

Appendix 1 – Officers Recommended Amendments to Orongo Bay Chapter

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

This zone chapter does not contain rules relating to setback to waterbodies and MHWS for building and structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities in the coastal environment. The Natural Character chapter and Coastal Environment chapter should be referred to in addition to this zone chapter.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Overview

The Orongo Bay special purpose zone was established to provide a limited range of service-oriented light industrial and commercial activities on suitable land, which is limited on the Russell Peninsula and largely incompatible with the historic characteristics of the Russell Township commercial areas.

Due to the surrounding lifestyle properties and sensitive coastal environment, the rules applying to this zone differ from those that generally apply to the mixed-use zone elsewhere in the district. This zone recognises the need to ensure that the adjoining coastal environment, Orongo Bay and the integrity of the adjacent marine farming operations are not unduly compromised while providing for more business land in keeping with responsibilities under section 31 of the RMA.

Objectives	
OBZ-O1	The Orongo Bay zone enables service orientated industrial and mixed-use development while preserving the characteristics and qualities of the coastal environment.
OBZ-O2	Land use and subdivision in the Orongo Bay zone is undertaken on an integrated basis, including the ongoing arrangements for infrastructure and the maintenance of landscaping and restored ecological corridors.

Policies	
OBZ-P1	Provide for development and ongoing management of the Orongo Bay zone in accordance with the approved Orongo Bay Outline Concept Plan and any approved comprehensive development plan.
OBZ-P2	Protect the visual amenity values in the Orongo Bay zone, adjacent zones and the coastal marine area by managing: <ol style="list-style-type: none"> design, location and scale of buildings; design, location and scale of signs; location and scale of outdoor storage and car parking areas; earthworks or vegetation clearance; and landscaping.
OBZ-P3	Ensure that prior to any development in the Orongo Bay zone that a suitable bond arrangement for the implementation of the approved design for the restoration and ecological enhancement works is agreed to by Council.
OBZ-P4	Ensure that infrastructure for stormwater and sewerage is designed to ensure that any effects on the adjoining coastal environment, Orongo Bay and the integrity of the adjacent marine farming operations in the coastal marine area are avoided, remedied or mitigated.
OBZ-P5	Ensure that appropriate provision for potable and firefighting water supply is provided as part of any development in the Orongo Bay zone.

OBZ-P6	Require the preparation of a comprehensive development plan prior to any land use or subdivision within the Orongo Bay zone.
OBZ-P7	Avoid any activity or development that cannot demonstrate that potential risks from hazardous material(s), including via leakage and/or spillage of hazardous material(s), can be appropriately managed to protect the surrounding coastal environment.
OBZ-P8	Prohibit land use that would result in the disposal of solid waste in the Orongo Bay zone.
OBZ-PX	<p><u>Enable industrial and mixed-use activities including:</u></p> <ul style="list-style-type: none"> a. <u>Garden centres</u> b. <u>Trade suppliers</u> c. <u>Storage facilities</u> d. <u>Vehicle and boat display and sales</u> e. <u>Small scale manufacturing</u> f. <u>Tradesmen's workshop/repair centres</u> g. <u>Convenience store (excluding supermarket)</u> h. <u>Community facilities</u> i. <u>Emergency Service facilities¹</u>

Rules

Notes:

1. There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the Transport, Hazardous Substances, Noise, Light and Signage chapters. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.

¹ Submission S512.070

OBZ-R1	New buildings or structures, <u>relocated buildings</u>², and extensions or alterations to existing buildings or structures	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, <u>relocated building</u>² or extension or alteration to an existing building or structure, and repairs and maintenance to buildings or structures comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
OBZ-R2	Impermeable surface coverage	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The maximum impermeable surface coverage of any site (excluding areas identified for esplanade reserve, riparian, wetland and landscape planting on the Orongo Bay Outline Concept Plan must be no more than 80%.</p> <p>PER-2 The disposal of collected stormwater from the roof of all buildings or structures and impermeable surfaces provided that:</p> <ol style="list-style-type: none"> 1. the activity is within an existing consented urban stormwater management plan or discharge consent from the Northland Regional Council; and 2. all discharges meet the standards for the Regional Plan for Northland. 	<p>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the extent to which landscaping or vegetation may reduce adverse effects of run-off; b. the effectiveness of the proposed method for controlling stormwater on site; c. the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites; and d. whether low impact design methods and use of green spaces can be used; e. any cumulative effects on total catchment impermeability; f. natural hazard mitigation and site constraints; and g. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.
OBZ-R3	Garden centres	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>

² Submission S482.020

	OBZ-S5 Landscaping.	
OBZ-R4	Trade supplier	
Orongo Bay zone	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted Discretionary
	PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
OBZ-R5	Storage facility	
Orongo Bay zone	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted Discretionary
	PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.
OBZ-R6	Vehicle and boat display and sales	
Orongo Bay zone	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted Discretionary
	PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.	Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.

OBZ-R7	Small scale manufacturing	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
OBZ-R8	Trades workshop/repair centres	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height;</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
	<p>OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.</p>	
OBZ-R9	Convenience store (excluding supermarket)	
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
OBZ-R10	Community facility	

Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards: OBZ-S1 Maximum height; OBZ-S2 Height in relation to boundary; OBZ-S3 Setback from boundaries; OBZ-S4 Building or structure coverage; and OBZ-S5 Landscaping.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
OBZ-R11 Riparian restoration		
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Riparian planting is within the riparian restoration area in the Orongo Bay Outline Plan Concept Plan.</p> <p>PER-2 It is no less than 40m total width (including the margins) and where adjacent to the harbour bed shall be no less than 20m wide.</p> <p>PER-3 Is fenced so as to exclude stock.</p> <p>PER-4 Riparian restoration complies with standard: OBZ-S5 Landscaping</p>	<p>Activity status where compliance not achieved with PER-1, PER-2, PER-3 and PER-4: Discretionary</p>
OBZ-R12 Utility services		
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The installation of utility services are underground.</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>
OBZ-R13 Conservation activity		
Orongo Bay zone	<p>Activity status: Permitted</p>	<p>Activity status where compliance not achieved: Not applicable</p>
OBZ-RX Emergency service facility		
Orongo Bay zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p><i>The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards:</i></p> <p><i>OBZ-S1 Maximum height;</i> <i>OBZ-S2 Height in relation to boundary;</i> <i>OBZ-S3 Setback from boundaries;</i> <i>OBZ-S4 Building or structure coverage; and</i></p>	<p>Activity status where compliance not achieved: Not applicable</p>

	<u>OBZ-S5 Landscaping.</u> ³	
OBZ-R14	Comprehensive development plan	

³ Submission S512.070

Orongo Bay zone

Activity status: Restricted

Discretionary Where:

RD-1

Prior to any subdivision, use or development on any site within the zone, Council will require a Comprehensive Development Plan to be submitted containing the following information:

1. the internal design of the site including location of any proposed lots, appearance, design, use of materials and scale of all buildings;
2. external access to the Orongo Bay Special Purpose Zone provided that this is limited to a single entry/exit point on Aucks Road and to a single entry/exit point on Russell Road;
3. internal access ways, car parking, vehicle circulation and storage areas;
4. location of all infrastructure and services including stormwater and effluent collection, treatment and disposal;
5. a comprehensive stormwater and effluent management plan detailing location of plant and disposal areas, collection, treatment (including use of detention ponds), disposal methods, and ongoing control and management with particular attention to the treatment standards required to meet the use of adjoining coastal marine area waters for oyster farming (refer Regional Plan for Northland). This is to include provision for effluent from the three Rural Production lots contiguous to the site. If the riparian restoration area identified in the Orongo Bay Outline Plan Concept is to be used to receive water then appropriate standards and monitoring are to be included;
6. a landscape plan and a riparian restoration plan prepared by suitably qualified persons showing the nature of all landscaping and ecological restoration and enhancement, including planting implementation, fencing, maintenance, bonding and formal protection mechanisms (such as vesting in Council or covenanting) to achieve the visual amenity and riparian restoration rules for the zone, and the integrated management of the riparian and wetland areas depicted on the Orongo Bay Outline Plan Concept;
7. details of all requirements for earthworks including the management of run-off during construction;
8. signage and illumination;
9. requirements for any vegetation clearance;
10. proposals for any staging of development within the zone;
11. details of the types of activities to be permitted within the zone; and
12. the methods to be employed to ensure that the Comprehensive Development Plan applies to and binds any other owner of the land or part thereof.

Note: In particular the Comprehensive Development Plan should incorporate low impact design measures to ensure that stormwater is managed and monitored to ensure hydrological neutrality in peak volumes and duration to avoid or mitigate adverse effects on receiving environments, particularly with regard to the

Activity status where compliance not achieved with RD-1:
Non-complying

oyster farms in Orongo Bay.

Matters of discretion are restricted to:

- a. the adequacy of the Comprehensive Development Plan;
- b. the degree to which the Comprehensive Development Plan gives effect to the New Zealand Coastal Policy Statement;
- c. the degree to which the Comprehensive Development Plan gives effect to the Regional Policy Statement for Northland and is consistent with the Regional Plan for Northland;
- d. the district-wide objectives and policies the objectives and policies of this zone; including, where relevant, the objectives and policies applying generally to the Coastal Environment;
- e. the degree to which potential adverse effects on the environment have been identified and avoided as far as practicable, and where it is not practicable to avoid any adverse effects, those have been remedied or mitigated;
- f. the degree to which the proposal restores and enhances the natural character of the coastal environment and riparian areas and protects them from inappropriate subdivision, use and development;
- g. whether landscape, visual and amenity characteristics of the site and adjacent areas are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);
- h. whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;
- i. the sight distances associated with the vehicle access to the roads affected; any existing safety problems on the roads affected; with respect to effects in local neighbourhoods the ability to mitigate adverse effects through the design and location of access. With respect to the effects of through traffic on arterial roads any measures such as right-turn bays, flush medians, left-turn declaration tapers etc. proposed to be installed on the road as part of the development to accommodate traffic turning into and out of the site;
- j. the extent to which planting proposals utilize indigenous flora appropriate to the locality and the extent to which local genetic stock is used;
- k. the proposals to recognize and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;
- l. effects of the development on the use and management of public land in the vicinity of the site;
- m. the degree to which the proposal avoids natural hazards including fire hazards;
- n. the appropriateness of the location of building envelopes, building design and appearance;
- o. the appropriateness of proposals for treatment, collection and disposal of stormwater and effluent;
- p. whether bonds are necessary to assist in achieving the Comprehensive Development Plan; and
- q. the extent to which information and proposed management measures are provided by suitably qualified persons.

Note: This rule has partial immediate legal effect because RD-1(5) relates to water (Section 86B(3)(a))

	of the RMA)	
OBZ-R15	Activities otherwise not listed in this chapter	
Orongo Bay zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
OBZ-R16	Offensive trade	
Orongo Bay zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OBZ-R17	Commercial composting	
Orongo Bay zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OBZ-R18	Community correction facility	
Orongo Bay zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OBZ-R19	Cleanfill and landfill	
Orongo Bay zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OBZ-R20	Primary production activity	
Orongo Bay zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
OBZ-R21	Hazardous facility	
Orongo Bay zone	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
OBZ-R22	Solid waste disposal	
Orongo Bay zone	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable

Standards		
OBZ-S1	Maximum height	
Orongo Bay zone	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure is 10m above ground level, except that:</p> <ol style="list-style-type: none"> 1. Any fence or standalone wall along a side or rear boundary which adjoins a site zoned Sport and Recreation must not exceed 2m in height. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> i. chimney structures not exceeding 1.1m in with on any elevation and provided these do not exceed the height by more than 1m; or ii. lift overruns provided these do not exceed the height by more than 1m. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the character and amenity of the surrounding area; b. dominance in relation to the road and adjoining sites; c. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; d. shading and loss of access to sunlight to adjoining sites; e. landscaping; and f. natural hazard mitigation and site constraints.
OBZ-S2	Height in relation to boundary	
Orongo Bay	The building or structure, or extension or alteration to an	Where the standard is not met, matters of

zone	<p>existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:</p> <ol style="list-style-type: none"> 1. 55 degrees at 2m above ground level at the northern boundary of the site; 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> i. Solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation; ii. Chimney structures not exceeding 1.2m in width and 1m in height above the building envelope on any elevation; iii. Satellite dishes and aerials not exceeding 1m in height above the building envelope and/or diameter on any elevation; iv. Architectural features (e.g. finials, spires) not exceeding 1m in height above the building envelope on any elevation; or v. lift overruns not exceeding 1m in height above the building envelope on any elevation. 	<p>discretion are restricted to:</p> <ol style="list-style-type: none"> a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and c. natural hazard mitigation and site constraints.
OBZ-S3	Setback from boundaries	
Orongo Bay zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least:</p> <ol style="list-style-type: none"> 1. 10m from the road boundary of Aucks Road and Russell Road; and 2. 3m from any areas identified for esplanade reserve, riparian, wetland and landscape planting. <p>This standard does not apply:</p> <ol style="list-style-type: none"> i. below ground components of wastewater disposal systems; ii. to fences or walls no more than 2m in height; or iii. uncovered decks less than 1m in height above ground level. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the character and amenity of the surrounding area; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to privacy and shading; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future access, egress on site and the roading network; and g. the impacts on existing and planned public walkways, reserves and esplanades.
OBZ-S4	Building or structure coverage	

<p>Orongo Bay zone</p>	<p>The footprint of a single building or structure is no more than 300m².⁵</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the character and amenity of the surrounding area; b. whether the activity is within an existing consented urban stormwater management plan or discharge consent; c. the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment; d. the extent to which Low Impact Design principles have been used to reduce site impermeability; e. the effectiveness of the proposed method for controlling stormwater; f. the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and g. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.
<p>OBZ-S5 Landscaping</p>		
<p>Orongo Bay zone</p>	<ol style="list-style-type: none"> 1. Areas identified for esplanade reserve, riparian, wetland and landscape planting on the Orongo Bay Outline Plan Concept shall be maintained and kept clear of any buildings, impermeable surfaces, or structures; 2. Landscaped areas shall remain on the site for the duration of the activity and be maintained, and if such landscaping dies, or becomes diseased or damaged, shall be replaced; and 3. The landscaping shall include a variety of indigenous trees and shrub species planted so as to provide a solid visual screen on the boundary of the zone. Species selection should include a predominance of species found in the immediate local area and contribute to the coastal character. This landscaping shall be undertaken prior to the construction of new buildings on a site or shall be subject to a bond agreed to by Council and in accordance with Council's "Policy 3120: Bonds and Undertakings" (1998) to ensure implementation within three years and before buildings are occupied and shall be maintained to provide visual mitigation including the replacement of diseased or damaged trees. All landscaping requirements shall be included and detailed in a Comprehensive Development Plan. 	<p>Where the standard is not met, matters of discretion are restricted to: Not applicable</p>

⁵ Submission S263.029 and others