

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

16.3.4 Discretionary Activities

- (a) Subdivision where activity performance standards 16.4.2 are complied with (except within the Tides Reach and Tara Road Structure Plan Areas).
- (b) *Accommodation facilities* not complying with 16.4.1(e).
- (c) *Education facilities* for more than four persons (excluding staff).
- (d) *Production forestry*.
- (e) Urupa (new sites).
- (f) Works and *network utilities* as provided for in Section 10.

16.3.5 Non-Complying Activities

- (a) Subdivision or *development* within the Tides Reach Structure Plan area that is not in general accordance with the *Structure Plan*.
- (b) Subdivision or *development* in the Tara Road Structure Plan Area not in accordance with 16.4.2(e).
- (c) Subdivision or *development* in the Tuapiro Rural-Residential Zone.
- (d) Subdivision or *development* not in accordance with ~~15~~16.4.2(b), (c), and (d).

16.4 Activity Performance Standards

16.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non compliance.

(a) Height

Buildings - maximum 8.0m.

Shelter belts (Tuapiro only) - maximum 5.0m.

(d) Coverage

Within the Omokoroa Structure Plan area, a maximum of 15% of the site area may be covered with impermeable surfaces.

(e) Standards for Accommodation Facilities

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;
- (iii) Must not contain a *kitchen* or otherwise be self contained;
- (iv) For Discretionary *accommodation facilities*, information is to be provided in accordance with ~~4A.5.2~~ 4A.6.2.

(f) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area. Carparks shall be excluded from the maximum area calculation of the activity;
- (ii) Is carried out by a maximum of three persons;
- (iii) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (iv) Any advertising shall comply with the provisions of Section ~~4D.3.1.2~~ 4D.3.2.

(g) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2(b) and (c)

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- (iii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.

- (e) Stormwater management.
- (f) Compliance with the *Structure Plan*.
- (g) The application of financial contributions.

16.6 Matters of Discretion

16.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

~~*Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.*~~

16.6.2 Restricted Discretionary Activity - Activities within Stormwater Management Reserves

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- (a) Avoiding, remedying or mitigating the potential adverse effects of the ecological values of the reserves.
- (b) In the Omokoroa Structure Plan area retaining the integrity of the Omokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.
- (c) Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.
- (d) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

16.6.3 Discretionary Activity - Production Forestry

In considering an application for *production forestry* as a Discretionary Activity, *Council* shall have regard to the following matters:

- (a) Visual impact including obstruction of views.

- (b) Potential shading effects.
- (c) Effect on land stability.
- (d) Scale of the activity.

16.7 Other Methods

- 16.7.1 Removal of plant pests can be controlled in accordance with a pest management strategy prepared under the provisions of the Biosecurity Act 1993.