

# Chapter 4

# Mixed Activity Zone



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## 4. MIXED ACTIVITY ZONE

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### 4.1 RESOURCE MANAGEMENT ISSUES

1. Activities adjoining ~~main arterial roads~~ regional strategic transport network (Sub 12.14) can adversely affect the safety, sustainability and efficiency of the network.
2. Activities with a high level of vehicle movement need to be located in areas where they will not disrupt adjoining activities. Activities with high vehicle movements can have an adverse effect on adjoining activities.
3. **Reverse sensitivity** effects can occur between non-residential activities and residential activities and can depreciate the character of adjoining zones.
4. The need to screen storage and service areas, particularly where rubbish awaiting collection is stored, as it can depreciate the **amenity values** of adjoining properties.
5. The location of industrial activities and their potential adverse effects could depreciate the character of the zone, and adjoining properties.
6. Areas within the zone are susceptible to the effects of flooding, with some activities adjoining the Duke Street ponding area.
7. **Signs** can affect the visual environment, and can accentuate roadside clutter. **Signs** can adversely affect safety and can obstruct clear visibility of traffic **signs**.

### 4.2 OBJECTIVES AND POLICIES

#### OBJECTIVE

- 4.2.1 To manage the combination of Residential and Non-residential Activities and where practicable avoid, remedy or mitigate adverse effects on the amenity values of the zone.**

#### POLICIES

- 4.2.1.1 **Sites** within the Mixed Activity Zone maintained at a level that will not detract from the character of the zone, by ensuring that all service and storage areas are screened from public view.
- 4.2.1.2 Avoid, remedy, or mitigate the adverse effects of industrial activities upon other activities within the Mixed Activity Zone.
- 4.2.1.3 Manage the potential effects of activities on ponding areas to ensure their effects on the capacity of the ponding areas and overland flow paths (Sub 17.108) are minimal.

4.2.1.4 Manage activities on flood prone areas so that the effects of natural hazards can be mitigated through the use of protection measures such as stopbanks and minimum floor levels or design.

4.2.1.5 To ensure that business activities maintain or enhance the intended character of the surrounding environment.

**OBJECTIVE**

**4.2.2 To provide a mixture of Residential and Commercial and Community (Sub 37.23) aActivities within the zone.**

**POLICIES**

4.2.2.1 Enable a mix of Residential, Community and Commercial Activities to locate within the zone, whilst managing the effects on existing lawfully established activities.

**OBJECTIVE**

**4.2.3 Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of ~~roads and state highways~~the transport network.**

**POLICIES**

4.2.3.1 Control the location of activities which may adversely affect the safe and efficient traffic flow on ~~state highways~~regional strategic transport network.

4.2.3.2 Ensure that on-site parking, manoeuvring, loading and **access** areas, and service lanes are provided for in a safe and efficient manner for vehicles and pedestrians on, and adjacent to, the **site**.

4.2.3.3 Activities that front state highways are managed to recognise that highways are the entrances into the Ōpōtiki Township and **landscaping** and **building** setbacks are used to provide attractive entrance ways.

## **4.3 ACTIVITY STATUS**

**Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying Activities. Resource consent is not required for all Permitted Activities provided Zone Standards are met.**

**4.3.1** Additional controls apply in relation to the following activities. Refer to the chapters identified:

- Activities on the Surface of the Water – refer Chapter 12
- Landscapes and Habitats – refer Chapter 13
- Heritage – refer Chapter 14

- Subdivision – refer Chapter 15
- Network Utilities – refer Chapter 17 are subject to the provisions in Chapter 17 and are exempt from the standards in this chapter. (Sub 39.26)
- Natural Hazards – refer Chapter 18

#### 4.3.2 PERMITTED ACTIVITIES

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:

1. One **dwelling** per **site**.
2. **Buildings** and activities **accessory** to a Permitted Activity.
3. **Maintenance** work carried out by the Bay of Plenty Regional Council on established drainage and flood control scheme works.
4. Activities on reserves as provided for in the Reserves **Act** 1977 or an approved Reserve Management Plan.
5. **Temporary buildings** and activities required for a **building** or construction project of not more than 12 months duration.
6. **Visitor accommodation** for one to four visitors per night.
7. **Signs** with a maximum area of 0.5m<sup>2</sup> indicating a **home occupation** or **visitor accommodation**, including name, type of **home occupation** or profession, and hours of attendance.
8. **Temporary signs** with an area of less than 1.8m<sup>2</sup>, where the written consent of the landowner has been obtained.
9. **Official signs**, or **signs** denoting the name of the street, number of the premises or the location, or a timetable or other details of any public utility or facility.
10. **Temporary military training activities** complying with the noise controls in Appendix 3.
11. Any activity that is not listed in the Chapter and which complies with the Zone Standards.
12. **Commercial activities**.
13. The relocation of a **building** or **dwelling**.
14. Re-siting of a **building** within a **site**.
15. **Factory built dwellings**.
16. **Community corrections activities** (Sub 14.6)
17. **Emergency training , management activities and facilities** (37.25 & 37.26)
- 15-18. **Firefighting hose drying towers up to 15m associated with emergency service facilities** (Sub 37.27).

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### 4.3.3 CONTROLLED ACTIVITIES

4.3.3.1 The following activities may be established after Land Use Consent has been granted by **Council**.

Activities must comply with the Zone Standards stated in Section 4.6:

1. **Buildings** and activities **accessory** to a Controlled Activity.
2. **Home occupations**.
3. **Visitor accommodation** for more than four people per night.
4. **Retail activities accessory** to a Controlled Activity where the **total floor area** related to retailing is the lesser of either 100m<sup>2</sup> or 20% of the **total floor area**.
5. **Contractors' depots**.
6. **Food selling premises**.
7. **Places of assembly**.
8. Activities otherwise permitted or controlled where the **site access** is to a state highway and the written approval of NZ Transport Agency has been obtained, and is submitted as part of any application.
9. A **sign** not exceeding 1.1m<sup>2</sup> in area for any public purposes or in connection with and on the same **site** as any of the following activities:
  - (a) Recreation reserves.
  - (b) Churches and other **places of assembly**.
  - (c) **Educational institutions facilities (Sub 41.8)**.
  - (d) Hospitals and community **buildings**.
  - (e) Travellers' accommodation.
10. **Signs** not exceeding 1.1m<sup>2</sup> erected in connection with tourist or special information, or denoting places or points of special interest.
11. Up to three **dwelling**s where there is a minimum of 400m<sup>2</sup> per **dwelling**, where a sewer connection is available, and where Zone Standard 4.6.2 can be met.

### 4.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

4.3.4.1 The following activities may be established after Land Use Consent has been granted by **Council**.

The **Council** may grant or refuse resource consent for a Restricted Discretionary Activity:

1. Relocation of a **building** or **dwelling** that does not comply with performance standards.
2. **Education facilities**.
3. Activities that cannot comply with Rules 4.6.1.2 (*Height*) and 4.6.1.3 (*Daylight Protection*).
4. Activities not complying with Rules 4.6.8 (*Wastewater Connections*), 4.6.9 (*Stormwater Management*) and 4.6.10 (*Water Supply*) 4.6.2.3 (*Building setback from Council pipelines*)(Sub 24.24):-

#### 4.3.5 DISCRETIONARY ACTIVITIES

4.3.5.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Discretionary Activity:

1. **Buildings** and activities **accessory** to Discretionary Activities.
2. **Service industry**.
3. **Residential care facilities**.
4. **Vehicle and machinery sales**.
5. **Temporary activities** where the **site access** is to a state highway, and where the written consent of NZ Transport Agency has not been obtained.
6. **Signs** not otherwise provided for.
7. **Service stations**.

#### 4.3.6 NON-COMPLYING ACTIVITIES

4.3.6.1 Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity, and does not comply with the Zone Standards and unless otherwise stated, shall be a Non-complying Activity and allowed only if resource consent is obtained.

#### 4.4 ~~ASSESSMENT CRITERIA FOR RESERVED CONTROLLED ACTIVITIES (SUB~~ 17.4)

4.4.1 The **Council** has reserved control over the following matters:

##### 4.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the **amenity values** of the zone and surrounding areas, including as relevant **height**, bulk, colour, materials, and proposed **landscaping** treatment.
2. The visual effect of the activity in relation to its location, **site** boundaries, and topography.
3. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties and the **amenity values** of the area.
4. The manner in which the **site** is to be landscaped and how effectively it will screen the activities or enhance the **amenity values** of the area.
5. The location and appearance of **signs** associated with the activity.

4.4.1.2 Effects of the activity on adjoining sites

1. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

4.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular **access**, on-site manoeuvrability, and whether vehicles can leave and enter the **site** safely.
2. The effect of the activity on the safety and efficiency of the state highway network.
3. The need for carparking, service lanes, and **loading spaces** associated with the activity.

4.4.1.4 Historical, archaeological and cultural values and resources (Sub 17.20)

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and **waterbodies** which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological, cultural values and (Sub 17.20) resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining **sites**.

4.4.1.5 Natural hazards

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the **site** to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects of the activity on the Duke Street ponding areas.

**Council** may impose conditions on resource consent for a Controlled Activity only in relation to the matters stated above.

## 4.5 ~~ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY~~ ACTIVITIES(SUB 17.4)

4.5.1 The **Council** will restrict its discretion to the following matters:

### 4.5.1.1 Education facilities

1. Design and appearance of the activity.
2. Effects of the activity on adjoining property.
3. Vehicle **access** and **site** manoeuvrability.
4. Parking.

### 4.5.1.2 Relocation of a building or dwelling that does not comply with performance standards

1. Proposed **landscaping**, including opportunities to screen the **building** during **reinstatement**.
2. Visibility from the **road**, public place and other residential areas.
3. **Maintenance** of the **site** and surrounds during **reinstatement**.

### 4.5.1.3 Activities that cannot comply with Rules 4.6.1.2 (Height) and 4.6.1.3 (Daylight Protection)

1. The adverse effects on the amenity of sites in terms of:
  - (a) Shadowing.
  - (b) Physical domination.
  - (c) Privacy.
  - (d) Lighting.

### 4.5.1.4 Activities not complying with Rules 4.6.8 (Wastewater Connections), 4.6.9 (Stormwater Management), 4.6.9 (Water Supply)

#### Wastewater connections

1. Mitigation of effects on existing infrastructure and the environment from:
  - i. Sewerage flow volumes.
  - ii. Sewerage flow rates.
  - iii. Sewerage flow timing.
  - iv. Sewerage connections and on-site reticulation/infrastructure specifications.
  - v. Practicality of connection to **Council's** existing infrastructure.

#### Stormwater connections

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment:
  - (a) Stormwater runoff.



- (b) Stormwater connections and on-site reticulation/infrastructure specifications.

Potable Water connections

1. Management of water supply demand:
  - (a) Water flow rates.
  - (b) Water flow volumes.
  - (c) Water supply connections specifications.

4.5.1.5 Activities not complying with Rule 4.6.2.3 (Building setback from Council pipelines)

- (a) The obstruction of **access** to existing wastewater, water supply or stormwater reticulation.

4.5.1.6 Natural Hazard Occurrence

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards
2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas (Sub 17.59)

## 4.6 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted and Controlled Activities, and will be used as guidelines when assessing applications for Discretionary and Non-complying Activities. Temporary Military Training Activities are exempt from complying with Zone Standards (Sub 19.8)

### 4.6.1 SITE REQUIREMENTS

#### 4.6.1.1 Site coverage

A maximum of 60% of the **site** may be covered with **buildings**.

#### 4.6.1.2 Height

The maximum **height** for **buildings** within the zone shall be 9m. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

#### 4.6.1.3 Daylight protection

No part of any **building** shall penetrate a daylight recession plane of 45° from a **height** of 2.7m above finished ground level at any boundary. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.1.4 **Minimum site area**

The following **site areas** are exclusive of **access**:

1. **Dwellings:** 400m<sup>2</sup>
2. Other activities: 800m<sup>2</sup>

4.6.2 **YARDS**

4.6.2.1 **Separation from adjoining properties**

All **buildings** shall be located at least 3m from an adjoining property, except that in relation to **dwellings** and **buildings accessory to dwellings**:

1. One **yard** may be reduced to 1.5m.
2. Where a garage is incorporated in the **dwelling**, two **yards** may be reduced to 1.5m.
3. **Dwellings** and **accessory buildings** may be erected on **yards** where:
  - (a) That part of the **building** which encroaches on the **yard** does not exceed either 30% of the length of the boundary parallel to the **yard** or 10m, whichever is the smaller; and
  - (b) Pedestrian **access** is available to the rear of the **dwelling**; and
  - (c) The written consent of the owners and occupiers of any properties adjoining the affected **yard** is obtained and provided to **Council** except for **accessory buildings** which are located at least 1.5m from the boundary.

Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.2.2 **Building setbacks from roads**

1. All **buildings** shall be set back at least 9m from the **road** boundary where the **road** is a state highway.
2. On all other **roads** the **building** setback shall be 4.5m.

4.6.2.3 **Building setback from Council pipelines**

No **building** shall be located closer than the greater of either:

- (a) 1.5m from the centre of any public sewer or public stormwater line, or
- (b) The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.

Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

4.6.3 **LANDSCAPING**

4.6.3.1 **Screening storage areas**

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Areas used for storage shall be screened from a public place, other than service lanes, and from adjoining residential activity **sites** in the Residential Zone so as to mitigate the effects of storage activities.

### 4.6.3.2 **Visibility at intersections**

To protect sight distances at the intersection of **roads**, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet), shall be kept clear of any obstruction over 1m in **height**. This restriction shall not apply to power poles or street lights.

### 4.6.3.3 **Screening and landscaping adjoining state highways**

Any non-residential activity that fronts onto State Highway 2 or State Highway 35 shall undertake **landscaping** along the frontage of the **site** boundary that adjoins the highway.

## 4.6.4 **NOISE AND GLARE**

### 4.6.4.1 **Noise**

All activities on a **site** shall be designed and conducted so as to ensure that the following **noise limits** are not exceeded at any point within the boundary of any Mixed Activity Zone **site**. Provided that at the boundary of a **site** within the Residential Zone the **noise limits** for the Residential Zone shall be complied with. [These standards do not apply to sirens used by emergency services \(Sub 37.28\).](#)

<b>Noise Limits dB</b>			
<b>Receiving Zone</b>	<b>Daytime</b>	<b>Night time</b>	
	7am to 10pm, Monday to Sunday including public holidays	At all other times	
<b>Mixed Activity</b>	<b>60LAeq</b>	<b>40LAeq</b> <b>70LAm<sub>ax</sub></b>	

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 [Acoustic - Measurement of Environmental Sound](#), and assessed in accordance with the provisions of NZS 6802:2008 [Assessment of Environmental Noise - Acoustics – Environmental Noise \(Sub 57.67\)](#)

Construction noise shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics –(Sub 57.67) Construction Noise.

4.6.4.2 **Lighting and glare**

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill **site** boundaries, or cause distraction or glare which could affect traffic safety on adjacent **roads**.

4.6.5 **PARKING AND ACCESS**

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:

<b>Dwellings</b>	2 spaces per <b>dwelling</b>
<b>Residential care facility</b>	1 space per 5 beds plus 2 spaces for staff
<b>Places of assembly</b>	1 space per 5 persons accommodated
<b>Visitor accommodation</b>	1 to 4 people, 1 space per unit Over 4 people, 1 space per unit plus 2 for staff
<b>Education facilities</b>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: Preschool 1 space per staff member Primary 2 spaces per 3 staff members Secondary 1 space per 20 students Tertiary 1 space per 20 students
<b>Commercial Activities</b>	1 space per 40m <sup>2</sup> <b>total floor area</b>
<b>Accessory retail activities</b>	1 space per 20m <sup>2</sup> <b>total floor area</b>
<b>Food selling premises</b>	1 space per 20m <sup>2</sup> <b>total floor area</b>
<b>Service industries</b>	1 space per 50m <sup>2</sup> <b>total floor area</b>
<b>Tradesmen's depots</b>	1 space per 50m <sup>2</sup> <b>total floor area</b>
<b>Vehicle and machinery sales</b>	1 space per 50m <sup>2</sup> of display area
<b>Police stations</b>	1 space per 50m <sup>2</sup> gross floor area
<del>Periodic detention and</del>	1 space for every 2 full time equivalent employees and
<del>Probation centres</del> <u>Community</u>	1 space for every 10 detainees
<u>corrections</u>	
<u>Emergency service facilities</u>	<u>5 spaces for every emergency vehicle bay (Sub 37.29)</u>

2. The dimensions and design standards are set out in Appendix 1 – Carparking - dimensions and calculations.
3. Provision shall be made for the loading and unloading of service vehicles on-site, and at the rear of **sites**, in such a way that no footpath or **access** to adjoining properties is blocked.
4. No vehicle **access** shall be located within 15m of an intersection.

4.6.5.2 **Access onto State Highway**

Any activity requiring **access** to the State Highway must gain permission from NZ Transport Agency and is provided with any application to Council.

4.6.6 **FLOOR LEVELS**

4.6.6.1 **Floor levels**

Floor levels shall be sufficient to ensure that water does not enter **buildings** in a 2% AEP (Annual Exceedance Probability) event. Council holds information about flood levels within the Ōpōtiki urban area.

4.6.7 **RELOCATION OF BUILDING OR DWELLING**

4.6.7.1 The relocation of a **building** or **dwelling** must comply with the following:

1. Must comply with the Zone Performance Standards;
2. A **building** inspection report shall accompany the **building** consent. The report is to identify all **reinstatement work** required to the exterior of the **building**; and
3. The **building** shall be located on permanent foundations approved by **building** consent, no later than two months of the **building** being moved to the **site**;
4. All other work required to reinstate the exterior of any relocated **building** shall be completed within nine months of the **building** being delivered to the **site**. Without limiting **reinstatement work** is to include connections to all infrastructure services and closing in and ventilation of the foundations.
5. The proposed owner of the relocated **dwelling** must certify that the **reinstatement work** will be completed within the nine month period.
6. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

#### 4.6.8 WASTEWATER

##### 4.6.8.1 Wastewater Connections

1. All new developments within any of **Council's** wastewater scheme boundaries shall connect to the **Council's** wastewater system.
2. All new wastewater management systems shall be designed and constructed in accordance with 17.4.2.

#### 4.6.9 STORMWATER

##### ~~4.2~~.6.10.1 Stormwater Management

A stormwater disposal system shall be provided for any residential, community or business activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.4.3.

#### 4.6.10 POTABLE WATER

##### ~~4.2~~.6.11.1 Water Supply

A potable water supply shall be provided to each site and where connected to **Council's** water supply shall be designed and constructed in accordance with Rule 17.4.4.

#### 4.6.11 VEHICLE ENTRANCE DESIGNS

4.6.11.1 Residential and commercial vehicle entrance designs shall comply with Appendix 4 except where additional access width is necessary to provide for emergency service vehicles in accordance with Standard- (Sub 37.32)

#### 4.6.12 SIGNS

Signs that are visible from the State Highway are a permitted activity provided the following are met:

- i. Do not have reflective material or illumination that flashes or moves
- 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;
- iii. Must not physically obstruct or impede traffic or pedestrians;
- iv. Must not be likely to be confused with any official traffic sign or signals;
- v. Must not use support structures which are not frangible; and
- vi. Must not cause any traffic safety effects. (Sub 12.6).

## 4.7 OTHER METHODS

4.7.1 Other methods for achieving the objectives and policies of this section are:

1. Retailers and residents **road** beautification programmes through the use of **landscaping** and tree planting.
2. To develop those public open spaces and reserves administered by **Council** within and adjoining the Mixed Activity Zone, to ensure that the parks and reserves complement the character of the zone.
3. ~~The Use~~ (Sub 17.50) of **Council's** capital works programmes for street paving and street kerbing and channelling.

## 4.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. A Mixed Activity Zone where non-residential activities and residential activities function together with a minimum of adverse effects.
- B. Safe and efficient transport to and from state highways, and activities within the zone that do not adversely affect the state highways.