

Chapter 9

Coastal Zone



9. COASTAL ZONE

ADVICE NOTE:

This chapter applies to the Coastal Zone which is identified in Ōpōtiki District Plan maps. There is also a *Coastal Environment* Overlay which applies to some parts of the Coastal Zone, where Chapter 19 applies additional provisions. The *Coastal Environment* is that part of the district which lies between the *Coastal Environment* line and MHWS which is identified on the planning maps. Activities located within the Coastal Zone and the *Coastal Environment* Overlay will need to meet the requirements of both Chapter 9 and 19. Where there is a conflict between provisions in this chapter and Chapter 19 or provisions elsewhere in this Plan, the provisions in Chapter 19 prevail (except in relation to Policy 17.2.2.4, which prevails in relation to the management of National Grid infrastructure within the *Coastal Environment*).

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* and indigenous biodiversity of the coast.
7. Within the Coastal Zone there are many historical, cultural 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 and this could impact on the efficiency and economic viability of the horticultural sector.
12. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
13. Some land within the Coastal Zone is used or able to be used for farming and horticulture activities. The zone provisions need to provide for such uses alongside recreational and residential uses of the zone while recognising the need to preserve the natural character of the *Coastal Environment*.
14. A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly the horticultural industry, and inappropriate management of such incursions can result in the unintended spread of pest species.

9.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 9.2.1 **Retain and, where appropriate, restore the distinctive natural character within the Coastal Zone.**

POLICIES

- 9.2.1.1 Require setback for structures and *buildings* from the coast where practicable 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 Coastal Zone avoids as far as practicable significant adverse effects on *natural character* and where these cannot be avoided, be remedied or mitigated.
- 9.2.1.3 Encourage voluntary actions to maintain, enhance or protect the natural character of the Coastal Zone.

OBJECTIVE

- 9.2.2 The adverse effects of inappropriate subdivision, use and development on the natural character of the Coastal Zone are avoided or are remedied or mitigated, including by providing for development in areas better able to absorb the effects of the development than other areas of the coast.**

POLICIES

- 9.2.2.1 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 avoided, remedied or mitigated.
- 9.2.2.2 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.
- 9.2.2.3 Require residential, commercial or industrial *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* 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 the effects of subdivision, use and development on the *natural character* of the Coastal Zone through avoiding inappropriate development outside existing settlements, as far as practicable, or remedying or mitigating adverse effects, while recognising that some activities, due to functional, operational or technical requirements, need to locate in the Coastal Zone.
- 9.2.2.6 Encourage subdivision, use and development within established coastal settlements to ensure that residential development is managed to avoid, remedy or mitigate the effects of sprawling subdivision on the *natural character* of the *Coastal Environment*.
- 9.2.2.7 Ensure that residential buildings within 300m of the Harbour Industrial Zone are located and designed to avoid reverse sensitivity effects on lawfully established activities in the Harbour Industrial Zone.

OBJECTIVE

- 9.2.3 To recognise and provide for tangata whenua relationships with the Coastal Zone.**

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, remedy or mitigate adverse effects.
- 9.2.3.2 To take into account hapū and lwi 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 Zone to show how the relationships of Maori and their culture and traditions with their ancestral taonga are recognised and provided for.
- 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.
- 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.

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.**

POLICY

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

9.2.5 OBJECTIVE

Enable rural production activities in the Coastal Zone.

POLICIES

- 9.2.5.1 To provide for rural production activities, including associated buildings and structures, recognising that these activities are integral to and contribute to the rural use of the Coastal Zone.
- 9.2.5.2 To provide 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.

9.2.6 OBJECTIVE

Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plants and plant material infected by an unwanted organism.

POLICY

9.2.6.1 Enable disposal of plants and plant material infected by unwanted organisms or pests that are being managed as part of a biosecurity response under the Biosecurity Act 1993.

9.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

9.3.2 PERMITTED ACTIVITIES

9.3.2.1 Subject to compliance with the Zone Standards in section 9.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. *Farming*.
2. Keeping or *farming* goats on sites located outside the Goat Management Areas as shown on the planning maps.
3. *Buildings* 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. Urupā and private cemeteries.

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6. *Prospecting.*
 7. *Visitor accommodation* for up to 4 persons per night,
 8. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
 9. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
 10. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
 11. *Signs* listed in 9.6.6.1
 12. *Temporary military training activities* complying with Appendix 3.
 13. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
 14. Relocation and re-siting of *buildings*, including *factory built dwellings*
 15. *Seasonal Worker Accommodation* for up to 12 people per night
 16. Removal and disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.
 17. Existing *plantation forestry*
 18. *Artificial Crop Protection Structures*
 19. *Emergency services* training and associated management activities
 20. *Audible bird scaring devices.*

9.3.3 CONTROLLED ACTIVITIES

9.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in section 9.4. The activities must comply with the Zone Standards in section 9.6, unless otherwise stated.

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 listed as a Permitted Activity where the *site access* is to a State highway, provided that the written consent of the NZ Transport Agency will be required and will need to be submitted with the application.
5. Public toilets.
6. *Signs* listed in 9.6.6.2

7. *Emergency service facilities*
8. *Temporary Military Training Activities* not complying with Appendix 3.

9.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

9.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 9.5. The activities must comply with the Zone Standards in Section 9.6, unless otherwise stated.

1. Relocated or re-sited *buildings* that do not comply with Rule 9.6.15 (Relocation of *buildings*).
2. *Seasonal Worker Accommodation* for more than 12 people per night
3. *Audible bird scaring devices* that do not comply with 9.6.3.1.
4. *Artificial crop protection structures* that do not comply with 9.6.14.
5. *Buildings* and activities that do not comply with 9.6.2.
6. *Papakāinga*, where the maximum number of *sites* shall be 50 and where each *site* shall have an area of 1200m² exclusive of *access*.

Provided that *sites* may be smaller than 1200m² where:

- (a) On-site investigations are undertaken by a suitably qualified and experienced person 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.

9.3.5 DISCRETIONARY ACTIVITIES

9.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 9.6 will be used as a guideline when assessing the application.

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 *dwellings* exceeding those stated as Permitted or Controlled Activities.
4. *Visitor accommodation* for more than 4 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.

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10. Public cemeteries.
 11. *Places of assembly* excluding *Mārae*
 12. Refuse recycling facilities and transfer stations.
 13. *Rural industry*.
 14. *Intensive farming*.
 15. *New plantation forestry*.
 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 9.6.6.3.
 20. Any *building* provided for as a Permitted or Controlled Activity that does not comply with 9.6.2.3.1, except for public toilets and *emergency service* facilities.
 21. Retail activities.
 22. *Exploration*.

9.3.6 NON-COMPLYING ACTIVITIES

9.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 9.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

9.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

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 Zone.
5. The location and appearance of signs associated with the activity.
6. The functional need for the building or structure for farming activities in the *Coastal Environment*.

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 light spill.

9.4.1.3 **Effects on natural character, natural values, and amenity values**

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 Hapū.

9.4.1.4 **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 on-site parking associated with the activity.

9.4.1.5 **Historical, cultural and archaeological and cultural values and 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 values and resources of importance to Māori.

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3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

9.4.1.6 **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 **Temporary military training activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

9.5 **RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED**

9.5.1 Council has restricted its discretion over the following matters:

9.5.1.1 **Relocated and re-sited buildings not complying with Rule 9.6.12 (Relocation or re-siting of buildings)**

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works.
3. The appearance of the building when re-instated.
4. Maintenance of the *site* and surrounds during reinstatement.
5. The extent to which the activity avoids significant adverse effects on the *natural character* of the *Coastal Environment*.

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- 9.5.1.2 **Seasonal worker accommodation for more than 12 people per night**
1. The effect of the activity on the amenity of the surrounding environment.
 2. Any matters in Zone Standard that are not able to be met.
 3. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
 4. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.
- 9.5.1.3 **Historical, cultural and archaeological and cultural values and 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 value.
 2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
 3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.
- 9.5.1.4 **Buildings not complying with 9.6.2 (Yards)**
1. The adverse effects on the amenity in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Noise
 - e. Lighting
 - f. The degree to which the character and amenity are affected.
- 9.5.1.5 **Artificial crop protection structures not complying with 9.6.14**
1. The extent to which the matters in 9.6.14 are able to be met.
 2. The effect on the visual catchment and the sensitivity of the catchment, including *Outstanding Natural Landscapes and Features* and the *Coastal Environment*.

9.5.1.6 **Audible Bird Scaring Devices not meeting 9.6.4**

1. Location of audible bird scaring device in relation to adjacent sites.
2. Sound levels at any point within the *notional boundary* of any dwelling on another site.
3. Number of shots per event.

9.5.1.7 **Papakāinga**

1. The matters set out in section 9.4.
2. Whether the site, including its natural features, has the capacity for the number of *dwellings* proposed.

9.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

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 *buildings* within the zone is 9m.

Hose drying towers associated with *emergency service* facilities may be up to 15m high.

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 and provided to *Council*.
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.

9.6.2.3 Building setback from coast

1. No *building* shall be located closer than 50m from *MHWS*.

9.6.2.4 Building setback from waterbodies

1. No *building* shall be located closer than 25m from any *waterbody* with an average width of at least 3m.

9.6.2.5 Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity, except as otherwise stated.

9.6.3 LANDSCAPING

9.6.3.1 Areas used for industrial and commercial storage shall provide *landscaping* when adjoining a *dwelling* on another site or where adjacent to a public place. Such *landscaping* shall comprise a 3m landscaping strip planted with evergreen shrubs which will reach a minimum height of 1.8m and provide a continuous screen planting or fencing up to 1.8m high.

9.6.4 NOISE AND GLARE**9.6.4.1 Noise**

1. 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 boundary* of any *dwelling* on

another site in the Coastal Zone:

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 70LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Environmental Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.
4. An audible bird scaring device shall:
 - a. Be operated only from half an hour before sunrise to half an hour after sunset.
 - b. Not exceed 65dB ASEL at the *notional boundary* of any *dwelling* in the Rural Zone or at the boundary of any Residential Zone (excluding any *dwelling/s* located on the same *site* as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the *Council*.
 - c. Only be operated when the horticultural crop is at risk from bird damage.
 - d. Non-compliance shall be assessed as a Restricted Discretionary Activity
5. Noise from livestock and from vehicles and mobile machinery associated with short term *farming* and *plantation forestry* operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above.
6. Sirens used by *emergency services* shall be exempt from compliance with the noise levels specified in the table above.

9.6.3.2 **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*.

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

1. Any habitable *buildings* in a new *dwelling* in the Coastal 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.

2. 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.

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

ADVICE NOTE: 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.

9.6.4 **PARKING AND ACCESS**

9.6.4.1 **Parking and loading**

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

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

<i>Dwellings</i>	1 space per <i>dwelling</i> in addition to parking provided in a garage or carport
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	1 to 4 people 1 space per unit Over 4 people 1 space per unit plus 2 for staff
<i>Education facilities</i>	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	2. T
	Tertiary	1 space per 20 students	he dimensions
<i>Rural industrial activities</i>		1 space per 50m ² total floor area	and design
<i>Rural selling places</i>		1 space per 20m ² total floor area	standards are
<i>Contractors' depots</i>		1 space per 50m ² total floor area	set out in
<i>Home occupations</i>		1 space per 20m ² of the site used for the activity	Appendix 1.
<i>Outdoor community recreation</i>		1 space per 20m ² of the net site area	3. P
<i>Community Corrections Facilities</i>		1 space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service. .	rovision shall be made for the loading and unloading of service vehicles
<i>Emergency Services Facilities</i>		5 spaces for every emergency vehicle bay	on-site, in such a way that no
<i>Seasonal worker accommodation</i>		1 space for every 6 people accommodated on site	

footpath, road, or access to adjoining properties is blocked.

9.6.4.2 Vehicle access

Any activity requiring access to the State Highway must obtain written approval from NZ Transport Agency and a copy shall be provided with any application to Council.

9.6.5 VEHICLE ENTRANCES

9.6.5.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE: Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

9.6.6 SIGNS

9.6.6.1 The following signs shall be permitted subject to compliance with the standards in 9.6.6.4:

1. A sign with a maximum area of 0.5m² in relation to an approved home occupation or visitor accommodation, including name, type of home occupation and hours of operation.
2. A temporary sign with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. Official signs.

9.6.6.2 A sign with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same site as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

9.6.6.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

9.6.6.4 *Signs* visible from a State highway shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

9.6.7 FLOOR LEVELS

9.6.7.1 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*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

9.6.8 ON-SITE EFFLUENT DISPOSAL

9.6.8.1 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*.

<p>ADVICE NOTE: Resource Consent may be required from the Bay of Plenty Regional Council for an on-site effluent treatment system.</p>

9.6.9 WATER SUPPLY

9.6.9.1 A potable water supply shall be provided to each *site* within the zone.

9.6.10 COASTAL HAZARD ASSESSMENT

9.6.10.1 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.

9.6.11 SETBACK FOR PLANTATION FORESTRY

9.6.11.1 The planting of any *plantation forestry* shall not be located closer than 15m to the boundary of any public road.

9.6.12 RELOCATION OR RE-SITING OF BUILDINGS

9.6.12.1 The relocation of a *building* shall comply with the following:

1. A *building* inspection report shall accompany the *building* consent. The report shall identify all reinstatement work required to the exterior of the *building*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
3. All other work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the *Council* that the reinstatement work will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity

9.6.13 GOAT FARMING

1. Goat *farming* shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.
2. The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.
3. The goats shall be contained on *site* at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 7 or tethered, which may include a running wire.
4. Written advice of the location of the goat *farming* activity shall be provided to *Council* at the time of the establishment of the goat *farming* operation.

9.6.14 DEER FARMING

1. Deer shall be kept in accordance with the National Animal Identification and Tracing Act 2012.
2. Deer shall be identified in accordance with the National Animal Identification and Tracing Act 2012.
3. Deer shall be contained on *site* at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 7.
4. Written advice of the location of the deer *farming* activity shall be provided to *Council* at the time of the establishment of the deer *farming* operation.

9.6.15 ARTIFICIAL CROP PROTECTION STRUCTURES

- a. Dark 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. No setback from a side or rear boundary shall be required for an artificial crop protection structure except that where there is an existing lawfully established residential building located 5m or less from the boundary on an adjacent lot, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent lot is obtained and provided to the *Council*. The setback shall apply to a 5m envelope parallel to any face of the residential building.
- d. No maximum site coverage shall apply.
- e. Non-compliance with these rules or where the written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

<p>ADVICE NOTE: Within the Coastal Environment 19.5.4 shall apply.</p>

9.6.16 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards for yards, height, daylight protection and parking shall be complied with.
2. Access – no new vehicle access shall be required to a State Highway.
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector.
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities.
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

9.6.17 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

Vegetation disturbance and ancillary earthworks shall comply with the following standard:

1. There shall be a minimum 50m setback from the Coastal Marine Area or a *waterbody* to minimise risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE: Consent may be required from the Bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

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. 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
5. Seek support from DOC and regional council to provide assistance to landowners to fence *wetlands* and other *indigenous vegetation*.
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 area that is not adversely affected by land use activities.
- B. Subdivision use and development within the Coastal Zone that retains the *natural character* of the coastal area.
- C. An increase in the protection afforded to *sites* of ecological importance within the zone.