

**Proposed Opotiki District Plan  
Summary of Decisions Requested**

Submitter No.	Submission Point	Submitter Name	Provision No.	Topic	Support / Amend / Oppose	Decision Requested (Relief Sought)
7	7.1	Department of Conservation Chris Staite	5	General	Amend	Include policy direction that gives effect to the NZCPS in a consistent manner to the coastal environment of the Opotiki District.
23	23.1	Julie Lux	5	General Standards	Amend	1. Ensure that Iwi are advised of any historical finds of artefacts, taonga etc before work is started. 2. If any archaeology assessment that the Iwi Kaumatua be involved in the process. 3. That work be stopped until assessment is completed to the satisfaction of the Iwi.
32	32.6	Ngai Tama Tim Selwyn	5	General	Oppose	Oppose chapter in its entirety
38	38.3	Brendan Hickey	5	General Status	Support	Support for apartments on north side of Kelly & Wharf Road
57	57.32	Toi Te Ora - Public Health Service Sally Webb	5	General	Support / Amend	To protect the population and environment from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a nuisance to health to neighbouring residents. By ensuring design limits insect breeding habitat such as shallow water, areas of low or no current, vegetation submerged or at the water edge.
59	59.1	Jim Robinson	5	General	Support	Support - integration of cycle/walkway across the front with an interesting flow. Would like to see clearly defined cycle/walkway right around the whole marina with lots of side options to wander or stop.
57	57.33	Toi Te Ora - Public Health Service Sally Webb	5.1	Issues	Support / Amend	To protect the population and environment from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a nuisance to health to neighbouring residents. By ensuring design limits insect breeding habitat such as shallow water, areas of low or no current, vegetation submerged or at the water edge.
17	17.109	Bay of Plenty Regional Council Fiona McTavish	5.1.2	Issues	Support / Amend	Amend 5.1.2 to read:  <i>The integrity of the stopbank needs to be maintained to provide ongoing flood protection and this may include upgrades if necessary.</i>
15	15.2	Whakatohea Mussels Opotiki Limited John Wilson	5.1.3	Issues	Amend	<b>Commercial activities and commercial services</b> should be encouraged to add to the viability of existing activities in and near the town centre.
47	47.1	Jon Burchett	5.2	Objective	Support	Support
15	15.3	Whakatohea Mussels Opotiki Limited John Wilson	5.2.1	Objective	Support	
57	57.28	Toi Te Ora - Public Health Service Sally Webb	5.2.1	Objective	Support	
57	57.29	Toi Te Ora - Public Health Service Sally Webb	5.2.1.2	Policies	Support	Retain policy 5.2.1.2, 5.2.1.3, and 5.2.1.4
47	47.2	Jon Burchett	5.2.1.3	Policies	Support	Support
57	57.30	Toi Te Ora - Public Health Service Sally Webb	5.2.1.3	Policies	Support	Retain policy 5.2.1.2, 5.2.1.3, and 5.2.1.4

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47	47.3	Jon Burchett	5.2.1.4	Policies	Support	Support
57	57.31	Toi Te Ora - Public Health Service Sally Webb	5.2.1.4	Policies	Support	Retain policy 5.2.1.2, 5.2.1.3, and 5.2.1.4
8	8.16	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.2.1.6	Policies	Amend	<p>Split ecological values into a separate policy as follows:</p> <p><i>5.2.1.6 Control the location and design of commercial/retail activities within the zone to ensure that the qualities and characteristics of the zone are maintained and that adverse amenity effects are avoided or mitigated and ecological values are enhanced where practicable .</i></p> <p><i>5.2.1.6a Avoid, remedy or mitigate adverse effects on ecological values. Any residual adverse effects are to be offset to result in no net loss and preferably a net indigenous biodiversity gain consistent with the Business and Biodiversity Offsets Programme (BBOP) principles for offsetting.</i></p> <p><u>Advice Note</u> <u>Principles for Offsetting are set out in Schedule 13 of the Regional Coastal Environment Plan.</u></p>
17	17.110	Bay of Plenty Regional Council Fiona McTavish	5.2.1.8	Policies	Support	Retain Policy 5.2.1.8 as notified.
8	8.17	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.2.1.9	Policies	Amend	Change 'the' marina to 'a' marina.
15	15.4	Whakatohea Mussels Opotiki Limited John Wilson	5.2.1.9	Policies	Amend	Provide for <b>commercial activities and commercial services</b> within the zone. <del>to enable the marina to function.</del>
18	18.53	Heritage NZ Carolyn McAlley	5.2.1.10	Policies	Support in part	That Policies 5.2.1.10 and 5.2.1.12 and 5.2.1.13 are retained and that Policy 5.2.1.10 is amended as follows: <i>5.2.1.10 Recognise, and <del>where, practicable enhance</del> <u>conserve</u> cultural values.</i>
47	47.4	Jon Burchett	5.2.1.11	Policies	Support	Support
18	18.54	Heritage NZ Carolyn McAlley	5.2.1.12	Policies	Support in part	That Policies 5.2.1.10 and 5.2.1.12 and 5.2.1.13 are retained and that Policy 5.2.1.10 is amended as follows: <i>5.2.1.10 Recognise, and <del>where, practicable enhance</del> <u>conserve</u> cultural values.</i>
18	18.55	Heritage NZ Carolyn McAlley	5.2.1.13	Policies	Support in part	That Policies 5.2.1.10 and 5.2.1.12 and 5.2.1.13 are retained and that Policy 5.2.1.10 is amended as follows: <i>5.2.1.10 Recognise, and <del>where, practicable enhance</del> <u>conserve</u> cultural values.</i>
17	17.111	Bay of Plenty Regional Council Fiona McTavish	5.2.3	Objective	Amend	<p>Amend Objective 5.2.3 to read:</p> <p><i>Activities in the Marine Services Zone maintain or enhance the amenity values <u>and public access to and along the coastal marine area</u> .</i></p>

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17	17.112	Bay of Plenty Regional Council Fiona McTavish	5.2.3.2	Policies	Amend	Amend Policy 5.2.3.2 to add the words " <i>and maintains or enhances public access to and along the coastal marine area</i> " at the end of the policy.
15	15.5	Whakatohea Mussels Opotiki Limited John Wilson	5.2.3.3	Policies	Amend	Ensure that <i>where necessary</i> any development provides for <b>landscaping</b> to maintain or enhance the visual amenity of the zone and adjacent areas.
18	18.6	Heritage NZ Carolyn McAlley	5.3	Status	Oppose	That the ODC PDP is amended to include the following advice note: <i>"It should be noted that all pre 1900 sites, recorded or unrecorded are protected under the Heritage New Zealand Pouhere Taonga Act and Heritage New Zealand should be consulted prior to proposed works to identify the need for an archaeological authority"</i> in all chapters of the ODC PDP under the heading Activity Status, except in the Heritage Chapter, which already contains a similar note.
47	47.5	Jon Burchett	5.3	Status	Support	Generally support
15	15.7	Whakatohea Mussels Opotiki Limited John Wilson	5.3.1	Status	Support / Amend	Add further permitted activities 21. Vessel maintenance 22. Vessel refuelling 23. Storage of aquaculture related equipment and materials
39	39.27	Transpower NZ Ltd Pauline Whitney	5.3.1	Status	Support in part	(i) Amend the clause as follows: <i>Network utilities are subject to the provisions in Chapter 17 and are not subject to the Zone Standards Rules in this Chapter.</i> (ii) Insert the above clause in other zone chapters as appropriate.
17	17.114	Bay of Plenty Regional Council Fiona McTavish	5.3.1.3	Status	Oppose / Amend	Amend Rule 5.3.1.3 to change the activity status of 'Development and construction of a marina' to a discretionary activity.
15	15.6	Whakatohea Mussels Opotiki Limited John Wilson	5.3.1.19	Status	Amend	Loading and unloading cargo <i>and associated cargo handling activities</i> .
37	37.33	NZ Fire Commission Stephanie Dean	5.3.2.1	Status	Oppose	Amend Rule 5.3.2.1 to include the following as a permitted activity: <i>"x. Emergency services training and management activities."</i>
19	19.9	NZ Defence Force Rebecca Davies	5.3.2.1.7	Status	Support in Part	Retain permitted activity rule for TMTA, and include a statement to clarify that the other zone standards do not apply to TMTA (note: this appears to be the intent of the provisions but is not entirely clear in the rule framework). We suggest amending the introduction to the zone standards in each chapter (section 8.6 in the Rural Zone for example) to state – <i>"For clarity, the zone standards shall not apply to temporary military training activities."</i>
57	57.57	Toi Te Ora - Public Health Service Sally Webb	5.3.2.1.7	Status	Support	Allow the provision for temporary military training as a permitted activity complying with noise controls in Appendix 3.
8	8.18	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.3.2.3	Status	Amend	Buildings accessory to Permitted Items 9-20 to be Controlled Activities.

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7	7.10	Department of Conservation Chris Staite	5.3.3	Status	Oppose	Make the development and construction of a marina at least restricted discretionary activity status, with sufficient comprehensive matters of discretion to address the concerns noted.
24	24.9	Opotiki District Council Aileen Lawrie	5.3.3	Status	Amend	Refer to compliance with Appendix 3 - Provide for temporary military training activities as a controlled activity in chapters 4, 5, 6, 8, 9, 10. Add matters of control where required.
8	8.20	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.3.3.1.3	Status	Amend	Change a marina development to be a Discretionary Activity with a corresponding inclusion of the relevant matters of control as assessment criteria.
8	8.22	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.3.4.1	Criteria CA	Amend	Amend rule 5.3.4.1 so that any failure to meet the zone standards results in a Restricted Discretionary status. Some further criteria may be required.
24	24.25	Opotiki District Council Aileen Lawrie	5.3.4.1	Status	Amend	Include Restricted Discretionary criteria for buildings not complying with 2.6.2.2 and include in activity list in 2.3.4.1. Correct similar provisions in other chapters
8	8.23	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.3.5.1.3	Status	Support	The Society supports Activities not in Accordance with the Structure Plan being a Discretionary Activity.
17	17.5	Bay of Plenty Regional Council Fiona McTavish	5.4	Heading	Amend	Amend Chapters 2 to 18 (excluding Chapter 16) to insert a new heading: 'Matters over which control is reserved' before the heading 'Assessment Criteria for Controlled Activities'. Copy 'matters' to the new 'Matters' heading. Amend the list of criteria so it includes only criteria. Replicate this process for RDA activities having inserted a new heading 'Matters over which discretion is restricted.'
8	8.21	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.4.1	Criteria CA	Amend	Include as an assessment criterion mitigation and offsetting measures where the development overlaps the Biodiversity site.
17	17.113	Bay of Plenty Regional Council Fiona McTavish	5.4.1.1	Criteria CA	Amend	Amend Criteria 5.4.1.1 to read:  <i>6. The location/inclusion of pedestrian and cycle access and linkages, including public access to and along the coastal marine area.</i>
8	8.19	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.4.1.2.1	Criteria CA	Amend	Add to 5.4.1.2.1 effects "on the coastal environment".
17	17.21	Bay of Plenty Regional Council Fiona McTavish	5.4.1.4	Criteria CA	Support / Amend	Amend assessment criteria within Chapters 2 to 11 as they relate to <u>Historical and archaeological and cultural resources</u> to read:  <i>Historical, archaeological and cultural values and resources</i>  <i>2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.</i>
18	18.56	Heritage NZ Carolyn McAlley	5.4.1.4	Criteria CA	Amend	Heritage New Zealand seeks that the assessment criteria 5.4.1.4 is amended to state the heritage items to which they are applicable.

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17	17.41	Bay of Plenty Regional Council Fiona McTavish	5.4.1.5	Criteria CA	Support / Amend	Amend as a 'Matter of Control' in Chapters 2 to 8 (as listed in the index column) :  <i>The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards <u>and achieve a low level of risk</u>.</i>
17	17.116	Bay of Plenty Regional Council Fiona McTavish	5.4.1.6	Criteria CA	Support	Retain assessment criteria 5.4.1.6 and 5.4.1.7 and include in new Discretionary Activity Criteria 5.6 as requested above.
57	57.37	Toi Te Ora - Public Health Service Sally Webb	5.4.1.6	Criteria CA	Support / Amend	Add to 5.4.1.6 (b) that all new developments in these two zones shall connect to the Council's wastewater system and that the handling of their waste complies with Council's Trade Waste Bylaw
17	17.117	Bay of Plenty Regional Council Fiona McTavish	5.4.1.7	Criteria CA	Support	Retain assessment criteria 5.4.1.6 and 5.4.1.7 and include in new Discretionary Activity Criteria 5.6 as requested above.
12	12.7	NZ Transport Agency Mathew Stulen	5.5	Standards	Amend	Provide an effect based framework for signage that enables Council to consider the potential adverse effects of signs on the safety and efficiency of the transport network.  Suggested provisions to include in the zone standards (including but not limited to):  <i><u>The proposed sign should not:</u></i> <ul style="list-style-type: none"> <li>- <i><u>have reflective material or illumination that flashes and moves;</u></i></li> <li>- <i><u>Obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;</u></i></li> <li>- <i><u>Physically obstruct or impede traffic or pedestrians;</u></i></li> <li>- <i><u>Resemble or be likely to be confused with any official traffic signs or signals; and</u></i></li> <li>- <i><u>Use support structures which are not frangible.</u></i></li> </ul> Amend the "approval of the Transport Agency" requirement so that it becomes an advice note and it is amended as follows: <del>Approval for signs visible from any state highway must be gained from NZ Transport Agency.</del> <i><u>Consultation with the NZ Transport Agency will be important in the assessment of traffic safety for sign resource consent applications where they are proposed to be located on private property and are visible from a State Highway. The NZ Transport Agency also controls signs on state highway corridor Legal Road by the means of the NZ Transport Agency signs on state highways bylaw July 2010.</u></i>
19	19.18	NZ Defence Force Rebecca Davies	5.5	Standards	Support in Part	Retain permitted activity rule for TMTA, and include a statement to clarify that the other zone standards do not apply to TMTA (note: this appears to be the intent of the provisions but is not entirely clear in the rule framework).  We suggest amending the introduction to the zone standards in each chapter (section 8.6 in the Rural Zone for example) to state –  <i>"For clarity, the zone standards shall not apply to temporary military training activities."</i>

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17	17.60	Bay of Plenty Regional Council Fiona McTavish	5.5	Criteria RDA	Amend	<p>Insert into sections 3.5, 4.5, 5.5, 6.5 a new heading <i>Matters over which discretion is restricted</i> (or similar) before the heading <i>Assessment Criteria for Restricted Discretionary Activities</i> and insert new matters: <u>Natural hazard occurrence</u></p> <p><u>1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards and achieve a low level of risk.</u></p> <p><u>2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.</u></p> <p>Under the heading 'Assessment Criteria for Restricted Discretionary Activities' insert:</p> <p><u>The extent to which the activity may accentuate the adverse effects of natural hazards.</u></p>
18	18.21	Heritage NZ Carolyn McAlley	5.5	Criteria RDA	Oppose	That the restricted discretionary assessment criteria are amended to include assessment criteria related to the impact of restricted discretionary activities on historic heritage.
47	47.6	Jon Burchett	5.5	Criteria RDA	Support	Support
24	24.31	Opotiki District Council Aileen Lawrie	5.5.1	Criteria RDA	Amend	<p>Include Restricted Discretionary criteria for buildings not complying with 2.6.2.2 and include in activity list in 2.3.4.1.</p> <p>Correct similar provisions in other chapters</p>
17	17.118	Bay of Plenty Regional Council Fiona McTavish	5.5.1.1	Standards	Amend	<p>Add a new zone standard (or amend standard 5.5.1.1) to read:</p> <p><u>Activities in the marine services zone shall be located in general accordance with the Marina Structure Plan. Non-compliance with the Rule shall be considered a Discretionary Activity.</u></p>
57	57.39	Toi Te Ora - Public Health Service Sally Webb	5.5.1.1	Standards	Support / Amend	Add that all new developments in these two zones shall connect to the Council's wastewater system and that the handling of their waste complies with Council's Trade Waste Bylaw
37	37.35	NZ Fire Commission Stephanie Dean	5.5.1.1	Criteria RDA	Oppose	<p>As a consequence of the change to 5.5.11, <b>amend</b> 5.5.1.1 to include the following:</p> <p><u>"Firefighting water supply</u></p> <p><u>1. Mitigation of the potential adverse effects of fire, including fire spread."</u></p>
8	8.24	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.5.4.1	Standards	Amend	Include a standard as in the submission, either associated with 5.5.4.1 or 5.5.9.1.
24	24.41	Opotiki District Council Aileen Lawrie	5.5.4.1	Standards	Amend	<p>Add 'Activities not complying with Rule 2.6.2.3 (Building setback from Council pipelines)'</p> <p>Similar changes to other Zone Chapters with reference to applicable standard number</p>

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57	57.68	Toi Te Ora - Public Health Service Sally Webb	5.5.5.1	Standards	Support / Amend	A. Delete "the boundary of a Marine Service" and substitute "another site within the Zone." B. Replace "the boundary of a site within the Coastal or Residential Zone" with "any point within the Coastal or Residential Zone". C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound. D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise. E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.
57	57.25	Toi Te Ora - Public Health Service Sally Webb	5.5.6	Standards	Amend	Add cycle storage facilities (bicycle parking) and drinking water fountains in each urban zone.
17	17.31	Bay of Plenty Regional Council Fiona McTavish	5.5.8.1	Standards	Oppose / Amend	Amend Floor Level rules in Chapters 2 to 11 (as listed in the index to read eg 9.6.9):  <i>Floor levels shall be sufficient to ensure that water does not enter buildings in a 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.</i>  <i>Ōpōtiki District Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.</i>
57	57.45	Toi Te Ora - Public Health Service Sally Webb	5.5.8.1	Standards	Support / Amend	Add that all new lots and/or buildings shall connect to the Council water supply, where available.
8	8.25	Eastern Bay of Plenty - Forest and Bird Linda Conning	5.5.9.1	Standards	Amend	Include a standard as in the submission, either associated with 5.5.4.1 or 5.5.9.1.
37	37.34	NZ Fire Commission Stephanie Dean	5.5.11	Standards	Oppose	Amend Standard 5.5.11 as follows: <b>"5.5.11 POTABLE WATER</b> <b>5.5.11.1 Potable Water Supply</b> A potable water supply ... <b>5.5.11.x Firefighting Water Supply</b> <b>1. New buildings (excluding accessory buildings that are not habitable) shall have sufficient water supply for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</b> As a consequence, <b>amend</b> 5.5.1.1 to include the following: <b>"Firefighting water supply</b> <b>1. Mitigation of the potential adverse effects of fire, including fire spread."</b>

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17	17.115	Bay of Plenty Regional Council Fiona McTavish	5.6	Criteria DA	Oppose / Amend	<p>Include a new section 5.6 for Assessment Criteria for Discretionary Activities.</p> <p>Insert existing assessment criteria under 5.4.1 and the following new criteria (as a minimum) to read:</p> <p><u>1. 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.</u></p> <p><u>2. Whether the marine precinct facilities have been designed and will be operated in a manner that takes all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that has more than minor adverse effects.</u></p> <p><u>3. Public access to, along, and within Waioka River and the coastal marine area. 4. Effects on navigation and safety and the need for any aids to navigation.</u></p>
17	17.51	Bay of Plenty Regional Council Fiona McTavish	5.6.1	Other Methods	Support / Amend	<p>Amend 'Other Method's' referring to natural hazards (in 2.7.1, 3.7.1, 7.6.1, 8.7.1, 9.7.1 and 10.7.1) as notified to read:</p> <p><u>Through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.</u></p> <p>Insert the above 'Other Method' into sections 4.7.1, 5.6.1, 6.7.1 and 11.9.1.</p>