct or impede traffic or pedestrians;</u> <u>iv. Must not be likely to be confused with any official traffic sign or signals;</u> <u>v. Must not use support structures which are not frangible; and</u> <u>vi. Must not cause any traffic safety effects.</u>	

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19	19.17	NZ Defence Force Rebecca Davies	4.6	Standards	Support in Part	Retain permitted activity rule for TMTA, and include a statement to clarify that the other zone standards do not apply to TMTA (note: this appears to be the intent of the provisions but is not entirely clear in the rule framework). We suggest amending the introduction to the zone standards in each chapter (section 8.6 in the Rural Zone for example) to state – “For clarity, the zone standards shall not apply to temporary military training activities.”						Accept, amendment has been made in response to other submissions.
37	37.27	NZ Fire Commission Stephanie Dean	4.6.1.2	Standards	Support in part	Amend Standard 4.6.1.2 to include the following: “This Standard does not apply to hose drying towers up to 15m associated with emergency service facilities.”						Accept recommend including as a permitted activity under 4.3.2.
37	37.28	NZ Fire Commission Stephanie Dean	4.6.4.1	Standards	Support in part	Amend Standard 4.6.4.1 to include the following: “These standards do not apply to sirens used by emergency services.”						Accept amend as requested.
41	41.10	Ministry of Education Andrew Hill	4.6.4.1	Standards	Support	Retain as notified						Accept support is noted.
57	57.67	Toi Te Ora - Public Health Service Sally Webb	4.6.4.1	Standards	Support / Amend	A. Delete “the boundary of any” and insert “other site” before “Mixed” B. Replace “the boundary of a site within the Residential Zone” with “any point within the Residential Zone”... C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound. D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise. E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.						Accept amend as requested.
57	57.24	Toi Te Ora - Public Health Service Sally Webb	4.6.5	Standards	Amend	Add cycle storage facilities (bicycle parking) and drinking water fountains in each urban zone.						The provision of bike parking and drinking fountains is best managed through the LTP process and annual planning as a service to the public. This information will be provided to this process.
37	37.29	NZ Fire Commission Stephanie Dean	4.6.5.1	Standards	Support in part	Amend Standard 4.6.5.1(1) to include the following additional standard: “Emergency service facilities 1 space per emergency service vehicle bay.”						Reject. It is recommended that 5 parking spaces are provided for every emergency vehicle bay. This will ensure sufficient parking is provided to service the number of people likely to use the facility.
41	41.11	Ministry of Education Andrew Hill	4.6.5.1	Standards	Support	Retain as notified						Accept support is noted.
14	14.7	Department of Corrections Craig Plim	4.6.5.1.1	Standards	Oppose	Amend the Mixed Activity Zone standard for Parking and Access (4.6.5.1.1) as follows: 4.6.5.1 On-site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the activity is changed, as follows: 1. On-site carparking shall be as follows: ... Periodic detention and Probation centres – Community corrections activities 1 space for every 2 full time equivalent employees and 1 space for every 10 detainees people the facility is designed to service.						Accept amend as requested.
24	24.52	Opotiki District Council Aileen Lawrie	4.6.5.2	Standards	Amend	Amend wording to use the same wording as in other chapters						Accept amend as requested.
17	17.30	Bay of Plenty Regional Council Fiona McTavish	4.6.6.1	Standards	Oppose / Amend	Amend Floor Level rules in Chapters 2 to 11 (as listed in the index to read eg 9.6.9): “Floor levels shall be sufficient to ensure that water does not enter buildings in a 1% AEP (Annual Exceedance Probability) event within the coastal environment or a 2% AEP (Annual Exceedance Probability) event for areas outside the coastal environment and a low level of risk achieved.” “Opotiki District Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.”						Accept in part. The Opotiki District Council is committed to managing the effects of natural hazards within its district. As part of this commitment Council will enter into a project with the Bay of Plenty Regional Council to respond to the management of use and development of land in a way that reduces natural hazard risk. This project is to commence within the next three years. The project will be undertaken in an integrated manner that incorporates a number of modelling projects, sustainability of the stopbanks on the Waioeka and Otara rivers, along with a number of other hazards including coastal hazards. It is intended that the project team will consult and engage with the Opotiki Community to provide options around responding. At the completion of the project dependant on findings a plan change may be undertaken to implement the outcomes of the project in an RMA framework. This will guide use, development and subdivision of land within our District. Accept amending the floor level requirements to 1% in the Coastal Environment and 2 % for areas outside.

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37	37.30	NZ Fire Commission Stephanie Dean	4.6.10	Standards	Oppose	Amend Standard 4.6.10 as follows: 4.6.10 POTABLE WATER 4.6.10.1 Potable Water Supply A potable water supply... 4.6.10.x Firefighting Water Supply 1. <u>New buildings (excluding accessory buildings that are not habitable) shall have sufficient water supply for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u> 2. <u>Where a building is located more than 135m from the nearest road that has reticulated water supply (including hydrants) access shall have a minimum formed width of 4m, a height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ranges of 1 in 8).</u>						Accept in part. It is recommended that the following advice note is included in Chapter 17 - Network Utilities as follows: The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water supplies Code of Practice 2008. The Fire Service advises that often the best method to achieve compliance with this code of practice is through the installation of a home sprinkler system in accordance with Fire Systems for Houses NZS 4517:2010, in each new dwelling. The qualified staff of the New Zealand Fire service would be happy to assist and advise.
24	24.45	Opotiki District Council Aileen Lawrie	4.6.11	Standards	Amend	Change 'Vehicle Entrance Designs' to 'Vehicle Entrances' Change Residential and commercial vehicle entrance designs shall comply with Appendix 4 to Residential and commercial vehicle entrances shall be provided and designs shall comply with Appendix 4'						Accept amend as requested.
37	37.32	NZ Fire Commission Stephanie Dean	4.6.11	Standards	Support in part	Amend Standard 4.6.11 as follows: 4.6.11.1 Residential and commercial vehicle entrance designs shall comply with Appendix 4, <u>except where additional access width is necessary to provide access for emergency service vehicles in accordance with Standard 4.6.11.x(2).</u>						Accept amend as requested.
17	17.50	Bay of Plenty Regional Council Fiona McTavish	4.7.1	Other Methods	Support / Amend	Amend 'Other Methods' referring to natural hazards (in 2.7.1, 3.7.1, 7.6.1, 8.7.1, 9.7.1 and 10.7.1) as notified to read: through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants. Insert the above 'Other Method' into sections 4.7.1, 5.6.1, 6.7.1 and 11.9.1.						Accept amend as requested.