

**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)	Planner's Recommendation
18	18.18	Heritage NZ Carolyn McAlley	O How to Use Plan	Heritage	Oppose	That the Heritage New Zealand Pouhere Taonga Archaeological Requirements Schedule (attached as Appendix E to this submission) is included in the How to Use the Plan section, or as a further appendix in the Chapter 14.Heritage and that any advice notes related to Archaeology are amended to contain reference to this document. (Refer attachment to submission)						Reject. Chapter 14 Heritage provides a similar advice note which sites across all zones. Under 2.3.1, Chapter 14 Heritage is referenced stating that additional controls apply. No amendments are recommended.
18	18.29	Heritage NZ Carolyn McAlley	O How to Use Plan	Heritage	Oppose	That the "How to use the Plan" chapter is amended to include a description and discussion of the function of the overlay chapters, including Historic Heritage and the relationship between the sets of rules, in particular if the Heritage, and proposed Maori values rules would prevail over more onerous zone rules or other overlay rules.						Accept. A more explicit explanation about the role and function of Chapters 12 to 18 would be helpful to Plan users. In particular, "How to use the Plan" could be expanded in relation to Chapters 12 to 18.
24	24.17	Opotiki District Council Aileen Lawrie	O How to Use Plan	Advice Note	Amend	include a statement at the end to direct plan users to check their certificate of title for any constraints on development, such as a consent notice or easement						Accept. This step is often overlooked by landowners and potential developers and guidance will assist the application of the Plan.
24	24.18	Opotiki District Council Aileen Lawrie	O How to Use Plan	Format	Amend	Add reference to Chapter 1 above "Chapters 2 to 11 ..."						Accept. The Plan is currently silent in relation to Chapter 1 and a reference would eb helpful to Plan users.
24	24.15	Opotiki District Council Aileen Lawrie	O Index	Heading	Amend	Change heading to 'DEFINITIONS AND APPENDICES'						Accept. The correction is supported.
24	24.16	Opotiki District Council Aileen Lawrie	O Index	Heading	Amend	Delete 3.7 Subdivision Renumber '3.7 Other Methods' And '3.8 Expected Environmental Results'						Accept. The correction is supported.
11	11.11	Horticulture NZ Angela Halliday	O Plan	Versatile Land	Amend	Amend the focus from 'versatile land' to 'rural production land' as sought elsewhere in submissions.						Reject. The Plan places an emphasis on versatile land which is consistent with the BOP RPS. Rural production land is also referred to where appropriate to the Plan provisions. A blanket change is not therefore supported.
12	12.1	NZ Transport Agency Mathew Stulen	O Plan	General	Support	Retain the Proposed District Plan with amendments outlined in the submission points below.						Accept. Support is noted.
12	12.2	NZ Transport Agency Mathew Stulen	O Plan	General	Amend	That the rule framework and terminology are amended throughout the District Plan to:  - Provide consistent terminology to describe the transport network which should be aligned with a regional roading hierarchy.  - Provide a rule framework that supports the issues, with objectives and policies that are effects based and provide greater consistency between chapters.  - Provide a consistent effects based sign rule framework across the district plan.						Accept in part. Consistent use of terms and references is supported as enabling a Plan that is clear and certain and appropriate to statutory requirements. The reports on individual chapters has responded to points raised in each chapter and the final version of the Plan will ensure consistency across the Plan.
12	12.3	NZ Transport Agency Mathew Stulen	O Plan	General	Amend	That the reverse sensitivity issues (noise & setback) are addressed by including the framework attached in Appendix 1 (refer attachment to submission).						Accept in part. A standard is recommended in Appendix 2 for inclusion in Chapter 17 to address potential reverse sensitivity effects of traffic noise on noise sensitive activities. A change to the definition of noise sensitive activities is also recommended.
17	17.1	Bay of Plenty Regional Council Fiona McTavish	O Plan	BOPRC Consent	Support / Amend	Retain the advice note at the end of section 12.3.1. Insert additional advice notes in zones where regional consents may be required to read. <i>Note: Resource consent may be required from the Bay of Plenty Regional Council.</i>						Reject. The first section in the Plan provides a "How to Use the Plan" and this refers to the potential need for regional council consents. The repetition of this advice note is not supported as being necessary.
18	18.1	Heritage NZ Carolyn McAlley	O Plan	Part 2 Matters	Oppose	That the ODC PDP is amended to give effect to the RMA Part 2 Matters, in particular s6 (e) and (f) and s75 (3) (c) and to the BOPRC RPS Matters of National Importance with regard the recognition and protection of historic heritage.						Accept in part. Changes have been recommended to Chapter 14 in response to other submissions. The Plan is otherwise considered to give effect to the RMA requirements for recognition and protection of heritage. No further changes are recommended.
18	18.2	Heritage NZ Carolyn McAlley	O Plan	Format	NS	That the general format of the ODC PDP is retained, subject to the following amendments: The ODC PDP reviewed to consolidate the consideration of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga into one overlay chapter. It is sought that this chapter contains rules and a schedule of sites of importance to Maori.  The ODC PDP will need to clearly indicate to which activities these rules are applicable and when these rules will take precedence over any rules in zone chapters or other chapters such as subdivision and earthworks.						Accept in part. The support for the provisions is noted and the application of specific rules has been clarified in response to other submission points. However, a separate chapter for iwi Maori values is not supported. The structure is the Plan is such that these matters are included in the individual chapters so they are not overlooked. No amendments are recommended.
20	20.1	Dorothy Lillian Kelly	O Plan	General	Support	Support plan process						Accept. Support is noted.
24	24.1	Opotiki District Council Aileen Lawrie	O Plan	Minor Corrections	Amend	Minor corrections to typos and grammar and amendments that will not change the meaning						Accept. Minor corrections are supported.
24	24.2	Opotiki District Council Aileen Lawrie	O Plan	Page Numbers	Amend	Add page numbering						Accept. Minor corrections are supported.
24	24.3	Opotiki District Council Aileen Lawrie	O Plan	Format	Amend	Standardise section headings and introductions in all Chapters and Index when text is finalised						Accept. Minor corrections are supported.
24	24.4	Opotiki District Council Aileen Lawrie	O Plan	Format	Amend	Consistent use of <b>bold</b> where term is defined eg "Act" should not be in bold	FS19	FS19.122	Horticulture NZ	Support	Accept submission point	Accept. Minor corrections are supported.
24	24.5	Opotiki District Council Aileen Lawrie	O Plan	Format	Amend	Provide correct rule cross references when text is finalized after Council decisions eg in 2.6.9.1-2 the rule should be 17.5.2 and not '17.4.2'.						Accept. Minor corrections are supported.
24	24.6	Opotiki District Council Aileen Lawrie	O Plan	Format	Amend	The order of sections in each chapter should be amended so that the standards precede the assessment criteria.	FS19	FS19.121	Horticulture NZ	Support in part	Accept submission point	Accept. Minor corrections are supported.
24	24.14	Opotiki District Council Aileen Lawrie	O Plan	Index	Amend	Add '1.16 Information Required In Relation To Applications'						Accept. Minor corrections are supported.
24	24.85	Opotiki District Council Aileen Lawrie	O Plan	Heritage NZ	Amend	Amend to refer to 'Heritage New Zealand Pouhere Taonga' instead of "New Zealand Historic Places Trust"						Accept. Minor corrections are supported.
25	25.3	Waiariki Executive Tribal Authority Peter Helbright	O Plan	Issues	NS	Issues - Provision Titles						The concerns of the submitter are noted.

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32	32.3	Ngai Tama Tim Selwyn	O Plan	Zoning	NS	Waiotahi Drifts subdivision is an urupa and should be abandoned						Reject. The subdivision has been approved by Council through resource consent processes in accordance with the RMA. Any further subdivision consents required will take into consideration relevant matters raised by the submitter.
32	32.14	Ngai Tama Tim Selwyn	O Plan	All	Amend	Better protection of floodplains of rivers, esp. Otara and Waioweka and these areas become areas of prohibited activity. Specific objection to the use of rock rip rap along the banks of rivers. Object to Waiotahi Drifts expansion. Proposed park area and harbour development is also problematic.						Accept in part. Chapters 12 and 13 address issues affected riparian areas. However, some aspects are managed by the BOPRC and are outside the Council's role and function.
33	33.1	Crown Persons Personal Representative D. Christian (113269) a/k/a d/b/a WEBB Aden Stuart Crown Estate Trust UK Wai Claim No. 1794 Turangapikitoi Deputy CEO Waiariki District Maori Executive Committee D Christian	O Plan	All	Oppose	Reject plan as a whole						Reject. While the concern of the submitter is noted, the Council is required by statute to provide a District Plan. The Plan as a whole can not therefore be rejected.
37	37.1	NZ Fire Commission Stephanie Dean	O Plan	Fire Station etc	Amend	Provide for activities at current fire station and for new fire stations, emergency services and firefighter training activities						Accept. Provision is made for activities relating to emergency services and the fire station in response to other submissions.
39	39.1	Transpower NZ Ltd Pauline Whitney	O Plan	NPSET	Support in part	(i) That provisions in the proposed plan ensure that: - Full effect is given to the National Policy Statement on Electricity Transmission 2008 (NPSET); - The sustainable management of the National Grid as a physical resource of national significance is recognised; - The benefits of the National Grid at local, regional and national levels are recognised; - The need for the ongoing operation, maintenance, development and upgrading of the network is recognised; - Appropriate provision for the planning and development of new National Grid infrastructure; and - The protection of the National Grid from issues of reverse sensitivity and the adverse effects of others' activities is recognised.  (ii) Adopt any other such relief, including additions, deletions or consequential amendments necessary to give effect to this submission.	FS19	FS19.123	Horticulture NZ	Support in part	Ensure provisions give effect to the NZECP 34.	Accept. Provision is made for activities relating to the National Grid and the NPSET in response to other submissions.
42	42.1	Rayonier Matariki Forests Steve Chandler	O Plan	Production Forestry	Oppose	Amend the PDP to ensure that all references to forestry and primary production related activities are consistent and relate to terms that are defined. Specific terms that should be included are 'plantation forestry', and 'ancillary forestry earthworks'. Production forestry should be replaced by 'plantation forestry' (suggested definitions for these are contained in the submission)	FS3	FS3.21	Bay of Plenty Regional Council	Support	Accept submission point	Accept in part. The consistent use of terms and provisions in the Plan is supported. However, the term production forestry is defined and used in other chapters of the Plan and is preferred to "Plantation forestry" which may relate to management for purposes other than production. No change is therefore recommended.
44	44.3	Whangaparaoa 1B2B9 & others Edward Malchitt	O Plan	Goat Management	Amend	3. The Legal owner of any goat that strays onto any land within the Goat Free zone is made liable for all costs associated with the eradication/removal of his/her goats including their progeny if any, from that Goat free zone.						Reject. The inclusion to this rule would be difficult to implement and enforce, and the rules in the Plan as notified and subject to minor amendment are considered to be appropriate and effective without further change.
48	48.1	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Provide for Amateur Radio Configurations (ARCs) in the Plan: masts and aerials should be Permitted for licensed radio amateurs. Refer attachment to submission.	FS24 FS13 FS25 FS29 FS34	FS24.2 FS13.1 FS25.1 FS29.1 FS34.1	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept. Provision is made in Chapter 17 Network Utilities for the permitted activity status of ARC masts and aerials.
48	48.2	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Provide for ARCs as permitted activities in relation to amateur radio clubrooms. Refer attachment to submission.	FS24 FS13 FS25 FS29 FS34	FS24.3 FS13.2 FS25.2 FS29.2 FS34.2	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept in part. Provision is made in Chapter 17 Network Utilities for the permitted activity status of ARC masts and aerials. Where clubrooms are not permitted then any consent will cover the associated equipment. No further change specific to clubrooms is therefore recommended.
48	48.4	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Include Amateur Radio Configurations (the Network Utilities provisions would be a possible place) for height, and specify acceptable configurations in all zones.	FS24 FS13 FS25 FS29 FS34	FS24.5 FS13.4 FS25.4 FS29.4 FS34.4	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept. Provision is made in Chapter 17 Network Utilities for the permitted activity status of ARC masts and aerials.
48	48.5	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Retain "Restricted Discretion" assessment categories for cases where an individual amateur seeks a configuration which exceeds the permitted limits.	FS24 FS13 FS25 FS29 FS34	FS24.6 FS13.5 FS25.5 FS29.5 FS34.5	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept. Support is noted and reference is made to masts that exceed the maximum permitted height to be a restricted discretionary activity.

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48	48.6	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Clarify the assessment for Amateur Radio Configurations, especially when there is criteria for existing or similar structures, particularly relevant should an amateur wish to exceed a permitted limit.	FS24 FS13 FS25 FS29 FS34	FS24.7 FS13.6 FS25.6 FS29.6 FS34.6	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept. Standards are included in Chapter 17 Network Utilities and specific discretion restricted in relation to ARC masts and aerials.
48	48.7	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Because of the special status of the Amateur Radio Service being under international law, a service for education and experimentation of radio technology and radio science, and a service for the provision of radio communications in the event of emergencies, several other masts and aerials should also be permitted.  Amateurs are licensed to operate within a wide variety of radio bands (see attachment B1: "General User Licences-Amateur Radio") by both International and NZ Government regulation. It should be recognised that the aerial/antenna requirements of these bands are significantly specific to those bands, and allowance be made for supporting poles in Amateur Radio Configurations within residential and other zones. Some District Councils regard Amateur Radio as so important to the community that special provision is made to provide clubrooms. Refer attachment to submission.	FS24 FS13 FS25 FS29 FS34	FS24.8 FS13.7 FS25.7 FS29.7 FS34.7	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept. Provision is made in Chapter 17 Network Utilities for the permitted activity status of ARC masts and aerials, as well as specific standards and discretion restricted.
48	48.9	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Allow "height in relation to boundary" to be the maximum height allowed for masts without reference to the distance from the boundary, except that no aerial or antenna mounted on the mast should overhang any boundary.	FS24 FS13 FS33 FS29 FS34	FS24.10 FS13.9 FS25.9 FS29.9 FS34.9	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept in part. Height excludes ARC masts and aerials but daylight protection applies in relation to Residential Zones only. In Residential Zones, protection of amenity needs to be given a higher priority than elsewhere in the District.
48	48.10	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Require compliance with Streetscape Requirements.	FS24 FS13 FS25 FS29 FS34	FS24.11 FS13.10 FS25.10 FS29.10 FS34.10	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Reject. Streetscape components are not prescribed in the Plan and further information is required to consider whether additional controls are appropriate for inclusion.
48	48.11	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Allow dish antennas close to the ground with a maximum diameter of 5 metres as a permitted activity for Licensed Amateur Radio Operators. This type of antenna is used by amateurs for satellite and space communications via the moon where very weak signals are involved.	FS24 FS13 FS25 FS29 FS34	FS24.12 FS13.11 FS25.11 FS29.11 FS34.11	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept in part. The changes recommend in relation to dish antennas in general limit the diameter to 1.5m in the Coastal Environment, and the Residential and Coastal Settlement Zones. It would be appropriate to allow dish antennas of up to 5m in the Residential and Coastal Settlement Zones as requested where the Zone standards for setback are met. This change is recommended as an additional change to Chapter 17.
48	48.12	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Allow existing non-complying Amateur Radio Configurations to be deemed complying if they have not been subject to complaint or compliance or enforcement action for a period of two years.	FS24 FS13 FS25 FS29 FS34	FS24.13 FS13.12 FS25.12 FS29.12 FS34.12	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Reject. The requested authorisation for non-complying configurations is inconsistent with the requirements of the Act and the Plan provisions.
48	48.13	NZ Association of Radio Transmitters Douglas Birt	O Plan	ARCs	Amend	Achieve all the above by incorporating an appropriate Rule in the Notified Plan. The Rule which was incorporated in the Tauranga City Plan after an Environment Court Hearing is attached for reference as Rule XXXX. However Judge Smith, the Environment Court Judge at that hearing, lamented that the rule was very prescriptive and complex, and expressed the opinion that it could be considerably simplified. As a result, Opotiki might like to consider a much simpler provision, and the final result for Rangitikei District Consent Order is attached as a practical example of what Opotiki might wish to emulate. Refer attachment in submission.	FS24 FS13 FS25 FS29 FS34	FS24.14 FS13.13 FS25.13 FS29.13 FS34.13	Brian Heywood Michael B Spearman Craig Shepard Robert K Taylor DB Hardwick	Support Support Support Support Support	Accept submission point Accept submission point Accept submission point Accept submission point Accept submission point	Accept in part. Changes are recommended above and in relation to other chapters of the Plan to provide for ARCs.
49	49.17	Whakatane District Council Melanie McCormick	O Plan	Format	Amend	Remove bold formatting on references to "Act" that are not referring to the RMA						Accept. Minor corrections are supported.
52	52.1	House Movers Stuart Ryan	O Plan	Building Relocation	Support	Relocation as a permitted activity						Accept. Support is noted.
52	52.2	House Movers Stuart Ryan	O Plan	Building Relocation	Oppose	Provide for demolition, removal and re-siting of all buildings as a permitted activity in all areas and zones except for scheduled heritage buildings or property established conservation heritage precinct.	FS18	FS18.74	Heritage NZ	Support in part	The changes proposed include a wider range of heritage buildings and possible heritage precincts that those cited	Accept. The decision requested is as set out in the Plan. Minor changes for consistency across the Plan are supported.

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52	52.3	House Movers Stuart Ryan	O Plan	Building Relocation	Oppose	Provide for demolition, removal and re-siting of buildings not permitted as a restricted controlled activity.	FS18	FS18.75	Heritage NZ	Support in part	The changes proposed include a wider range of heritage buildings and possible heritage precincts that those cited	Accept. The decision requested is as set out in the Plan. Minor changes for consistency across the Plan are supported.
52	52.4	House Movers Stuart Ryan	O Plan	Building Relocation	Oppose	Provide for relocation of dwellings and buildings as a permitted activity subject to the same performance standards throughout the district. Refer to attachment to submission.	FS18	FS18.76	Heritage NZ	Support in part	The changes proposed include a wider range of heritage buildings and possible heritage precincts that those cited	Accept. The decision requested is as set out in the Plan. Minor changes for consistency across the Plan are supported.
52	52.5	House Movers Stuart Ryan	O Plan	Building Relocation	Oppose	Provide for relocation of buildings/dwellings not permitted as restricted discretionary activity. Refer wording in submission.	FS18	FS18.77	Heritage NZ	Support in part	The changes proposed include a wider range of heritage buildings and possible heritage precincts that those cited	Accept. The decision requested is as set out in the Plan. Minor changes for consistency across the Plan are supported.
52	52.6	House Movers Stuart Ryan	O Plan	Building Relocation	Oppose	Change provisions, definitions, other matters, rules, objectives, policies and reasons to give proper recognition to the positive effect of removal, re-siting and relocation of dwellings and buildings.	FS18	FS18.78	Heritage NZ	Support in part	The changes proposed include a wider range of heritage buildings and possible heritage precincts that those cited	Accept. The decision requested is as set out in the Plan. Minor changes for consistency across the Plan are supported.
57	57.51	Toi Te Ora - Public Health Service Sally Webb	O Plan	Format	Amend	Include a list of abbreviations						Accept in part. Some abbreviations are included in Chapter 19 Definitions. In general, the use of abbreviations is minimised in the Plan to ensure clarity and consistency.
57	57.52	Toi Te Ora - Public Health Service Sally Webb	O Plan	Policies Health Design	Amend	BOPDHB would like to see policy that requires development based on healthy design principles. BOPDHB would also like to see opportunities identified and implemented for existing urban zones to create healthy spaces and places. This may be achieved through a development code or guide						Accept in part. The standards and rules in the Plan seek outcomes that are consistent with healthy living environments. This is supported by Other Methods where possible.
4	4.1	Pauline Hoskins	O Plan All	Standards	NS	Need for sewerage system, footpath, street lighting in Hukutaia Road to enable development						Accept in part. Some engineering standards are required through the Plan. Other methods to achieve the outcomes requested are available through Council's Annual Plan and Engineering Code of Practice processes.
52	52.7	House Movers Stuart Ryan	O Plan All	Building Relocation	Oppose	Require a pre-inspection report - refer attachment to submission.						Accept in part. The standards applying to relocation of buildings are well defined in the Plan and minor changes are supported for consistency.
19	19.4	NZ Defence Force Rebecca Davies	O Plan Gen	Reverse Sensitivity	Oppose	Retain issues, objectives and policies on reverse sensitivity.						Accept. Support is noted.
19	19.5	NZ Defence Force Rebecca Davies	O Plan Gen	TMTA	Oppose	Insert objectives and policies in the Plan to support TMTA. Some suggested wording is provided below: <i>"Objective: Temporary Military Training Activities are provided for to meet the needs of the New Zealand Defence Force. Policy: To enable temporary military training to be undertaken within the District."</i>						Reject. A specific set of objectives and policies for TMTA as only one set of activities is not supported.