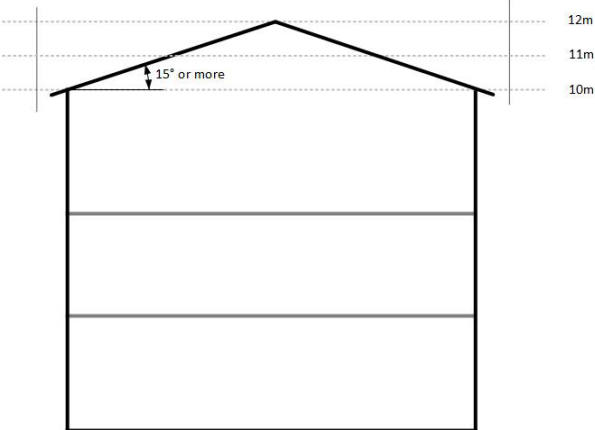
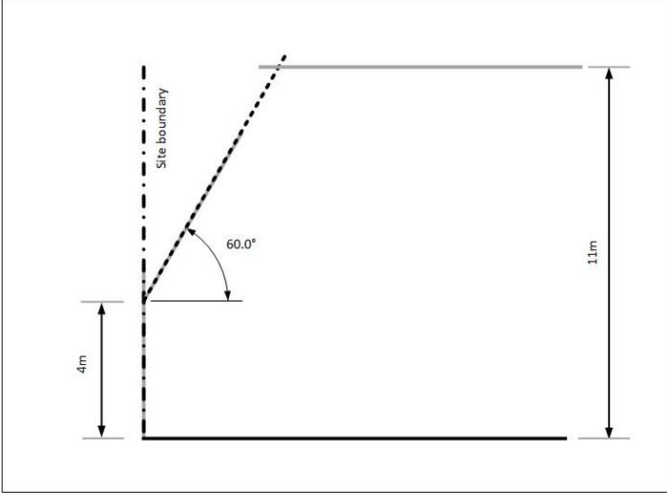


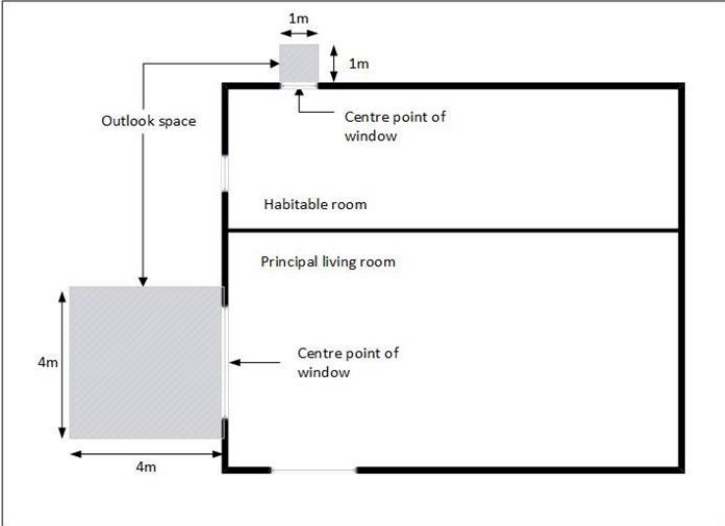
Appendix 18: Rule Breach Assessment (Q10)

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity								
Tauranga City Plan (PC33)	14G.1 - Activity Status in the Medium Density Residential Zone All activities in the Medium Density Residential Zone shall have the status identified in Table 14G.1 Medium Density Residential Zone Activity Status. Symbols used in Table 14G.1 Medium Density Residential Zone Activity Status have the meaning described in Table 1A.2: Activity Status.	Breaches as per below	D	All of Site								
Tauranga City Plan (PC33)	14G.2.1 – Density a. The maximum development density for residential activities on a site shall be: <table><tr><th>Activity</th><th>Density</th></tr><tr><td>i. Shared accommodation</td><td>Maximum of 8 permanent residents per site (excluding staff).</td></tr><tr><td>ii. Rest home</td><td>1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff).</td></tr><tr><td>iii. Retirement village</td><td>Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff).</td></tr></table>	Activity	Density	i. Shared accommodation	Maximum of 8 permanent residents per site (excluding staff).	ii. Rest home	1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff).	iii. Retirement village	Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff).	The proposal falls entirely within the definition of retirement village. The proposal consists of 7 sites to be developed together and 167 apartments (independent dwelling units) and 60 rest home beds.	RD	
Activity	Density											
i. Shared accommodation	Maximum of 8 permanent residents per site (excluding staff).											
ii. Rest home	1 bed and/or bedroom per 75m² of site area; Maximum of 20 rest home residents per site (excluding staff).											
iii. Retirement village	Up to three independent dwelling units per site. 1 rest home bed and/or bedroom per 75m² of site area; Maximum of 20 rest home occupants per site (excluding staff).											
Tauranga City Plan (PC33)	14G.2.2 - Building Height a. Buildings or structures must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on Figure 14G.2.2.1 Building Height below:	a. Building height will be between 21 to 23m as a maximum. b. There is a minor beach of a protected viewshaft area.	D (rule 14G.29)									

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	 <p>b. Provided that no building or structure within any identified Viewshaft Protection Area shall exceed the maximum elevation identified within the Plan Maps (Part B).</p>			
Tauranga City Plan (PC33)	<p>14G.2.5 - Building Height in Relation to Boundary</p> <p>a. Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown in Figure 14G.2.5.1 – Building Height in Relation to Boundary below;</p> <p>b. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way;</p>	Recession planes are breached in part.	RD	Please refer to diagrams which show locations of breaches on sheets 3500 to 3502 (page reference 17 to 19) of Appendix 2 - Project Pitau Drawings and Renders.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	 <p>c. This standard does not apply to:</p> <ul style="list-style-type: none"> i. A boundary with a road; ii. Existing or proposed internal boundaries within a site; iii. Site boundaries where there is an existing common wall between buildings on adjacent sites or where a common wall is proposed. 			
Tauranga City Plan (PC33)	<p>14G.2.6 - Site Coverage</p> <p>a. The maximum building coverage must not exceed 50% of the nett site area.</p> <p>b. The impervious surfaces shall not exceed 70% of site area.</p>	<p>a. Total building coverage is 51.4%</p> <p>b. Impervious surfaces will exceed 70% of site area</p>	RD	
Tauranga City Plan (PC33)	<p>14G.2.7 - Outdoor Living Area for Independent Dwelling Units located at Ground Floor</p> <p>An independent dwelling unit at ground floor level must have an outdoor living space that is at least 20 square metres and that</p>	The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances.	RD	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	<p>comprises ground floor, balcony, patio, or roof terrace space that:</p> <p>a. Where located at ground level, has no dimension less than 3 metres; and</p> <p>b. Where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and</p> <p>c. Is accessible from the independent dwelling unit; and</p> <p>d. May be:</p> <ul style="list-style-type: none"> i. Grouped cumulatively by area in one communally accessible location; or ii. Located directly adjacent to the independent dwelling unit; and <p>e. Is free of buildings, parking spaces, and servicing and manoeuvring areas.</p>			
Tauranga City Plan (PC33)	<p>14G.2.8 - Outdoor Living Area for Independent Dwelling Units located above Ground Floor</p> <p>An independent dwelling unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:</p> <p>a. Is at least 8 square metres and has a minimum dimension of 1.8 metres; and</p> <p>b. Is accessible from the independent dwelling unit; and</p> <p>c. May be:</p> <ul style="list-style-type: none"> i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or ii. Located directly adjacent to the independent dwelling unit. 	The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances.	RD	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Tauranga City Plan (PC33)	<p>14G.2.9 - Outlook Space</p> <p>a. An outlook space must be provided for each independent dwelling unit as specified in this rule.</p> <p>b. An outlook space must be provided from habitable room windows as shown in Figure 14G.2.9.1 Outlook Space below:</p>  <p>c. The minimum dimensions for a required outlook space are as follows:</p> <ol style="list-style-type: none"> A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width. <p>d. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</p>	The proposal is designed to comply with this rule but consent is applied for as a precautionary approach for minor non compliances.	RD	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	<ul style="list-style-type: none"> e. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space. f. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building. g. Outlook spaces may be under or over a balcony. h. Outlook spaces required from different rooms within the same building may overlap. i. Outlook spaces must: <ul style="list-style-type: none"> i. Be clear and unobstructed by buildings; and ii. Not extend over an outlook space or outdoor living space required by another independent dwelling unit. 			
Tauranga City Plan (PC33)	<p>14G.2.11 - Landscaped Area</p> <ul style="list-style-type: none"> a. An independent dwelling unit at the ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them. b. The landscaped area may be located on any part of the development site, and does not need to be associated with each independent dwelling unit. 	Minimum landscaped area for ground floor units have small percentage breach of minimum area.	RD	
Tauranga City Plan (PC33)	<p>14G.9.c – Restricted Discretionary Rules</p> <p>Any retirement village or rest home that does not comply with rule 14G.2.1</p>	Density requirements not met as above	RD	
Tauranga City Plan (PC33)	<p>14G.29 – Discretionary Activity Rules</p> <ul style="list-style-type: none"> a. Any building that does not comply with 14G.2.2 building height 	Height and density requirement not met as described above	D	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	d. Any retirement village provided under rule 14G.9 that does not comply with rule with 14G.17.b			
Tauranga City Plan (PC27)	8D.2.1 - Activities within Floodplains, Overland Flowpaths and Flood Prone Areas	<p>The proposal is an activity identified as within a overland flowpath and flood prone area;</p> <ul style="list-style-type: none"> • New business activity (RD) • New residential building (D) • New structure (D) 	RD/D	
Tauranga City Plan (PC27)	<p>8D.3.2 – Minor Overland Flowpaths</p> <p>Any permitted activity within the minor overland flowpath shall:</p> <ol style="list-style-type: none"> Allow the stormwater to flow safely without causing damage to any site and/or building; Retain the water carrying capacity of the overland flowpath; and 	<p>The proposal provides for onsite storage and soakage which accommodates any additional stormwater retention as required.</p> <p>The proposal also provides for an overland flow channel around the perimeter of the site which safely retains and discharges overland flow.</p>	RD	
Tauranga City Plan (operative)	<p>4B.4.1.1 - Provision of More than 25 Carparks</p> <p>Where more than 25 on-site carparks are provided on-site, with the exception of sites within the City Centre Zone, an Integrated Transport Assessment relevant to the scale of the proposal shall be submitted with an application for resource consent in</p>	The site will have 224 carparks and ITA is provided.	RD	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	accordance with Appendix 4K – Integrated Transport Assessment Information Requirements.			
Tauranga City Plan (operative)	<p>4C.3 – Restricted Discretionary Activity Rules</p> <p>The following are Restricted Discretionary Activities:</p> <p>a. Earthworks that do not comply with Rule 4C.2 – Permitted Activity Rules;</p>	The earthworks do not comply with permitted activity rules including earthworks within flood prone areas.	RD	
Tauranga City Plan (operative)	14.B.7.b – Suburban Residential Zone Discretionary Activity Rules	Suburban Residential Zone Discretionary Activity Rules to the extent they are inconsistent with Plan Change 33 rules as already identified above.	D	
Bay of Plenty Natural Resources Plan	<p>LMR4 (Rule 1C) Discretionary earthwork</p> <p>The disturbance of land and soil as result of earthwork where the activity is not P, C, RD.</p>	Large scale earthworks requires a discretionary activity consent.	D	
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	<p>Reg. 9(1) - Removing or replacing fuel storage system, sampling soil, or disturbing soil</p> <p>If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</p> <ul style="list-style-type: none"> • (a)a detailed site investigation of the piece of land must exist: • (b)the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: • (c)the consent authority must have the report: 	Soil disturbance requires a controlled activity consent.	C	Refer to Appendix 8 - Geotechnical and Environmental Assessment ENGEO.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
	(d)conditions arising from the application of subclause (2), if there are any, must be complied with.			