

Chapter 11

Ōhiwa Harbour Zone



11. ŌHIWA HARBOUR ZONE

11.1 RESOURCE MANAGEMENT STRATEGY

11.1.1 RESOURCE MANAGEMENT ISSUES

1. Modification through drainage, vegetation clearance, land use change, subdivision and earthworks can affect the high quality of the Ōhiwa Harbour and its cultural, ecological and recreational values.
2. The Ōhiwa Harbour straddles administrative boundaries and this can result in different administrative approaches.
3. The cultural importance of the Harbour to the community and to Upokorehe needs to be recognised.
4. Sporadic subdivision and development pressure can adversely affect the *natural character* of the Harbour, particularly where there is fragmented ad hoc development.
5. The location of structures within the Ōhiwa Harbour Zone can detract from outstanding *natural features and landscapes* within coastal margins and on or near ridgelines.
7. Effects of activities such as the visual impact of *buildings*, storage areas, parking and *signage*, as well as noise, glare, and lack of separation distances need to be managed to maintain *amenity values* and the quality of residential *sites*.
8. In some parts of the Harbour it is difficult to obtain a water supply that is suitable for human consumption.
9. The Ōhiwa Spit is subject to coastal hazard risks as the shoreline is unstable and subject to erosion and progradation cycles of around 50 - 60 years.
10. Some land within the Ōhiwa Harbour zone is used for farming and horticulture and these activities have operational requirements which need to be provided for while protecting the values of the environment.
11. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
12. A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly horticulture, and inappropriate management of such incursions can result in unintended spread of pest species.

11.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 11.2.1 Protect and enhance the outstanding natural and landscape values and preserve the natural character of the Ōhiwa Harbour environment.**

POLICIES

- 11.2.1.1 To avoid as far as practicable and, where this cannot be achieved, remedy or mitigate the adverse effects of activities such as *buildings*, earthworks, accessways and tracks, especially on skylines and *ridges*, on the attributes and values of Ōhiwa Harbour, recognising that Ōhiwa Harbour is identified as an *Outstanding Natural Feature and Landscape* and an area of Outstanding Natural Character in regional planning documents.
- 11.2.1.2 To provide for the integrated management of the Ōhiwa Harbour through consultation with agencies that also have responsibilities for Harbour management.
- 11.2.1.3 To avoid, remedy or mitigate the adverse effects of subdivision, use and development in those parts of the Ōhiwa Harbour Zone which have largely been unmodified to date.
- 11.2.1.4 To preserve the *natural character* and protect the ecology of the Harbour margins by managing the use and development in the zone.
- 11.2.1.5 To provide for the continued operation of *farming* and horticulture and recognise their contribution to rural character.
- 11.2.1.6 To support measures that will make a positive contribution to *natural character*, natural features and biodiversity such as restoring or enhancing indigenous habitats and *ecosystems*, including through offsets secured through conditions of consent, where the location, scale, intensity and form is appropriate having regard to natural heritage values, and which do not cause cumulative adverse effects on *natural character*, natural features and biodiversity.

OBJECTIVE

- 11.2.2 Protect and enhance significant indigenous vegetation and habitats of indigenous fauna to maintain the ecological, botanical, scientific and educational values of the Ōhiwa Harbour and its environs.**

POLICIES

11.2.2.1 Protect and, where appropriate, enhance significant *indigenous vegetation* and *habitats* of indigenous fauna which contribute to the character of the Ōhiwa Harbour through the resource consent process, education and incentives.

11.2.2.2 Protect natural areas around the Harbour from development by the creation of reserves, retirement areas or other protection mechanisms through resource consent processes.

11.2.2.3 Protect the Ōhiwa Harbour salt marsh from the adverse effects of activities on adjacent land.

OBJECTIVE

11.2.3 The Ōhiwa Harbour is recognised as an area of cultural and historical significance to the people of the Ōpōtiki district and the Iwi and hapū of the Harbour.

POLICIES

11.2.3.1 To encourage consultation with tangata whenua who hold mana whenua within the Ōhiwa Harbour when assessing resource consents to ensure that concerns are adequately addressed.

11.2.3.2 When assessing resource consent applications within the Ōhiwa Harbour area to ensure, through consultation with appropriate agencies, that *heritage resources* are protected.

11.2.3.3 Recognise the special relationship tangata whenua have with their ancestral land.

11.2.3.4 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 land.

OBJECTIVE

11.2.4 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

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

OBJECTIVE

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

POLICY

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

11.3 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

11.3.2 PERMITTED ACTIVITIES

11.3.2.1 Subject to compliance with the Zone Standards in 11.7, 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 shown on the Planning Maps.
3. *Deer farming*.
4. *Buildings*, including relocated or *re-sited buildings*, not within a *coastal hazard area* identified on the Planning Maps, as follows:
 - (a) One *dwelling* per *site*.
 - (b) *Buildings accessory* to a Permitted Activity.
 - (c) Minor additions to existing *dwellings* and *accessory buildings*.
5. *Marae*.
6. Urupā and private cemeteries.
7. *Prospecting*.
8. *Visitor accommodation* for up to 4 people per night
9. Activities on reserves provided for by the Reserves Act 1977 or in an approved Reserve Management Plan.

10. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
11. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
12. *Temporary military training activities* complying with [Appendix 3](#).
13. *Signs* listed in 11.7.8.1
14. *Artificial crop protection structures*.
15. *Emergency service training* and associated management activities
16. Existing *plantation forestry*
17. *Audible bird scaring devices*
18. 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.
19. *Accessory buildings* and activities accessory to permitted activities

11.3.3 CONTROLLED ACTIVITIES

11.3.3.1 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 11.4. The activities must comply with the Zone Standards in section 11.7, unless otherwise stated.

1. Two *dwellings* per site, not within a *coastal hazard area* identified on the Planning Maps
2. *Home occupations*, provided that where the *site access* is to a State Highway, the written consent of the NZ Transport Agency shall be obtained and submitted with the application.
3. Activities otherwise permitted or controlled where the *site access* is to a State highway and the written consent of NZ Transport Agency has been obtained and is submitted with the application.
4. *Temporary military training activities* not complying with [Appendix 3](#).
5. *Signs* listed in 11.7.8.2.

11.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

11.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 11.5. The activities must comply with the Zone Standards in Section 11.7, unless otherwise stated.

1. Relocated *buildings* that do not comply with 11.7.13, subject to compliance with other standards in 11.7.

2. Keeping or *farming* goats that is not provided for as a permitted activity.
3. Buildings and activities otherwise permitted or controlled that are not within a *coastal hazard area* identified on the Planning Maps and do not comply with the Zone Standards in 11.7.
4. *Papakāinga*, where the maximum number of *dwellings* shall be no more than 50 and where each dwelling has an area of 1200m² exclusive of access.
Provided that sites may be smaller than 1200m² where:
 - a. Zone standards are complied with
 - b. On-site investigations are undertaken by a suitably qualified and experienced person to show that the dwelling complies with the On-site Effluent Treatment Regional Plan.
 - c. Where the minimum area per *dwelling* shall be 400m².
5. *Artificial Crop Protection Structures* not complying with 11.7.16
6. Activities not complying with 11.7.3.4.2 (*Building Setbacks from Waterbodies*)

11.3.5 DISCRETIONARY ACTIVITIES

11.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The criteria in 11.6 and the Zone standards in 11.7 will be used as a guideline when assessing the application.

1. *Buildings* within 50m of *MHWS*.
2. The erection of *buildings* and structures on identified *ridgelines* where the highest point of the *building* is within 5m vertical distance from natural ground level on the *ridgeline*.
3. *Education facilities*.
5. *Signs* not listed in 11.7.8.3.
6. *New plantation forestry*

11.3.6 NON-COMPLYING ACTIVITIES

11.3.6.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The Zone standards in 11.7 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.

11.3.7 PROHIBITED ACTIVITIES

11.3.7.1 The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding or *farming* of wallaby species.
2. The keeping, holding or *farming* of ferrets, stoats and weasels (mustela).

11.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

11.4.1 The Council has reserved control over the following matters:

11.4.1.1 **Design and appearance**

1. The effects on the Outstanding Natural Features and Landscapes, indigenous biodiversity and *natural character* values of the Ōhiwa Harbour.
2. The design and appearance of any *buildings* or structures associated with the activity and how it relates to the *amenity values*, *natural character* values or natural features or landscapes 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*.
3. The visual effect of the activity in relation to its location, *site* boundaries and topography.
4. 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.
5. 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.
6. The location and appearance of signage associated with the activity.
7. The *functional need* for the *building* or structure for *farming* activities.

11.4.1.2 **Effects on adjoining properties**

1. Separation between residential *buildings* on the same or adjacent *sites*.
2. 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.
3. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

11.4.1.3 Historical, cultural and archaeological values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *water bodies* which have historical and archaeological values.
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*.

11.4.1.4 Natural Hazards

1. The susceptibility of the site to natural coastal hazards;
2. The measures implemented to mitigate the effects of natural hazards and an increase in the risk of adverse effects including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the site,
3. The activities undertaken on the site

11.4.1.5 Temporary military training activities not complying with Appendix 3

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

11.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

11.5.1 Council has restricted its discretion over the following matters

11.5.1.1 Relocated and re-sited buildings that do not comply with Rule 11.7.14

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. Visibility from the *road*, public places, including the Ōhiwa Harbour, and other residential areas;
5. *Maintenance* of the *site* and surrounds during *reinstatement*.

11.5.1.2 **Goat farming in the Goat Management Areas shown on the Planning Maps**

1. Potential effect on the values associated with *natural character*, indigenous *biodiversity*, amenity and landscape, including vegetation type and density
2. The ability to confine goats within the *site*.
3. The area and location of the activity.

11.5.1.3 **Natural Hazards**

1. The susceptibility of the site to natural coastal hazards;
2. The measures implemented to mitigate the effects of natural hazards and an increase in the risk of adverse effects including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the site,
3. The activities undertaken on the site.

11.5.1.4 **Historical, archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to items listed in 14.9.
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 values, both on the *site* and on adjoining *sites*.

11.5.1.5 **Activities otherwise Permitted or Controlled that do not comply with Performance Standards, unless otherwise specified**

The adverse effects on the amenity in terms of:

1. Shadowing
2. Physical domination
3. Privacy
4. Noise
5. Lighting
6. The degree to which the character and amenity are affected.

11.5.1.6 Audible Bird Scaring Devices not meeting the Noise standard in 11.7.4.4

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

11.5.1.7 **Artificial crop protection structures not meeting 11.7.16**

1. The effects on non-compliance with the standards in 11.7.16
2. The effect on the visual catchment and the sensitivity of the visual catchment, including Outstanding Natural Landscapes and Features and the *Coastal Environment*.

11.5.1.8 Activities not complying with 11.7.3.4.2 (Building setbacks from waterbodies)

Effects on *waterbodies*/ margins and the need for setbacks, for example ecological and *habitat* values, amenity, natural hazards, natural character and landscape.

11.5.1.9 Papakainga

1. The matters set out in section 11.4.
2. Whether the site, including its natural features, has the capacity for the number of dwellings proposed.

11.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

11.6.1 In relation to *buildings* near *ridgelines*. The matters to be considered by Council will include (but will not be limited to) the following:

1. Extent of an immediate land backdrop.
2. Nature of the landform content.
3. Extent of an immediate vegetative screening.
4. Foreground vegetative screening.
5. Vegetative mitigation offered.
6. Proposed built form.
7. Proposed *building* materials and colour.
8. Associated earthworks.

11.7 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.

11.7.1 SITE REQUIREMENTS

11.7.1.1 Site coverage

1. A maximum *site coverage* of 1000m² for *sites* up to one 1 hectare in area.
2. A maximum *site coverage* of 2000m² for *sites* 1 hectare and over in area.

11.7.1.2 Height

1. Within the *Coastal Environment*, the maximum *height* for *buildings* and structures shall be 7m
2. Outside the *Coastal Environment* the maximum *height* shall be 8m.

11.7.1.3 **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.

11.7.2 **REFLECTIVITY**

The exterior surfaces (including the roof) of any *building* shall have reflectivity values of between 0% and 37%.

11.7.3 **YARDS**

11.7.3.1 **Separation from adjoining properties**

1. Except as provided below, all *buildings* shall be set back at least 5m from side and rear boundaries.
2. A *dwelling* or *building accessory* to a *dwelling* may be located within a *side yard* where the written consent of the adjoining property owner and occupier has been obtained and a copy provided to the Council.
3. *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 and occupier has been obtained and provided to the Council.

11.7.3.2 **Building setback from roads**

1. All *buildings* shall be set back at least 9m from the *road* boundary.

11.7.3.3 **Building setback from coast**

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

11.7.3.4 **Building setback from waterbodies**

1. No *building* shall be located closer than 25m from any *waterbody* where the *waterbody* has an average width of at least 3m.
2. Where any *waterbody* has an average width of less than 3m a setback of at least 10m is required as part of a Controlled Activity assessment.

11.7.3.5 Non-compliance with this Rule shall be considered a Restricted Discretionary Activity unless otherwise stated.

11.7.4 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 within the Ōhiwa Harbour Zone *site* or an adjoining zone.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10 pm, Monday to Sunday including public holidays	Night time At all other times
Ōhiwa Harbour 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 - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any Zone 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 LAe at any point within the *notional boundary* of any *dwelling* on another site in the Ōhiwa Harbour or Rural Zone, or at any point within 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.

11.7.5 LIGHTING AND GLARE

1. All exterior lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries, cause light pollution in the night sky, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

11.7.6 PARKING AND ACCESS

11.7.6.1 Parking and loading

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

2. 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 or room

Over 4 people 1 space per unit or room plus 1 space for every 2 staff

Education 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 50m² *total floor area*

Rural selling places 1 space per 20m² *total floor area*

Contractors' depots 1 space per 50m² *total floor area*

Home occupations 1 space per 20m² of the *site* used for the activity

Outdoor community recreation 1 space per 20m² of the net *site area*

Community corrections facility One space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service

3. The carparking shall be in accordance with the dimensions and design standards set out in Appendix 1.
2. 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.

11.7.7 VEHICLE ENTRANCES

11.7.7.1 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)

11.7.7.2 Vehicle access from State Highways

Any new activity on a *site* that obtains access from a State Highway shall obtain written consent from NZ Transport Agency and a copy shall be provided to the *Council*.

11.7.8 SIGNS

11.7.8.1 The following *signs* shall be permitted:

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. Double-sided free standing *sign* with a maximum area of 0.5m² for each frontage to the *site*.
4. Attached to *buildings* on the *site*, with a maximum area of 0.5m², which do not exceed the profile of the *building* where they meet the requirements of this plan.
5. *Official signs*.

11.7.8.2 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.

11.7.8.3 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*.

11.7.8.4 *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.

11.7.9 FLOOR LEVELS

11.7.9.1 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 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.

11.7.10 ON-SITE EFFLUENT DISPOSAL

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

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

1. 500m from the nearest boundary of a *site* zoned Residential, Mixed Activity or Industrial.
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 *water body*.

Advice Note: Resource consent may be required from the Bay of Plenty Regional Council

11.7.11 WATER SUPPLY

11.7.11.1 A potable water supply shall be provided to each *lot* within the Zone.

11.7.11.2 All new *buildings* shall have access to a water supply for firefighting purposes in accordance with NZSA Firefighting Water Supplies Code of Practice NZS PAS 4509:2008.

11.7.12 COASTAL HAZARD ASSESSMENT

11.7.12.1 A coastal hazard assessment may be required for a permitted activity *dwelling* at the time of *building* consent. 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*.

11.7.13 RELOCATION OF A BUILDING

1. A *building* inspection report shall accompany the *building* consent for the *building/dwelling*. The report shall identify all *reinstatement work* required to the exterior of the *building/dwelling*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being relocated on the *site*.
3. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being delivered to 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

11.7.14 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.

11.7.15 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.

11.7.16 ARTIFICIAL CROP PROTECTION STRUCTURES

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. No setback from a side or rear boundary shall be required for an *artificial crop protection structure* except 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*.
4. No maximum *site coverage* shall apply.
5. Non-compliance with these rules or where the written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

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

1. Vegetation disturbance and ancillary earthworks shall comply with the following standard:
 - a. There shall be a minimum setback of 50m from the Coastal Marine Area or a waterbody to minimize the risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE

Consent may be required from bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

11.8 OTHER METHODS

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

1. Ongoing collaboration on the Ōhiwa Harbour Strategy 2014.
2. A protocol be developed between Ōpōtiki District Council and Whakatāne District Council for referral of resource consents for subdivision and land use consent occurring within the Ōhiwa Harbour environment.
3. Ongoing support for established and future community Coast Care and Dune Care programmes, and to liaise with Bay of Plenty Regional Council with respect to these groups.
4. Co-operation with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environment Plans to promote sustainable management practices.
5. Work with the Regional Council, landowners and the Department of Conservation to discourage grazing of *wetland* vegetation and to encourage fencing of wetlands and other indigenous vegetation.
6. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
7. Work with stakeholders including the Bay of Plenty Regional Council, road controlling authorities and the community to raise public awareness of adverse effects caused by vehicle access to beaches and to identify methods to control vehicle access, including signs and physical barriers, and to enable access where appropriate.

11.9 ENVIRONMENTAL RESULTS EXPECTED

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

- A. The preservation of the *natural character* of the internationally important Ōhiwa Harbour and its environs.
- B. Allowing for appropriate development in a manner which will not compromise the significant natural values of the Ōhiwa Harbour and its environs.
- C. The important ecological, scientific and botanical values of the Ōhiwa Harbour are preserved and enhanced.
- D. The historic, cultural and spiritual significance of the Harbour is recognised and conserved.