

Chapter 9

Coastal Zone



9. COASTAL ZONE

9.1 RESOURCE MANAGEMENT ISSUES

1. The location of residential activities within the zone need to be managed to ensure that adverse effects on the **amenity values**, the quality of the environment, and the natural and physical resources of the District are managed.
2. The characteristics of residential properties need to be maintained so that the residential nature of the **site** and adjoining **sites** is maintained. These include managing effects such as the **height of buildings**, storage areas, parking, loading, signage, noise, and glare and separation distances.
3. There are many stakeholders involved in the management of the District's coast resource and this management needs to be undertaken in an integrated manner to ensure management by all parties reduce inconsistencies and reduce duplication.
4. Increasing numbers of visitors will lead to increased pressures on the natural and physical resources of the District, and the quality and integrity of the Ōpōtiki coastline.
5. The location of **hazardous substances** use, storage or disposal facilities within the zone have the potential to seriously adversely affect the coastal areas of the District in times of containment rupture, accidental spillage, or in times of natural hazard occurrence where the facility is located on an area susceptible to flooding or erosion.
6. Sporadic and inappropriate subdivision, use and development pressure can depreciate the **natural character** of the coast.
7. Within the coastal environment there are many historical, [cultural \(sub 18.69\)](#) and archaeological areas of importance that can be destroyed or modified from earthworks activities.
8. Coastal areas are of importance to tangata whenua for spiritual, historical, or cultural purposes and these need to be provided for.
9. **Sites** within the zone need to be of sufficient size, so that where on-site effluent treatment is required there will be no adverse effects on the **site**, adjoining **sites**, and particularly on the coastal **ecosystem**.
- [10. Signs](#) can affect the visual environment, and can accentuate roadside clutter. **Signs** can adversely affect safety and can obstruct clear visibility of traffic **signs**.
- [11. There is a lack of accommodation facilities to support seasonal workers, this could impact on the sectors efficiency and economic viability. \(Sub 11.106\).](#)
- [12. Activities can adversely affect the safety, sustainability and efficiency of the transport](#)

network (Sub 12.23).

13. Some land within the Coastal Zone is used, or able to be used for farming and horticulture activities and the zone provisions need to provide for such uses alongside recreational and residential uses of the zone and preservation of the natural character of the coastal environment. (Sub 11.89).

10. A biosecurity incursion could have devastating effects on the wellbeing of the district, particularly the horticultural industry, and there should be no regulatory barriers to the management of incursions, such as burial or removal of infected plants or animals. (Sub 11.13).

9.2 OBJECTIVES AND POLICIES

OBJECTIVE

9.2.1 ~~Retain and protect the distinctive~~ **Encourage voluntary actions to maintain, enhance or protect the (Sub 60.29) natural character of the Ōpōtiki coastal environment for the enjoyment of the community and visitors to the District.**

POLICIES

9.2.1.1 Require setback for structures and **buildings** from the coast where practicable (Sub 17.134) to ensure maintenance of the coastal **ecosystem** and the **natural character** of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.

9.2.1.2 Ensure that the subdivision, use and development of land within the District's coastal areas avoids ~~as far as practicable (Sub 8.70)~~ significant adverse effects on the coastal **ecosystem**, waterbodies, riparian areas, **indigenous vegetation**, indigenous **habitats**, **natural character** and on areas of historical or cultural value.

OBJECTIVE

9.2.2 The adverse effects of inappropriate (Sub 39.20) subdivision, use and development ~~within the coastal environment~~ on the natural character of the coastal environment are avoided, or are ~~confined to-~~ mitigated by enabling development in (Sub 51.5) areas better able to absorb the effects of the development than other areas of the coast.

POLICIES

COASTAL ZONE

- 9.2.2.1 ~~The location of R~~residential activities within the zone need to be managed and located to ensure that adverse effects on the **amenity values**, the quality of the environment, and the natural and physical resources of the District are ~~managed avoided, remedied or mitigated (Sub 70.30).~~
- 9.2.2.2 ~~The characteristics of residential properties need to be maintained so that the amenity value of the site and adjoining sites is maintained. These include managing effects such as the height of buildings, storage areas, parking, loading, signage, noise, glare, and separation distances. Manage the effects of residential activities through controls on building height, storage areas, parking, loading, signage, noise, glare, and separation distances to ensure the amenity value of the site and adjoining sites is maintained (Sub 51.2)~~
- 9.2.2.3 Require residential, commercial or industrial (Sub 7.28) building setback from **MHWS** as a means of avoiding, remedying, or mitigating the adverse effects of potential coastal hazard risks.
- 9.2.2.4 Ensure that any site for dwellings within the zone is of a sufficient size to avoid or mitigate any potential effects of the on-site disposal of effluent, and to ensure that there are no adverse effects on the coastal environment.
- 9.2.2.5 Manage subdivision, use and development within the Coastal Zone to ensure that it is planned and appropriate, and so that it preserves the **natural character** of the zone.
- 9.2.2.6 To manage the effects of the subdivision and use of land within the Coastal Zone to avoid as far as practicable adverse effects on the coastal environment recognising that due to functional, operational or technical requirements, the National Grid/Regionally Significant Infrastructure have a need to locate in the Coastal Zone (Sub 39.15)-
- 9.2.2.7 Encourage subdivision, use and development within the coastal environment to be cohesive and planned, where the effects of sprawling subdivision on the **natural character** of the coast will be avoided, remedied or mitigated.

OBJECTIVE

- 9.2.3 **To recognise and provide for tangata whenua relationships with the coastal environment.**

POLICIES

- 9.2.3.1 Where activities in the zone affect the relationship tangata whenua have with their cultural **sites** and traditions, activities are to avoid, ~~and where not practicable (Sub 18.73)~~, remedy or mitigate adverse effects.

COASTAL ZONE

- 9.2.3.2 To take into account hapū and Iwi resource environment management plans.
- 9.2.3.3 To recognise only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, **sites**, waahi tapu and other taonga.
- 9.2.3.4 The outcomes of consultation with tangata whenua will be taken into account when assessing resource consent applications affecting the coastal environment to show how the relationships of Maori and their culture and traditions with their ancestral taonga are recognised and provided for. (Sub 17.137 Consultation with the Iwi and hapū of the District should be undertaken to ensure that their interests in the coastal environment are considered when assessing resource consent applications.
- 9.2.3.5 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands. (Sub 17.68)
- 9.2.3.6 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land including Papakāinga and associated support facilities. (Sub 17.71)

OBJECTIVE

- 9.2.4 Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.

- 9.2.4.1 To avoid remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network (sub 12.27).

OBJECTIVE

- XXXX To enable rural production activities and maintain the rural character of the coastal zone.(Sub 11.91).

- Xxxxx To provide for the continued operation of rural operation of rural production activities, including associated buildings and structures, recognising that these activities are an integral part of the rural environment and contribute to the rural character of the Coastal Zone (Sub 11.92)

- Xxxxx To provide for the use of the rural land resource located in the Coastal Zone for rural production activities by ensuring that adjacent residential activities do not compromise the ability to use the land for rural production purposes through reverse sensitivity effects.

OBJECTIVE

To minimise the risk of biosecurity incursions in the district and enable response to any biosecurity incursions. (Sub 11.13)

POLICY

Enable disposal of infected material for biosecurity purposes and treatment of areas to manage incursions of unwanted organisms. (Sub 11.13)

OBJECTIVES AND POLICIES FOR THE COASTAL ENVIRONMENT

9.2.5 Recognise the special relationship tangata whenua have with their ancestral lands

9.2.5.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands.

9.2.5.2 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land, including Papakāinga and associated support facilities.

9.2.6 Recognise and provide for Infrastructure including electricity transmission in the Coastal Environment to enable the social, economic and cultural well-being of people and communities.

9.2.6.1 Enable the location of infrastructure recognising where there is a functional need.

9.2.6.2 Ensure that public access is provided for in appropriate locations.

9.2.6.3 Ensure the effects of infrastructure on the Coastal Environment are managed to minimise adverse effects on the Coastal Environment.

9.2.7 Preserve and restore the natural character of the Ōpōtiki Coastal Environment.

9.2.7.1 Ensure subdivision use and development avoids adverse effects on the natural character of the Coastal Environment.

9.2.7.2 Require setbacks for structures and buildings from MHWS to ensure maintenance of the natural character of the Coastal Environment.

9.2.7.3 Consolidation of existing coastal settlement areas to avoid inappropriate and sprawling subdivision, use and development to preserve the natural character of the coastal environment.

9.3 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.

9.3.1 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
- Network Utilities – ~~refer Chapter 17~~ are subject to the provisions in Chapter 17 and are not subject to the rules in this Chapter (Sub 39.31)
- Natural Hazards – refer Chapter 18

9.3.2 PERMITTED ACTIVITIES

9.3.2.1 Subject to compliance with the Zone Standards in **Section 9.6**, the following activities may be established in the Coastal Zone without Land Use Consent:

1. **Farming.**
2. Keeping or farming goats on sites located outside the goat management areas as shown on the planning maps.
3. **Buildings** at least 50m from **MHWS** and not within an identified coastal hazard area:
 - (a) One **dwelling** per **site**.
 - (b) Two **dwellings** on any **site** 1 hectare or more in area.
 - (c) Three **dwellings** on any **site** 4 hectares or more in area.
 - (d) **Buildings accessory** to any Permitted Activity.
 - (e) Additions to existing **dwellings**.
4. **Marae.**
5. Urupa and private cemeteries.
6. **Prospecting.**
- ~~7. **Visitor accommodation for** up to four persons per night, **within buildings provided for in this zone.** (Sub 47.9)~~
- ~~8.7.~~ Activities on reserves as provided for in the Reserves **Act** 1977 or an approved Reserve Management Plan.
- ~~9.8.~~ Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.

~~10.9.~~ **Temporary buildings** and activities required for a **building** or construction project of not more than 12 months duration.

10. Signs, as stated in 9.6.7.

11. Signs as required under legislation (Sub 60.39)

12. **Temporary military training activities** complying with the noise controls in Appendix 3.

13. Any activity that is not listed in this Chapter and which complies with the Zone Standards shall be deemed a Permitted Activity and does not require resource consent.

14. Removal of residential **dwelling**s that comply with the Building Act 2004 requirements and Council's engineering standards.

15. Relocation of **buildings**.

16. Resiting of **buildings** within a **site**.

17. Factory built dwellings.

18. Seasonal Worker Accommodation for up to 12 people at any one time (Sub 11.8)

19. Removal of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 and earthworks to bury such material. (Sub 11.13)

20. Production forestry outside the area identified on planning maps as the extent of the coastal environment (Sub 60.43, 42.4)

21. Artificial Crop Protection Structures (Sub 11.96 &97)

22. Within the Coastal Environment but outside an Outstanding Natural Feature or Landscape, earthworks up to 400m² and 200m³ in any 12 month period. (Sub 7.24 &17.82)

~~17.~~ Emergency services facilities, training and management activities (Sub 37.54)

23. Audible Noise scarers (Sub 11.97)

9.3.3 CONTROLLED ACTIVITIES

9.3.3.1 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 9.6**:

1. Community and outdoor recreation activities where any **buildings** and structures are less than 100m² in area.
2. **Rural selling places**.
3. **Home occupations**, provided that where the **site access** is to a state highway, the written consent of the NZ Transport Agency will be required, and will need to be submitted with any application.
4. **Activities** not listed as a Permitted Activity, provided that where the **site access** is to a state highway, the written comments of the NZ Transport Agency will be required, and will need to be submitted as part of any application.
5. Public conveniences.

6. Papakainga, where the maximum number of **sites** shall be 50, and where each **site** is to have an area of 1200m² exclusive of **access**.

Provided that:

Sites may be smaller 1200m² where:

- (a) On-site investigations are undertaken by a ~~Registered Engineer~~Suitability qualified and experienced person (Sub 13.7) to show that the **site** complies with the On-site Effluent Treatment Regional Plan.
- (b) The investigations undertaken by a registered engineer conclude that a reduction in **lot** size will not have any adverse effects on the environment.
- (c) Where the minimum residential **site area** shall be 400m².

7. **Signs**, as stated in 9.6.7.

8. **Emergency service facilities (Sub 37.55)**

7.9. **Temporary Military Training Activities not complying with Appendix 3 (Sub 19.38)**

9.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

9.3.4.1 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. Relocated **buildings** that do not comply with Rule 9.6.15 (Relocation of **buildings**).

2. **Seasonal Worker Accommodation for 13 or more people per night (Sub 11.97).**

1.3. **Earthworks within the Coastal Environment but outside and Outstanding Natural Feature or Landscape greater than 400m² and 200m³ (Sub 17.84 & 8.87)**

9.3.5 DISCRETIONARY ACTIVITIES

9.3.5.1 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. Goat **farming** in the Goat Management Areas identified on Planning Maps.
2. Activities listed as Permitted or Controlled Activities, which do not meet one or more of the Zone Standards unless otherwise stated.
3. Additional **dwelling**s exceeding those stipulated as Permitted or Controlled Activities.
4. **Visitor accommodation** for more than four visitors per night.
5. Community and recreation activities involving **buildings** over 100m² in area.
6. **Education facilities.**
7. **Commercial Activities.**
8. Contractors depots.
9. Wharves, jetties, slipways, and other landing facilities.
10. Public cemeteries.

11. **Places of assembly** excluding **Mārae**
12. Refuse recycling facilities and transfer stations.
13. Rural **industry**.
14. Intensive **farming**.
15. **Production forestry** except the replanting within one calendar year of harvesting a forest existing at the time of notification of the District Plan.
16. **Mining, quarrying, and exploration** activities.
17. Activities and **buildings accessory** to a Discretionary Activity.
18. **Temporary activities** where the **access** is to a state highway and the written consent of the NZ Transport Agency has not been obtained.
19. **Signs**, as stated in 9.6.7.
20. Any **building** provided for as a Permitted Activity within 50m of **MHWS**. **Buildings** and activities **accessory** to Controlled Activities where they are located within 50m of **MHWS**.
Except for public toilets and emergency service facilities (7.24)
21. Retail activities.
22. **Exploration**.

9.3.6 NON-COMPLYING ACTIVITIES

- 9.3.6.1 Any activity not specifically stated as a Permitted Activity, Controlled Activity, or Discretionary Activity, and does not comply with zone standards (Sub 39.16) ~~and~~ unless otherwise stated, shall be a Non-complying Activity and is allowed only if resource consent is obtained.

9.4 ~~ASSESSMENT CRITERIA FOR RESERVED MATTERS OF CONTROL~~ (Sub 17.9)

- 9.4.1 The **Council** has reserved control over the following matters:

9.4.1.1 Design and appearance

1. The design and appearance of any **buildings** or structures associated with the activity and how it relates to the **amenity values** of the surrounding areas, with emphasis on mechanisms used to mitigate any adverse effects of the **buildings** and structures. This may include the use of screening or materials that would lessen any reflectivity or glare from the **buildings**.
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 effects on coastal **amenity values**, and the **amenity values** on neighbouring properties.

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, and how the **landscaping** will maintain the character of the coastal environment.

5. The location and appearance of signage associated with the activity.

5-6. The functional need for the building or structure for farming activities outside the coastal environment (Sub 11.98)

9.4.1.2 Effects on adjoining properties

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

9.4.1.3 Effects on the natural character, natural values, and amenity values of the coastal environment

1. The extent to which the activity may modify or degrade the **natural character**, and **amenity values** of the coastal landscapes and **ecosystems**.
2. The effects of the activity on public **access** to the coast, and the opportunities available from the activity for improving public **access** to and along the coast.
3. The effect of the design and layout of the activity in relation to coastal land, **buildings**, features and **waterbodies** which have historical, archaeological, and cultural significance to the people of the District, including those which have special value to Māori. Māori values will be determined in accordance with local Iwi or Hapu.

9.4.1.4 Effects of earthworks on the coastal environment

1. The effects of any earthworks and land disturbance on the surrounding environment, including waahi tapu, sites of cultural significance or landscape value any alteration to the contours of the **site**, from stormwater (Sub 17.86) siltation and sedimentation effects, and any effects on the stability of the coastal dune system.

9.4.1.5 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 and unloading activities associated with the activity.
4. The ability of the **site** to provide for on-site parking associated with the activity.

9.4.1.6 Historical, cultural and archaeological *and cultural* resources

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 and cultural resources ~~on resources~~ (Sub 17.25) of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining **sites**.

9.4.1.7 Effects on water bodies, indigenous vegetation and habitats

1. The effects of activities on **waterbodies** in or adjoining, the **site** of the activity.
2. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity on the coast and on **waterbodies** in, or adjacent to, the **site**.
3. The potential effects of the activity on coastal areas of **indigenous vegetation** and **habitats** of indigenous fauna.

9.4.1.8 Natural hazards

1. The susceptibility of the **site** to natural coastal hazards and the measures implemented to mitigate the effects of natural hazards. Including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the **site**, and the activities undertaken on the **site**.
2. The extent to which the activity may accentuate the potential adverse effects of natural hazards.

9.4.1.9 Hazardous substances

- ~~1. The degree of risk of spillage and the potential adverse effects of spillage both on and off the **site** including the effects posed to the coastal environment.~~
- ~~2. The type and volume of the **hazardous substances** to be used or stored on the **site**.~~
- ~~3. The spill containment system proposed for the activity.~~
- ~~4. The proposed drainage system for the activity **site**.~~
- ~~5. The degree of risk of spillage and the potential adverse effects of spillage both on and off the **site**.~~
- ~~6. The potential effects on the coastal environment from any point or non-point contamination originating from the activity.~~
- ~~7. The potential effects of the activity and the affect that this may have on the quality of coastal, inland and ground water resources. (Sub 60.44)~~

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

9.5 ~~ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES~~ (Sub 17.9)

9.5.1 The Council shall restrict its discretion to the following matters:

9.5.1.1 Relocated buildings that do not comply with Rule 9.6.15 (Relocation of buildings)

1. Proposed **landscaping**, including opportunities to screen the **building** during reinstatement.
2. Visibility from the **road**, public places and other residential areas.
3. Maintenance of the **site** and surrounds during reinstatement.
4. The extent to which the activity avoids significant adverse effects on the **natural character** of the coastal environment.

9.5.1.2 Earthworks within the Coastal Environment but outside and Outstanding Natural Feature or Landscape greater than 400m2 and 200m3

1. Natural Character
2. The extent to which the activity changes the coastal land form
3. The extent to which the activity has an impact on the visual character of the coastal environment. (Sub 8.87)

9.5.1.3 Historical, cultural and archaeological and cultural resources

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 and cultural resources (Sub 17.25)of importance to Māori.
4. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining **sites**. (Sub 18.25)

9.5.1.4 The extent to which the activity avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects, on the natural character of the coastal environment. (Sub 7.35)

9.6 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.

These standards shall not apply to Temporary Military Training Activities (Sub 19.22).

9.6.1 SITE REQUIREMENTS

9.6.1.1 **Site coverage**

1. Residential activity sites

A maximum of 40% of the **site** may be covered with **buildings**.

2. Non-residential activity sites

No limit, subject to compliance with other Zone Standards.

9.6.1.2 **Height**

The maximum **height** for structures within the zone is 9m. For areas inside the coastal environment line the maximum height for structures within the zone is 8m. (Sub 17.138, 8.30)

This standard does not apply to hose drying towers up to 15m associated with emergency service facilities (Sub 37.56).

9.6.1.3 **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.

9.6.2 **YARDS**

9.6.2.1 **Separation from adjoining properties**

All **buildings** shall be set back at least 5m from side and rear boundaries.

Provided that:

1. A **dwelling** or **building accessory** to a **dwelling** may be located within side yards where the written consent of the adjoining property owner/occupier is obtained.
2. **Buildings** used for the housing or keeping of animals on a permanent basis shall be located at least 30m from any boundary other than a **road** boundary, except where the written consent of the adjoining property owner/occupier is obtained.

9.6.2.2 **Building setback from roads**

All **buildings** shall be set back at least 9m from the **road** boundary excluding crop protection structures and on-farm yards(Sub 60.45) (Sub 11.102)-

9.6.2.3 **Building setback from coast and waterbodies**

No **building** shall be located closer than 25m from **MHWS** or any stream with an average width of at least 3m. **Buildings** located between 25m-50m from **MHWS** may require **site landscaping** to mitigate the visual effects from the seaward side.

9.6.3 LANDSCAPING

9.6.3.1 Screening from storage areas

~~Areas used for storage shall be screened from any public place and from any adjoining Residential Activity site so as to mitigate the adverse effects of the storage area on residential amenity values~~
Areas used for storage by rural industries and rural services shall be to be screened from any public place and from adjoining residential activity site that existed prior to the establishment of the rural industry or rural service.(Sub 11.103)-

9.6.4 NOISE AND GLARE

9.6.4.1 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 notional (Sub 11.104) boundary of any Coastal Zone **site**:

Noise Limits dB			
Receiving Zone	Daytime	Night time	
	7am to 10pm, Monday to Sunday including public holidays	At all other times	
Coastal Zone	50LAeq	40LAeq 70LAm_{ax}	Measured at the notional boundary.

These standards do not apply to sirens used by emergency services (Sub 37.57)

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Assessment of Environmental Noise.

Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Construction Noise.

Subject to best practicable option being adopted the following activities are exempt from 9.6.4.1: Activities required for rural production activities, including agricultural and horticultural vehicles and equipment; aircraft used for agricultural and horticultural purposes; and portable equipment (excluding portable sawmills and frost protection fans and audible bird scaring devices) associated with agricultural and horticultural activities such as: spraying, harvesting, livestock. (Sub 11.104)

9.6.4.2 **Lighting and glare**

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

9.6.4.3 **Habitable buildings within 300m of Harbour Industrial Zone**

Any habitable **buildings** in a new **dwelling** in the ~~Rural-Coastal (Sub 24.66)~~ Zone within 300m of the Harbour Industrial Zone shall be designed, constructed and maintained to meet an internal **noise level** of:

- (a) 35 **dB LAeq** (1 hour) inside bedrooms with ventilating windows open.
- (b) 40 **dB LAeq** (1 hour) inside other habitable rooms with ventilating windows open.

Compliance with this Rule shall be confirmed by an acoustic design certificate from a suitably qualified acoustic engineer being provided to the **Council**, prior to the construction of any **noise sensitive activity**, demonstrating that the above internal sound levels will be achieved. The **building** will be designed, constructed and maintained in accordance with the design certificate.

Where the internal **noise level** cannot be met with ventilating windows open, a ventilation system shall be installed for the habitable room(s).

For the purpose of this Rule: Ventilation System means a system complying with the NZS 4303:1990 for mechanical ventilation (refer Clause G4). This Rule will ensure a minimum level of mechanical ventilation with ventilating windows closed.

9.6.5 **PARKING AND ACCESS**

9.6.5.1 **Parking and loading**

On-site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended, or where the use is changed, as follows:

1. On-site carparking shall be provided as follows:

Residential dwellings	1 space per dwelling in addition to parking provided in a garage or carport
Places of assembly	1 space per 5 persons accommodated
Visitor accommodation	1 to 4 people 1 space per unit
	Over 4 people 1 space per unit plus 2 for staff

Educational facilities	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
Rural industries	1 space per 50m ² total floor area
Rural selling places	1 space per 20m ² total floor area
Contractors' depots	1 space per 50m ² total floor area
Home occupations	1 space per 20m ² of the site used for the activity
Outdoor community recreation	1 space per 20m ² of the net site area
Periodic detention	One space for every 2 full time equivalent employees and one space for every 10 detainees.
<u>Emergency Services Facilities</u>	<u>5 Spaces for every emergency vehicle bay</u>
Probation centres	One space for every 2 full time equivalent employees and one space for every 10 detainees

2. The dimensions and design standards are set out in **Appendix 1**.
3. Provision shall be made for the loading and unloading of service vehicles on-site, in such a way that no footpath, **road**, or **access** to adjoining properties is blocked.

9.6.5.2 **Vehicle access**

All **sites** fronting a state highway require approval from NZ Transport Agency.

9.6.6 **VEHICLE ENTRANCE DESIGNS**

9.6.6.1 Residential, rural (12.29) and commercial vehicle entrance designs shall comply with **Appendix 4**.

9.6.7 **SIGNS**

1. Approval for **signs** visible from any state highway must be gained from the NZ Transport Agency.
2. **Signs** meeting the following standards shall be Permitted Activities in this zone. A **sign** with a maximum area of 0.5m² indicating a **home occupation** or **visitor accommodation**, including name, type of **home occupation** or profession, and hours of attendance:
 - (a) **Temporary signs** with an area of less than 1.8m², where the written consent of the landowner has been obtained.
 - (b) **Official signs**, or **signs** denoting the name of the street, number of the premises or the

location or timetable or other details of any public utility or facility.

- (c) Double-sided free standing **sign** for each frontage to the **site**.
- (d) Attached to **buildings** on the **site**, which do not exceed the profile of the **building** where they meet the requirements of this Plan.

3. **Signs** meeting the following standards are Controlled Activities in the zone, A **sign** not exceeding 1.1m² 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 **Facilities (Sub 41.21)**~~institutions~~.
- (d) Hospitals and community **buildings**.
- (e) Travellers' accommodation:
 - i. **Signs** not exceeding 1.1m² erected in connection with tourist or special information, or denoting places or points of special interest.
 - ii. **Signs** with an aggregate area of 5m² providing information in relation to a Permitted Activity or for which resource consent has been granted.

4. Signs visible from the State Highway

The sign should not:

- a. have reflective material or illumination that flashes and moves;
- b. Obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;
- c. Physically obstruct or impede traffic or pedestrians;
- d. Resemble or be likely to be confused with any official traffic signs or signals;
and
- e. Use support structures which are not frangible. (Sub 12.11).

9.6.8 HAZARDOUS SUBSTANCES

9.6.8.1 Spillage containment

The **site** of any activity which uses or produces potentially contaminating **hazardous substances**, or where there is an accidental spillage of a **hazardous substance**, shall be designed so that stormwater run-off shall be contained and disposed of in accordance with Bay of Plenty Regional **Council's** standards.

9.6.9 FLOOR LEVELS

9.6.9.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** 1% AEP (Annual Exceedance Probability) event within the coastal environment or a 2% AEP (Annual Exceedance

Probability) event for areas outside the coastal environment and a low level of risk achieved.

Ōpōtiki District Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level. in a 2% AEP (Annual Exceedance Probability) (Sub 17.35).event.

9.6.10 ON-SITE EFFLUENT DISPOSAL

9.6.10.1 Provision shall be made on-site for adequate vehicle **access** to septic tanks for maintenance purposes:

Provided that:

In relation to intensive **farming** waste disposal and effluent disposal activity shall be located at least:

1. 500m from a Residential, Mixed Activity or Industrial Zone boundary.
2. 100m from an existing Residential Activity on a **site** in separate ownership.
3. 45m from a front boundary and from a Residential Activity on the same **site**.
4. 15m from any other **site** boundary.
5. 50m from any **waterbody**.

NOTE:

Resource Consent may be required from the Bay of Plenty Regional Council

9.6.11 WATER SUPPLY

9.6.11.1 A potable water supply shall be provided to each **lot** within the zone.

9.6.12 COASTAL HAZARD ASSESSMENT

9.6.12.1 Coastal hazard assessment

It should be noted that compliance with the standards in this Plan does not override **Council's** obligations under the Building **Act** 2004 when considering applications for **building** consents in areas with an identified coastal hazard risk. A coastal hazard assessment may be required in those circumstances.

9.6.13 SETBACK FOR PLANTATION FORESTRY

9.6.13.1 The planting of any plantation forestry should not be located closer than 15m to the boundary of any public roadway.

9.6.14 RELOCATION OF BUILDINGS

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

1. Any relocated **building** must have been previously designed, built and used as a **dwelling**.
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**.
3. The **building** shall be locate 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 **buildings** shall be completed within nine months of the **building** being delivered to the **site**. Without limiting above reinstatement work is to include connections to all infrastructure services and closing in and ventilation of foundations.
5. The proposed owner of the relocated **dwelling** must certify that the reinstatement work will be completed within the nine month period.

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

9.6.15 ARTIFICIAL CROP PROTECTION STRUCTURES

1. In the Coastal Environment, artificial crop protection structures shall meet the following requirements:
 - (a) On slopes less than 15°, green or black cloth shall be used on vertical faces.
 - (b) Yard, daylight and site coverage requirements shall not apply on boundaries other than a road boundary where the written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.
 - (c) Artificial crop protection structures that do not comply with these standards shall be considered as a Restricted Discretionary Activity.
2. On sites not within the Coastal Environment, artificial crop protection structures shall meet the following standards:
 - (a) Green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
 - (b) Green, black or white cloth shall be used on horizontal surfaces.
 - (c) Yard, daylight and site coverage requirements shall not apply on boundaries other than a road boundary where the written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.
 - (d) Within 30m of a property boundary, including a road boundary, a different colour may be used where written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.
 - (e) An artificial crop protection structure within 30m of a road boundary where the cloth is not green or black and where the written approval is not obtained shall be assessed as a Discretionary Activity. (Sub 11.96, 7.24, 11.101).

9.6.16 SEASONAL WORKER ACCOMMODATION

Seasonal worker accommodation facilities in the Coastal Zone is a permitted activity provided the following standards are complied with:

- a) The relevant Zone standards for yards, height, daylight protection and parking are complied with.
- b) Access – No additional formed accesses are to be created to any State Highway
- c) Used solely for part of the year to meet labour requirements in the horticulture sector
- d) Comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities
- e) Accommodate up to 12 workers

f) Provide 1 parking space per 6 workers to be accommodated

g) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008. (Sub 11.108)

9.7 OTHER METHODS

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

1. Continued support for established and future community Coast Care or Dune Care programmes, including continued liaison with Bay of Plenty Regional Council in respect of these programmes.
2. ~~Using-Use~~ Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential **developers** and applicants.
3. **Council** to undertake as part of overall state of the environment monitoring programme, an assessment of the Coastal Zones of the District to ensure that information held on these areas is kept current.
4. Support Bay of Plenty Regional Council in managing reclamation, **wetland** drainage, saltmarsh grazing, vegetation clearance, effluent discharges, rubbish dumping, earthworks and track formation, while allowing for existing uses in specific cases.
5. With the assistance of landowners and the Department of Conservation, negotiate with landowners to discourage grazing on saltmarsh or **wetland** vegetation and to use protective provisions as is necessary.
6. Where private land is located adjoining the coast and a need for public **access** is identified then **Council** will negotiate to provide public **access** across the land.
7. The identification of areas for reserves through **Council's** Strategic Planning Process, and the purchase and development of reserve land through **Council's** Annual Plan process.
8. That **Council**, in association with other agencies and landowners, will explore other means of improving public **access** to the coastal environment where this is appropriate and necessary.

9.8 EXPECTED ENVIRONMENTAL OUTCOMES

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

- A. A high quality coastal environment that is not adversely affected by land use activities.
- B. Subdivision use and development within the Coastal Zone that preserves the **natural character** of the coastal environment.
- C. An increase in the protection afforded to **sites** of ecological importance within the zone.

9.10 APPENDIX – (SUB 8.77)

8.9.1 DEER FENCING STANDARDS

1. Minimum fence **height** above ground

2m.

2. Line wires

All line wires fastened to inside of posts with the exception of angle posts.

3. Wire spacings

Minimum of 8 wires up to 1.2m high, maximum of 150mm apart.

Minimum of 5 wires above 1.2m high, maximum of 250mm apart.

4. **Height** above ground to first wire

No greater than 75mm.

5. Batten and stay wire spacings

(a) Netting

Maximum 300mm up to 1.2m high. Above 1.2m maximum 800mm. No hinge joint netting with stay wire spacings greater than 200mm to be used for up to 1.2m in fence **height.**

(b) Battens

Maximum 600mm apart (fallow);

Maximum 800mm apart (other deer species).

6. Wire gauge

2.5mm galvanised high tensile or wire equal to or of greater tensile strength.

7. Post spacings

Maximum 5m.

8. Post sizes

(a) Rounds – minimum 100mm small end diameter

(b) Half rounds – 175mm minimum face width

(c) Quarter rounds – 100mm smallest face width; or

(d) A post length of 2.7m or the operative New Zealand Deer Farmers Industry Standard, whichever is the more stringent.

9. Strainer posts

- (a) Rounds - Minimum of 175mm small end diameter; or
- (b) Minimum post length of 3.0m.

10. Strainer distances

Maximum of 400m.

11. Stays

Minimum of 120mm small end diameter and minimum length of 2.7m. Tie backs and internal angle stays are acceptable.

12. Footings

Responsibility of person erecting the fence to use suitable footings according to soil types and other soil conditions.

13. Top-up fences

Base fence must be in a sound condition, contain minimum of 8 line wires up to 1.2m with maximum wire spacings no greater than listed above. Every second post in the base of the fence will be a deer fence post. All strainer posts will be subject to the requirements above.

14. Gates

- (a) **Timber** - minimum **height** of 1.9m. Rails minimum 100mm x 25mm. Three uprights (one centred) and two diagonal stays on each side of gate. Minimum of M10 bolts to be used. Rail spacings to 0.2m high maximum 100mm apart. Above 1.2 maximum 150mm apart.
- (b) **Steel** – minimum **height** over frame of 1.9m, minimum wall thickness of 3mm. Internal diameter 25mm. Gate covered with chain link of maximum aperture of 75mm and minimum wire gauge of 3.15mm. Mesh should be laced with minimum 2mm gauged wire. Hardfill under all external gates.

15. Gate hinges

Hinges and gudgeons to be a minimum of 20mm diameter. One hinge reversed or otherwise constructed to prevent the gate from being lifted off.

16. Gate Locks

Must comprise a sturdy chain and padlock.

17. Hanging Gates

Hung gates must butt against the full inside surface of the latching post and open inwards.

18. Flood Gates

Fences across streams and waterways shall require a floodgate that does not allow deer to pass through. Flood gates across culverted water courses shall be on the downstream side of the culvert.

19. Staples

(a) Post – minimum of 50mm in length and minimum gauge of 4.0mm.

(b) Batten

. Softwood - minimum of 30mm in length and minimum gauge of 3.15mm.

. Hardwood – minimum of 27mm x 2.8mm.

(c) Steel fasteners for concrete posts can be used.

20. Netting

No hinge joint netting with spacings greater than 200mm. Stay wire spacings shall be used below 1.2m in height above ground level.

8.9.2 GOAT FARMING BOUNDARY FENCE STANDARDS

1. Bulldozed line or benching or some other method, if required, to ensure that the bottom wire is no more than 70mm above ground level.

2. Nine wire post and batten fence, to be kept tight at all times, with no internal or external stays.

(a) Minimum high tensile 2.5mm diameter galvanized steel

(b) Bottom wire should be placed at 70 mm above ground level and, above that, wires placed at the following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm

(c) The top wire should be approximately 50 mm below the top of the post.

3. Bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.

4. Posts to be at the following intervals:

(a) less than 30 degrees ground slope: 5m

(b) 30 degrees to less than 45 degrees: 4m

(c) 45 degrees or more: 3m

5. Battens to be at 1m intervals
6. All fences regularly checked and maintained to the above standards
7. Fences across streams and waterways shall require a floodgate that does not allow goats to pass through. Floodgates shall ~~to~~ (Sub 24.64) be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction.
8. Fences along watercourses shall be constructed alongside the **waterbody** with an appropriate setback to avoid possible slumping which may cause a breach of the fencing standard.