

SCHEDULE 1:

**SCHEDULE OF AMENDMENTS TO OPERATIVE KAWERAU
DISTRICT PLAN**

C2.1 DESCRIPTION OF THE ZONE

The Industrial Zone is characterised by activities utilising extensive buildings and structures of irregular shape and considerable height. This form of development is mainly as a result of the established wood processing industries located in this zone.

Activities within the Industrial Zone contribute to the social and economic well-being of the people of the district, wider region and New Zealand. The major industries are recognised as significant resource (in terms of structures) and major sources of employment in both the Kawerau district and the wider region.

Geothermal energy is currently being produced in the district and there is potential for further development. The most likely location for electricity generation activities is within the Industrial Zone. However, further expansion is dictated by where the resource is located.

Industrial activities may have adverse effects on the visual quality of the environment. To address these effects, landscaping, signage, and bulk and location standards have been included in the district plan. A generally large separation distance between activities in the Industrial Zone and adjoining zones significantly mitigates the adverse effects of these industries.

The continued successful operation of these industries is essential to the community's ability to provide for its social, economic, and cultural well-being, provided set standards are met that avoid, remedy, or mitigate any adverse effects on the environment.

C2.2 OBJECTIVES AND POLICIES

C2.2.1 Objectives

- C2.2.1.1 Maintain the amenity of non-industrial zones whilst promoting viable and sustainable industrial activities.
- C2.2.1.2 Support the sustainable development of the district's renewable energy source.
- C2.2.1.3 To manage the environmental effects of the electricity transmission network on industrial land uses and to manage adverse effects of other activities on the network.

C2.2.2 Policies

C2.2.2.1 Higher tolerance for noise, odour and visual effects is provided in the industrial zone, where it does not cause adverse effects outside of the zone taking into account the existing environment which includes a number of lawfully established industries in proximity to rural and residential activities.

C2.2.2.1B Maintain control over noise between sites in the Industrial Zone Area 3 to provide a reasonable level of amenity whilst also taking into account existing ambient noise levels resulting from lawfully established industries.

C2.2.2.2 Industrial activities should not be of a height and scale which adversely effects activities in non-industrial zones and the amenity of those zones.

C2.2.2.3 Recognise and enable development of the district's geothermal energy resource.

C2.2.2.4 Support a range of industrial development while implementing appropriate measures to mitigate adverse effects on the environment.

C.2.2.2.5 Recognise and provide for the effective operation, maintenance, and upgrading of the electricity transmission network.

C2.2.2.6 To manage activities to avoid reverse sensitivity effects on the electricity generation, transmission, and distribution network.

C2.2.2.7 Development in the Putauaki Structure Plan area should be undertaken in accordance with the Structure Plan so that it does not compromise future development potential.

C2.3 ACTIVITY STATUS IN THE INDUSTRIAL ZONE

C2.3.1 Permitted Activities

In the Industrial Zone any activity which meets all the standards is a permitted activity.

C2.3.2 Restricted Discretionary Activities

In the Industrial Zone any activity which cannot meet any standard outlined in C2.4 shall be assessed as a restricted discretionary activity only in relation to the standard which cannot be met.

- Council shall restrict its discretion to those matters set out in C2.5.

C2.4 RULES OF THE INDUSTRIAL ZONE

C2.4.1 Height

- The maximum height of any building or structure in the Industrial Zone Area 2 (as indicated on Map 8, 12, 13, 14 and 16) and in the Industrial Zone Area 3 (as indicated on Maps 12, 13, 16, X and X) shall be 20.0 metres.
- Where a site adjoins a residential zone no part of any building or structure shall exceed a height equal to the shortest distance between that part of the building or structure and the residential zone boundary.

Note: See definition of height

C2.4.2 Yards and Landscaping

- The minimum distance between any building or structure and the front boundary of the site shall be 6.0 metres.
- For sites that adjoin State Highway 34 and/or the district boundary a Landscaped strip consisting of a mix of trees, shrubs and groundcover with a minimum depth of 3.0 metres shall be provided along the entire site boundary except within 3.0 metres of any vehicle access points.
- Where a site adjoins the district boundary east of State Highway 34 no part of any building or structure shall exceed a height equal to the shortest distance between that part of the building or structure and the district boundary.
- For sites within the Industrial Zone Area 3 the following additional standards shall apply:
 - The site's road boundary adjacent to State Highway 34 shall be landscaped to a minimum depth of 10.0m. The landscaping must comprise a mixture of shrubs, trees and groundcover with a mature trunk size of less than 100mm at 150mm above ground level and must include (as a minimum) one tree with a mature height of at least 2 metres for every 10 metres of the site's road frontage. The landscaping shall also be established and maintained so that it does not obscure driver visibility at any road intersection or vehicle crossing.
 - The minimum distance between any building or structure and the boundary of State Highway 34 shall be 13.0 metres.

- No part of any building or structure shall exceed a height equal to the shortest distance between that part of the building or structure and any site zoned Rural Lifestyle.

C2.4.3 Signs

The maximum signage on any site shall not exceed:

- Maximum Area – 12.0 square metres.
- Maximum Height Above Ground Level of lowest point of sign – 5.0 metres.

Any sign that can be viewed from the state highway shall meet the following standards:

- (i) Any sign erected on site shall be located in a position that will not prevent the driver of a vehicle from having a clear and unobstructed view along the state highway.
- (ii) Any sign can be erected on site that is visible from the state highway shall meet the following standards, subject to C2.4.3:
 - The message on the sign should be clear, concise and easy to read.
 - The minimum lettering height of all words shall be no less than 160mm for a 70km/h speed limit or greater and 120mm for under 70km/h speed limit.
 - There shall be no more than six words and/or symbols, with a maximum of 40 characters.
 - Colour combinations, legends and symbols, shall not be similar to those used for traffic signs.
 - The sign shall not incorporate reflective materials or use flashing illumination.
 - The sign shall not be an aerial display, animated display, moving display or any other non-static two or three dimensional mechanism designed.
 - The sign shall comply with wind load criteria specified in either NZS 4203 or Road Safety Manufacturers' Association "Compliance Standard for Traffic Signs".
 - All signs within 9m of a state highway, where the posted road speed limit is 70kp/h or over, shall comply with the Road Safety Manufacturers' Association "Compliance Standard for Traffic Signs" with respect to foundation design and impact performance.

C2.4.4 Traffic Management

Refer to Section C10: Traffic Management.

Certain activities relating to traffic management are controlled activities.

C2.4.5 Natural, Cultural and Heritage Features

The rules set out in Section C8: Natural, Cultural and Heritage Features shall apply.

C2.4.6 Noise

Within the Industrial Zone Area 3 any activity shall be designed and conducted so that noise from the activity measured at any other site does not exceed the following levels:

- 70dBA ($L_{Aeq15min}$) at any site zoned Industrial at any time; and
- 55dBA ($L_{Aeq15min}$) between 7am and 10pm, seven days at any other site; and
- 45dBA ($L_{Aeq15min}$) and 75dB (L_{AFmax}) between 10pm and 7am, seven days at any other site.

There is no specific noise standard in the industrial zone for sites other than those in the Industrial Zone Area 3. Any noise produced by activities in all other areas of the industrial zone shall be managed through the excessive noise provisions of the Resource Management Act 1991.

Note: Council holds data on the existing ambient noise environment which can be used as a reference in consideration of the excessive noise provisions. In carrying out an assessment of excessive noise the accuracy of this data should be considered in the context of the current environment.

C2.4.7 Transmission Lines

- No buildings or structures shall be located within 32 metres either side of the centreline of a high voltage electricity transmission line shown on Council's Planning Maps.
- No vegetation (over 2 metres height at maturity) shall be planted within 12 metres of the centre line of a high voltage electricity transmission line shown on Council's Planning Maps.
- No earthworks shall be carried out within 12 metres of the closest visible edge of the foundation of a high voltage transmission line support structure.
- No earthworks shall be carried out within 12 metres of the centreline of a high voltage electricity transmission line shown on

Council's Planning Maps that result in an increase in ground level (i.e. that reduces the clearance distance from conductor to ground).

C2.4.8 Putauaki Structure Plan

All new development must be undertaken in accordance with the Putauaki Structure Plan included in Appendix E.

C2.5 RESTRICTED DISCRETIONARY ACTIVITIES

MATTERS TO WHICH COUNCIL WILL RESTRICT ITS DISCRETION

C2.5.1 Height

When assessing an application for a restricted discretionary activity which exceeds the height standard set out in rule 2.4.1 the Council will restrict the exercise of its discretion to the following matters:

- the distance of any building from the boundary
- the bulk of any building or structure in relation to the bulk of the building in the immediate vicinity
- measures to address any overshadowing effects caused by buildings or structures in relation to other buildings.

C2.5.2 Yards

When assessing an application to reduce the minimum specified yards the Council will restrict the exercise of its discretion to the following matters:

- the bulk of any building or structure in relation to the bulk of buildings in the immediate vicinity
- the continuity of buildings frontages
- the distance between the proposed building or structure and non-industrial activities
- measures necessary to mitigate the effects of the building or structure on traffic safety
- visual appearance of the building and any proposed landscape mitigation.

C2.5.3 Landscaping

In assessing an application to reduce or dispense with the landscaping rule the Council will restrict the exercise of its discretion to following matters:

- measures may be necessary in a particular case to screen the appearance of industrial activities from the view of people travelling on State Highway 34

- the effect that landscaping may have on traffic safety
- the appearance of any buildings and structures including materials, design and colour
- proposed setbacks

C2.5.4 Signs

In assessing an application to increase the maximum standards specified in the Signs rule the Council will restrict the exercise of its discretion to the following matters:

- The size, design, construction, location and illumination of the sign
- The nature of the information displayed on the sign
- The effects on amenity and landscape

C2.5.5 Traffic Management

Refer to Section C10: Traffic Management.

C2.5.6 Natural, Cultural and Heritage Features

Refer to Section C8: Natural, Cultural and Heritage Features.

C2.5.7 Transmission Lines

- The risk to the structural integrity of the line;
- The effects on the ability of the transmission line owner to operate, maintain and upgrade the high voltage transmission network;
- The proximity of buildings and structures to electrical hazards;
- The risk of electrical hazards affecting public safety, and the risk of property damage;
- The risk of electrical faults causing disruption to electricity supply;
- The risk of electrical hazards due to the mature height of any associated vegetation, including within landscaped areas;
- The siting of buildings in relation to transmission lines to minimise visual effects from transmission lines (reverse sensitivity effects);
- The risk of radio interference or earth potential rise;
- Compliance with NZECP34:2001.

For the planting of vegetation that will reach over 2 metres in height at maturity within 12 metres of the centreline of a high voltage electricity transmission line:

- Any effects on the operation or integrity of the transmission line;
- Ongoing maintenance plans;
- Compliance with the Electricity (Hazards from Trees) Regulations 2003.

For earthworks within 12 metres of the centreline of a high voltage electricity transmission line and which alter the ground level beneath

the transmission line or are within 12 metres of the closest visible edge of the foundation of a high voltage support structure:

- Any effects on the integrity of the transmission line;
- Volume, area and location of the works, including temporary activities such as stockpiles;
- Timing of the works;
- Site remediation;
- The use of mobile machinery near transmission line which may put the line at risk;
- Compliance with NZECP34:2001.

The relevant network utility operator will be considered an affected party for applications for non-compliance with rules contained in C2.4.7.

C6.1 DESCRIPTION OF THE ZONE

The Rural Lifestyle Zone covers the hilly slopes surrounding the residential areas. This area is characterised by wide open spaces, a current lack of vegetation and a backdrop of either native bush or exotic plantation forestry. Present development in this area for the most part is limited to structures associated with pastoral farming which is the predominant activity carried out in the zone. These characteristics together assist in defining some of the amenity values associated with this zone.

A number of land use practices in the Rural lifestyle areas of the district have the potential to adversely affect the environment and therefore need to be addressed in the district plan. These adverse effects may include noise, traffic generation and visual effects.

Subject to meeting the performance and development standards a range of activities can be established in the Rural Lifestyle Zone. Provided that these activities comply with the performance and development standards, any actual or potential effects on the environment should be minor. Subdivision and development rules have been developed to reflect and assist in achieving the intended outcomes for the Rural Lifestyle Zone.

Therefore, the intended outcome in the Rural Lifestyle Zone is to encourage a wide range of rural lifestyle activities, while retaining high levels of amenity values, and encouraging the sustainable management of these activities to avoid, remedy or mitigate adverse effects on the environment.

C6.2 OBJECTIVES AND POLICIES

C6.2.2 Objectives

C6.2.2.1 To maintain the rural landscape character of the zone.

C6.2.2.2 To ensure existing pastoral farming activity is not adversely affected by inappropriate use and development.

C6.2.2.3 To avoid the intensive development of buildings and to avoid activities involving large numbers of people from establishing on land within the Putauaki Structure Plan rural area adjacent to the Tasman Mill.

C6.2.3 Policies

C6.2.3.1 Enable a wide range of rural activities whilst maintaining the open space rural character of the zone.

C6.2.3.2 Ensure activities within the zone are sustainable and avoid or mitigate degradation of rural land.

C6.2.3.3 Enable a range of rural activities whilst ensuring pastoral farming is not adversely affected.

C6.2.3.4 Ensure that a low intensity of use and development is maintained within the Putauaki Structure Plan rural area to avoid as far as practicable the potential for adverse effects in the event of a chemical spill at the Tasman Mill.

C6.3 ACTIVITY STATUS IN THE RURAL LIFESTYLE ZONE

C6.3.1 Permitted Activities

In the Rural Lifestyle Zone any activities which meet all the zone standard are permitted activities.

Within the Rural Lifestyle Zone in the Putauaki Structure Plan area the following activities only will be permitted activities:

- Farming Activities;
- Network Utilities;
- Accessory Buildings to the activities above.

C6.3.2 Restricted Discretionary Activities

(a) ———Within the Rural Lifestyle Zone in the Putauaki Structure Plan area (Appendix E) Log Storage Activities will be Restricted Discretionary Activities. Furthermore Council shall restrict its discretion to those matters set out in C6.5.9.

~~(a)~~(b) In the Rural Lifestyle Zone any activities which cannot meet any standard shall be assessed as restricted discretionary activities only in relation to the standard which cannot be met. Furthermore Council shall restrict its discretion to those matters set out in 6.5.

C6.3.3 Discretionary Activities

Within the Rural Lifestyle Zone in the Putauaki Structure Plan area all activities other than those listed as permitted activities in Rule C6.3.1

and Restricted Discretionary Activities in Rule C6.3.2(a) will be Discretionary Activities.

Discretionary activities must be assessed in accordance with Section 104 of the RMA. Regard will also be had to the relevant assessment criteria in Rule C6.5.

C6.4 RULES OF THE RURAL LIFESTYLE ZONE

C6.4.1 Height

The maximum height of any building or structure in residential zone the Rural Lifestyle Zone shall be:

- 8.0 metres
- No part of any building or structure shall exceed a height of 2.0 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary.

Note: See definition of height.

C6.4.2 Yards

- The minimum distance between any building or structure and the front boundary of the site shall be:

10.0 metres

- The minimum distance between any building or structure and the boundary of the site where it adjoins the Residential zone shall be:

25 metres

- The minimum distance between any plantation forest and any land zoned Residential or Road shall be:

100 metres

C6.4.3 Density/Coverage

- There shall be a maximum density of one dwelling house or one household-unit per site.
- No new site shall have an area (exclusive of any area used solely or principally for access) of less than 4000m².

C6.4.4 Signs

- The maximum signage on any site shall not exceed:
 - a) Maximum Area 0.5 m²
 - b) Maximum Height Above Ground Level 2.0 metres
 - c) Off-site signs which are located so as to be visible from the State Highway, are an exception to these rules, and shall be classed as discretionary activity.

C6.4.5 Traffic Management

The rules set out in Section C10 shall apply.

C6.4.6 Appearance of Buildings

Buildings, structures, plant, equipment or other material (other than a dwelling house and ancillary buildings) shall be screened from public view or from any adjoining property by vegetation or fencing. Where such vegetation or fencing does not adequately screen the buildings, structure, plant equipment or other material then they shall be painted in colours similar to the surrounding natural landscape.

C6.4.7 Natural, Cultural and Heritage Features

The rules set out in Section C8: Natural, Cultural and Heritage Features Rules shall apply.

C6.4.8 Noise

Every noise sensitive activity or extensions to those activities, located within 40 metres of a railway track or within 80 metres of a state highway: shall be designed, sited and constructed to ensure external noise will not exceed 40dBA Leq 24 hours. Within bedrooms external noise shall not exceed 35dBA Leq 24 hours.

- a) An acoustic design report prepared by a suitably qualified and experienced engineer shall be provided, demonstrating compliance with (this) Rule.
- b) Sound levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise, or any superseding codes of practice and/or standards.
- c) Vibration: Applications should be aware that vibration within this area may cause annoyance and possibly damage to buildings. Vibration is very site specific and applicants are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development.

C6.4.9 Putauaki Structure Plan

All new development must be undertaken in accordance with the Putauaki Structure Plan included in Appendix E.

C6.5 RESTRICTED DISCRETIONARY ACTIVITIES

Matters to which council will restrict its discretion:

C6.5.1 Height

When assessing an application to exceed the height rules Council will restrict the exercise of its discretion to the following matters:

- The distance of any building from the boundary
- The bulk of the building in relation to the bulk of the buildings in the immediate vicinity
- The potential for the building or structure to overshadow or overlook other buildings
- The effect of the building or structure on the visual amenity and landscape of the vicinity.

C6.5.2 Yards

When assessing an application to reduce the minimum specified yards the Council will restrict the exercise of its discretion to the following matters:

- The existing character and amenity of the streetscape
- The location and density of landscaping
- The distance between any proposed building and any other buildings
- The effect on traffic and public safety
- The maintenance of visual and aural privacy
- The effect on residential amenity.
- The potential for reverse sensitivity effects to arise.

C6.5.3 Density/Coverage

In assessing an application to increase the maximum density/coverage of a site the Council will restrict the exercise of its discretion to the following matters:

- The amount of open space on the site
- The provision of landscaping, on-site parking and outdoor living areas
- The ability of the site to cater for the increase servicing requirements caused by an increase in density/coverage

- The effect on the rural character of the zone.

C6.5.4 Signs

In assessing an application to increase the maximum standards specified in the Signs rule the Council will restrict the exercise of its discretion to the following matters:

- The size, design, construction, location and illumination of the sign
- The nature of the information displayed on the sign.

C6.5.5 Appearance of Buildings

In assessing an application that does not comply with rule C6.4.6 the Council will restrict the exercise of its discretion to the following matters:

- The bulk of the building and the way that materials, design and colour have been used
- The location and nature of landscaping.

C6.5.6 Traffic Management

Refer to Section C10: Traffic Management.

C6.5.7 Natural, Cultural and Heritage Features

Refer to Section C8: Natural, Cultural and Heritage Features.

C6.5.8 Noise

In assessing an application that does not comply with rule C6.4.8 the Council will restrict its discretion to the reverse sensitivity effects on the state highway or rail network.

C6.5.9 Log Storage Activities

In determining an application for a restricted discretionary resource consent for Log Storage Activities in terms of Rule C6.3.2(a), Council will restrict the exercise of its discretion to the following matter:

- The adverse effects of the proposal on the function, and safe and efficient operation of the state highway and adjoining transport network and any measures to avoid, remedy or mitigate these effects.

C7.1 INTRODUCTION

Subdivision is the process by which areas of land are divided into smaller parcels which allows them to be sold or leased as separate units.

Subdivision and development has potential to cause adverse effects on the environment, such as alteration of natural and cultural features and landscapes, deterioration in water quality and destruction or degradation of the amenity value of an area. Intensification of development in inappropriate locations or that are not managed effectively, can lead to conflicts with other lawfully established activities.

The management of the processes of subdivision and development is necessary to ensure that design including the provision of service infrastructure and construction occurs in such a way as to avoid, remedy or mitigate any adverse effects on the environment.

Land modification, including construction and site works can have other adverse effects including noise, smoke and dust.

It is necessary to ensure that adequate roading and services including an accessible water supply for fire fighting requirements are provided at a sufficient standard to support foreseeable future activities on the land.

C7.2 OBJECTIVES AND POLICIES

C7.2.1 Objectives

- C7.2.1.1 To enable subdivision and development to proceed in a manner that will ensure the sustainable management of the natural and physical resources of the district.
- C7.2.1.2 Prevent subdivision and land development detracting from the amenity values of the local environment.
- C7.2.1.3 To ensure the provision of an adequate standard of infrastructure and public utility services at the time land is subdivided or developed to avoid, remedy or mitigate any adverse effect on the environment, and to ensure that the full cost of providing or upgrading services is borne by those undertaking the subdivision or development.

C7.2.1.4 To ensure that subdivision and development of land in a manner that does not adversely affect the function or capacity of the transport network.

C7.2.1.5 To ensure subdivision and development does not create conflict with sensitive land uses.

C7.2.2 Policies

C7.2.2.1 Ensure that proposals for subdivision and development assess the physical characteristics, natural hazards and amenity values and qualities and avoid, remedy or mitigate any adverse effects.

C7.2.2.2 Maintain or enhance and avoid adverse effects on significant features or areas having cultural, spiritual, historical, or landscape or ecological value.

C7.2.2.3 Manage the effects of construction to avoid or mitigate any adverse effects on the environment including on people and communities.

C7.2.2.4 Identify and provide for safe and practicable building sites for all new allotments.

C7.2.2.5 Provide for the amenity values of future occupants of land development proposals.

C7.2.2.6 Provide for the operation, maintenance and minor upgrading of network utilities, including electricity generation facilities, where adverse effects on the environment are avoided remedied or mitigated where practicable or consider alternative forms of mitigation such as offsetting or environmental compensation where it is not possible to avoid, remedy or mitigate adverse effects on the environment.

C7.2.2.7 Proposals for development should be comprehensively designed to enable a full assessment of the visual effects of the activity and level of amenity provided.

C7.2.2.8 Ensure adverse effects of land use, subdivision and development on the safe and efficient functioning of the transport network are avoided.

C7.2.2.9 To manage subdivision and development to ensure compatibility with sensitive activities and reduce the potential for reverse sensitivity effects.

C7.2.2.10 Subdivision and development in the Putauaki Structure Plan area should be undertaken in accordance with the Structure Plan so that it does not compromise future development potential.

C7.3 SERVICING REQUIREMENTS

C7.3.1 Introduction

The development of land needs to provide for the servicing requirements of new activities and sustainably manage the resources of the district.

Subdivision and development places an increased demand upon resources of the district. In order to address these adverse effects additional services or extensions to existing services may be required to ensure there is an efficient and effective standard of service infrastructure.

The cost of upgrading existing or providing for additional infrastructure must be fairly allocated to avoid inequitable cost to the community arising from new development.

C7.3.2 Objectives

- C7.3.2.1 Ensure that there is an appropriate standard of public infrastructure to provide for the use of land resulting from subdivision and development.
- C7.3.2.2 That subdivision or development is serviced in a way that avoids, remedies or mitigates any adverse effect on the environment.

C7.3.3 Policies

- C7.3.3.1 That new subdivision and development connects to public service infrastructure where there is adequate capacity to provide for the demand of additional activity.
- C7.3.3.2 That the servicing of new subdivision and development provides for the sustainable management of a natural and physical resources.
- C7.3.3.3 That new development is to meet the fair and reasonable cost of providing additional infrastructure necessary to service the development.

- C7.3.3.4 Avoid, remedy or mitigate any adverse affects from the disposal of stormwater on the environment.

C7.4 INFRASTRUCTURE CONTRIBUTIONS

C7.4.1 Introduction

Where new subdivision or development occurs, upgrading of the infrastructure networks is often necessary to service the development. This upgrading adds incrementally to the demand on Council owned and operated services.

It is reasonable that the costs of addressing these issues is met by those who cause the demand for upgrading.

C7.4.2 Objective

- C7.4.2.1 To allocate the cost of additional service and roading infrastructure necessary to meet additional demands as a result of a subdivision or development to those who cause the demand for the upgrade.

C7.4.3 Policies

- C7.4.3.1 Subdividers and developers should be required to meet the full costs of providing upgraded roading and service infrastructure necessary to support their subdivision or development.
- C7.4.3.2 Ensure new subdivision and development adequately compensate for any impact on service and roading infrastructure by way of financial contribution to ensure there is no degrading of that infrastructure.
- C7.4.3.3 Ensure new subdivision and development contribute to providing new or upgrading existing public reserves including esplanade reserves.

C7.5 CONTAMINATED LAND

The presence of contaminated land can adversely impact upon existing and future activities on the site and on the wider environment.

Identifying and managing activities in the presence of contaminated land is critical as part of the responsibility to manage effects on the environment and on the health and safety of people and communities.

Specific legislation to manage hazardous substances is expected to be deferred to. The provisions of the district plan and the Resource Management Act will be applied to ensure a complete approach and strategy is applied to the management of potential future and existing contaminated land.

C7.5.1 Objective

To manage existing contaminated land and prevent the creation of additional contaminated land.

C7.5.2 Policy

Ensure that new activities avoid, remedy or mitigate the effect of contaminated land on the environment.

C7.6 SUBDIVISION AND DEVELOPMENT RULES

C7.6.1 General

Subdivision of land shall meet the requirements of Part 2 of the Resource Management Act.

Subdivision of land into two or more allotments or any subdivision of a title into two or more leased sites shall be a controlled activity, subject to C7.6.3 and C7.7.

In determining an application for subdivision as a controlled activity the Council shall exercise control over those matters set out in C7.7.

C7.6.2 Utility Services

Subdivision to create an allotment of any size for the purpose of providing for an existing or proposed network utility is a controlled activity. Subdivisional rules contained in other parts of the Plan shall not apply to activities covered by this provision unless otherwise specifically stated.

Council reserves control over allotment size.

The assessment criteria which shall apply are:

- The degree to which the proposed size of the allotment allows sufficient land to accommodate the activity and associated structures.

- The mitigation of adverse effects on amenity values.

C7.6.3 Contaminated Land

Require a statement to be provided as to the likelihood of contaminated land forming all or part of the site of a proposed activity.

In providing this statement, 'contaminated' land shall be as defined under the Resource Management Act 1991, and the development of all or part of that land shall be a restricted discretionary activity.

Matters over which Council will exercise discretion are limited to the effects of the contaminated land on the environment.

C7.6.4 Transmission Lines

Subdivision of land into two or more allotments within 32 metres of a high voltage transmission line shall be a restricted discretionary activity.

In determining an application for subdivision within 32 metres of a high voltage transmission line as a restricted discretionary activity Council shall restrict its discretion to the following matters:

- The extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the route of the line;
- The ability for maintenance and inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;
- The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms;
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and
- The outcomes of any consultation with the affected utility operator.

C7.7 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

C7.7.1 Subdivision to Create Separate Titles

- New subdivision and development which gains direct access off State Highway 34 is a restricted discretionary activity. Matters to which Council will restrict its discretion are:

1. The adverse effects of the proposal on the safe and efficient operation and function of the state highway and adjoining transport network;

and

2. Any measure required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the state highway and adjoining transport network.

- Any subdivision of land to create separate titles in the Rural Lifestyle Zone within the Putauaki Structure Plan (refer to Appendix E) is a Discretionary Activity, which the exception of subdivision to create utility lots which will continue to be subject to Rule C7.6.2.

Discretionary activities must be assessed in accordance with Section 104 of the RMA.

- An application for subdivision will be a non-complying activity where:
 - a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use subsequent to the subdivision is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards to future occupiers of the land.

Provided however, this rule will not apply where:

- i The application is for a boundary adjustment between allotments and will not create additional building sites, or change the use of the sites; or
- ii Any proposed allotment has an adequate building platform whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 2% AEP flood event. Use will be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
- iii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.

- b) The land is not suitable to be subdivided in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety.
 - d) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.
 - e) The proposal is for a staged unit development, and the proposal depicted in the application has not been granted a resource consent or a Certificate of Compliance has not been issued.
- Rules for subdivision around a network utility are included in section C9.8.

C7.7.2 Requirements for the Lease of a Building or Part of a Building Where a Cross-Lease, Company Lease or Unit Title is not Involved

- a) Before granting a subdivision consent the Council shall be satisfied that the subject building has been lawfully erected.
- b) No minimum areas for each allotment is required, but the boundaries of the allotments created by these provisions shall follow existing or proposed walls, ceilings and floors, and the plan shall show the allotment in relation to the exterior of the building and shall give upper and lower elevations in terms of a datum to be established.

C7.7.3 Requirements for Unit Title and Cross-Lease Subdivision

- a) Where an application for subdivision consent affects a building or any part thereof, compliance with relevant legislation concerning the erection or modification to buildings is required.
- b) Where an existing building included in an application for subdivision consent, has obtained a resource consent or is a permitted activity, any proposed covenant, unit or auxiliary unit boundary shall take into account all relevant development controls for the zone.
- c) Where any building included in the application for subdivision consent has not been constructed or is under construction at a time of granting the consent, the Council will not approve the survey plan under Section 223 of the Resource Management Act, until the building is completely framed up to and including the roof level and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of

the site to be confirmed by a Certificate from a Registered Surveyor.

- d) Before granting consent to a staged cross-lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development and that such development will be free from inundation and capable of adequate servicing.
- e) Consent to an application for a staged unit title subdivision is subject to the production of the unit development plan for the site approved in terms of the Plan.

C7.7.4 Requirements for Development

Where a development plan approval is required separately or as part of any resource consent the Council will not approve any such plan where:

- a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards such as pollutants from industrial activities, that may be hazardous to future occupiers of the land.

Provided however, this rule will not apply where:

- i Any proposed building site has an adequate building platform, whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 1% AEP flood event. Use may be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
 - ii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.
- b) The land is not suitable for development in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety and because of inadequate means of stormwater and sewerage disposal.
 - c) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.

C7.7.5 Certification

The Council will not issue:

- a) Any certificate under Section 222 of the Resource Management Act; or
- b) Any certificate enabling the use or occupation of any building for which a development consent has been sought.

Nor will it accept any infrastructure or utility service for vesting unless:

- i All contributions in the form of works and services have been completed as required by the Council and fully documented into the Council records, all fees and charges have been paid, all technical works have been tested and certified as to standard, quality, performance and function and all necessary documentation has been approved. **Note:** any easement in favour of the Council shall be an easement in gross.
- ii The Council will not approve a survey plan under Section 223 of the Resource Management Act unless a subdivision consent has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent. In the case of applications for cross-leases, company leases or unit titles [other than those being staged] the Council must be satisfied that the buildings, the subject of the leases, have been constructed in accordance with their building consent especially as to bulk, level and location.
- iii Where a subdivision other than for cross-lease and unit title is likely to be carried out in stages, the developer must signify this to the Council at the time of the application for subdivision consent and indicate the time period over which the development is likely to take place. Approvals in terms of Section 223 and 224 of the Resource Management Act for each stage will only be given when the Council is satisfied the conditions that apply to that stage have been met, and the balance of the area being subdivided in an allotment that complies with the provisions of this Plan.
- iv All buildings subject to a cross-lease, unit title or company lease application must have:
 - Existing use rights; or
 - Comply with the relevant provisions of the Plan; or

- A resource consent.

Where any building fails to comply, a subdivision consent will not be granted until the appropriate land use consent has been granted.

C7.7.6 Subdivision Design

a) Lot Size

No minimum lot sizes are specified in this plan, except in the Rural Lifestyle zone (see rule C6.4.3), however a minimum lot size may be a condition of any consent where it may be necessary to ensure other standards relating to the subdivision can be met.

b) Shape Factor

All lots intended to be used for residential dwellings shall be of a shape which would contain a 15m diameter circle as minimum requirement.

All lots intended to be used for Commercial or Industrial activity shall be of a shape capable of containing a rectangle equal to half the site area and with sides in proportion of not more than 2:1 without encroaching on any specific yard spaces.

c) Frontage

No residential lot shall have a frontage of less than 5m provided that where lots share frontage in the form of access strips the requirements for access to rear sites shall apply.

There is no minimum width of frontage in other zones but no front site shall have a lesser frontage width than would be required if it were a rear site.

No lot shall use a service lane for the purpose of frontage.

d) Layout of Allotments

In determining the layout of subdivisions particular consideration shall be given to:

- i The need to ringmain water supplies – particularly between cul-de-sacs heads.
- ii The need for a secondary flow path for stormwater overflows.
- iii The undesirability for cul-de-sacs to fall toward the head.

- iv The economic use of utility services.
- v The roading hierarchy.

e) Access to Rear Sites

		Minimum Width	Minimum Clearance Height	Minimum Formation Width
1	Residential Zones			
	a. Up to 3 dwellings b. Up to 12 dwellings	3.5m 6m	3m 3m	3m Sufficient formation width to enable two vehicles to pass
2	Commercial / Industrial Zones			
	a. One or two lots b. More than two lots	6m 7.5m	4m 4m	6m 7.5m
3	Rural Lifestyle Zone			
	a. 3 lots or less b. 4 lots or more	10m 10m	5m 5m	3m Sufficient formation width to enable two vehicles to pass

f) Provision for Access to Rear Lots

Access to a rear site may be by way of an entrance strip of the required width integral with the site, or by a right of way easement over adjoining land or by a combination of these provided the total width of the access complies with these rules. The granting or reserving of any such right of way will be a condition of the subdivision. Where the right of way is outside the land being subdivided, the right of way will need to be registered prior to the approval of the survey plan. Access may also be provided by means of an interest in an access lot as a tenancy in common, subject to:

- i No access strip shall be more than 60m in length.
- ii Compliance as specified in this rule.
- iii Amalgamation of an individual share in the access lot with each site to be served.

g) To reduce the potential for flood risk, the minimum platform level for all subdivision and development is above 1% of annual exceedance probability (AEP) flood levels.

h) Putauaki Structure Plan

Subdivision design shall be consistent with the Putauaki Structure Plan in Appendix E.

C7.7.8 Works and Services Requirements

The Resource Management Act provides for a resource consent to include a condition requiring that a financial contribution be made in the form of works or services, including the planting or replanting of any tree or other vegetation or the restoration or enhancement of any natural or physical resource.

The Council considers that the developers and subdividers should provide, or contribute to the provision of, those works and services necessary to ensure the efficient functioning of their developments and subdivisions. A contribution may also include the formation of an unformed road, the upgrading of a formed road where the activity is likely to generate additional traffic to the extent that increased pressure on the facility will go beyond the ability of the road to cater for, the upgrading of an undersized sanitary sewer or stormwater drain, the contribution toward any sewage treatment or water supply headworks or any trunk sewer, water main or stormwater drain.

The provision of these services, or any contribution towards them, should include the undergrounding of all reticulation involved in these, together with individual connections to each separate allotment, lease site or dwelling unit.

The amount of contribution will be limited to the works necessary to meet the additional loading on the infrastructure or utility service caused by the subdivision and developments, as determined by the Council.

In determining the amount of any financial contribution the Council shall consider any design and operational factors provided by the developer that may have a benefit to the wider community.

In the case of a subdivision consent, where services are not immediately available to serve land on an application plan, but are expected to be available within 5 years, the Council may require the applicant to pay or enter into a bond to pay to the Council, such amounts as the Council considers fair and reasonable towards the cost of providing such services to serve the subdivision.

a) Adequate works and services are required to ensure that:

- i All new sites created as a result of subdivision are suitable for their intended purpose.
- ii All sites containing or intended for development are capable of sustaining the permitted activities allowed in this plan

without giving rise to loss of amenity due to nuisance or unsanitary conditions or resulting in other significant adverse effects on the environment.

- iii Any roading or private ways provided minimise any loss of amenity caused by traffic or the routing of utility services by making adequate and appropriate provisions:
 - For the formation, construction and drainage to the appropriate standard of all proposed roads, parking and manoeuvring areas.
 - For the formation and construction of a carriageway over every proposed private way and private road.
 - For the provision of frontage to a road or private road which will give vehicular access from an existing road or private road.
 - For both vehicles and pedestrian and cycle traffic whether generated by the permitted activities on the land being subdivided, or in transit through the area.
 - For all utility services which may be needed to service future and existing development on the land being subdivided or developed.
- b) Any roading or other vehicular access, sanitary or stormwater drainage, water supply or other works or services which may be reasonably required for the proposed land use activity are provided without cost to the Council, using materials and methods which will minimise future maintenance costs and not unduly detract from the amenities of the area and not endanger the lives of citizens.
- c) All easements for the identification and protection of private and public services and secondary flow paths are to be granted by the owner. All services should be underground with separate lots set aside for network utility operators for transformers etc.
- d) Subdivision or development activities avoid adverse effects upon existing and proposed network utilities by compromising the effective operation, maintenance, development and protection of that network.
- e) Specifically Council must be satisfied that:
 - Telecommunication facilities can be made available to the subdivided lots from existing services, or that agreement has been reached with the telecommunication provider for the

provision of any necessary services and that all telecommunication facilities provided by the subdivider are approved by the telecommunication provider as suitable for connection to its network before installation.

- If the land proposed to be subdivided is crossed by existing telecommunication lines adequate provision is made for any necessary relocation or undergrounding of such lines.
- There are suitable arrangements for the reticulation of a gas supply for every lot, lease area and building site within the subdivision, where existing gas reticulation is available within 200 metres of the subdivision.
- When determining the layout of subdivisions, particular regard shall be given to:
 - i Operational, safety and protection requirements for existing and proposed transmission lines and transmission gas pipelines;
 - ii That suitable access to transmission lines and transmission gas pipelines will be maintained;
 - iii That there will be no need to erect buildings within 32m of the centre line of high voltage transmission lines; and
 - iv That building platforms for residential dwellings will facilitate the main living area not facing the transmission lines.
 - v Existing and proposed transmission lines.
 - vi Any new buildings and structures shall comply with the permitted activity standards for activities in proximity to transmission lines in Section C4.3.7; and
 - vii That where practical the building platforms for residential dwellings will facilitate the main living area not directly facing the transmission lines.

C7.8 RESOURCE CONSENT APPLICATIONS FOR SUBDIVISION AND DEVELOPMENT

C7.8.1 All applications for a subdivision consent or for a land use consent shall be accompanied by either:

- a) A concept plan outlining the development concept where it is proposed to subdivide 50 or more allotments [singularly or in stages] or where in the opinion of the Council there are special circumstances relating to the integration with surrounding land or the provision of network services.

- b) A development plan depicting the process or stages involved in a proposed subdivision where two or more household units are to be constructed on any site or where any rule in this plan requires the submission of a development plan.
- c) A subdivision plan where any division of land onto two or more separate allotments is proposed.
- d) Copies of subdivision plans shall be served on the following organisations, and evidence of this consultation and any written comment they provide shall be submitted to the Council as part of the application for a subdivision consent:

The Bay of Plenty Regional Council
 Electricity generators and suppliers
 Telecommunication provider (if relevant)
 New Zealand Transport Agency [if adjacent to a State Highway]
 Vector Gas Limited [if relevant]
 Historic Places Trust [if relevant]
 Local iwi [if affecting Maori land]
 Department of Conservation [if adjacent to a Department of Conservation reserve, conservation covenant, or significant natural area]

C7.8.2 The following information is to be shown on any plan:

- All of the land in the title(s) being subdivided including balance areas, existing and proposed boundaries and areas of all allotments;
- Contours to show general topography of the site in terms of mean sea level and using not more than a 2m contour interval;
- Any existing buildings on the site, including any residential units within those buildings;
- The relationship of existing or proposed buildings to any proposed new site boundaries including their height in relation to that boundary;
- Public sewers and private drains on or adjacent to the land;
- Other utility services, sewers, watermains and drainage systems including the position of the nearest fire hydrant and details of any private rights;
- All trees and indigenous vegetation bush including the spread of the canopy;

- The proposed grade of any private way [including a driveway to a proposed building site]; and any new road;
- Any existing building line;
- Any flood plains and any existing overland flowpaths;
- All roads, private roads, reserves, retirement or conservation areas, land to be vested in the Council and private ways;
- Any fences, water courses or such other data as may be necessary to fully depict the physical features of the land and any constraints on its development or use.
- The location of any high voltage transmission lines traversing or within 32 metres of the site.

For the subdivision of rural land plans need only show the outline details of the proposal recording the area to be subdivided and the residual land. Where appropriate such additional data as contours, existing and proposed road access points, water supplies, public services, location of buildings etc should also be shown.

C7.8.3 Details

- a) An application for a consent shall include:
- A development plan; and
 - A description of the activity for which consent is sought and its location; and
 - Any information required to be included in the application by this Plan and any regulations; and
 - A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the application has applied for such consents; and
 - The prescribed administration charge; and
 - A current copy of the title(s) of the subject land.

An application for a subdivision for cross-lease, company lease or unit title, in addition to the foregoing shall include:

- i Sufficient information to demonstrate that the buildings have existing use rights or;
 - ii A copy of the certificate of compliance for each building depicted on the application; or
 - iii Evidence or any required land use consent granted for the buildings the subject of the application; or
 - iv) Sufficient information to demonstrate the buildings (the subject of the application) meet the relevant development controls.
- b) The application shall be accompanied by adequate information to define:
- The position of all boundaries [new and existing];
 - Except in the case of a subdivision to be affected by the grant of a cross-lease or company lease or by the deposit of a unit plan, the areas of all new allotments;
 - The location and areas of any part of the bed of a river or lake, which is required under Section 237A of the Resource Management Act to be shown on a survey plan as land to be vested in the Crown;
 - The location and areas of land to be set aside as new road.
- c) A report covering the matters set out in C7.8.4 to C7.8.11 where appropriate.

C7.8.4 Stormwater Drainage

Where existing stormwater sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. If stormwater is proposed to be discharged into a watercourse or lake, comment on the situation with respect to any other resource consents required and the result of any consultation held with the Regional Council.

Onsite disposal of stormwater by soakpits will be required in all parts of the district except where special provision has been made to accept discharges into the public stormwater drains.

C7.8.5 Sanitary Drainage

Where existing sanitary sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. In all other

cases, the applicant must submit evidence that this proposed means of sewage disposal have had the prior approval of the Council and the Regional Council.

C7.7.6 Stability

A statement is required confirming that there is no uncontrolled fill on the site, that the Council's hazards register has been checked and that there is no sign of soil creep or slumping. Where the stability of the site or part of the site is suspect, a full report from a qualified civil engineer experienced in these matters must be submitted.

C7.8.7 Designations

A statement identifying any designations applying to the land.

C7.8.8 Archaeological Sites

A statement covering archaeological sites as they may relate to the land including consultation if any with tangata whenua and the relationship to known archaeological sites. Subdividers are encouraged to undertake a surface archaeological inspection at the time of survey. There are many unknown sites and the subdivision process should seek to identify these where possible so that the planning for the layout of the development can take these into account.

Archaeological sites are subject to protection under the Historic Places Act that includes the ability to prosecute in the event of any unlawful disturbance of sites.

C7.8.9 Other Consents

Detail of any other consents required [including any works] and whether they have been applied for.

C7.8.10 Cross-Lease and Unit Title [not being staged]

- a) Comment on any other buildings on the site not being included in the lease.
- b) Comment on whether any residential buildings being leased are subdivided into further residential units.
- c) For proposed buildings, what building consents have been applied for and whether they have been issued.
- d) For buildings under construction, the building consents numbers and dates of issue if applicable.

C7.8.11 Staging

In the case of freehold subdivisions, the applicant shall state whether the subdivisions is to be staged and if so over what period of time to ensure the consent can be made current for the appropriate period.

Applications for cross-lease, unit titles and company leases [non-staged or second and subsequent stage cross leases].

These fall into two categories:

i) Those with existing completed buildings.

Applications for this type may be made by using the survey plan as the application plan provided the following information is supplied:

- Where an existing residential building within 1 metre of a site or proposed site boundary, the distance to that boundary;
- Where an existing commercial and industrial building is within 3 metres of a site or proposed site boundary the distance to that boundary and the percentage of the wall nearest to that boundary made up of openings formed by doors and windows.

ii) Those with proposed buildings or buildings under construction and which are to be cross-leased or unit titled.

Applications for these may be made either by lodging the final survey plan as the application plan or lodging the site plan that accompanied the building consent application, provided it is to a recognised scale, showing the whole site the subject of the cross-lease and all buildings that will be subject of the leases.

C10.1 INTRODUCTION

Access within and through the district is vital for the efficient functioning of the community. Most members of the community make daily use of or are dependant on the transportation network. It is therefore important that roads and footpaths are provided throughout the district in a manner that makes the most efficient use of resources and enables access to private properties, places of business and areas of public land.

The Plan requires the setting aside of road reserves and the formation of carriageways and footpaths where appropriate as part of any subdivision activity. The road reserve becomes vested in Council and then enables access to individual private properties, public property such as reserves, as well as linking up to the existing transportation network.

Many public open spaces within the district also provide through access for pedestrians and cyclists. Such walkways and tracks are provided in accordance with Councils' Reserve Management Plans and the rate of such development may vary from year to year.

Vehicle parking requirements and loading and servicing requirements of some activities can create adverse effects. This occurs when insufficient area for parking and loading has been allowed for on the site and forces these activities to occur on the public road.

This in turn leads to congestion caused by parked vehicles and the resultant 'bottlenecks' created which can reduce levels of safety and amenity.

Demand for parking and traffic movement is an effect created by most activities. This demand has the potential to adversely affect the environmental qualities of an area therefore careful attention must be paid to the management of traffic and in particular parking if adverse effects on the environment are to be avoided, remedied or mitigated. For these reasons activities must provide sufficient area on site for all the parking, manoeuvring and servicing requirements of the activity.

The road reserve is an integral part of any neighbourhood and can influence the character of the immediate vicinity. The road reserve includes not only foot paths and carriageways but also the land between opposing front property boundaries. It is often used for amenity planting and landscaping in addition to its traffic carrying function, and as an area to locate reticulated services such as water, wastewater, gas, electricity, telephone and street lighting. Control

should be exercised over the placement of such buildings and structures, including utility services in order to avoid adverse effects.

Signs carrying road safety and public information are also located on road reserves. In order to manage the variety of potentially conflicting activities which occur on road reserves, all road reserves in the district have been zoned. The zone will enable the various activities to occur in an efficient and coordinated way so as to ensure public safety and the maintenance or enhancement of the amenity values of the area.

The operation of heavy vehicles can create a nuisance, particularly if such activities occur in the residential area or at night. While it is accepted that heavy vehicles will sometimes operate in residential areas, such as when used for delivery or home maintenance purposes, in general they will be discouraged from such areas. The Plan restricts the overnight parking of heavy vehicles on specified roads within the district in order to reduce the noise nuisance and adverse visual impacts of such activity.

C10.2 OBJECTIVES AND POLICIES

C10.2.1 Objectives

- C10.2.1.1 To maintain and enhance access to the natural and physical resources of the district by ensuring the effects of traffic congestion and insufficient parking are mitigated.
- C10.2.1.2 To ensure that activities taking place on roads or on land adjacent to roads do not adversely affect motorist, cyclist and pedestrian safety and efficiency, or the amenity values of the immediate area where practicable.

C10.2.2 Policies

- C10.2.2.1 Vehicular and pedestrian access to public and private land within the district should be provided where safe to do so.
- C10.2.2.2 The vehicle parking and servicing requirements of various activities should where appropriate take place within the site boundaries of the activity.
- C10.2.2.3 The siting, bulk and design of buildings, structures and services within the road reserve and on properties adjacent to roads should not compromise safety or the amenity values of the neighbourhood.

- C10.2.2.4 The operation, including parking, of heavy vehicles should not compromise the safety or amenity values of residential areas.
- C10.2.2.5 Property accesses shall be spaced and constructed to standards that are appropriate to their intended use.
- C10.2.2.6 On-site manoeuvring areas shall be of sufficient size and design to encourage property ingress and egress to occur in a forward motion.
- C10.2.2.7 Manage the adverse effects of land use, development and subdivision on transport safety, and the capacity of the transportation network.

C10.3 GENERAL OBLIGATIONS

The provision of adequate access, parking, and loading arrangements is an important part of maintaining the safety and efficiency of transport systems. The efficient and safe movement of vehicles on the street system is aided by having adequate vehicle parking provided. Different activities have the potential to attract and/or generate varying demands for parking. In general, the majority of such parking needs to be provided on or as close as possible to the site that the activity is located on.

Every person who erects a building, adds to a building, or changes the use of land or a building or site shall provide in relation to the activity:

- Adequate parking spaces,
- Adequate loading and unloading bays, and
- Adequate manoeuvring space, aisles and access for all vehicle movements.

Where a proposed building is listed in the disabled persons welfare legislation, the Council may require one carparking space required for the use to be constructed and set aside for the exclusive use of disabled persons in a readily accessible and convenient position.

C10.4 RULES

C10.4.1 Parking Requirements

The number of parking spaces required by the Council for each site, taking into account the proposed activity, its likely traffic generation, and other relevant factors, is set out by activity (regardless of the zone it is located in) as the activity generates and/or attracts parking to similar levels regardless of the zoning.

Unless otherwise indicated, the normal minimum requirements are as listed below:

- 1 All references are to the maximum capacity of the building/activity.
- 2 All staff numbers are peak numbers and include employers, and
- 3 Where an activity comprises 2 or more uses, e.g. a warehouse with a retail outlet, each part of the activity will be assessed separately.
- 4 Specific parking requirements for network utilities are contained in section C9.7.6.

Activity or Use of Land or Building	Spaces Required
RESIDENTIAL	
Dwelling Unit	2 per unit
Home Occupation	1 for every non-resident employee
Papakainga	2 per unit
Visitor Accommodation	1 per unit or 1 per 4 guests whichever is the greater
COMMERCIAL	
Shops	1 per 25m ² GFA
Supermarket	1 per 25m ² GFA
Cinemas and Theatres	1 for every 10 persons based on maximum seating capacity
Dairy or Convenience Store	1 per 16m ² GFA
Takeaway Food Premises	1 per 16m ² GFA
Service stations	1 per 20m ² GFA excluding canopies over petrol pumps
Restaurant	1 per 4 seats plus 1 per staff

	member
Tavern	1 per 5m ² of net public floor area
Outdoor Display Area	1 per 100m ² GFA
Vehicle Showrooms	1 per 100m ² GFA
Offices	1 per 35m ² GFA
Premises for medical practitioners including dentists and veterinary surgeons	1 per 25m ² GFA
INDUSTRIAL	
Industrial premises and warehouses (pulp and paper)	1 for every 1 of the maximum number of employees on site at any one time. This is to be assessed as the number of employees on daytime duties plus the number of shift workers going off shift at the 8am (approx) shift change.
Industrial premises (other)	1 for every 1 of the maximum number of employees on-site at any one time, plus 1 per 1500m ² GFA
EDUCATIONAL ACTIVITIES	
Childcare facility	1 per 20m ² GFA
Primary and Intermediate School	1 per FTA staff member
Secondary School	1 per staff member plus 1 for every 50 students
COMMUNITY/RECREATION ACTIVITIES	
Marae, Community Centres or places of Worship	1 for every 15m ² GFA, or 1 for every 10 persons the facility is designed to accommodate, whichever is the greater.

*Note: 'GFA' means Gross Floor Area.
'FTE' means Full Time Equivalent*

C10.4.2 Layout Requirements

Parking spaces provided under this Plan shall be of sufficient size and suitability laid out to comply with the 90 Percentile Car Tracking Curve Minimum Radius.

All parking requirements under this Plan shall be constructed and maintained as follows:

- C10.4.2.1 Every parking space shall be of usable shape.
- C10.4.2.2 Every parking space shall be accessible directly from the street or indirectly from an aisle to the street.
- C10.4.2.3 Every such parking space, vehicle access and aisle shall be properly graded, drained, formed and provided with permanent dust free surfacing before the commencement of the use to which it relates.
- C10.4.2.4 Every parking space, vehicle access and aisle shall be maintained in good order and condition at all times.
- C10.4.2.5 Every parking space to be provided under this section for use by the public, shall be available for use at all times and shall be marked to define the depth of the stall.
- C10.4.2.6 Manoeuvring areas are to be located within the site they relate to.

C10.4.3 Loading Requirements

As with parking, loading spaces are required not only to service the activity, but also to ensure that the safety and efficiency of the roading resource is not compromised.

Different activities have different loading requirements. In addition, the nature of providing a loading service has changed over time. For instance, most commercial and business activities are served daily by courier services, using smaller vans. Accordingly, smaller loading spaces are required, but these are required to be available at all times. Vacant parking spaces can be used by courier vans. Activities such as supermarkets and hardware depots are serviced by large vehicles, as well as courier vans. Accordingly, larger specified loading spaces are required for this loading requirement.

Standing space is designed to be used for picking up or unloading passengers and/or goods for use of periods up to five minutes duration.

Commercial and Industrial Zones

- Every standing space shall have access to a road or service lane and the building which it is intended to serve.

- All standing spaces shall have a minimum width of 4 metres and minimum depth of 8.5 metres
- Standing spaces in a shopping area shall be placed at the rear of the building it serves
- Standing spaces shall be located on the site and clear of the adjacent road, or service lane.
- Manoeuvring areas are to be located within the site to which they relate.

All permitted activities exclusive of dwellings shall be provided with at least one loading space in a location appropriate to the use. All discretionary activity loading requirements shall be assessed on their merits.

C10.4.4 Access

Access points must be located to ensure safe entry or egress. The main factors affecting safety are the availability of satisfactory visibility of approaching traffic, and sufficient separation between existing intersections and major access points to avoid conflicts with vehicle turning movements.

All access requirements shall be constructed and maintained as follows:

- C10.4.4.1 The design of such access shall be in general accordance with the widths and turning curves as set out in this Section with reference to the types of vehicular traffic likely to require such access.
- C10.4.4.2 Every lot shall be provided with legal access.
- C10.4.4.3 Access Segregation Strips will be required as a condition of subdivision consent where circumstances require access to be prohibited in order to maintain road safety.
- C10.4.4.4 Sight distances shall be in accordance with the Sight Distance Measurement Diagrams A and B and Tables 1 and 2 in this Section.

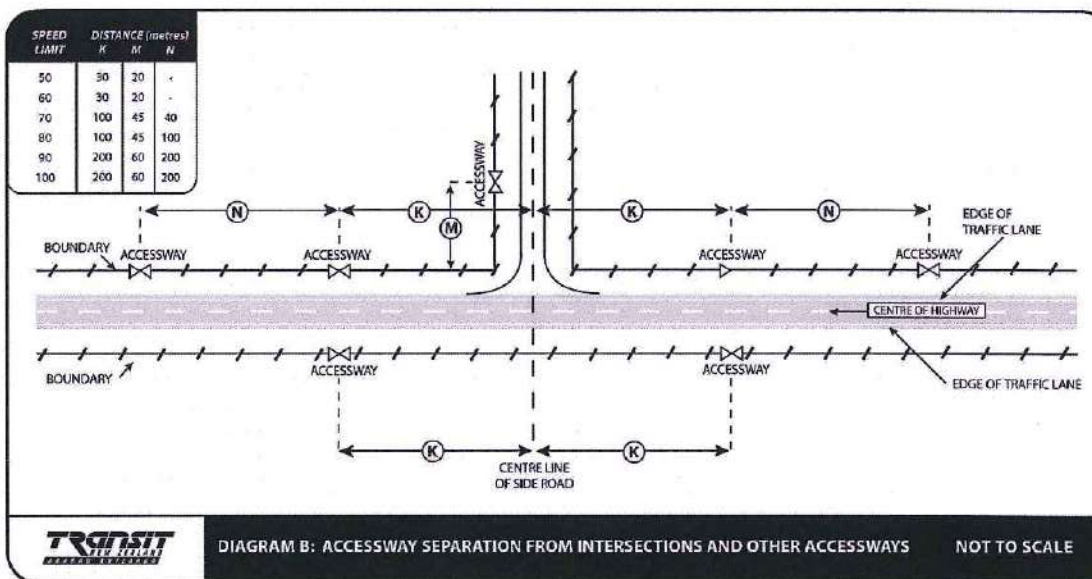
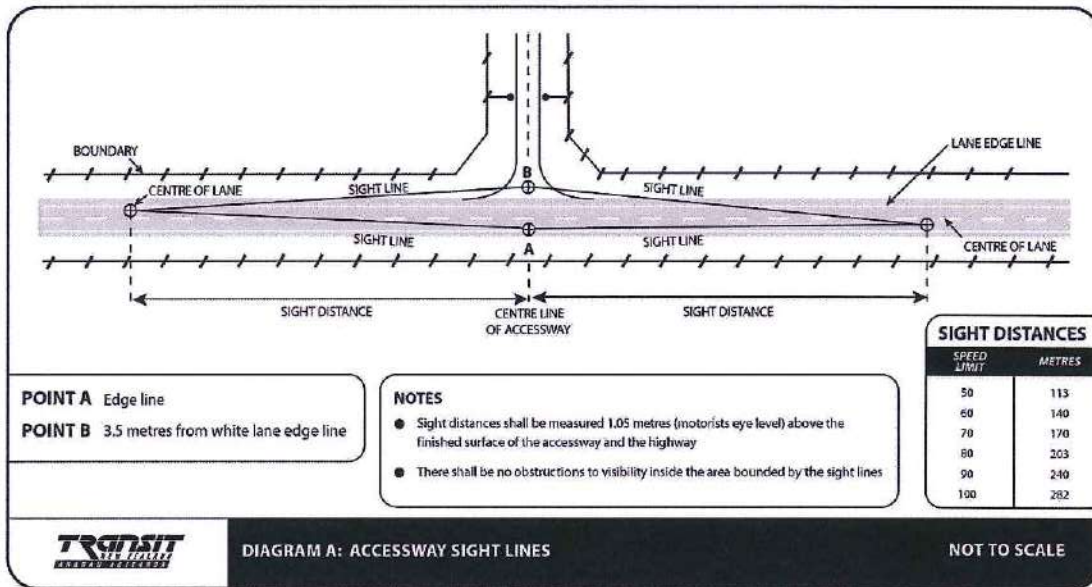


Table 1: Property Access Performance Criteria where traffic generation is less than 30 vehicle movements per day.

Posted (Legal) Speed Limit (km/h)	Minimum Sight Distances (m) See Diagram A	Location of property access relative to intersection. See Diagram B.			Minimum Spacing between adjacent property accesses (on same or opposite frontages). Distance N on Diagram B. (m)
		Minimum Distance K (m)	Minimum Distance L (m)	Minimum Side Road Distance M (m)	
50	85	15	30	15	7.5 or 15
60	115	30	40	20	20
70	140	60	100	30	40

80	170	90	120	30	100
100	250	150	200	30	200

Table 2: Property Access Performance Criteria where traffic generation is more than 30 and less than 60 vehicle movements per day.

Posted (Legal) Speed Limit (km/h)	Minimum Sight Distances (m) See Diagram A	Location of property access relative to intersection. See Diagram B.			Minimum Spacing between adjacent property accesses (on same or opposite frontages). Distance N on Diagram B. (m)
		Minimum Distance K (m)	Minimum Distance L (m)	Minimum Side Road Distance M (m)	
50	85	20	30	20	7.5 or 15
60	115	50	50	30	20
70	140	100	100	45	40
80	170	120	120	60	100
100	250	200	200	60	200

C10.4.5 State Highways

The following criteria applies to property access to State Highways that are not limited access roads:

C10.4.5.1 Restricted Discretionary Activity – State Highway Access

Creation of a new property access, or the increase in use of an existing access to a state highway by more than 12 additional vehicle movements per day is a restricted discretionary activity in regard to access considerations alone.

C10.4.5.2 Assessment Criteria for State Highway Access

When considering an application for a restricted discretionary resource consent regarding access to a State Highway, Council shall restrict its discretion to the adverse effects of the proposal on the function, and safe and efficient operation of the state highway and adjoining transport network and any measures to avoid, remedy or mitigate these effects, including:

- Whether the crossing is sufficiently remote from an intersection having regard to traffic volumes on the roads, the 85th percentile speed of vehicles on the roads, and any other factors that will prevent congestion

and confusion between vehicles turning at the crossing or at the intersection.

- Whether there is a need to separate entry and exit in order to reduce potential traffic confusion and congestion.
- Whether the physical form of the road will minimise the adverse effects of access, for example whether the road offers good visibility; the presence of a solid median to stop right hand turns; or a flush median to assist right hand turns.
- Whether particular mitigation measures such as a deceleration lane are required due to the speed and volume of vehicles on the road.
- The design of the crossing in relation to the ability of traffic exiting the site to safely enter the traffic stream.
- Whether there is adequate queuing and parking space on site so that vehicles do not queue over vehicle crossings.
- The design of the crossing in relation to pedestrian and cyclist safety.
- The effects of the location of the access on the amenity and safety of neighbouring properties.
- Any cumulative effects of the introduction of extra access points in relation to access for other activities in the vicinity.
- Any cumulative effects of extra access points on the function of the frontage road(s) in terms of its position in the roading hierarchy.
- Whether the speed environment on the road, as determined by the 85th percentile speed data, is such that the sight distance standards in the Plan can be safely reduced.

Note: A restricted discretionary resource consent application for access on a State Highway may be considered without notification or the need to obtain the written approval of affected parties excepting that of New Zealand Transport Agency.

C10.4.6 Access to Putauaki Structure Plan Land

C10.4.6.1 Vehicle access to land within the Industrial Zone Area 3 (as shown on the Putauaki Structure Plan in Appendix E) from State Highway 34 shall be located in general accordance with the positions shown on the Putauaki Structure Plan.

Any activity which cannot meet this standard shall be assessed as a restricted discretionary activity.

C10.4.6.2 No vehicle access shall be provided to any new activity on land within the Industrial Zone Area 3 (as shown on the Putauaki Structure Plan in Appendix E) from McKee Road.

Any activity which cannot meet this standard shall be assessed as a restricted discretionary activity.

C10.4.6.3 No vehicle access shall be provided to any new activity on land within the Rural Lifestyle Zone (as shown on the Putauaki Structure Plan in Appendix E) from State Highway 34.

Any activity which cannot meet this standard shall be assessed as a restricted discretionary activity.

C10.4.6.4 No vehicle access shall be provided between the Rural Lifestyle Zone and the Industrial Zone Area 3 (as shown on the Putauaki Structure Plan in Appendix E) over, under or across McKee Road.

Any activity which cannot meet this standard shall be assessed as a restricted discretionary activity.

C10.4.6.5 Prior to any development of land within the Industrial Zone Area 3 (as shown on the Putauaki Structure Plan in Appendix E) new intersections shall be constructed on State Highway 34 in the locations shown on the Putauaki Structure Plan and generally in accordance with Diagram A and Diagram B in Appendix E.

The timing for the construction of the intersections shall be as follows:

(a) The right turn bay intersection (Diagram A) may alone provide access to no greater than 30 hectares of developed land. Prior to development accessed by the right turn bay intersection

(Diagram A) exceeding 30 hectares of land, the roundabout intersection (Diagram B) shall be constructed along with an internal road connection between the intersections and the right turn out movement from the right turn bay intersection (Diagram A) shall be permanently closed.

(b) The roundabout intersection (Diagram B) may alone provide access only to the land shown as Area B on the Putauaki Structure Plan. The right turn bay intersection (Diagram A) shall be constructed prior to any development of the land shown as Area A on the Putauaki Structure Plan being undertaken.

(c) At the time that both of the intersections referred to in this rule are constructed and prior to any further development occurring, a connecting link road with level crossing of the rail siding shall be established in general accordance with the Putauaki Structure Plan in Appendix E to provide public vehicular, pedestrian and cycle access between the two intersections and the right turn out movement from the right turn bay intersection (Diagram A) shall be permanently closed.

Any activity which cannot meet this standard shall be assessed as a restricted discretionary activity.

C10.5 RESTRICTED DISCRETIONARY ACTIVITIES TRAFFIC MANAGEMENT

C10.5.1 When assessing an application to reduce or amend the parking, layout, loading or access rules Council will restrict the exercise of its discretion to the following matters:

- The hours of operation relative to other activities on the site or on adjoining sites and the opportunities for sharing parking spaces.
- The ability of the street to accommodate parking in a safe manner.
- The total parking demand generated by the proposed development. Where it can be demonstrated that the development is such that the premises cannot be used for any other purpose, a lesser number of parking spaces may

be accepted by Council as being adequate.

- The availability of payment in lieu of parking where any reduction from the required parking cannot be granted.
- The availability of appropriate off street parking in the locality, particularly where the developer has financially supported such provision.
- The amount of public space, which is incorporated within the building and the intensity of use of such facilities.
- Any inappropriate modification to the natural environment that would result from providing the parking spaces.

C10.5.2 In determining the required parking for a particular activity or development Council will restrict the exercise of its discretion to the following matters:

- Whether off site parking is in close proximity.
- Whether joint parking provision is acceptable particularly where hours of operation are different.
- The desirability of avoiding vehicular access to the site on traffic safety or pedestrian amenity grounds.
- The convenience of those using the parking spaces especially the general public.
- That any arrangement for alternative parking provisions is adequately secured so that parking can take place when required.

C10.5.3 Required sight distances for accessways are determined with reference to the **85th percentile operational speed¹**. This should be measured at the accessway location. However, where the 85th percentile operating speed has not been measured, **NZTA** will generally use the state highway's **posted speed plus 10km/h** as an approximation for the 85th percentile operational speed, because this generally reflects driving behaviour in New Zealand.

¹ Required minimum sight distances on this basis are set out in table App5B/11 below and illustrated in Diagram A and Perspective A.

Table App5B/1 – Sight distance standards¹

Posted speed Limit (km/h)	85 th percentile operating speed, measured at the site (or if above not known, posted speed plus 10km/h)	Minimum sight distance standard (m)
Not applicable	50	89
50	60	113
60	70	140
70	80	170
80	90	203
90	100	240
100	110	282

Table App5B/3 – Guidelines for minimum accessway spacings

Posted Speed limit (km/h)	85 th percentile operating speed (or if not known, posted speed plus 10km/h)	Recommended minimum distanced between accessway and nearest intersection (m)	Recommended minimum distance between local road accessway and intersection (m)	Recommended minimum distance between accessways (m)	Desirable spacings between accessways and between intersections and accessways on national state highways carrying over 10,000vpd.
Not applicable	50	30	20	-	125
50	60	30	20	-	160
60	70	30	20	-	220
70	80	100	45	40	305
80	90	100	45	100	400
90	100	200	60	200	500
100	110	200	60	200	500

C10.5.4 In determining an application for a restricted discretionary resource consent regarding access to land within the Industrial Zone Area 3 and the Rural Lifestyle Zone (as shown on the Putauaki Structure Plan in Appendix E), Council will restrict the exercise of its discretion to the following matter:

¹ Other accesways will normally be expected to meet the accessway spacings set out in table 2 and illustrated in diagram B and perspective B.

- The adverse effects of the proposal on the function, and safe and efficient operation of the state highway and adjoining transport network and any measures to avoid, remedy or mitigate these effects.

- Appendix A - Definitions
- Appendix B - Designations
- Appendix C - Schedule of Heritage Sites and Places
- Appendix D - Statutory Acknowledgements
- Appendix E - Putauaki Structure Plan

Abatement Notice has the same meaning as in Section 2 of the Resource Management Act.

Access Strip has the same meaning as in Section 2 of the Resource Management Act.

Accessory Buildings in relation to any site means a building, the use of which is secondary to the established Permitted Activity on the site, including garages or carports, and “buildings accessory to” has a corresponding meaning.

Actively means a strong emphasis will be placed on encouraging the participation of tangata whenua in the consultation process when activities will have the potential to adversely effect taonga whenua or tangata whenua relationships to taonga.

Adjoining means next to and joint with.

Advertising Signs means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other thing of a similar nature to attract attention, and includes all parts, portions, units and materials composing the same, together with the frame, background, structure and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle, but shall exclude official signs.

Amenity Values has the same meaning as in Section 2 of the Resource Management Act.

Asset means any useful or valuable property.

Avoided means kept away from or evaded.

Bedroom in relation to a household unit means a room generally reserved for sleeping or capable of being used as a bedroom, but does not include a living room, dining room, kitchen, laundry, bathroom or WC, or any combination of such rooms.

Building means any structure, whether temporary or permanent, movable or immovable of not less than 2 metres in height, and includes any fence 2 metres or more in height, or a wall or retaining wall and any stack or heap of building materials 1.2 metres or more high.

Building Line means a building line shown on the Planning Map. Yard provisions may apply in addition to a building line.

Camping Ground means an area of land used or intended to be used for the rent, hire or reward of sites for tents, caravans, or other mobile accommodation, or buildings providing temporary accommodation such as cabins.

Car Sales Yard means any land which motor vehicles, caravans, boats or trailers are offered for sale, lease or hire or on which motor vehicles are stored awaiting sale.

Carport see Accessory Building.

Commercial Activity any activity where profit is the main aim.

Conditions has the same meaning as in Section 2 of the Resource Management Act.

Consent Authority has the same meaning as in Section 2 of the Resource Management Act.

Consultation involves informing people of a proposal not yet firmly decided upon, listening to what others have to say, considering their responses, and then deciding what will be done.

Contamination is the process whereby an area of land or other defined location or material becomes corrupted by hazardous substances which have the potential to have adverse health or environmental impacts.

Contaminant includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; and
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Contaminated Land means land of 1 of the following kinds

- (a) If there is an applicable national environmental standard on contaminants in soil, the land is more contaminated than the standard allows; or
- (b) If there is no applicable national environmental standard on contaminants in soil, the land has a hazardous substance in or on it that -
 - (i) Has significant adverse effects on the environment, or
 - (ii) Is reasonably likely to have significant adverse effects on the environment.

Controlled Activity means any use specified in this Plan as a Controlled Activity and has the same meaning as in Section 2 of the Resource Management Act.

Corporeal goods means material or tangible goods wares or merchandise.

Council means the Kawerau District Council or any Committee, Subcommittee or person to whom the Council's powers, duties and discretion under this district plan have been delegated pursuant to the provisions of the Resource Management Act.

Corner Site means a site where two of the street boundaries provide a continuous street frontage of not less than 30 metres, provided that every boundary not being a street frontage is deemed to be a side boundary.

Coverage means that portion of a site which may be covered by buildings including accessory buildings.

Dairy means a shop which sells food and beverages, deriving a significant part of its trade from the retail sale of milk and ice cream, bread and other day to day requirements, and which may remain open on weekends and public holidays.

Decontamination refers to the process of eliminating contamination or hazardous substances from a site or other defined location.

Development means the development of a site required to establish or operate a land use and shall include buildings, structures, ground works and landscape.

Discretionary Activity has the same meaning as in Section 2 of the Resource Management Act.

District has the same meaning as in Section 2 of the Resource Management Act.

Dwelling means a self contained residential unit to be used by one household and includes apartments, semi-detached and detached houses, home units, townhouses and similar forms of residential development and includes the construction, removal and demolition of a dwelling.

Effect has the same meaning as in Section 3 of the Resource Management Act.

Entrance Strip in relation to a rear site means all that part of the site extending from the street frontage to the main part of the site and includes a system of rights-of-way and an access lot.

Environment has the same meaning as in Section 2 of the Resource Management Act.

Environment Court means the Environment Court constituted under Part XI of the Resource Management Act.

Erection in relation to a building, includes the re-erection or structural alteration of, or the making of any addition to the building or the placing of the building on a site, or the

relocation of the building from one position on a site to another position on the same site; and “erect” and “erected” have corresponding meanings.

Existing means buildings and uses lawfully in existence at the time when an Ordinance or Rule first became enforceable, and lawfully continuing in existence until the time of interpretation.

Farming Activities means an activity, whether land based or otherwise, having as its primary purpose the commercial production of any livestock or vegetative matter, and includes forestry and the raising or keeping of plants and animals within buildings or outdoor enclosures.

Front Site means a site having direct frontage of not less than the minimum required by the Plan, but does not include a rear or corner site.

Front Yard means a yard between the street frontage and a line parallel thereto and extending across the full width of the site, provided that the building line (if any) shall be substituted for the street frontage for the purpose of ascertaining the position of any front yard boundary.

Where part of the site is shown on the Planning Map as proposed street, or proposed street widening, the proposed street frontage shall, for the purpose of all front yard requirements, be substituted for the existing street frontage. For a corner site with two street frontages there shall be two front yards.

Garage see Accessory Building.

Geothermal Power Station means a facility which uses geothermal steam or heat to drive turbine generators to produce electricity.

GFA is Gross Floor Area and means the sum of the floor area or floors of a building or buildings measured from the exterior walls, or from the centreline of walls separating two buildings including mezzanine floors and internal balconies, but excluding space occupied by internal walls, stairwells, external balconies and terraces, rooftop parking areas, machinery rooms and lift shafts.

GIS means geographical information system.

Hazardous Substance has the same meaning as in Section 2 of the Hazardous Substances and New Organisms Act, 1996.

Heavy Motor Vehicle means a heavy motor vehicle (other than a motor car that is used, kept, or available for the carriage of passengers for hire or reward) the tare weight of which exceeds 3500 kilograms, and includes a bus, housebus, motorhome or campervan.

Height in relation to a building means the greatest vertical distance between any external part of the building and the ground at that point.

The following are exempted from the height calculation:

- 1 Lift towers, elevators and stair bulkheads, roof water tanks, cooling towers and hose drying towers (together with their enclosures), provided that the maximum dimension parallel to the street does not exceed a total of 8 metres for every 30 metres of frontage.
- 2 Chimneys and flues, provided that the maximum dimension parallel to the street does not exceed a total of 8 metres for every 30 metres of frontage.
- 3 Spires, flagpoles, aerials and wire, chain link or other open or transparent fences, and such finials and similar parts which are only decorative features.
- 4 Freestanding poles and supported wires, radio and telecommunication masts and microwave towers up to and including 20 metres in height, together with associated satellite and microwave dishes and antenna not exceeding 5 metres in diameter, aerials not exceeding 4 metres in length and associated ancillary buildings not exceeding a gross floor area of 30m². Masts may include antennas attached to the mast not exceeding a height of 6 metres above the apex of the mast with a maximum diameter of 75mm.

High Degree of separation refers to the maintenance of the low density quality of the rural lifestyle zone, which is characterised by a large spatial entity around dwellings. This provides a psychological and aural buffer from adjoining residences to a greater extent than that experienced by urban residential areas.

High Voltage electricity transmission line is an electricity line able to convey a voltage of 110kv or greater.

Home Occupation means a business activity that is clearly incidental to the permitted residential use of the site and is conducted for commercial gain.

House see Dwelling.

Household means the person or persons occupying a single dwelling.

Household Unit means the self-contained home or residence of a single household, which contains a single kitchen facility.

Incompatible Activities include those activities which are not in accordance with the character of the residential area (ie low density, low rise dwellings with a predominant feature being the open space aspect of the residential community) and may have a detrimental impact on the residents of the district, in relation to loss of residential amenity and character.

Industrial Activities means any organised economic activity concerned with manufacture, processing of raw materials or construction, including the generation and transmission of electricity including buildings and associated infrastructure.

Inoffensive refers to signage which contains no material of a sexually explicit nature or that can be judged culturally or politically offensive.

Land has the same meaning as in Section 2 of the Resource Management Act.

Landscaping means an area which has been planted and, where appropriate, treated with fixtures such that amenities not naturally occurring are present. Such fixtures may include seats, lights, paving, sculptures, notice/display boards, fences and fountains and “landscape” and “landscaped” have corresponding meanings.

Licensed Premises means a building and land in respect of which there is, for the time being in force, a licence for the sale of liquor issued under the relevant legislation.

Lifestyle Development means any development designed to sustain the lifestyle of a person or persons in a rural environment, characterised by expansive open spaces and large separation distances between dwellings.

Loading Space means a space on a site available for a vehicle while being loaded or unloaded.

Log Storage Activities means the storage of logs prior to any added value activities such as processing and excluding ancillary administration buildings or offices.

Maori Heritage Site includes any archaeological site or waahi tapu site.

Minor Works means works which do not modify geological features including routine maintenance and repair, the erection of information signs, the taking of samples, planting of indigenous species and the control of exotic species.

Mitigated means reduced in severity.

Motel means land and one or more buildings with self contained units for the transient accommodation of travellers, excluding “Camping Grounds”, but including residential accommodation available on a daily tariff and garaging facilities and may include services such as restaurants, swimming pools, and playground facilities.

Multi-unit in relation to residential development means more than one household unit.

Medical and Paramedical Centre means professional or consulting rooms for registered medical, dental, paramedical or other health related services, individually or in group practice.

Net Area in relation to a rear site means the difference in area between the area of such rear site and the area of its entrance strip.

Network Utility means all works undertaken by network utility operators as defined in Section 166 of the Resource Management Act 1991, including infrastructure associated with a network utility as well as, electricity generation infrastructure and facilities of local, regional or national importance.

Net Public Floor Area means the sum of any internal floor area of a building freely accessible to the general public or patrons and measured from the inside of exterior walls. It includes toilets and ablution facilities, defined on-site external areas intended for occupation by the public such as outdoor dining/bar facilities and display areas, but excludes space occupied by internal walls, lift shafts, hallways and stairwells, car-parking areas, vehicular loading and unloading areas, fire exits, and any area for which access is restricted to employees or operators of the premises.

Non-Complying Activity has the same meaning as in Section 2 of the Resource Management Act.

Noise Sensitive Activities means buildings or parts of buildings use for, or able to be used for the following purposes:

- residential activity
- visitor accommodation
- residential care activity
- education activity
- hospital activity
- healthcare activity
- early-childhood care activity
- marae

Official Sign means all regulatory traffic and official signs approved by a road controlling authority or provided for under any legislation and which are erected on a legal road or motorway.

Open Space means an area of land used for landscaping or outdoor activities, but does not include areas covered by buildings or used for vehicle access or parking spaces.

Paramedical includes acupuncturists, chiropractors, osteopaths and physiotherapists.

Parking Space means a parking space as required by this Plan, and includes covered parking spaces.

Permitted Activity has the same meaning as in Section 2 of the Resource Management Act.

Poster includes any poster, placard, handbill writing, picture, painting, engraving, carving, illuminated sign, or other device for attracting attention of passers-by, whether affixed to or incorporated with or painted on to any building or part thereof or other structure, and whether permanently or temporarily so affixed or incorporated or painted thereon.

Poultry means domesticated birds kept for eggs or meat production.

Power station means an industrial facility for the generation of electric power.

Preschool means kindergarten, play centre, Te Kohanga Reo, daycare or child care centre licensed by the Ministry of Education Preschool Advisory Services in terms of the Child Care Regulations 1985 as amended from time to time.

Privacy means secluded from the sight, presence, or intrusion of others and their activities.

Private Hospital means a building licensed as a private hospital under the relevant legislation.

Public Parking means parking provided for the use of the public general whether or not for hire or reward and shall not include parking space as required by this Plan.

Rear Site means a site generally to the rear of another site.

Rear Yard means a yard in any site other than a corner site, such yard being bounded by the rear boundary of the site and a line extending across the full width of the site, provided that a rear yard in respect of any rear site means a continuous yard bounded by all boundaries of the site, exclusive of the entrance strip.

In the event of there being no rear boundary, as in a triangular site, the boundaries of the rear yard shall be the converging side boundaries of the site, and the arc of a circle drawn with the apex as centre and a radius of 10 metres.

Relocated dwelling means any dwelling which was built off the subject site and is, or is proposed to be, repositioned on the subject site. This excludes prefabricated new dwellings or sections of a new dwelling.

Reserve has the same meaning as the Reserves Act 1977.

Residential Activity means one of the following:

- Dwelling
- Visitor accommodation
- Home occupation

Residential Building means any building or part of a building used or able to be used under the provisions of this Plan for human habitation.

Residential Street means any street, part of a street or service lane within the district, which adjoins the Residential Zone.

Restaurant means any land and/or buildings, or part of a building on, or in which meals are sold for consumption on the premises and includes a tea room.

Restricted Discretionary Activity has the same meaning as Section 2 of the Resource Management Act.

Reverse Sensitivity is the vulnerability of an established activity to objection from a sensitive land use.

RMA means Resource Management Act 1991

Rural Character refers to the predominance of expansive open spaces and large separation distances between buildings, which constitute the Rural Lifestyle Zone. Also encompasses the agricultural, and pastoral nature of this area which is reliant on low density development.

School shall mean land and/or buildings used to provide regular instruction or training of children including Kohanga Reo and Kura Kaupapa Maori establishments, early-childhood education facilities, primary, intermediate and secondary schools, tertiary education premises, work skills training centres, outdoor education centres and sport training establishments, and their ancillary administrative, cultural, health, recreational or communal facilities. Ancillary facilities include teacher or caretaker residential accommodation.

Sensitive refers to an area that may be vulnerable to outside influences, which may detract from the particular quality or character of that area.

Service Station(s) means any undertaking where the dominant activity is retail sales of motor vehicle fuels (including petrol, LPG, CNG and diesel) and may also include any one or more of the following:

- retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment; and
- car wash facilities; and
- warrants of fitness testing; and
- other retail sales subsidiary to the main use of site.

Shop means any building or part of a building on or in which goods are sold, exposed or offered for sale by retail to the public and includes a lending library, restaurants, take away food premises, hairdressers and other personal services, and a depot for the receipt and delivery of articles to be cleaned, laundered or dyed, but does not include a service station or car sales premises or yard or licensed premises.

Side Yard means a yard which, except for any portion of the site comprised in a front or rear yard, lies between the full length of a side boundary and that in respect of a corner site every boundary not being a street frontage shall be deemed to be a side boundary.

Signs includes every sign placed or affixed (whether by painting or otherwise) as advertising matter upon a site and visible from off the site including the board, hoarding or other structure which supports the sign.

Site means an area of land permitted by the Plan and by general law to be used as a separate unit for one or more specified or ascertainable uses, and includes all related buildings. A site has legal access to a road. Where a site is partly within the district and partly within the adjoining district, the part of the district within the district will be deemed to be a site for the purpose of this Plan. The exception to this definition is the use of the term 'site' in Part C10 which refers to a location that is contaminated, not a legally defined parcel of land, as outlined here.

Site Development Plan in relation to a permitted activity means a preliminary plan of the overall development of a site, indicating the outline and placement of buildings, parking and access, open space and landscaping. The preparation of such a plan will enable Council officers to check the proposal for compliance with the Rules at an early stage, before final plans are prepared.

Street Appeal refers to those features of building developments which are visible on street frontages, and may have the potential to be visually appealing.

Substation means those parts of works or electrical installations being a building or structure, or enclosure, incorporating fittings that are used for the purpose of control, transformation, transmission or distribution of electricity, but excluding "distribution" substations having a primary voltage of 11000V or less.

Telecommunication Line means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

Temporary Sign means any sign not intended for permanent display which is erected on a site to announce a community event, electioneering, identifying a construction site, hazard identification or warning.

Theatre means a building used primarily for the presentation of films, concerts or dramatic productions.

Through Site means a site having two non-contiguous frontages to a road or roads.

Townscape means the visual form of the urban environment as viewed from within that environment.

Uncontrolled Fill refers to the release of soil or any other form of fill, in an uncontrolled or random manner, not subject to standards or controls in any form.

Use has the same meaning as in Section 9(4) of the Resource Management Act.

Vehicle Access means the area of land within the site which provides safe vehicle access to and from the street to any parking or loading space within the site including the necessary manoeuvring area.

Visitor accommodation means land or buildings which are occupied as a residence on a temporary basis (periods of less than 3 months continuous occupation) and includes bed and breakfasts, backpackers, homestays, motels, hotels, tourist lodges, holiday flats, motor inns, and accessory workrooms and buildings, reception areas and managers' accommodation

Yard means the distance between a boundary or building line which is required by this Plan to be unoccupied or unobstructed by buildings from the ground upwards except for open fire escapes, or decks, terraces and porches where the floor is not higher than 0.6 metres above ground level.

Zone means a spatially defined area that groups land use activities together according to anticipated environmental results.