



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 3 July 2017
To : Hearing Commissioners
From : Consultant Planner
Subject : **CHAPTER 19 DEFINITIONS, APPENDICES AND MAPS - PLANNING REPORT**
File ID :

1. INTRODUCTION

My name is Ann Nicholas. I have a Bachelor of Town Planning and I am a member of the New Zealand Planning Institute. I am a principal of Sigma Consultants, Rotorua, and I have over 35 years experience as a planning consultant. I have been engaged by the Ōpōtiki District Council to assist with the preparation of the draft district plan and the Proposed District Plan and to report on submissions to the Proposed District Plan.

The scope of my report is to provide an evaluation of submissions and further submissions received in relation to Chapter 19 Definitions, Appendices and Planning Maps. The data, information, facts and assumptions I have considered in forming my recommendations are set out in this report.

2. STRUCTURE AND SUMMARY OF THE CHAPTER AND PLANNING MAPS

This report differs from the other section 42A reports in that it addresses more than one chapter or topic, all of which are essential to the implementation of the Plan.

Chapter 19 provides the meanings of words or terms that are used in a specific way, which is different from the common or usual meaning of the word or term. The words are generally shown in bold in the plan text and this indicates that the definition should be checked when interpreting the text.

The Appendices follow the definitions and contain parking standards, designations, noise standards for TMTA, and vehicle entrance design standards.

The Planning Maps are in a separate volume of the Plan and show the zoning, special notation, ONFLs, designations and other information to support the Plan text.

3. RELEVANT STATUTORY CONSIDERATIONS

The overall Section 42A report provides the statutory framework for the District Plan and the review process and any changes since the Plan was notified. The provisions in this chapter have been developed in accordance with the specific statutory requirements as set out in the Section 32 report prepared and made available at the time that the Plan was notified.

4. CHAPTER 19 DEFINITIONS - SUBMISSIONS

4.1 SUBMISSION OVERVIEW

24 submitters lodged submissions on this chapter with a further 9 parties lodging further submissions. The main changes to the definitions requested or consequential to issues raised in submissions generally fall into the following topics:

- General corrections to refer to current legislation, standards, and names and align with terms in the Plan eg Heritage NZ Pouhere Taonga.
- Farming, horticulture and production forestry
- Heritage resource
- Network utilities
- Marine services and harbour industrial activities
- Community activities
- Coastal environment and ONFLs
- Residential and other activities

4.2 SUBMITTERS

The submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions Submitted On
6	Chris Petersen	Port Activities,
8	Eastern Bay of Plenty – Forest and Bird	Commercial Activity, Commercial Operations, Disturbance, Height, Production Forestry, Sign, Site Area, Temporary Recreation, Yard
10	Hancock Forest Management	Disturbance, Indigenous Forest, Production Forestry, Rural Production Activity, Site,
11	Horticulture NZ	Accessory Building, Accessways, Artificial Crop Protection Structures, Audible Bird Scaring Devices, Building, Crop Support Structures, Destruction, Disturbance, Earthworks, Farming, Greenhouses,

Submitter Number	Submitter Name	Provisions Submitted On
		Hazardous Facility, Industry, Intensive Farming, Land Use Capability Assessment, Maintenance, Minor Upgrading, Natural Features And Landscapes, Official Signs, Practical Building Platform, Reverse Sensitivity, Ridgeline, Rural Character, Rural Industry, Rural Selling Place, Rural Production Activity, Seasonal Worker Accommodation, Sensitive Activities, Sign, Upgrading, Visitor Accommodation, Wetland
14	Department of Corrections	Community Activity, Community Corrections Activity,
15	Whakatohea Mussels Ōpōtiki Ltd	Aquaculture Related Equipment And Materials, Commercial Services, Port Services,
17	Bay of Plenty Regional Council	Agriforestry
18	Heritage NZ	Additions, Alterations, Maintenance And Repair,
19	NZ Defence Force	Regionally Significant Infrastructure, Reverse Sensitivity, TMTA,
24	Ōpōtiki District Council	Advance Warning Signs, Dwelling, Lot, Site Area,
36	First Gas Ltd	Functional Requirement, Gas Pipeline, Maintenance, Upgrade And Replacement, Network Utility Structure, Regionally Significant Infrastructure,
37	NZ Fire Commission	Community Activity, Emergency Services,
39	Transpower	Maintenance, Upgrade And Replacement, Minor Upgrading, National Grid, National Grid Corridor, National Grid Yard, Network Utility, Network Utility Structure, Regionally Significant Infrastructure, Reverse Sensitivity, Sensitive Activities,
41	Ministry of Education	Community Activity, Education Facility,
42	Rayonier	Disturbance, Production Forestry,
47	Jon Burchett	Access (Septic Tank), Contractors Depots, Port Activities,
48	NZ Association of Radio Transmitters	Mast
49	Whakatane District Council	Ridgeline,
50	Z Energy	Contaminant, Earthworks, Hazardous Facility, Hazardous Substances, Industry, Rural Industry, Service Station,
53	Vodafone	Minor Upgrading, Regionally Significant Infrastructure, Replacement Of Network Utility Structure, Telecommunication Facility,
54	Chorus	Minor Upgrading, Regionally Significant Infrastructure, Replacement Of Network Utility Structure, Telecommunication Facility,
55	Spark	Minor Upgrading, Regionally Significant Infrastructure, Replacement Of Network Utility Structure, Telecommunication Facility,

Submitter Number	Submitter Name	Provisions Submitted On
57	Toi Te Ora Public Health	Adequate Water Supply, Licensed Premises, Potable Water,
60	Federated Farmers of New Zealand	Agriforestry, Biodiversity, Conservation Planting, Contaminant, Contractors Depots, Disturbance, Earthworks, Farming, Farming Deer, Farming Goats, Farming Manuka, Hazardous Facility, Hazardous Substances, Intensive Farming, Maintenance, Upgrade And Replacement, Minor Upgrading, National Grid, National Grid Corridor, National Grid Yard, Natural Character, Natural Features And Landscapes, Official Signs, Quarrying, Reverse Sensitivity, Ridgeline, Riparian Management Area, Rural Contractors, Rural Industry, Rural Production Industry, Sensitive Activities, Wetland

4.3 Further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on		Definition
		Number	Name	
3.153	Bay Of Plenty Regional Council	60.121	Federated Farmers	Conservation Planting
3.154	Bay Of Plenty Regional Council	42.10	Rayonier	Disturbance
3.10	Bay Of Plenty Regional Council	11.184	Hort NZ	Earthworks
3.155	Bay Of Plenty Regional Council	50.26	z energy	Earthworks
3.156	Bay Of Plenty Regional Council	60.103	Federated Farmers	Earthworks,
3.44	Bay Of Plenty Regional Council	60.70	Federated Farmers	Farming Deer
3.26	Bay Of Plenty Regional Council	60.42	Federated Farmers	Farming Goats
3.29	Bay Of Plenty Regional Council	60.68	Federated Farmers	Farming Goats
3.30	Bay Of Plenty Regional Council	60.148	Federated Farmers	Farming Goats
3.7	Bay Of Plenty Regional Council	60.118	Federated Farmers	Farming Manuka
3.158	Bay Of Plenty Regional Council	11.189	Hort NZ	Intensive Farming
3.44	Bay Of Plenty Regional Council	60.70	Federated Farmers	Farming Deer
3.28	Bay Of Plenty Regional Council	60.42	Federated Farmers	Farming Goats
3.29	Bay Of Plenty Regional Council	60.68	Federated Farmers	Farming Goats
3.7	Bay Of Plenty Regional Council	60.118	Federated Farmers	Farming Manuka
3.27	Bay Of Plenty Regional Council	10.29	Hancock	Production Forestry
3.22	Bay Of Plenty Regional Council	42.9	Rayonier	Production Forestry
3.52	Bay Of Plenty Regional Council	60.139	Federated Farmers	Quarrying
3.159	Bay Of Plenty Regional Council	11.206	Hort NZ	Wetland
3.160	Bay Of Plenty Regional Council	60.146	Federated Farmers	Wetland
4.22	Transpower NZ Ltd	60.132	Federated Farmers	Maintenance, Upgrade & Replacement
4.23	Transpower NZ Ltd	60.133	Federated Farmers	Minor Upgrading
4.24	Transpower NZ Ltd	60.134	Federated Farmers	National Grid

Further Submitter	Further Submitter Name	Submission Number and Name submitted on		Definition
4.25	Transpower NZ Ltd	11.194	Hort NZ	National Grid Corridor
4.26	Transpower NZ Ltd	60.136	Federated Farmers	National Grid Yard
11.53	Federated Farmers Of NZ	55.95	spark	Minor Upgrading
11.60	Federated Farmers Of NZ	39.100	Transpower	National Grid Corridor
11.51	Federated Farmers Of NZ	39.99	Transpower	National Grid Yard
11.62	Federated Farmers Of NZ	11.200	Hort NZ	Rural Character
13.3	Michael B Spearman	48.3	NZART	Mast
16.15	Hancock	42.10	Rayonier	Disturbance
16.15	Hancock	60.146	Federated Farmers	Wetland
17.22	Chris Petersen	60.130	Federated Farmers	Indigenous Estuarine Vegetation
17.22	Chris Petersen	60.130	Federated Farmers	Indigenous Estuarine Vegetation
18.79	Heritage NZ	10.31	Hancock	Site
19.111	Horticulture NZ	60.123	Federated Farmers	Contractors Depots
19.112	Horticulture NZ	60.103	Federated Farmers	Earthworks
19.113	Horticulture NZ	60.126	Federated Farmers	Earthworks
19.114	Horticulture NZ	60.132	Federated Farmers	Maintenance, Upgrade & Replacement
19.115	Horticulture NZ	39.99	Transpower	National Grid Yard
19.116	Horticulture NZ	60.138	Federated Farmers	Official Signs
19.117	Horticulture NZ	49.8	Whakatane DC	Ridgeline
19.118	Horticulture NZ	60.124	Federated Farmers	Rural Character
19.119	Horticulture NZ	39.103	Transpower	Sensitive Activities
19.120	Horticulture NZ	60.145	Federated Farmers	Sensitive Activities
24.4	Brian Heywood	48.3	NZART	Mast

4.4 The main recommendations in response to the definitions requested or consequential to issues raised in submissions are as follows:

1. General corrections to refer to current legislation, standards, and names and align with terms in the Plan eg Heritage NZ Pouhere Taonga.
2. Farming, horticulture and production forestry and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: audible bird scaring devices, crop support structure, rural character, rural contractor's depots, seasonal worker accommodation.
 - Amending the existing definitions for: earthworks, farming, intensive farming, land use capability assessment, rural industry, rural selling places, production forestry

3. Heritage resource and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: additions, alterations, and maintenance and repair of historic items, incentive lots to include cultural and historic features
4. Network utilities and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: mast, potable water, and pole
 - Amending the existing definitions for: clarification of minor upgrading as part of repair, minor upgrading and replacement, National Grid Subdivision Corridor, National Grid Yard and a diagram explaining the yard and subdivision corridor, regionally significant infrastructure, sensitive activities, and height
 - Deleting existing definitions for: replacement of network utility structures
5. Marine services and harbour industrial activities and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: aquaculture related equipment and materials
 - Amending the existing definitions for: port activities
6. Community activities and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: community corrections activity, emergency services,
 - Amending the existing definitions for: community activity, education facility, TMTA
7. Coastal environment and ONFLs and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: Coastal Environment, incentive lot
 - Amending the existing definitions for: ONFLs, disturbance of indigenous vegetation, protection lot
8. Residential and other activities and alignment of defined terms with intent of the policy and rule framework. This relates to:
 - Including new definitions in relation to: advance warning signs, building platform,

- Amending the existing definitions for: dwelling, industry, service station, sign, front site, visitor accommodation
- Deleting: practical building platform, temporary recreation

5. APPENDICES - SUBMISSIONS

5.1 SUBMISSION OVERVIEW

Six submitters lodged submissions in relation to the Appendices with no parties lodging further submissions. The broad issues raised in submissions are as follows:

- Corrections to legal descriptions and details of existing designations
- Updates to appendices for vehicle crossings and access
- Replacement of Appendix 3 Noise for TMTA

These requests are recommended for inclusion.

5.2 SUBMITTERS

The submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
12	NZ Transport Agency	Amend legal description SH2 & SH35 Delete limited access road Amend purpose of designation Appendix 4 updates
19	NZ Defence Force	Appendix 3 update
24	Ōpōtiki District Council	Correct name for Heritage NZ Pouhere Taonga Appendix 4 updates
39	Transpower NZ Ltd	Support designations,
41	Ministry of Education	Appendix 2 – modify designation names
57	Toi Te Ora Public Health	Appendix 3

5.3 No further submissions were received in relation to the above submissions.

6. PLANNING MAPS - SUBMISSIONS

6.1 SUBMISSION OVERVIEW

25 submitters lodged submissions on this chapter with a further 4 parties lodging further submissions. The broad issues raised in submissions are as follows:

- Clarification of the legend and correct titles
- Extension of Industrial, Mixed Activity, Town Centre zones
- Harbour Industrial Zone boundaries corrected/ zone deleted
- Amend Coastal Settlement Zone to remove productive rural land to Rural Zone
- Realignment of Ohiwa Harbour Zone to reflect Whakatane Plan approach
- Coastal Zone to include all land in coastal environment/ amend boundaries
- Show ecological districts on maps
- ONFLs – confirmation of boundaries, numbering on maps, refining boundaries to avoid production forestry and other rural production activities.
- Goat management areas to be increased/ removed/ renamed
- Correct state highways, remove National Grid Transmission Lines Buffer, show gas pipeline

6.2 SUBMITTERS

The submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
1	Chris Donkin	Map 5c Mixed Activity Zone
2	Ian Connor	Map 5b Flooding
4	Pauline Hoskins	Map 5c Mixed Activity Zone
6	Chris Petersen	Map 5b Harbour Industrial Zone
7	Department of Conservation	Maps – goat management
8	Eastern Bay of Plenty – Forest and Bird	Maps coastal / Ohiwa Harbour zones Map 1-3 Ecological district boundaries Legend Map 3 Natural form
9	Eastpack	Map 5e Industrial Zone
10	Hancock Forest Management	Maps: ONFL boundaries
11	Horticulture NZ	Map 5e Industrial Zone Map 8 Coastal Settlement Zone Maps Coastal environment, ONFLs
12	NZ Transport Agency	Map 7 State highways
17	Bay of Plenty Regional Council	Maps – goat management areas, ONFLs
21	Nardus Holdings Ltd	75/77 Church Road zoning supported
24	Ōpōtiki District Council	Maps – legend/ names, spelling, Marine Services boundary
28	Gordon Gault	Map 8, 9, 9a, 10 Coastal/ ONFL
34	Apanui Farms Ltd	Map 5e Industrial Zone
36	First Gas Ltd	Maps – gas pipeline
38	Brendan Hickey	Map 5c Town Centre Zone
39	Transpower NZ Ltd	Maps – legend, transmission line, buffer
44	Whangaparaoa 1B2B9 & others	Map 2 Rename goat management area
45	Geoff & Tina Pointon	Map 5c ASCH

Submitter Number	Submitter Name	Provisions submitted on
46	Bibiana & Brian Hill	Map 5c ASCH
49	Whakatane District Council	Map 3 ONFL clarification, Map 4 Ohiwa Harbour Zone boundaries Maps SIBs, ONFLs, numbering, legend/ terms
50	Z Energy Ltd	Map 5c Zoning of 83 Church St, 121 St John St, 79 Bridge St, Town Centre boundary/ ponding area, Legend – consistent use of terms (Airport)
56	Alex Dobie	Map 3a Harbour Industrial zoning
58	NZ Police	Map 8a Designation F2

6.3 Further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on	
		Number	Name
1.1	Z Energy Ltd	38.1	Brendan Hickey
3.15	Bay of Plenty Regional Council	8.66	Forest and Bird
3.20	Bay of Plenty Regional Council	11.112	Horticulture NZ
3.16	Bay of Plenty Regional Council	11.132	Horticulture NZ
3.2	Bay of Plenty Regional Council	11.155	Horticulture NZ
3.1	Bay of Plenty Regional Council	11.1	Horticulture NZ
19.124	Horticulture NZ	49.6	Whakatane District Council
19.125	Horticulture NZ	8.66	Forest and Bird
26.14	Ian Connor	11.209	Horticulture NZ

7. CONCLUSIONS

The changes recommended as a result of the analysis of submissions on Chapter 19 Definitions and Appendices in Appendix 1 are shown in the Tracked Changes Version of Chapter 19 Definitions and Appendices (Appendix 2).

The changes recommended as a result of the analysis of submissions on the Planning Maps are set out in Appendix 3. Amended planning maps are attached as a separate appendix, showing some of the key corrections sought.

Appendices

Appendix 1 - Chapter 19 and Appendices - Submissions Analysis

Appendix 2 – Chapter 19 and Appendices - Track Changes

Appendix 3 – Planning Maps - Submissions Analysis

Appendix 4 - Planning Maps (Amended)