

19 Education Centre Zones

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19A Purpose of the Education Centre Zones

Educational activities are carried out by a number of agencies in *the City*, including the Ministry of Education and a number of private and voluntary agencies. The majority of these educational activities, being *schools* and *tertiary education premises* in *the City*, are designated by the Minister of Education. Those *schools* and *tertiary education premises* which are not designated, nor provided for within the relevant zone, such as integrated *schools* and, non-integrated schools and *tertiary education premises*, need to be addressed by way of special provisions so the natural and physical resources are sustainably managed and, in particular, so potential adverse effects on the surrounding *environment* are mitigated.

The purpose of the Education Centre Zone is to create an overall management framework to enable the continued operation and development of non-integrated and integrated *schools*, and *tertiary education premises* within which the needs of education, recreation, faith and training, including directly associated activities, can be met, while minimising adverse effects on adjoining *sites* and the wider surrounding *environment*.

The Education Centre Zone applies to the following *schools* and *tertiary education premises*:

- a) Bethlehem (Education Centre 1 Zone);
- b) Faith Bible College (Education Centre 2 Zone);
- c) Rudolf Steiner School (Education Centre 3 Zone);
- d) Tauranga Adventist School (Education Centre 4 Zone).

19A.1 Objectives and Policies of the Education Centre Zones

19A.1.1 Objective: Role and Function of Education Centre Zones

Education Centre Zones provide for a wide range of educational, recreational, spiritual and training needs.

19A.1.1.1 Policy: Role and Function of Education Centre Zones

By providing for the maintenance, enhancement and development of *schools* and *tertiary education premises* through:

- a) Identifying the primary purpose for the establishment of Education Centre Zones as educational training establishments (*schools* and *tertiary education premises*);
- b) Enabling a wide range of activities that are secondary but directly associated with the primary purpose of Education Centre Zones and that provide for the needs of students, visitors and employees.

19A.1.2 Objective - Bulk and Scale of Buildings and Structures within Education Centre Zones

Buildings and *structures* are of a bulk and scale compatible with the surrounding *environment*.

19A.1.2.1 Policy - Bulk and Scale of Buildings and Structures within Education Centre Zones

By ensuring that the bulk and scale of *buildings* and *structures* in Education Centre Zones:

- a) Is restricted to a *height* that:
 - i) Avoids the impacts of *building* bulk and overshadowing on surrounding *independent dwelling units*, or activities including their outdoor living areas;
 - ii) Ensures an adequate supply of daylight to adjacent *sites*;
 - iii) Provides a level of amenity consistent with the surrounding *landscape character*;
- b) Provides for larger *buildings* and *structures* in Education Centre Zones.

19A.1.3 Objective – Site Layout and Building Design within Education Centre Zones

Development within Education Centre Zones provides for an amenity consistent with the *landscape character* of the surrounding area.

19A.1.3.1 Policy - Site Layout and Building Design within Education Centre Zones

By ensuring the layout and design of development:

- a) Provides *building setbacks* that ensure a physical separation of *buildings* between *sites*, and limits the impact of *building bulk* on adjoining *sites*;
- b) Recognises that a component of the amenity of the zone is its open space;
- c) Ensures that *buildings* are *set back* from the road *boundary* to provide a consistent *streetscape* that provides opportunities for landscape planting.

19A.1.4 Objective – Adverse Effects on the Surrounding Environment

Buildings, structures and activities within Education Centre Zones do not adversely affect the surrounding *environment's* amenity, *landscape character, streetscape* and/or cultural and heritage values.

19A.1.4.1 Policy - Adverse Effects on the Surrounding Environment

By ensuring that *buildings, structures* and activities are designed, sited, operated and maintained to address the potential adverse effects:

- a) Of emissions of noise and light;
- b) On the amenity values of the surrounding *environment*, including its *landscape character* and *streetscape*;
- c) On the amenity values of *sites, buildings*, places or areas of:
 - i) *Indigenous* vegetation and fauna;
 - ii) Heritage, cultural or archaeological value;
- d) On existing *infrastructure* and *services* and the capacity of that *infrastructure* to accommodate new activities;
- e) On the ability of on-site systems to manage water, stormwater and *wastewater* treatment.

19A.2 Activity Status Rules

19A.2.1 Activities in Education Centre Zones

All activities in Education Centre Zones shall have the status identified in:

Table 19B.1 – Bethlehem, and in accordance with *Appendix 19A*;

Table 19C.1 – Faith Bible College, and in accordance with *Appendix 19B*;

Table 19D.1 – Rudolf Steiner School, and in accordance with *Appendix 19C*;

Table 19E.1 – Tauranga Adventist School, and in accordance with *Appendix 19D*.

Symbols used in *Tables 19B.1, 19C.1, 19D.1 and 19E.1* have the meaning described in *Table 1A.2: Activity Status*.

19B Education Centre 1 Zone (Bethlehem - Sub-Zones A, B & C)

All activities in the Education Centre 1 Zone shall have the status identified in *Table 19B.1*. Symbols Used in *Table 19B.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 19B.1: Education Centre Zones (Bethlehem) Activity Status

Use/Activity	Relevant Rule	Sub-Zone A	Sub-Zone B	Sub-Zone C
<i>Accessory building, structure or activity.</i>	-	P (Refer Rule 19B.1)	P (Refer Rule 19B.1)	C (Refer Rule 19B.2)
<i>Business activities directly associated with schools and tertiary education premises.</i>	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
<i>Community facilities.</i>	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
The following activities that are directly associated with <i>schools and tertiary education premises</i> : a) Conferences; b) Counselling; c) Cultural activities; d) Business education.	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
<i>Independent dwelling units directly associated with schools and tertiary education premises.</i>	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
<i>Missionary accommodation (shared accommodation).</i>	19B.3	RD	RD	RD
<i>Missionary complex directly associated with schools and tertiary education premises.</i>	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
<i>Places of assembly.</i>	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
<i>Playing fields, sports grounds and hard courts.</i>	-	P (Refer Rule 19B.1)	RD (Refer Rule 19B.3)	C (Refer Rule 19B.2)
<i>Structures such as goal posts, cricket nets, fences and other similar structures which are ancillary to and used in conjunction with playing fields, sports grounds, hard courts.</i>	-	P (Refer Rule 19B.1)	RD (Refer Rule 19B.3)	C (Refer Rule 19B.2)
<i>Lighting, including support structures.</i>	-	P (Refer Rule 19B.1)	RD (Refer Rule 19B.3)	C (Refer Rule 19B.2)

Use/Activity	Relevant Rule	Sub-Zone A	Sub-Zone B	Sub-Zone C
Primary production activities, excluding factory-farming and aerial spraying of crops.	-	P (Refer Rule 19B.1)	P (Refer Rule 19B.1)	C (Refer Rule 19B.2)
Retirement accommodation, rest home and specialist healthcare facilities.	19B.3	RD	RD	RD
Schools and tertiary education premises.	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
Senior citizen complex directly associated with schools and tertiary education premises.	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
Student accommodation (<i>shared accommodation</i>) directly associated with schools and tertiary education premises.	-	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)	C (Refer Rule 19B.2)
Student confidence and training course apparatus and structures, in the immediate vicinity of the north western boundary of Sub-Zone C.	-	D (Refer Rule 19B.4)	P (Refer Rule 19B.1)	D (Refer Rule 19B.4)

19B.1 Permitted Activity Rules

Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.

19B.1.1 Building Height

- a) The maximum *height* of any *building*, with the exception of permitted intrusions in *Rule 4H.2.3*, shall be 12 metres;
 - b) Provided that no *building* or *structure* within any identified *Viewshaft Protection Area*, with the exception of the Permitted Intrusions in *Rule 4H.2.3* shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.
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Note: Any activity that does not comply with Permitted Activity Rule 19B.1.1 – Building Height shall be considered a Discretionary Activity.

19B.1.2 Overshadowing

All *buildings*, with the exception of permitted intrusions in *Rule 4H.2.2*, shall be within the *building* envelope in accordance with *Appendix 14C: Overshadowing*.

19B.1.3 Setbacks

- a) All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.1*, shall provide a *setback* that is a minimum of 1.5 metres from a side or rear *boundary*;
 - b) All buildings, excluding minor structures and activities, shall be setback a minimum of 15 metres from MHWS;
 - c) All new buildings, excluding minor structures and activities, shall be setback a minimum of 10 metres from the edge of a bank of a permanently flowing river or stream, or wetland;
 - d) Where a site adjoins an Open Space Zone or the Coastal Marine Area, the common boundary (that being the zone boundary) may be fenced to a maximum of:
 - i) 1.2m in height; or
 - ii) 1.8 metres in height, consisting of visually permeable materials.
-

Note: Any activity that does not comply with Permitted Activity Rule 19B.1.3 Setbacks, unless otherwise provided for shall be considered a Restricted Discretionary Activity.

19B.1.4 Streetscape

- a) All *buildings* shall be *set back* a minimum of 10 metres from the Moffat Road *boundary*;
- b) All *buildings* shall be *set back* a minimum of 3 metres from the Elder Lane *boundary*;
- c) All *buildings* on a *site* adjoining a Road Widening designation (as identified on the *Plan Maps, Part B*) shall have the *setback* measured from that designation *boundary*;
- d) All *buildings* and activities shall provide frontage landscape planting comprised of trees, shrubs and groundcovers contiguous to, and to a width of, at least 2 metres measured from, a front *boundary* exclusive of permitted vehicle accessways. For the purposes of *Rule 19B.1.4 - Streetscape*, a road frontage *boundary* is that *boundary* that adjoins the formed portion of Elder Lane and Moffat Road;
- e) The provision of on-site parking shall not be located within the required *setback* provisions of *Rule 19B.1.4 – Streetscape*.

19B.1.5 Variation Criteria

A *building* may penetrate the *building* envelope required by *Rule 19B.1.2 - Overshadowing* and/or be constructed, erected or placed closer to a *site boundary* than permitted by *Rule 19B.1.3 - Setbacks* where:

- a) The written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained before ~~a *building consent* is issued~~ the building works are undertaken;
- b) That written consent is clearly endorsed on all relevant *building consent plans*;
- c) The written consent and endorsed plans have been provided to Council for registration on the appropriate property file(s).
- d) 'Adjoining' for the purpose of this rule shall mean:
 - i) ~~All those properties directly adjoining the *boundary* at which the *building setback* required by *Rule 19B.1.2 - Overshadowing* and/or the overshadowing envelope required by *Rule 19B.1.3 - Setbacks* is encroached upon, including vehicle or pedestrian accessways, private ways, access legs, rights-of-way, or access lots, excluding public roads;~~
For the purposes of *Rule 19B.1.2 - Overshadowing*, all those properties directly adjoining the boundary at which the overshadow envelope is encroached upon and those separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads), only where the subject *building* encroaches the overshadowing envelope as applied at the *boundary* of that property;
 - ii) ~~All those properties that would adjoin the *site boundary* at which the overshadowing envelope required by *Rule 19B.1.2 - Overshadowing* is encroached upon, despite being separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots, excluding public roads, if the *building* would encroach beyond the overshadowing envelope required by *Rule 19B.1.2 - Overshadowing* when applied at the *boundary* of that adjoining property.~~
For the purposes of *Rule 19B.1.3 - Setbacks*, all those properties directly adjoining the boundary at which the setback is encroached upon and those separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads) only where the subject building is to be located within 1.5 meters of that property boundary.

(VAR 2 – No Legal Effect)

19B.1.6 Clearance of Indigenous Vegetation

No activity shall result in the clearance of more than 20m² of *indigenous* vegetation in any calendar year.

Note: Any activity that does not comply with the Permitted Activity Rule 19B.1.6 – Clearance of Indigenous Vegetation shall be considered a Non-Complying Activity.

19B.1.7 Rules in Other Sections of the Plan

Activities within the Education Centre 1 Zone shall also comply with the following Permitted Activity conditions found within other sections of *the Plan*, where relevant:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 - Heritage*;
- c) The provision of *Chapter 8 - Natural Hazards*;
- d) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12G.2 - Infrastructure and Services*;
- g) The provisions of any Plan Area.

19B.2 Controlled Activity Rules

The following are Controlled Activities:

- a) Any activity listed as Controlled Activity within *Table 19B.1*.

19B.2.1 Controlled Activities - Standards and Terms

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term shall be considered a Restricted Discretionary Activity.

Controlled Activities shall comply with the following standards and terms:

- a) Every activity shall meet the Permitted Activity Rules that apply in Sub-Zone A, where relevant;
- b) A *site* development and landscape plan shall be submitted with each application indicating the design, location and type of proposed *buildings*, on-site landscaping and tree planting to be provided and maintained;
- c) For the purposes of *Rule 19B.2.1 b)*, the *site* development and landscape plan shall have regard to the following design principles:
 - i) The creation of a visual screen between the proposed *buildings* and the natural, open *landscape character* of the river valley, particularly when viewed from the eastern bank of the Wairoa River;
 - ii) The retention of open space 'corridors' between Sub-Zone A, B and C by the location of *buildings*, pathways, open-space links and planting areas;
 - iii) The consideration and inclusion of the topographic features within the relevant sub-zone in respect to plant selection and the location of landscaping and tree planting;
 - iv) The use of tree species of a scale (at maturity) similar to the scale of *buildings* proposed within the sub-zone (including a mix of *indigenous* and exotic species).

19B.2.2 Controlled Activities - Matters of Control and Conditions

The *Council* reserves control over the degree to which the design, location and type of proposed on-site landscaping and tree planting shown on the landscape plan achieves the design principles set out in *Rule 19B.2.1 c) - Controlled Activities - Standards and Terms*.

19B.2.3 Non-Notification

Any application for a resource consent made under *Rule 19B.2 – Controlled Activity Rules* shall not be notified, or served on affected persons, provided the following requirements are met:

- a) The *site* development and landscape plan has been prepared by the applicant in consultation with Ngati Kahu *hapu* before lodging the Controlled Activity application and the two parties acknowledge that a meaningful consultation process has been undertaken in relation to the *site* development and landscape plan;
- b) Upon receipt of the Controlled Activity application, *Council* has forwarded the application to Ngati Kahu *hapu*, providing a 15-working day period for any written response expressing the *hapu's* opinion on the application.

19B.3 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19B.1.2 – Overshadowing*;
 - ii) *Rule 19B.1.3 – Setbacks*;
 - iii) *Rule 19B.1.4 – Streetscape*;
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, except for:
 - i) *Rule 19B.1.1 – Building Height*, which is a Discretionary Activity;
- c) Any activity listed as Restricted Discretionary in *Table 19B.1*.

19B.3.1 Restricted Discretionary Activities – Standards and Terms

Note: Any activity that does not comply with Rule – Restricted Discretionary Activity – Standards and Terms shall be considered a Discretionary Activity.

Restricted Discretionary Activities that do not comply with *Rule 19B.1.3 - Setbacks* shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and *natural character*, including its interface with the *Coastal Marine Area, permanently flowing river or stream or wetland*.

19B.3.2 Restricted Discretionary Activities - Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to the following matters.

19B.3.2.1 Overshadowing

In considering activities that do not comply with *Rule 19B.1.2 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced daylight admissions.

19B.3.2.2 Setbacks

- a) In considering activities that do not comply with *Rule 19B.1.3 - Setbacks* the *Council* restricts the exercise of its discretion to:
 - i) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants in adjoining *sites*;
 - ii) The extent to which the proposal would reduce the ability to maintain access for maintenance, including for *buildings* on adjoining sites;
 - iii) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to, step in breaks in façades and minimisation of the length of encroachment into the *setback*;
- b) In considering activities that do not comply with *Rule 19B.1.3 b) or c) - Setbacks* the *Council* restricts the exercise of its discretion to:
 - i) The *height*, scale, and location of any *building, structure, or sign*;
 - ii) The use of material on the exterior of any *building or structure*, including the use of colour;
 - iii) The nature, location and extent of any proposed *earthworks*;
 - iv) The location and design of access, parking areas, infrastructure and services or fences;
 - v) Whether the proposed activity, *building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;
 - vi) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

19B.3.2.3 Streetscape

In considering activities that do not comply with *Rule 19B.1.4 - Streetscape* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on having a consistent *setback* from the street;
- b) The extent to which the proposal would result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from the street and from adjoining *sites*;
- c) The extent to which the proposal addresses potential adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public-private interface.

19B.3.2.4 Activities Identified as Restricted Discretionary in Table 19B.1

In considering activities identified as Restricted Discretionary in *Table 19B.1* the *Council* restricts the exercise of its discretion to:

- a) Any actual or potential effects on the surrounding *landscape character* and the pattern of *subdivision* including density and land use;
- b) Traffic generation, access and on-site parking;
- c) The capacity of existing *infrastructure* and *services* to accommodate new activities.

19B.3.2.5 Activities described as a Restricted Discretionary Activity in Rule 19B.3 b) – Restricted Discretionary Activity Rules

In considering activities identified as Restricted Discretionary in *Rule 19B.3 b) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity standards and terms in *Rule 19B.2.1*;
- b) Matters over which the *Council* has reserved control in *Rule 19B.2.2 - Controlled Activities - Matters of Control and Conditions*.

19B.4 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19B.1.1 – Building Height*;
- b) Any Controlled Activity that does not comply with:
 - i) *Rule 19B.1.1 – Building Height*;
- c) Any activity not listed as Permitted, Controlled, Restricted Discretionary or a Non-Complying Activity;
- d) Any activity listed as Discretionary in *Table 19B.1*.

19B.4.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*. In addition, *Council* shall have particular regard to the relevant standards and terms listed in *Rule 19B.3.2.4 - Activities Identified as Restricted Discretionary in Table 19B.1*.

19B.5 Non-Complying Activities

The following are Non-Complying Activities:

- a) Any activity listed as Permitted that does not meet *Rule 19B.1.6 – Clearance of Indigenous Vegetation*.

19C Education Centre 2 Zone (Faith Bible College - Sub-Zones A & B)

All activities in the Education Centre 2 Zone shall have the status identified in *Table 19C.1*. Symbols used in *Table 19C.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 19C.1: Education Centre Zones (Faith Bible College) Activity Status

Use/Activity	Relevant Rule	Sub Zone A	Sub Zone B
<i>Accessory building, structure or activity.</i>	19C.1	P	P
<i>Community facilities.</i>	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Activities directly associated with <i>schools</i> and <i>tertiary education premises</i> : a) Conferences; b) Counselling; c) Cultural activities; d) Business education.	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
<i>Independent dwelling units</i> directly associated with <i>schools</i> and <i>tertiary education premises</i> .	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Missionary accommodation (<i>shared accommodation</i>).	19C.3	RD	RD
Missionary complex directly associated with <i>schools</i> and <i>tertiary education premises</i> .	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Retirement accommodation, rest home and specialist healthcare facilities.	19C.3	RD	RD
<i>Schools</i> and <i>tertiary education premises</i> .	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Senior citizens complex directly associated with <i>schools</i> and <i>tertiary education premises</i> .	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Student accommodation (<i>shared accommodation</i>) directly associated with <i>schools</i> and <i>tertiary education premises</i> .	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
<i>Places of assembly.</i>	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
Playing fields, sports grounds and hard courts.	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)
<i>Structures</i> such as goal posts, cricket nets, fences and other similar <i>structures</i> which are ancillary to and used in conjunction with playing fields, sports grounds, hard courts.	-	P (Refer Rule 19C.1)	C (Refer Rule 19C.2)

Use/Activity	Relevant Rule	Sub Zone A	Sub Zone B
Lighting, including support structures.	19C.1	P	P
Primary production activities, excluding, factory farming and aerial spraying of crops.	19C.1	P	P

19C.1 Permitted Activity Rules

Note: Where an activity does not comply with a Permitted Activity rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.

Note: All activities located within the Education Centre 2 Zone are required to either (a) comply with the Operative On-site Effluent Treatment Regional Plan, (b) obtain the appropriate resource consent(s) from the Regional Council or (c) provide a connection to a sanitary sewerage system.

19C.1.1 Building Height

- The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall be 12 metres;
- Provided that no *building* or *structure* within any identified *Viewshaft Protection Area*, with the exception of the permitted intrusions in *Rule 4H.2.3* shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.

Note: Any activity that does not comply with Permitted Activity Rule 19C.1.1 – Building Height shall be considered a Discretionary Activity.

19C.1.2 Overshadowing

All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.2*, shall be within the *building* envelope in accordance with *Appendix 14C: Overshadowing*.

19C.1.3 Setbacks

All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.1*, shall provide a minimum *setback* of 1.5 metres from a side or rear *boundary*.

19C.1.4 Streetscape

- All *buildings* shall be *set back* a minimum of 10 metres from the Welcome Bay Road and Water Lane boundaries;
- All *buildings* on a *site* adjoining a Road Widening designation (as identified on *Plan Maps, Part B*) shall have the *setback* measured from that designation *boundary*;
- All *buildings* and activities shall provide frontage landscaping comprising a mix of trees, shrubs and groundcovers contiguous to, and to a width of, at least 2 metres measured from a road frontage *boundary* exclusive of permitted vehicle accessways. For the purposes of this rule, a road frontage *boundary* is that *boundary* that adjoins the formed portion of Welcome Bay Road and Water Lane boundaries;
- The provision of on-site parking shall not be located within the required *setback* provision for *Rule 19C.1.4 - Streetscape*, or within Sub-Zone B in accordance with *Appendix 19B - Faith Bible College*.

19C.1.5 Variation Criteria

A *building* may penetrate the *building* envelope required by *Rule 19C.1.2 - Overshadowing* and/or be constructed closer to a *site boundary* than Permitted by *Rule 19C - Setbacks* where:

- a) The written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained before ~~a *building consent* is issued~~ the building works are undertaken;
- b) That written consent is clearly endorsed on all relevant *building consent plans*;
- c) The written consent and endorsed plans have been provided to Council for registration on the appropriate property file(s);
- d) 'Adjoining' for the purpose of this rule shall mean:
 - i) ~~All those properties directly adjoining the *boundary* at which the *building setback* required by *Rule 19C.1.2 - Overshadowing* and/or the overshawing envelope required by *Rule 19C.1.3 - Setbacks* is encroached upon, including vehicle or pedestrian accessways, private ways, access legs, rights-of-way, or access lots, excluding public roads;~~
For the purposes of *Rule 19C.1.2 - Overshadowing*, all those properties directly adjoining the boundary at which the overshaw envelope is encroached upon and those separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads), only where the subject *building* encroaches the overshawing envelope as applied at the *boundary* of that property;
 - ii) ~~All those properties that would adjoin the *site boundary* at which the overshawing envelope required by *Rule 19C.1.2 - Overshadowing* is encroached upon, despite being separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots, excluding public roads, if the *building* would encroach beyond the overshawing envelope required by *Rule 19B.1.2 - Overshadowing* when applied at the *boundary* of that adjoining property.~~
For the purposes of *Rule 19C.1.3 - Setbacks*, all those properties directly adjoining the boundary at which the setback is encroached upon and those separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads) only where the subject building is to be located within 1.5 meters of that property boundary.

(VAR 2 – No Legal Effect)

19C.1.6 Traffic Management, Safety and Convenience

The *site* entrance shall be formed and constructed to the following standard:

- a) A deceleration taper of at least 20 metres long on the north side of Welcome Bay Road to enable left-turning traffic to move clear of through-traffic travelling east;
- b) Seal widening of at least 20 metres long and 2.5 metres wide opposite the Welcome Bay Road entrance with 1 in 15 tapers either side to enable right-turning manoeuvring for traffic travelling west.

19C.1.7 Rules in Other Sections of the Plan

Activities within the Education Centre 2 Zone shall also comply with the following Permitted Activity conditions found within other sections of *the Plan*, where relevant:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 - Heritage*;
- c) The provision of *Chapter 8 - Natural Hazards*;
- d) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12G.2 - Infrastructure and Services*;
- g) The provisions of any Plan Area.

19C.2 Controlled Activity Rules

The following are Controlled Activities:

- a) Any activity listed as Controlled Activity within *Table 19C.1*.

19C.2.1 Controlled Activities - Standards and Terms

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity Standard and Term shall be considered a Restricted Discretionary Activity.

Controlled Activities shall comply with the following standards and terms:

- a) Every activity shall meet the Permitted Activity Rules that apply in Sub-Zone A where relevant;
- b) A *site* development and landscape plan shall be submitted with each application indicating the design, location and type of proposed *buildings*, and on-site landscaping and tree planting to be provided and maintained within the relevant sub-zone;
- c) For the purposes of *Rule 19C.2.1 b)*, the *site* development and landscape plan shall have regard to the following design principles:
 - i) The creation of a visual screen between the proposed *buildings* and the surrounding rural character, particularly when viewed from Water Lane and Welcome Bay Road;
 - ii) The retention of open space 'corridors' between Sub-Zone A and Sub-Zone B, through the location of *buildings*, pathways, open space links, and planting areas;
 - iii) The consideration and inclusion of the topographic features within the relevant sub-zone in respect to plant selection and the location of landscaping and tree planting;
 - iv) The use of tree species of a scale (at maturity) similar to the scale of *buildings* proposed within the relevant sub-zone (a mix of *indigenous* and exotic species is expected);
 - v) The provision for adequate on-site effluent treatment and disposal areas.

19C.2.2 Controlled Activities - Matters of Control and Conditions

The *Council* reserves control over:

- a) The degree to which the design, location and type of proposed on-site landscaping and tree planting shown on the landscape plan required for each sub-zone achieves the design principles set out in *Rule 19C.2.1 c)* – Controlled Activities - Standards and Terms and approval of such a plan as part of the Controlled Activity consent.

19C.3 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that fails to comply with:
 - i) *Rule 19C.1.2 – Overshadowing*;
 - ii) *Rule 19C.1.3 – Setbacks*;
 - iii) *Rule 19C.1.4 – Streetscape*;
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, except for:
 - i) *Rule 19C.1.1 – Building Height*, which is a Discretionary Activity;
- c) Any activity listed as Restricted Discretionary in *Table 19C.1*.

19C.3.1 Restricted Discretionary Activities - Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to:

19C.3.1.1 Overshadowing

In considering activities that do not comply with the *Rule 19C.1.2 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced daylight.

19C.3.1.2 Setbacks

In considering activities that do not comply with the *Rule 19C.1.3 - Setbacks* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants in adjoining *sites*;
- b) The extent to which the proposal would reduce the ability to maintain access for maintenance, including for *buildings* on adjoining *sites*;
- c) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to, step in breaks in *façades*, and minimisation of the length of encroachment into the *setback*.

19C.3.1.3 Streetscape

In considering activities that do not comply with *Rule 19C.1.4 – Streetscape*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the maintenance of a consistent *setback* from the street and result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from the street and from adjoining *sites*;
- b) The extent to which the proposal addresses potential adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public-private interface.

19C.3.1.4 Traffic Management, Safety and Convenience

In considering activities that do not comply with *Rule 19C.1 - Traffic Management, Safety and Convenience* the *Council* restricts the exercise of its discretion to:

- a) Sight distances appropriate to the operating speed of Welcome Bay Road;
- b) The provision for turning traffic;
- c) On-road traffic management to accommodate traffic generated by the activity;
- d) The differentiation between *carriageway construction* and *driveway construction* to clearly indicate demarcation between public and private roads;
- e) The provision of on-site car-parking, manoeuvring, loading and access.

19C.3.1.5 Activities Identified as Restricted Discretionary in Table 19C.1

In considering activities identified as Restricted Discretionary in *Table 19C.1* the *Council* restricts the exercise of its discretion to:

- a) Any actual or potential effects on the surrounding *landscape character* and the pattern of *subdivision* including density and land use;
- b) Traffic generation, access and on-site parking;
- c) The capacity of existing *infrastructure* and *services* to accommodate new activities.

19C.3.1.6 Activities Described as a Restricted Discretionary Activity in Rule 19C.3 b) – Restricted Discretionary Activity Rules

In considering activities identified as Restricted Discretionary in *Rule 19C.3 b) - Restricted Discretionary Activity Rules* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity standards and terms in *Rule 19C.2.1*;
- b) Matters over which the *Council* has reserved control in *Rule 19C.2.2 - Controlled Activities - Matters of Control and Conditions*.

19C.4 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19C.1.1 – Building Height;*
- b) Any Controlled Activity that does not comply with:
 - i) *Rule 19C.1.1 – Building Height;*
- c) Any activity not listed as Permitted, Controlled, Restricted Discretionary, Non-Complying or a Prohibited Activity;

19C.4.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*. In addition, *Council* shall have particular regard to the relevant standards and terms listed in *Rule 19C.3.1.5 - Activities Identified as Restricted Discretionary in Table 19C.1.*

19D Education Centre 3 Zone (Rudolf Steiner School - Sub-Zones A & B)

All activities in the Education Centre 3 Zone shall have the status identified in *Table 19D.1*. Symbols used in *Table 19D.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 19D.1 – Education Centre Zones Activity Status

Use/Activity	Relevant Rule	Sub Zone A	Sub Zone B
<i>Accessory building, structure or activity.</i>	19D.1	P	P
<i>Community facilities.</i>	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
The following activities directly associated with schools and tertiary education premises: e) Conferences; f) Counselling; g) Cultural activities; h) Business education.	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
<i>Independent dwelling units</i> directly associated with schools and tertiary education premises.	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
<i>Places of assembly.</i>	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
Playing fields, sports grounds and hard courts.	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
<i>Structures</i> such as goal posts, cricket nets, fences and other similar <i>structures</i> which are ancillary to and used in conjunction with playing fields, sports grounds, hard courts.	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
Lighting, including support <i>structures</i> .	19D.1	P	P
<i>Primary production</i> activities, excluding, factory farming and aerial spraying of crops.	19D.1	P	P
<i>Schools and tertiary education premises.</i>	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)
Student accommodation (<i>shared accommodation</i>) directly associated with schools and tertiary education premises.	-	P (Refer Rule 19D.1)	C (Refer Rule 19D.2)

19D.1 Permitted Activity Rules

Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.

19D.1.1 Development Intensity and Scale

- a) The maximum number of pupils and staff on-site directly associated with *schools* and *tertiary education premises* shall be no greater than 600 pupils and 50 staff;
 - b) *Building* development shall be limited to *schools* and *tertiary education premises* up to an establishment level of 222 pupils and 35 staff until all *buildings* requiring *wastewater* disposal are connected to an authorised sanitary sewerage system;
-

Note: Any activity that does not comply with the Permitted Activity Rule 19D.1.1 a) - Development Intensity and Scale shall be considered a Discretionary Activity.

Note: Any activity that does not comply with the Permitted Activity Rule 19D.1.1 b) – Development Intensity and Scale shall be considered a Prohibited Activity.

19D.1.2 Building Height

- a) The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall be 12 metres;
 - b) Provided that no *building* or *structure* within any identified *Viewshaft Protection Area*, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.
-

Note: Any activity that does not comply with the Permitted Activity Rule 19D.1.2 – Building Height shall be considered a Discretionary Activity.

19D.1.3 Overshadowing

All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.2*, shall be within the *building* envelope in accordance with *Appendix 14C: Overshadowing*.

19D.1.4 Setbacks

All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.1*, shall provide a minimum set back of 1.5 metres from any side or rear *boundary*.

19D.1.5 Variation Criteria

A *building* may penetrate the *building* envelope required by *Rule 19D.1.3 - Overshadowing* and/or be constructed closer to a *site boundary* than permitted by *Rule 19D.1.4 - Setbacks* where:

- a) The written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained before a ~~building consent is issued~~ the building works are undertaken;
- b) That written consent is clearly endorsed on all relevant ~~building consent~~ plans;
- c) The written consent and endorsed plans have been provided to Council for registration on the appropriate property file(s).

d) 'Adjoining' for the purpose of this rule shall mean:

i) ~~All those properties directly adjoining the boundary at which the building setback required by Rule 19D.1.3 – Overshadowing and/or the overshadowing envelope required by Rule 19D.1.4 – Setbacks is encroached upon, including vehicle or pedestrian accessways, private ways, access legs, rights-of-way, or access lots, excluding public roads;~~

For the purposes of Rule 19D.1.3 – Overshadowing, all those properties directly adjoining the boundary at which the overshadow envelope is encroached upon and those separated from the subject site by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads), only where the subject building encroaches the overshadowing envelope as applied at the boundary of that property;

ii) ~~All those properties that would adjoin the site boundary at which the overshadowing envelope required by Rule 19D.1.3 – Overshadowing is encroached upon, despite being separated from the subject site by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots, excluding public roads, if the building would encroach beyond the overshadowing envelope required by Rule 19D.1.3 – Overshadowing when applied at the boundary of that adjoining property.~~

For the purposes of Rule 19D.1.4 – Setbacks, all those properties directly adjoining the boundary at which the setback is encroached upon and those separated from the subject site by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads) only where the subject building is to be located within 1.5 meters of that property boundary.

(VAR 2 – No Legal Effect)

19D.1.6 Traffic Management, Safety and Convenience

a) Before the school roll exceeds 450 pupils, the intersection of the school access with Welcome Bay Road shall be constructed as follows:

i) A deceleration taper and left turn lane 2.5 metres wide comprising a 15-metre storage area and 30-metre taper on the eastern side of the school entrance to allow left-turning traffic to move clear of through traffic travelling west. The removal of the roadside bank on the eastern side of the school driveway to enable sight distances to meet acceptable guidelines will be required as part of these works;

ii) A 2.5-metre flush median to be incorporated into road markings to provide a safe refuge for vehicles right turning from vehicles travelling east;

iii) The actual driveway intersection with Welcome Bay Road to be constructed of alternative materials to clearly indicate the demarcation between public and private roads;

b) Every activity shall provide on-site parking, manoeuvring, loading and access in accordance with the provisions of Chapter 4 – General Rules, Traffic management, safety and convenience conditions specified within Rule 4B.2;

c) ~~Rule 4B.3 b) - Restricted Discretionary Activity Rules, for more than 25 on-site parking spaces shall not apply until the combination of activities assessed together in accordance with the provisions of Appendix 4G 4A: General Minimum On-Site Parking and Loading Requirements specified in Rule 4B.2.3, requires more than 110 on-site parking spaces.~~

(VAR 6 – No Legal Effect)

Note: Where the combination of activities assessed together in accordance with the provisions of Chapter 4 – General Rules specified within Rule 4B.2.3 – On-site Parking - General requires more than 110 on-site parking spaces, subsequent activities shall be assessed as a Restricted Discretionary Activity in accordance with Rule 4B.3 b) to determine the actual demand for on-site parking, maneuvering, loading and access.

19D.1.7 Amenity

a) Landscaping shall be provided along the eastern boundary of the site as shown as 'Landscape Buffer 1' on Appendix 19C: Rudolf Steiner School before the school roll exceeds 250 pupils;

b) Landscaping shall be provided along the eastern boundary of the site as shown as 'Landscape Buffer 2' and the southern boundary of the site as shown as 'Landscape Buffer 3' on Appendix 19C: Rudolf Steiner School before the school roll exceeds 450 pupils;

- c) Where any *buildings* are constructed within 120 metres of the southern *boundary* before the school roll exceeds 450 pupils, 'Landscape Buffer 2' and 'Landscape Buffer 3' shall be planted at the time of *construction*;
- d) Landscaping for 'Landscape Buffer 1', 'Landscape Buffer 2' and 'Landscape Buffer 3' shall consist of trees and shrubs maintained to a minimum *height* of 2 metres, and a width of 3 metres;
- e) Landscaping for 'Landscape Buffer 3' shall consist of shrubs and trees that may achieve a height at maturity that does not exceed the overshadowing limitations defined in Appendix 14D;
- f) For *Rules 19D.1.7 a) and b)*, breaks in the planting requirements of not more than 3 metres long are permitted along the specified boundaries, but must not reduce the planted area of each of the landscape buffers by more than 40%.

19D.1.8 Rules in Other Sections of the Plan

Activities within the Education Centre 3 Zone shall also comply with the following Permitted Activity conditions found within other sections of *the Plan*, where relevant:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 - Heritage*;
- c) The provision of *Chapter 8 - Natural Hazards*;
- d) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12G.2 - Infrastructure and Services*;
- g) The provisions of any Plan Area.

19D.2 Controlled Activity Rules

The following are Controlled Activities:

- a) Any activity listed as Controlled Activity within *Table 19D.1*.

19D.2.1 Controlled Activities - Standards and Terms

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term shall be considered a Restricted Discretionary Activity.

Controlled Activities shall comply with the following standards and terms:

- a) Every activity shall meet the Permitted Activity rules that apply in Sub-Zone A, where relevant;
- b) A *site* development and landscape plan shall be submitted with each application indicating the design, location and type of proposed *buildings* and, on-site landscaping and tree planting to be provided and maintained within the relevant sub-zone;
- c) For the purposes *Rule 19D.2.1 b) – Controlled Activities - Standards and Terms*, the *site* development and landscape plan shall have the following design principals:
 - i) The visual mitigation of the bulk and location of the *buildings* on the *site* as viewed from the surrounding area;
 - ii) The consideration and inclusion of the topographic features within the *site* in plant selection and location of landscaping and tree planting;
 - iii) The use of tree species of a scale (at maturity) similar to the scale of buildings proposed within the relevant sub-zone (including a mix of indigenous and exotic species).

19D.2.2 Controlled Activities - Matters of Control and Conditions

The *Council* reserves control over the following matters:

- a) The degree to which the design, location and type of proposed on-site landscaping and tree planting shown on the landscape plan required for each sub-zone achieves the design principles set out in *Rule 19D.2.1 c) - Controlled Activities - Standards and Terms* and approval of such a plan as part of the Controlled Activity consent.

19D.3 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19D.1.3 – Overshadowing*;
 - ii) *Rule 19D.1.4 – Setbacks*;
 - iii) *Rule 19D.1.6 – Traffic Management, Safety and Convenience*;
 - iv) *Rule 19D.1.7 – Amenity*;

- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, except for:
 - i) *Rule 19D.1.1 a) – Development Intensity and Scale*, which is a Discretionary Activity;
 - ii) *Rule 19D.1.1 b) – Development Intensity and Scale*, which is a Prohibited Activity;
 - iii) *Rule 19D.1.2 – Building Height*, which is a Discretionary Activity;
- c) Activities listed as Restricted Discretionary in *Table 19D.1*.

19D.3.1 Restricted Discretionary Activities - Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to:

19D.3.1.1 Overshadowing

In considering activities that do not comply with the *Rule 19D.1.3 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced daylight.

19D.3.1.2 Setbacks

In considering activities that do not comply with the *Rule 19D.1.4 - Setbacks* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants in adjoining *sites*;
- b) The extent to which the proposal would reduce the ability to maintain access for maintenance, including for *buildings* on adjoining *sites*;
- c) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to, step in breaks in façades and minimisation of the length of encroachment into the *setback*.

19D.3.1.3 Traffic Management, Safety and Convenience

In considering activities that do not comply with *Rule 19D.1.6 - Traffic Management, Safety and Convenience* the *Council* restricts the exercise of its discretion to:

- a) Sight distances appropriate to the operating speed of Welcome Bay Road;
- b) The provision for turning traffic;
- c) On-road traffic management to accommodate traffic generated by the education centre;
- d) Differentiation between *carriageway construction* and *driveway construction* to clearly indicate demarcation between public and private roads;
- e) The provision of on-site car-parking, manoeuvring, loading and access.

19D.3.1.4 Amenity

In considering activities that do not comply with *Rule 19D.1.7 - Amenity* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity standards and terms in *Rule 19D.2.1*;
- b) Matters over which the *Council* has reserved control in *Rule 19D.2.2 - Controlled Activities - Matters of Control and Conditions*.

19D.3.1.5 Activities Described as a Restricted Discretionary Activity in Rule 19D.3 b) – Restricted Discretionary Activity Rules

In considering activities identified as Restricted Discretionary in *Rule 19D.3 b) - Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity standards and terms in *Rule 19D.2.1*;
- b) Matters over which the *Council* has reserved control in *Rule 19D.2.2 - Controlled Activities - Matters of Control and Conditions*.

19D.4 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19D.1.1 a) – Development Intensity and Scale;*
 - ii) *Rule 19D.1.2 – Building Height;*
- b) Any Controlled Activity that does not comply with:
 - i) *Rule 19D.1.1 a) – Development Intensity and Scale;*
 - ii) *Rule 19D.1.2 – Building Height;*
- c) Any activity not listed as Permitted, Controlled, Restricted Discretionary or a Prohibited Activity;

19D.4.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* shall pay particular regard to the relevant objectives and policies of *the Plan*. In addition, Council shall have particular regard to the relevant standards and terms listed in *Rule 19D.3.1.5 - Activities Described as a Restricted Discretionary Activity in Rule 19D.3 b) – Restricted Discretionary Activity Rules.*

19D.5 Prohibited Activities

Any activity, or accumulation of activities, which will increase the sanitary effluent loading at the Rudolf Steiner School Education Centre 3 Zone beyond 222 pupils and 35 staff where *site* development is not connected to a sanitary sewerage system, or where such system does not have sufficient capacity to serve the proposed activities is deemed a Prohibited Activity.

19E Education Centre 4 Zone (Tauranga Adventist School - Sub-Zones A, B & C)

All activities in the Education Centre 4 Zone shall have the status identified in *Table 19E.1*. Symbols used in *Table 19E.1* have the meaning described in *Table 19E.1: Activity Status*.

Table 19E.1: Education Centre Zones Activity Status

Use/Activity	Relevant Rule	Sub Zone A	Sub Zone B	Sub Zone C
<i>Accessory building, structure or activity.</i>	19E.1	P	P	P
<i>Business activities directly associated with schools.</i>	19E.4	D	D	D
The following activities directly associated with <i>schools</i> : i) Conferences; j) Counselling; k) Cultural activities; a) Business education.	19E.4	D	D	D
<i>Places of assembly not exceeding 300m2 gross floor area (GFA).</i>	-	D (Refer Rule 19E.4)	D (Refer Rule 19E.4)	P (Refer Rule 19E.1)
Playing fields, sports grounds and hard courts.	19E.1	P	P	P
<i>Structures</i> such as goal posts, cricket nets, fences and other similar <i>structures</i> which are ancillary to and used in conjunction with playing fields, sports grounds, hard courts.	19E.1	P	P	P
Lighting, including support <i>structures</i> .	19E.1	P	P	P
Pre-school, not exceeding 50 pupils and associated staff.	-	C (Refer Rule 19E.2)	P (Refer Rule 19E.1)	C (Refer Rule 19E.2)
Primary school, not exceeding 150 pupils and associated staff.	-	P (Refer Rule 19E.1)	C (Refer Rule 19E.2)	C (Refer Rule 19E.2)
Student accommodation (<i>shared accommodation</i>) directly associated with a <i>school</i> .	19E.4	D	D	D

19E.1 Permitted Activity Rules

Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.

19E.1.1 Development, Intensity and Scale

All *building* development shall be limited to *schools* (pre-school, primary school and school hall) not exceeding 300m² *gross floor area (GFA)* up to an establishment level of 200 pupils and 8 staff, as follows:

- a) Pre-school: 50 pupils;
 - b) Primary school: 150 pupils.
-

Note: Any activity that does not comply with the Permitted Activity Rule 19E.1.1 – Development, Intensity and Scale shall be considered a Discretionary Activity.

19E.1.2 Building Height

- a) The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall be 9 metres;
 - b) Provided that no *building* or *structure* within any identified *Viewshaft Protection Area*, with the exception of the permitted intrusions in *Rule 4H.2.3* shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.
-

Note: Any activity that does not comply with the Permitted Activity Rule 19E.1.2 – Building Height shall be considered a Discretionary Activity.

19E.1.3 Overshadowing

All *buildings*, with the exception of the Permitted intrusions in *Rule 4H.2.2*, shall be within the *building* envelope in accordance with *Appendix 14C: Overshadowing*, except for:

- a) The *construction* of a place of assembly (school hall with a maximum *gross floor area (GFA)* of 300m² within Sub-Zone C) is permitted to have a *building* envelope protrusion of up to 1.3 metres along the southern *boundary*.

19E.1.4 Setbacks

All *buildings*, with the exception of the permitted intrusions in *Rule 4H.2.1*, shall provide a minimum setback of 1.5 metres from a side or rear *boundary*.

19E.1.5 Streetscape

- a) All *buildings* shall be *set back* a minimum of 10 metres from the Moffat Road *boundary*;
- b) All *buildings* on a *site* adjoining a Road Widening designation (as identified on *Plan Maps (Part B)*) shall have the *setback* measured from that designation *boundary*.
- c) The provision of on-site parking shall not be located within the required *setback* provisions in *Rule 19E.1.5 - Streetscape*.

19E.1.6 Variation Criteria

A *building* may penetrate the *building* envelope required by *Rule 19E.1.3 - Overshadowing* and/or be constructed closer to a *site boundary* than permitted by *Rule 19E.1.4 - Setbacks* where:

- a) The written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained before a *building* consent is issued;
- b) That written consent is clearly endorsed on all relevant *building* consent plans;
- c) 'Adjoining' for the purpose of this rule shall mean:
 - i) All those properties directly adjoining the *boundary* at which the *building setback* required by *Rule 19E.1.3 - Overshadowing* and/or the overshadowing envelope required by *Rule 19E.1.4 - Setbacks* is encroached upon, including vehicle or pedestrian accessways, private ways, access legs, rights-of-way, or access lots, excluding public roads;

- ii) All those properties that would adjoin the *site boundary* at which the overshadowing envelope required by *Rule 19E.1.3 - Overshadowing* is encroached upon, despite being separated from the subject *site* by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots, excluding public roads, if the *building* would encroach beyond the overshadowing envelope required by *Rule 19E.1.3 - Overshadowing* when applied at the *boundary* of that adjoining property.

19E.1.7 Noise

The following rules apply in addition to those matters listed in noise provisions specified within *Rule 4E.2.9 – Education Centre Zones* (in the event of any conflict, the provisions of *Rule 19E.1.7 - Noise* shall prevail):

- a) *Construction* noise from starting up and operation of *construction* equipment and all other *construction* activities shall meet the limits recommended by and measured and assessed in accordance with *NZS6803:1999 Acoustics Construction Noise* or any superseding codes of practice or standards. Before an activity begins, a noise management plan shall be submitted to *Council*, describing how the construction noise standards will be met;
- b) Permanent noise mitigation measures shall be provided so the noise level at any outdoor point within the *site* does not exceed 55dBA *Leq* for any 15-minute period;
- c) Noise inside teaching spaces shall not exceed 35dBA *Leq* for any 15-minute period. Where the internal noise limit can be achieved only with windows/doors closed then a forced ventilation system or air-conditioning shall be provided;
- d) An acoustic barrier (close-boarded wooden fence, or similar, to a minimum *height* of 1.8 metres) shall be erected and maintained along the western side of the school playing fields parallel to the western *boundary*, from a point adjacent to the south western end of Sub-Zone A, extending northwards for a minimum distance of 70 metres;
- e) 12 months after the Tauranga Northern Arterial Route (TNA) opens, a review is to be undertaken to determine the effect of noise within the Education Centre 4 Zone. In the event that the TNA exceeds the guidelines determined by the New Zealand Transport Agency at the time of establishing the Notice of Requirements for the TNA, an on-site acoustic barrier or other actions will be required to reduce noise levels to the guideline levels;
- f) Before any *building* consent is issued for any activity an acoustic design certificate shall be provided by a suitably qualified and experienced consultant confirming that noise mitigation measures will ensure compliance with b) and c) above.

Note: Any activity that does not comply with the Permitted Activity Rule 19E.1.7 – Noise shall be considered a Discretionary Activity.

Note: The guidelines referred to in Rule 19E.1.7 e) - Noise were established and can be located in the consent order for the Tauranga Northern Arterial.

Note: The compliance with, and implementation of Rule 19E.1.7 shall be borne solely on the site owner, not the New Zealand Transport Agency.

19E.1.8 Traffic Management, Safety and Convenience

- a) Activities involving the construction and operation of a pre-school (maximum of 50 pupils), primary school (maximum of 150 pupils) and place of assembly (school hall to a maximum GFA of 300m²) including provision for 8 staff shall comply with the following:
 - i) A minimum of 25 on-site parking spaces shall be provided on-site; which includes:
 - a) One heavy goods vehicle park;
 - b) 8 on-site parking spaces within Sub-Zone B;
 - ii) No parking shall be provided for on or along Moffat Road;
 - iii) Accessways shall provide for two-way traffic movements and shall be sealed in all cases;
 - iv) Access to school sports fields and other open space is to be made available in the event that overflow carparking is required for infrequent high-use activities within Sub-Zones A and B;
 - v) The matters outlined in *Rule 19E.1.9 - Review of Transportation and On-site Parking Requirements* shall be complied with;

- b) Any activity not described within *Rule 19E.1.8 a) – Traffic Management, Safety and Convenience* shall comply with the traffic management, safety and convenience conditions specified within *Rule 4B.2 – Permitted Activity Rules, Chapter 4 - General Rules*.

Note: Any application for parking on or along Moffat Road shall be considered a Prohibited Activity.

19E.1.9 Review of Transportation and On-site Parking Requirements

- a) By 29 February 2010 (and every five years following the first review) the Tauranga Adventist School shall undertake an assessment of the traffic and parking requirements of the Education Centre 4 Zone having regard to:
- i) The need for a right-turn bay into the *site* from Moffat Road;
 - ii) The effects of traffic, including the demand for on-site car parking;
 - iii) The frequency of the use of overflow parking areas;
 - iv) The effectiveness of the school traffic management plan.
- b) Where this assessment determines that more than 25 carparks are required to meet the general day-time demand (not including infrequent activities that may require the use of overflow parking areas as outlined in *Rule 19E.1.8 a) iv) - Traffic Management, Safety and Convenience*), resource consent for more than 25 carparks on the *site* shall be required in accordance with *Rule 4B.3 b) – Restricted Discretionary Activity Rules*.

19E.1.10 Rules in Other Sections of the Plan

Activities within the Education Centre 4 Zone shall also comply with the following Permitted Activity conditions found within other sections of *the Plan*, where relevant:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 - Heritage*;
- c) The provision of *Chapter 8 - Natural Hazards*;
- d) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12G - Infrastructure and Services*;
- g) The provisions of any Plan Area.

19E.2 Controlled Activity Rules

The following are Controlled Activities:

- a) Any activity listed as Controlled Activity within *Table 19E.1*.

19E.2.1 Controlled Activities - Standards and Terms

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term shall be considered a Restricted Discretionary Activity.

Controlled Activities shall comply with the following standards and terms:

- a) Every activity shall meet the Permitted Activity Rules, where relevant;
- b) A *site* development and landscape plan shall be submitted with each application indicating the design, location and type of proposed *buildings*, on-site landscaping and tree planting to be provided and maintained;
- c) For the purposes of *Rule 19E.2.1 b)*, the *site* development and landscape plans shall have regard to the following design principles:
 - i) Acoustic barriers along the western edge of the playing fields parallel to the western *boundary*;
 - ii) Parking, manoeuvring and playing field areas;
 - iii) Mitigation of headlights from surrounding roads on to the *site* from the southern and eastern boundaries;
 - iv) Mitigation of headlights from vehicles entering the *site* affecting adjacent properties to the west;
 - v) A planting schedule incorporating *indigenous* vegetation, a planting programme and maintenance schedule;
 - vi) Landscaping to be permanently maintained in accordance with *Rule 19E.2.1 c) v)* for the duration of the activity being located on *site*.

19E.2.2 Controlled Activities - Matters of Control and Conditions

The *Council* reserves control over the following matters:

- a) The degree to which the design, location and type of proposed on-site landscaping and tree planting shown on the landscape plan required for each sub-zone achieves the design principles set out in *Rule 19E.2.1 c) - Controlled Activities - Standards and Terms*.

19E.2.3 Non-Notification

Any application for a resource consent made under *Rule 19E.2 – Controlled Activities* does not need to be notified, or served on affected persons.

19E.3 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19E.1.3 – Overshadowing*;
 - ii) *Rule 19E.1.4 – Setbacks*;
 - iii) *Rule 19E.1.5 – Streetscape*;
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, except for:
 - i) *Rule 19E.1.1 – Development, Intensity and Scale*, which is a Discretionary Activity;
 - ii) *Rule 19E.1.2 – Building Height*, which is a Discretionary Activity.

19E.3.1 Restricted Discretionary Activities - Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to:

19E.3.1.1 Overshadowing

In considering activities that do not comply with the *Rule 19E.1.3 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced daylight.

19E.3.1.2 Setbacks

In considering activities that do not comply with *Rule 19E.1.4 - Setbacks* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants in adjoining *sites*;
- b) The extent to which the proposal would reduce the ability to maintain access for maintenance, including for *buildings* on adjoining *sites*;
- c) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to step in breaks in façades and minimisation of the length of encroachment into the *setback*.

19E.3.1.3 Streetscape

In considering activities that do not comply with *Rule 19E.1.5 - Streetscape* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the maintenance of a consistent *setback* from the street and result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from the street and from adjoining *sites*;
- b) The extent to which the proposal addresses potential adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public-private interface.

19E.3.1.4 Activities described as a Restricted Discretionary Activity in Rule 19E.3 b) – Restricted Discretionary Activity Rules

In considering activities identified as Restricted Discretionary in Rule *19E.3 b) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity Standards and Terms in *Rule 19E.2.1*;
- b) Matters over which the *Council* has reserved control in *Rule 19E.2.2 - Controlled Activities - Matters of Control and Conditions*.

19E.4 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 19E.1.1 – Development, Intensity and Scale;*
 - ii) *Rule 19E.1.2 – Building Height;*
 - iii) *Rule 19E.1.7 – Noise;*
- b) Any activity not listed as Permitted, Controlled, Restricted Discretionary or a Prohibited Activity;
- c) Any activity listed as Discretionary in *Table 19E.1.*

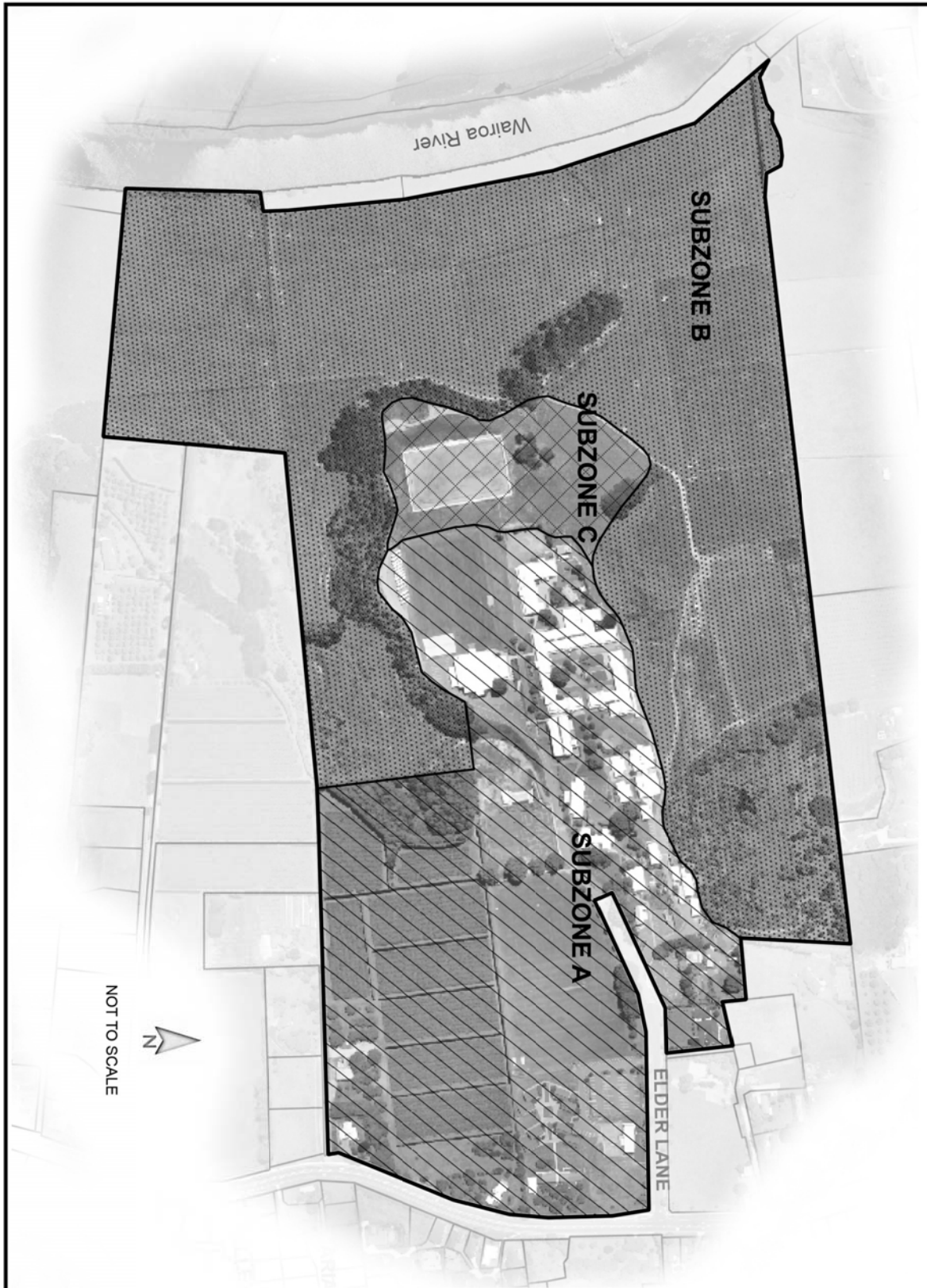
19E.4.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*. In addition, *Council* shall have particular regard to the relevant standards and terms listed in *Rule 19E.3.1.4 - Activities Described as a Restricted Discretionary Activity in Rule 19E.3 b) - Restricted Discretionary Activity Rules.*

19E.5 Prohibited Activities

Any activity involving the parking of vehicles on or along Moffat Road is deemed a Prohibited Activity.

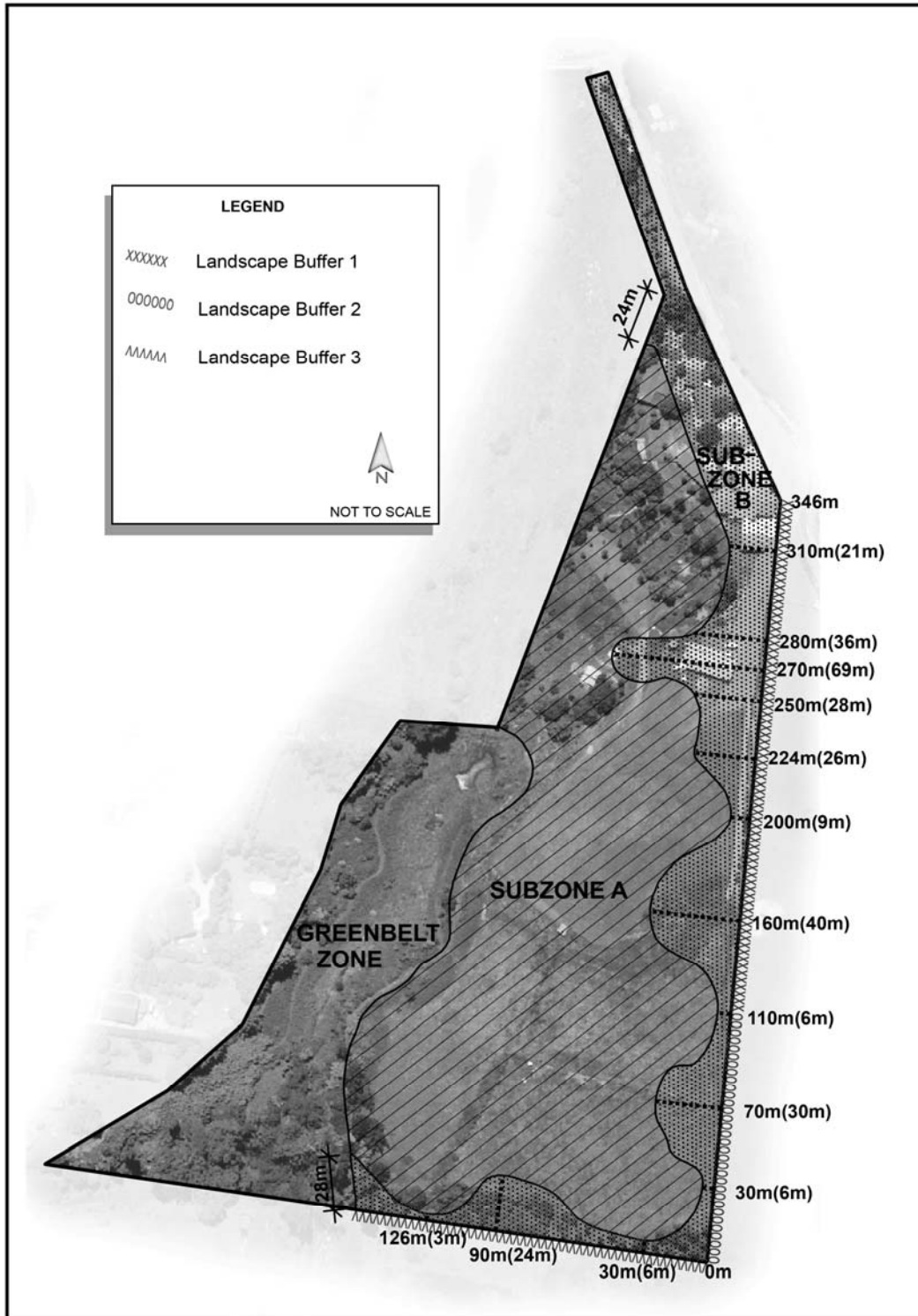
Appendix 19A: Education Centre 1 Zone (Bethlehem - Sub-Zones A, B & C) Outline Development Plan



Appendix 19B: Education Centre 2 Zone (Faith Bible College – Sub-Zones A & B) Outline Development Plan



Appendix 19C: Education Centre 3 Zone (Rudolf Steiner School - Sub-Zones A & B) Outline Development Plan



Appendix 19D: Education Centre 4 Zone (Tauranga Adventist School Sub-Zones A, B & C) Outline Development Plan

