

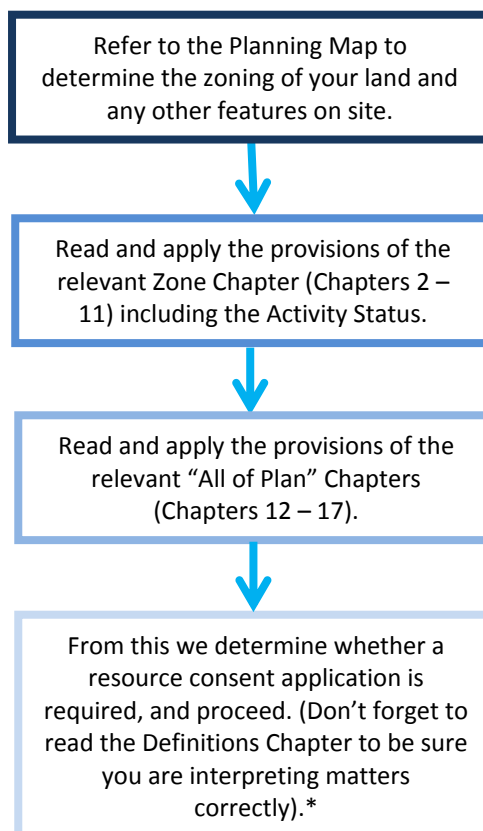
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## How to use the Plan

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



The District Plan is a legal document which applies to all people and organisations, including the **Council** and central government. At a minimum, it must contain:

- Objectives to be achieved by the Plan.
- Policies to achieve the objectives.
- Rules to implement the policies.

Chapters 2 to 11 contain the zones which apply to all parts of the District and are identified on the Planning Maps.

Chapters 12 to 17 contain the provisions that may apply to all parts of the District.

Chapter 18 contains the definitions: \*Where a term is shown as **bold**, it is used in a specific way and is defined in Chapter 18. Otherwise words have their common (dictionary) meaning.

You may also have to comply with the requirements of a Regional Plan or National Environmental Standard.

# 1. DISTRICT PLAN INTRODUCTION

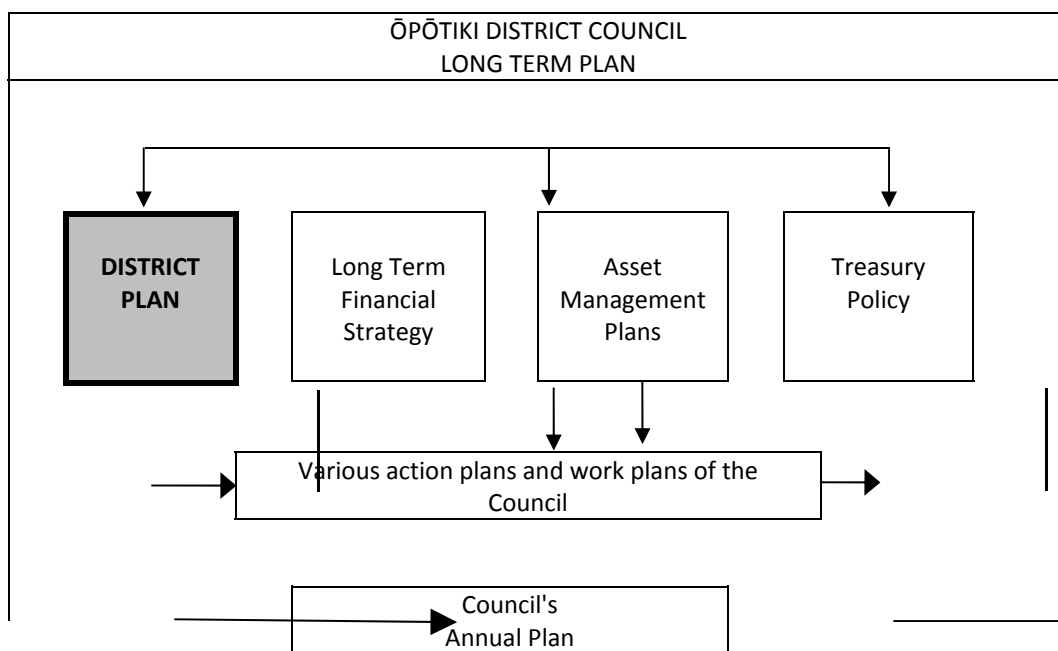
## 1.1 INTRODUCTION

**1.1.1** The Resource Management Act 1991 (RMA) requires all district councils to have a District Plan to achieve the purpose of the RMA for sustainable management of natural and physical resources. The Plan must give effect to national and regional policy documents and has to be consistent with a range of other national, regional and local documents. The District Plan also fits into the framework of plans and strategies which the Council prepares to meet other legislative responsibilities and to set future directions.

**1.1.2** This section explains what the District Plan does and how it is applied. It includes an explanation of the zones, activities and processes. More information on the RMA and its processes can be obtained from the Ministry for the Environment website ([www.mfe.govt.nz](http://www.mfe.govt.nz)).

## 1.2 RELATIONSHIP WITH OTHER COUNCIL DOCUMENTS

**1.2.1** Council's Long Term Plan (LTP) provides the overall strategic direction for the future of the District. The LTP is prepared in consultation with the community and sets out community outcomes for the District. It looks at the long term issues for the District and how they will be addressed and funded. The LTP provides guidance for some of the District Plan objectives and policies.



**1.2.2** Other **Council** documents such as the Infrastructure Strategy and Asset Management Plans describe how the **Council** manages major assets, such as roading, water supplies, sewerage networks, cemeteries, and landfills. These are linked to the District Plan through designations and form the basis for calculations of financial contributions that may be required from **developers**.

### **1.3 RELATIONSHIP WITH OTHER AGENCIES**

**1.3.1** The RMA sets out the requirements for the District Plan in relation to plans and statutory responsibilities of other authorities and agencies.

**1.3.2** The District Plan must give effect to any National Policy Statement (NPS), the New Zealand Coastal Policy Statement, any water conservation order, and the Bay of Plenty Regional Policy Statement. There are currently four National Policy Statements in effect:

1. New Zealand Coastal Policy Statement promotes the sustainable management of the natural and physical resources of the coastal environment, including coastal land, foreshore and seabed, and coastal waters from the high tide mark to the 12 nautical mile limit. It provides objectives and policies to guide the **Council's** day to day management of the coastal environment.
2. NPS on Electricity Transmission 2008 sets out the objective and policies for managing the ~~National Grid electricity transmission network~~ [\(Sub 39.2\)](#) under the RMA. The NPS facilitates the operation, maintenance, and upgrading of the existing transmission network, and the establishment of new transmission resources.
3. NPS for **Renewable electricity generation** 2011 recognises the importance of renewable energy in New Zealand and how New Zealand will achieve the Government's target of 90 per cent of electricity from renewable sources by 2025. It provides guidance on how **renewable electricity generation** should be dealt with in district plans.
4. NPS for Freshwater Management 2014 recognises the national significance of fresh water and Te Mana o Te Wai (the mana of the water). It is particularly important for regional councils, as it directs them to consider specific matters and to meet certain requirements when they are developing regional plans for fresh water.

**1.3.3** The District Plan must give effect to National Environmental Standards and are regulations under section 43 of the Resource Management Act and apply nationally. The standards are technical standards in the form of regulations with regard to the use, development and protection of natural and physical resources. Every local authority and consent authority must observe national environmental standards. The following is a list of the current standards:

1. National Environmental Standards for Air Quality;
2. National Environmental Standard for Sources of Drinking Water;
3. National Environmental Standards for Telecommunication Facilities;
4. National Environmental Standards for Electricity Transmission Activities;
5. National Environmental Standards for Managing Contaminants in Soil to Protect Human Health. (Sub 39.3)

**1.3.3** The Ōpōtiki District lies entirely within the Bay of Plenty Region. The District Plan must not be inconsistent with any regional plans which include:

1. Bay of Plenty Operative Regional Coastal Environment Plan/Proposed Regional Coastal Plan.
2. Bay of Plenty Operative Regional Air Plan.
3. Bay of Plenty Operative Regional Water and Land Plan.
4. Bay of Plenty Regional On-site Effluent Treatment Plan.

**1.3.4** **Council** must have regard to the management plans and strategies prepared under other acts, including:

1. Bay of Plenty Regional Civil Defence Plan.
2. Regional Pest Management Strategy for the Bay of Plenty Region 2011-2016.
3. Department of Conservation (Bay of Plenty Conservancy) Conservation Management Strategy.
4. Department of Conservation (East Coast Conservancy) Conservation Management Strategy.
5. Planning documents recognised by an iwi authority or hapū and lodged with the **Council**, currently documents from Upokorehe and Whakatōhea have been received.
6. District Plans of adjoining local authorities.

## **1.4 IWI – MĀORI**

**1.4.1** Iwi/Māori make up a significant proportion of the population of Ōpōtiki District. The iwi and hapu within the Ōpōtiki District are:

1. Whakatōhea.
  - o Ngai Tamahaua
  - o Ngati Ruatakena
  - o Ngati Ngahere

o Ngati Patumoana

~~1.~~o Ngati Ira

2. Ngāi Tai.

~~3.~~ Te Whānau a Apanui.

o Haraawaka

o Hikorukutai

o Hinetekahu

o Kahurautao

o Kaiaio

o Kauaetangohia

o Nuku

o Pararaki

o Rutaia

o Tapaeururangi

~~3.~~o Tutawake (Sub 32.7)

4. Te Whānau a Te Ehotu.

5. Upokorehe.

**1.4.2** Under Section 8 of the RMA, in relation to managing the use, development and protection of natural and physical resources, the **Council** is required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

**1.4.3** The interpretation of the “Principles of the Treaty” is subject to considerable national debate. The **Council** intends to work ~~through~~ in accordance the principles of the Treaty of Waitangi with iwi and hapū to ~~define their meaning in the local context for resource management matters.~~ Appropriate identify (Sub 17.97) processes for each iwi or hapū ~~require development (Sub 17.97)~~ to ensure recognition of, or provision for:

1. The relationship of Māori and their culture and traditions with their ancestral ~~Māori lands,~~ land, water, sites, waahi tapu and other taonga. (Sub 17.97)
2. Customary knowledge of the natural and physical resources of significance to Māori within the District.
3. Protection of **sites**, waahi tapu, ancestral taonga, areas, ~~and or~~ features of historic, spiritual or cultural significance to tangata whenua Māori, waahi tapu, and ancestral taonga (Sub 17.97).
4. Protecting the mauri of natural and physical resources.
5. Development of multiple owned **Māori land** and Papakāinga.
6. Management of activities that may affect water, coastal areas and mahinga mataitai.
7. The role of Māori in resource ~~allocation and (Sub 17.97)~~ management.

8. On-going consultation in accordance with tikanga Māori.
9. Relevant planning documents prepared by iwi and/or hapū.

**1.4.4** Throughout the life of this Plan, **Council** will continue to work with iwi, hapū, or whanau as appropriate to develop protocols and processes which recognise, support, and encourage the contribution of Māori towards a sustainable future.

**1.4.5** The **Council** will develop a working relationship with iwi and hapū of the District ~~so as to obtain a mutual respect between the tangata whenua, the Council and the community at large~~, and to fulfil its responsibilities under the RMA. As part of these working relationships Council will maintain a list of iwi and hapu contact details for RMA purposes. (Sub 17.96)

## **1.5 SIGNIFICANT RESOURCE MANAGEMENT ISSUES FOR THE DISTRICT**

**1.5.1** The purpose of the RMA is to promote the sustainable management of natural and physical resources as defined in Section 5. The District Plan addresses issues relevant to the **Council's** responsibilities under the RMA and sets out how this will be achieved. The issues are identified from matters brought to the **Council's** attention, public consultation, submissions on other processes such as the Long Term Plan, and the day to day operation of the District Plan.

**1.5.2** The main resource management issues facing the District include:

1. **Maintenance** of high environmental quality.
2. Protecting the outstanding **natural features and landscapes** of the District.
3. Preserving the **natural character** of the environment, especially the coastal environment, including the Ōhiwa Harbour.
4. Managing coastal hazards.
5. Providing for development of the Ōpōtiki Harbour and associated facilities and **industry**.
6. Enabling activities which will provide employment, including industrial land.
- ~~7. Re-zoning land for residential development where there is demand. (Sub 8.8)~~
- 8.7. Supporting a living environment that promotes the health, safety and wellbeing of the community.
- 9.8. Managing activities in the rural environment to avoid **reverse sensitivity** effects.
- ~~10.9.~~ Maintaining and enabling the use of the Districts rural land resource for rural production activities including versatile land for rural production activities.(Sub 11.15)
- ~~11.10.~~ Managing the quality of the coastal environment.
- ~~12.11.~~ Maintaining the heritage values of the Town Centre.
- ~~13.12.~~ Protecting outstanding **natural features and landscapes** and significant indigenous habitats.

[14.13](#). Protecting **and providing for (Sub 39.4) regionally significant infrastructure**, including the land transport network.

## 1.6 ZONING

**1.6.1** Zoning is the main technique to manage subdivision, use, and development of land in the District. Zoning is applied to all land in the District as shown on the Planning Maps and recognises that land needs to be managed for different purposes in the District. Each zone has different objectives, policies and rules, including activity lists and standards to be met.

**1.6.2** The main advantages of zones are clarity and certainty for residents and landowners, and simplicity through grouping of common standards. In addition, zoning is well understood by most people who will use the Plan.

**1.6.3** There are ten zones in the Plan:

1. Chapter 2 - Residential Zone

The Residential Zone comprises the residential areas in Ōpōtiki, including the Woodlands area. Most development is medium density, single **dwelling**s on separate **sites**, although there are multi-unit **buildings**. Activities such as reserves, early childhood centres, and **residential care facilities** may be located in residential areas they serve. The Residential Zone provides for a healthy living environment with a high level of amenity.

2. Chapter 3 - Town Centre Zone

The Town Centre Zone provides the focus for **retail activities, community activities, commercial activities** and, cultural and administrative activities. It is important to ensure that **commercial activities** and administrative activities are located in the Town Centre as well as achieving safe pedestrian movement, ease of parking and maintaining the heritage values of the existing **buildings**.

3. Chapter 4 - Mixed Use Zone

The Mixed Use Zone provides for a mix of residential and **commercial activities** along the main arterial routes of State Highways 2 and 35. Activities may include **visitor accommodation** and **food selling premises**.

4. Chapter 5 - Marine Services Zone

The Marine Services Zone enables the development of the Ōpōtiki Harbour to provide marine services and service recreational fishing charters, tourism operators, and recreational users.



The Marine Services Zone provides for marina services related to marina structures and activities together with accommodation providers, **restaurants** and shops. Aquaculture servicing and processing industries are provided for in the Harbour Industrial Zone. ~~(Sub 8.9)except where these activities complement and do not conflict with marine services.~~

5. Chapter 6 - Industrial Zone

There are two parts to the Industrial Zone in the Ōpōtiki urban area. Industrial activities benefit from lower amenity standards and good transport links. There is also the ability to co-locate seasonal worker accommodation with horticulture post-harvest facilities (Sub 11.20).

6. Chapter 7 - Harbour Industrial Zone

The Harbour Industrial Zone enables the establishment of a new wharf and businesses to support the aquaculture and fishing industries. Maintaining this land for these uses is a priority. The Harbour Industrial Zone has been established on the west bank of the Waioeka River due to its accessibility to navigable waters, its elevation above **MHWS** and its potential to be **accessed** directly from the State Highway.

7. Chapter 8 - Rural Zone

The Rural Zone comprises all rural land in the District except for the coastal environment. The nature of land use includes horticulture on the plains, pastoral **farming**, **forestry** (Sub 8.10) and the conservation estate.

8. Chapter 9 - Coastal Zone

The Coastal Zone applies to the coastal environment with a focus on retaining and enhancing the special landscape and **natural character** values of the coastline and its ecological values.

9. Chapter 10 - Coastal Settlement Zone

There are small mainly residential settlements along the coastline and the Ōhiwa Harbour. The effects of natural hazards are potentially significant for future development and there is a need to retain the **natural character**, and landscape and amenity values.

10. Chapter 11 - Ōhiwa Harbour Zone

The Ōhiwa Harbour lies in both the Whakatāne and Ōpōtiki Districts and is important for its community, recreation, spiritual, cultural, ecological, scientific and ecological and **natural character** values. The Harbour is a taonga and of great significance to Māori, and is a traditional mahinga mataitai. It contains outstanding **natural features and landscapes**.

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## 1.7 STATUS OF ACTIVITIES

**1.7.1** Each zone lists activities that are allowed in each zone. Some are allowed to establish without **Council's** approval (Permitted Activities), but others are only allowed where resource consent has been granted (Controlled, Restricted Discretionary, Discretionary and Non-complying Activities). The zone also specifies controls and standards that activities must comply with. Activities which are specifically identified in one particular zone are not prevented from establishing in another zone. ~~To establish the activity, it will be necessary to consider the characteristics of the locality, the effects of the activity on the characteristics of the area, and the effects of the activity on the environment. (Sub 24.19)~~ Restrictions and controls relate not directly to activities themselves, but to the effects which may arise from the activity. In deciding whether to allow such an activity in a different zone, the **Council** will consider the effects of the activity and the characteristics of the zone in which it is to be established. The activity will be assessed in terms of compliance with the relevant Zone Standards, and consistency with objectives and policies of the Plan. Activities which are not consistent with objectives and policies for the zone may be more appropriately located in areas where the effects of the proposal can be more readily absorbed, or where they have less impact.

**1.7.2** There are six types of activities:

1. Permitted

A Permitted Activity is allowed by the Plan without resource consent if it complies in all respects with any standards specified in the Plan.

2. Controlled

A Controlled Activity is identified in the Plan. It must meet the standards in the zone unless otherwise specified. Resource consent is required. The **Council** must grant consent, but may impose conditions only on matters of control it has specified in the Plan.

3. Restricted Discretionary

A Restricted Discretionary Activity is identified by a Rule in the Plan. It must meet the standards in the Plan unless otherwise specified. Resource consent is required. The **Council** can decline or grant consent, but only in relation to matters of discretion listed in the Plan. If consent is granted, conditions can be imposed on the matters of discretion listed.

4. Discretionary

A Discretionary Activity is identified by a Rule in the Plan. Resource consent is required. The standards in the Plan will be used as guidelines. The **Council** may grant or refuse its consent and, if granted, conditions may be imposed.

5. Non-complying

A Non-complying Activity is identified by a Rule in the Plan. Resource consent is required. Consent may only be granted if the activity meets one of the requirements of Section 104D of the RMA. Conditions may be imposed if consent is granted.

6. Prohibited Activities

These are activities identified by a Rule in the Plan for which no application can be made.

## 1.8 DESIGNATIONS

**1.8.1** Designations identify land required for public works or projects. The inclusion of a designation in the District Plan may be requested by a **requiring authority**, being either a Minister of the Crown, a local authority, or a **network utility** operator approved by the Minister for the Environment.

**1.8.2** Part 8 of the RMA sets out the procedure for requiring authorities to designate activities. Designated land may not be subdivided, used or developed in any way without the written consent of the **requiring authority**.

**1.8.3** Designations are listed in **Appendix 2** and identified on the Planning Maps. The list includes the **requiring authority**, the location of the designation and the legal description of the **site**, and the purpose of the designation.

**1.8.4** Any new designations lapse after five years from the date of inclusion in the District Plan if substantial progress or effort has not been made towards giving effect to the designation.

## 1.9 INFRASTRUCTURE

**1.9.1** Infrastructure is essential to servicing the District. **Network utilities** include **buildings**, the **National Grid**, overhead lines, masts and other structures associated with communications, electricity networks, water supply, gas, sewerage network, navigation facilities, roading, and waste disposal. They vary significantly in scale and function.

**1.9.2** With some exceptions, **network utilities** are provided for as Permitted Activities throughout the District. An exception is in the Coastal Zone and Coastal Settlement Zone where landscape protection is a key objective. In these zones **Council** requires some control over aspects such as earthworks, location, and consideration of available alternatives.

## **1.10 APPLICATIONS FOR RESOURCE CONSENT**

**1.10.1** Two types of resource consent may be required under this Plan:

1. Land use consent

Land use consent will be required for an activity identified as a Controlled, Restricted Discretionary, or Discretionary Activity in the Plan and for Non-complying Activities.

2. Subdivision consent

Subdivision consent will be required for any subdivision of land, where the subdivision may be a Controlled, Restricted Discretionary, Discretionary or Non-complying Activity.

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To establish the activity, it will be necessary to consider the characteristics of the locality, the effects of the activity on the characteristics of the area, and the effects of the activity on the environment. (Sub 24.19)

**1.10.2** Resource consent may also be required from Bay of Plenty Regional Council for some activities, especially those within the coastal and **riparian areas**, including activities that discharge **contaminants**, large scale earthworks and **disturbance** of a contaminated **site**.

**1.10.3** The **Council** will require information to be provided by an applicant in accordance with the Fourth Schedule to the RMA and as appropriate to the status, scale and potential effects of the activity. It will include written information, plans, and floor plans. An application is incomplete unless it contains all information required to enable a proper assessment of the application. A list of information required is set out in Appendix 1.16 and is available from the **Council** office or the **Council** website ([www.odc.govt.nz](http://www.odc.govt.nz)).

## **1.11 ASSESSMENT CRITERIA FOR APPLICATIONS**

The following assessment criteria will be used for assessing applications for Controlled, Restricted Discretionary, and Discretionary Activities.

### **1.11.1 CONTROLLED ACTIVITIES**

Controlled Activities are stated in the Plan. They are activities that require resource consent from **Council**. **Council** cannot decline resource consent application for a Controlled Activity. The matters over which the Council reserves its control are stated in the relevant Chapter of the Plan. The **Council** can impose conditions on the consent in relation to those matters.

#### 1.11.2 RESTRICTED DISCRETIONARY ACTIVITIES

A Restricted Discretionary Activity is identified by a Rule in the Plan and the matters over which the **Council** has restricted its discretion are set out in the relevant Chapter of the Plan.

#### 1.11.3 DISCRETIONARY ACTIVITIES

Discretionary Activities are stated in the Plan. They are activities that require resource consent from **Council**. **Council** can choose to grant or decline consent to an application for a Discretionary Activity. **Council** can also apply conditions on consent for Discretionary Activities as set out in Section 108 of the RMA. There is no restriction over the **Council's** discretion in making a decision on a Discretionary Activity.

When considering an application for a Discretionary Activity the **Council** will have regard to those matters stated in Section 104(1) of the RMA. In addition, the **Council** will have regard to matters which may include, but are not limited to, the following:

1. Design, location and appearance of the activity.
2. Effects and reverse sensitivity effects (Sub11.21) of the activity on adjoining activities and **sites** and zone interface.
3. Vehicle **access** and **site** manoeuvrability.
4. Effects on pedestrian **access**.
5. Historic heritage, archaeological, and cultural resources.
6. Natural hazard risk.
7. **Hazardous substances**.
8. **Temporary buildings**.
9. Disposal of effluent and solid waste.
10. Treatment of wastes produced on the site.
- ~~10-11.~~ Potable water supply. (Sub 57.1)
- ~~11-12.~~ Effects on **waterbodies, indigenous vegetation** and **habitats** of indigenous fauna.
- ~~12-13.~~ Effects on the coastal resource.
- ~~13-14.~~ Effects of earthworks, buildings and vegetation clearance on the **natural character** of the coastal environment.
- ~~14-15.~~ The degree to which the existing flow and type of traffic on, and the existing character of the **road**, will be affected by the traffic generated by the activity.
- ~~15-16.~~ Whether the **road** can be upgraded to cater for increased traffic and what proportion of the

costs associated with **upgrading** should be borne by the applicant.

~~16-17.~~ The scale and intensity of the activity in relation to the surrounding environment.

~~17-18.~~ Effects on outstanding **natural feature and landscapes, wetlands**, indigenous **biodiversity**, areas of significant **indigenous vegetation**, significant habitats of indigenous fauna and (Sub 24.20)-historic heritage.

~~18-19.~~ Consideration of any National Environmental Standards relevant to the proposed activity such as the “National Environmental Standard (NES) for assessing and managing **contaminants** in soil to protect human health”.

~~20.~~ The effects on the ability to operate, maintain, upgrade and develop the **National Grid**, including **access** to the line.

~~21.~~ The effects on the ability to access, operate, maintain and upgrade Regionally Significant Infrastructure. (Sub 36.1)

~~22.~~ The adverse effects on the coastal environment caused by causing harmful aquatic organisms to be released or otherwise spread when considering the provision of marina berths, jetties and wharves (Sub 17.115 under Chapter 5 – Marine Services Zone)

~~23.~~ Whether the marine precinct facilities have been designed and will be operated in a manner that takes all practical steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that has more than minor adverse effects Sub 17.115 under Chapter 5 – Marine Services Zone)

~~24.~~ Public access to, along, and within Waioeka River and the coastal marine area.

~~19.~~ Effects on navigation and safety and the need for any aids to navigation. Sub 17.115 under Chapter 5 – Marine Services Zone)

~~20-25.~~

#### 1.11.4 CONDITIONS OF CONSENT

In granting consent to an application for a Controlled, Restricted Discretionary, Discretionary, or Non-complying Activity, **Council** may impose conditions as stated in Sections 108, 220, or 221 of the RMA. Conditions that **Council** may choose to impose can include, but are not limited to, the following matters:

1. Hours of operation.
2. Compliance with more stringent standards for **building** setback, than generally required in the zone.
3. Planting, **landscaping**, fencing, or the retention of existing vegetation, trees or natural features.
4. The protection or **maintenance** of **buildings** and **structures, places and sites** of historic (Sub 18.34) heritage value.
5. The provision of such matters as parking and **access**, or additional open space or **landscaping** to maintain amenity levels.
6. The imposition of bonds to ensure completion of required works.

7. Payment of a financial contribution where this is required by the District Plan.
8. Setting aside reserves and/or esplanade reserves or strips.
9. Consent notices to be registered on Certificates of Title.
10. Maintaining coastal values.
11. Provision of engineering reports.
12. Demarcation of **building** platforms.
13. Monitoring requirements.
14. Covenant mechanisms.
15. Pest management provisions.
16. Protection of existing network structures and facilities.

## **1.12 PLAN CHANGES**

- 1.12.1** Any person may request a change to the District Plan under Part 2 of the First Schedule to the RMA. A request to change a District Plan must be considered by the **Council** at any time that the Plan is operative.

## **1.13 CROSS BOUNDARY ISSUES**

- 1.13.1** Ōpōtiki District is wholly within the area of the Bay of Plenty Regional Council and adjoins Whakatāne and Gisborne District Councils. Effective relationships with adjoining councils are very important. It is the **Council's** philosophy that duplication of control with the Bay of Plenty Regional Council should be avoided, where practical.

- 1.13.2** There are several significant resource management issues to be addressed with adjoining councils and other agencies:
1. Protection of Ōhiwa Harbour which is a shared responsibility with Whakatāne District Council, Bay of Plenty Regional Council, Iwi and the Department of Conservation.
  2. Stability of the steep lands and upper catchments of the Waioeka, Mōtū, Raukōkore, and Whangaparoa Rivers, which lie in the Gisborne District, but which drain through the Ōpōtiki District.
  3. Consultation with hapū and iwi based outside the District who have an interest in the District.
  4. The management, including the protection and enhancement, of the District's coastal resource.
  5. Increased heavy traffic volumes may affect traffic routes within and through the District.
  6. The sustainable management and use of water resources in the District.

- 1.13.3** These issues will be addressed through:
1. Regular constructive consultation.
  2. Cooperation on issues of common interest to both/all parties.
  3. Joint studies.
  4. Joint hearings.
  5. Forwarding to Whakatāne District Council applications for consent within the Harbour, where they may affect the Whakatāne District.
  6. Willingness to investigate cooperative solutions to common issues.

**1.13.4** There are several **network utility** operators whose functions cross district boundaries. **Network utility** operators require consistency across district boundaries to ensure efficient use and maintenance of services. Cooperation with adjoining administrations is therefore necessary for coordinated and sustainable service provision.

## **1.14 MONITORING**

**1.14.1** The **Council** is required to monitor the effectiveness of the District Plan in promoting the purpose of the RMA. Under Section 35 of the RMA there are four requirements on **Council** to monitor. These are:

1. State of the environment monitoring.
2. Suitability and effectiveness of the District Plan.
3. Monitoring of delegated or transferred powers, functions, or duties.
4. Resource consent compliance monitoring.

**1.14.2** There is an opportunity to seek the assistance of local iwi and hapū in the monitoring process where rahui can be used.

**1.14.3** **Council** may seek a fee in relation to more complex resource consents to cover the costs of monitoring compliance with resource consent conditions. This additional fee will not be required in all cases, only in relation to those resource consents where additional monitoring is required throughout the duration of the consent.

## **1.15 EXPECTED ENVIRONMENTAL RESULTS**

**1.15.1** The environmental results expected are the results or outcomes expected from the combined effect of objectives, policies, rules and other methods contained in this Plan. Each section of the Plan will include expected environmental results for each zone or each area of concern.



**1.15.2** The following are the environmental results expected for the Ōpōtiki District as a whole:

- A.** Available zoned land to support the growth of employment in the District including the Ōpōtiki Harbour development and associated facilities and **industry**.
- B.** The availability of a range of lifestyle choices consistent with the protection and enhancement of the District's natural and physical resources.
- C.** Preservation and enhancement of the **natural character** of the Ōpōtiki coastline, Ōhiwa Harbour, and the coastal environment.
- D.** The protection of outstanding **natural features and landscapes**, increased awareness of the values of these areas, and enhanced public **access** to these locations where it is compatible with the management of these areas.
- E.** Recognition, protection, and ~~enhancement~~ conservation (Sub 18.36) of **historic heritage** and cultural **sites**, and increased awareness of the responsibility for the management and protection of these resources.
- F.** Recognition, protection, and enhancement of the District's **indigenous vegetation, habitat** and **wetland** resources.
- G.** A safe and efficient **network utility** infrastructure that enables the district community to provide for their wellbeing.
- H.** The maintenance and enhancement of **amenity values** of the working, living, and leisure environments of the District and their environmental qualities and character.
- I.** Increased awareness of the risks from natural hazards and reduction of these risks to a level acceptable to the community.
- J.** The health, safety and the social, economic and cultural well-being of the people and communities of the District is enabled.
- K.** The ~~effects-impacts~~ of climate change are identified, ~~and~~ addressed, mitigated, managed and adapted to (sub 57.2).

L. Land is able to be used for rural production activities to support the social, cultural and economic well-being of the district (sub 11.22)

~~K. Tangata whenua cultural, spiritual and archaeological values are provided for (Sub 18.35).~~

## 1.16 INFORMATION REQUIRED ~~IN RELATION~~ FOR CONSENT (SUB 17.101)

### APPLICATIONS

#### 1.16.1 Introduction

The **Council** will require information to be provided by an applicant as appropriate to the status, scale and potential effects of the activity. This will include written information, plans, and floor plans. An application is incomplete unless it contains the relevant form and all information required to enable a proper assessment of the application. Information required for any application must meet **Council's** requirements, including but not limited to, the information set out in the following sections. The fee required by the **Council** for the application must be paid before the application will be received and processed.

#### 1.16.2 Written information

(i) An assessment of effects on the environment and the activity against the matters set out in Part 2 of the RMA and relevant national, regional or district planning document as stated in the ~~Fourth Schedule of the RMA~~ Schedule 4 of the RMA (Sub 17.102).

~~(ii)~~ (ii) A description of the activity **site** including existing uses, **buildings**, services, topography and vegetation, a description of any habitats and **indigenous vegetation** areas, wetlands and streams, fill or excavations, and the legal description of the **site**.

~~(iii)~~ (iii) A current Certificate of Title for all subdivision applications. (Sub 24.21).

~~(iii)~~ (iv) A description of the activity for which consent is being sought, including the nature of the activity, effects from the activity, the number of people who will use the **site**, proposed hours of operation, and the affect of the activity on traffic flow in the area.

~~(iv)~~ (v) A statement specifying other resource consents that the applicant may require from any consent authority, and whether or not the applicant has applied and/or received such consents.

~~(v)~~ (vi) An analysis of the suitability of the **site** for the proposed activity, having regard to topography, natural drainage networks, services on the **site** and service provision, access, **indigenous vegetation** areas, habitats of indigenous fauna, cultural heritage resources, physical features, and susceptibility of the site to natural hazards.

~~(vi)~~ (vii) An analysis of any actual or potential effects that the activity may have on the environment and the ways that these effects may be avoided, remedied, or mitigated.

~~(vii)~~ (viii) The type, volume and nature of any **hazardous substances** to be stored, use, disposed of, or transported off or onto the **site**. The facilities where the substances are to be stored and/or used, the volume and frequency and route for transporting the substances to the

~~site, procedures for transferring, handling, and disposing of the substances, and procedures for containing any spillages of the substances on the site. (Sub 50.21).~~

- (viii) Any known information about recorded or unrecorded (sub 18.32) archaeological **sites**, heritage **sites**, and places and **sites** of significance to tangata whenua, and information on the effects that the activity may have on these **sites** of significance.
- (ix) An assessment of the effect on the **road** is to be submitted with the application for resource consent. This assessment is likely to be referred to the relevant **road** controlling authority for their written comments and recommendations unless these are provided with the application. This assessment should propose measures to avoid, remedy or mitigate any identified adverse effects.
- (x) Where an application is for plantation forestry activities a harvesting plan must be submitted to Council no less than ~~5 years~~ 20 working days (Sub 42.2) prior to the date of harvesting commencement.
- (xi) The location of tracking and **roading** networks within the activity **site**. Including whether these **sites** will be visible from State Highways and significant landscapes.
- (xii) Effects of activities on landscapes of significance within the district, particularly coastal landscapes.

~~(xiii)~~ (xiii) An assessment against the National Environmental Standards (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health where there has been a history of agricultural, horticultural or other sue that may have resulted in Contaminated Land. (Sub 17.103).

### 1.16.3 Additional information for sites within the Mixed Activity Zone

Included in the assessment of effects for activities within the Mixed Activity Zone, **Council** shall require information in regard to the following:

- (i) An indication of the stages of development, if applicable.
- (ii) The location of **access** to and within the **site**, manoeuvrability areas, and an indication of on-site parking to be provided.
- (iii) Any on-site landscaping to be undertaken.
- (iv) The location and layout of **buildings**, and distances of **buildings** to adjoining residential activities.

(v) The location of services within the **site**.

~~(vi)~~ (vi) Noise (Sub 57.5)

~~(vii)~~ (vii) The location of areas for the use, storage, or disposal of **hazardous substances**.

#### 1.16.4 Plans

Indicating the following at an appropriate scale:

- (i) A drawing showing the location of the **site**, with **road** names, property numbers and north point.

~~(ii) A current Certificate of Title for all subdivision consent applications. Sub 24.22)~~

~~(iii)~~(ii) A **site** plan of the activity **site** at a scale of not less than 1:200 showing :

- (a) **Site** boundary lengths and dimensions in metres.
- (b) Location with distances to **site** boundaries, of all existing structures which are to remain on the **site**, and all proposed structures, including where applicable balconies, verandahs, service courts, and residential courts.
- (c) Proposed use of each **building**.
- (d) The position of any easements over the **site**.
- (e) Position, location, and dimensions of every off-street parking and **loading** space, and the proposed **access** and manoeuvring areas including the location and width of footpath crossings necessary to serve the **site**.
- (f) Any proposed retaining walls, earthworks, and landfill.
- (g) Existing trees and proposed landscaping. Areas of the landscaping should be shown together with all existing and proposed sealed areas.
- (h) The location of any exterior lighting and diagrams, or models, showing areas of potential light spill.
- (i) Natural watercourses and drainage patterns, and sewerage pipes within and adjacent to the **site**.
- (j) The location, distances to **site** boundaries, and dimensions of any **signage** to be placed on the **site**.
- (k) The means proposed to deal with all storm water and sanitary drainage.
- (l) The location of any septic tank system including drainage fields.
- (m) The location of **indigenous vegetation** and habitats of indigenous fauna, and wetlands.
- (n) Contours of the **site**
- (o) Existing and proposed esplanade reserves or strips
- (p) Existing and proposed protection covenant areas.

#### 1.16.5 Floor Plans

For each proposed structure at a scale of not less than 1:100 illustrating:

- (i) Use of all parts of the structure including basements, parking, storage and service areas. Where several floors are of the same area and use, a standard floor plan may be shown.
- (ii) Elevations of each **building** at a scale not less than 1:100 showing :
  - (a) external appearance of the **building** including doors and windows.
  - (b) number of floors and their proposed usage.
  - (c) structure **heights** and **height** in relation to any boundary.
  - (d) maximum permitted **height** marked.
  - (e) any additional **height** requested.

**1.16.6 Lodgement fees**

An application will not be received until the specified lodgement fee has been paid to the **Council**.