



Western Bay of Plenty District Council

Proposed First Review

Landscape Section Review

Issues and Options Paper

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1. Introduction

1.1 Background

1.1.1 The Resource Management Act 1991 requires that district plans be reviewed within 10 years of first becoming operative. Although the Western Bay of Plenty District Plan was only made operative on the 20th of July 2002, a decision was made by Council to commence its full review well before its statutory life came to an end. The reason for this premature review comes as a result of the need to bring the District Plan up to speed with best practice, to address changing issues within the district, and to integrate significant planning changes such as those occurring at Waihi Beach, Katikati, Omokoroa, and Te Puke.

1.1.2 This discussion document deals with the Landscape Section (Chapter 10), which was first notified with the District Plan in July 1994.

1.2 Purpose

1.2.1 The main purpose of this review is to ensure that when the second generation District Plan is made operative, the Landscape Section remains effective in achieving its purpose under Sections 6 (b) and 6 (e) of the Resource Management Act 1991. This review has also been necessary as a response to SmartGrowth initiatives and research, and a number of other relevant strategies and publications that have arisen over recent years (Detailed in Attachment A). This review considers the ways in which the current section can be improved to address these issues; including the addition of new outstanding natural features, the redefinition of existing ones, and the strengthening of activity standards to protect them.

1.3 Statutory Framework

1.3.1 The following are the main sections of the key statutory documents which relate to this review of the Landscape Section

1.3.2 Resource Management Act 1991

Section 6, dealing with 'Matters of National Importance', obligates District Councils to "*recognize and provide for*" –

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 73 (4) also requires District Councils to amend their District Plan in order to '*give effect*' to a relevant Regional Policy Statement if reviewed or changed.

1.3.3 Regional Policy Statement

Environment Bay of Plenty's 'Proposed Change 2: Growth Management' (2005) includes provisions which specifically give effect to Section 6 (e) of the Resource Management Act in relation to natural landscape. These are –

Policy 17A.3.3 (b) (ii) – Local authorities should, where practicable, protect views from;

a) Marae to landscape features of significance to the hapu and iwi associated with that Marae.

b) Culturally significant features where part of the significance is the view

Method of Implementation 17A.4 (v) – Work with community and tangata whenua to identify, map and protect view shafts

1.4 The Landscape Section

1.4.1 The current landscape section uses a number of objectives, policies, rules and activity performance standards for the protection of the Western Bay of Plenty District's 'Identified Significant Landscape Features'. These 'Identified Significant Landscape Features' are broken into two categories; 'Natural Features and Landscapes' and 'View Shafts'.

1.4.2 A landscape assessment undertaken by consultants Boffa Miskell in 1993 identified 28 significant "Natural Features and Landscapes" of which 26 were approved and listed in Appendix (ii) of the current District Plan. The Kaimai Mamaku Conservation Park and adjoining contiguous areas of native forest, and the area 40m landward of MHWS around Tauranga Harbour and Matakana Island, Maketu and Waihi Estuaries are additional to this list. The landscape assessment also identified 7 important 'View Shafts' which are also included in Appendix (ii).

1.4.3 Unlike other sections, this section has not been subject to any plan changes since the District Plan was made operative.

2. Should the Wairoa River 20m Landward Edge Protection Yard be extended to give Added Protection to this 'Identified Significant Natural Feature'?

2.1 Discussion

2.1.1 The Wairoa River Valley Strategy (2005), which is an Initiative between the Western Bay of Plenty District Council and the Tauranga City Council, has been prepared with the purpose of providing a system of integrated management for the Wairoa River Valley and to provide a set of clear goals and plans for the protection, use and development of this area. The strategy identifies that the surrounding natural environment of this river valley is under pressure from existing and emerging activities, including the upswing in lifestyle blocks and residential subdivisions, and other land use practices.

2.1.2 The SmartGrowth Strategy has identified the Wairoa River Valley as an area with high visual amenity values, and warrants the Wairoa River as an area of 'high constraint' for

future urban development because of its natural and landscape features. According to the Wairoa River Valley Strategy, this has the potential to 'provide added protection to this environment in the future'. In addition, The Wairoa River Valley Strategy also proposes that the Western Bay of Plenty review their District Plan to ensure that adequate regulation is provided to protect ridgelines and lowlands beside the river from visual impacts.

- 2.1.3 At present, the Western Bay of Plenty District Plan includes the Wairoa River as significant feature S8, and protects the margins of this river from McLaren Falls Dam to MHWS, with the use of a 20m landward edge protection yard. Although neither of the above mentioned strategies specifically identify the need to increase this yard requirement, the current yard may not be sufficient to protect the river margin from inappropriate development and use.

2.2 Option 1

- 2.2.1 Retain the status quo and leave the landward edge protection yard at 20m.

2.3 Option 2

- 2.3.1 Increase the 20m landward edge protection yard to a more appropriate set distance to align with the purposes of the SmartGrowth Strategy and Wairoa River Valley Strategy and provide greater protection for the river valley.

2.4 Option 3

- 2.4.1 Increase this yard requirement, but instead of setting it at a uniform distance along the river margin, allow it to vary depending on river valley characteristics and pressures at certain points.

3. Should the Maketu Estuary be given Added Protection if included as a New 'Outstanding Natural Feature' in the Regional Environment Coastal Plan?

3.1 Discussion

- 3.1.1 In 2005, Environment Bay of Plenty commissioned consultants Boffa Miskell to undertake a review of the 11 existing 'Outstanding Natural Features' and 32 existing "Regionally Significant Natural Features' in the Regional Coastal Environmental Plan. These were matched against the new criteria for 'Natural Features and Landscapes' set out in Proposed Change 1 of the Regional Policy Statement to determine if they were still considered outstanding. In 2006, Boffa Miskell finished this review which was titled 'Outstanding Natural Features and Landscapes: Bay of Plenty Coastal Environment'.
- 3.1.2 The report concluded that all of the existing features still warranted inclusion, but it also proposed 3 new 'Outstanding Natural Features', including the Maketu Estuary and barrier spit - and the immediate 20m landward margin. The estuary has been proposed for a number of reasons including high natural character, aesthetic value, proximity to

population, defining landforms, unmodified waterscape and estuary edge, naturalness, and the sensitivity of its environment to change.

- 3.1.3 The current District Plan lists the estuary as significant feature S22 and protects its surrounding environment with the use of a 40m landward edge protection yard inland on land zoned rural G. Though, given that the Maketu Estuary has been recommended for inclusion in the Regional Coastal Environment Plan as an outstanding natural feature, should consideration be given to increasing its protection under the District Plan?

3.2 Option 1

- 3.2.1 Retain the status quo and continue to protect the Maketu Estuary with the use of the 40m landward edge protection yard.

3.3 Option 2

- 3.3.1 Give consideration to increasing this landward edge protection yard beyond 40m to give this feature greater protection from inappropriate development

3.4 Option 3

- 3.4.1 The current 40m yard is already 20m greater than the suggested protection area so should consideration be given to decreasing the protection yard in the District Plan?

4. Would it be a good idea to increase the Tauranga Harbour Margin 40m Protection Yard to mitigate the adverse visual effects of inappropriate development?

4.1 Discussion

- 4.1.1 Concerns have been raised over the relevance of the 40m landward edge protection yard along some areas of the Tauranga Harbour margin (this includes the 40m yard surrounding Matakana Island). Along areas of the harbour margin where there is a steep gradient running from the coastal edge, the 40m yard requirement is sufficient because buildings are hidden behind the landscape and cannot be seen as easily.
- 4.1.2 However, in areas where there is only a slight gradient, the buildings become much more noticeable because of their increased exposure, and the softening of visual impacts cannot be as easily achieved. Over time, cumulative effects arising from a number of these developments could begin to ruin the visual amenity of the harbour margin.

4.2 Option 1

- 4.2.1 Retain the status quo and leave the landward edge protection yard at 40m right along the Tauranga Harbour margin.

4.3 Option 2

- 4.3.1 Move the 40m yard back to a larger set distance in order to mitigate the visual impact of buildings that would be highly visible if located within it, for instance to 100m which has been a suggested option.

4.4 Option 3

- 4.4.1 Given the variable topography along the harbour margin, move the 40m yard back at varying distances, rather than at a set distance, as calculated on a site specific basis.

4.5 Option 4

- 4.5.1 Base the setting of the yard distance on the height of the buildings which are proposed for development. For example, a one storey building may be set back at 50m but a two storey building must be set back at 100m.

4.6 Option 5

- 4.6.1 Another possible option is to remove the yard requirement altogether from properties which are already zoned for residential purposes. The reason for this is that many existing residential areas had already compromised this yard requirement before it was put in place perhaps leaving this yard somewhat redundant?

5. Is the Minden Peak and Main Ridgeline given enough protection at the moment in the District Plan?

5.1 Discussion

- 5.1.1 The Minden Peak and Main Ridgeline is currently listed in Appendix (ii) of the District Plan as a significant natural feature and landscape (S3). However, concerns have been raised that the existing description does not represent the true value of this feature, and therefore may no longer be sufficient.

- 5.1.2 The description, as it stands, highlights that this feature is important because it provides the backdrop to Te Puna and is highly visible from the State Highway when driving past, but does not give any value to the feature's extended vegetative face. Unless also recognized, this vegetated face can be cleared for development as of right which could compromise the visual amenity and character of the Minden Peak landscape.

5.2 Option 1

- 5.2.1 Retain the status quo and leave the description as is.

5.3 Option 2

- 5.3.1 The existing description in the District Plan could be altered to address this issue and provide protection for the vegetated face of the Minden Peak and Ridgeline.

6. Are there any Additional View Shafts within the District which may Warrant Protection in the Next District Plan?

6.1 Discussion

- 6.1.1 At the moment, there are seven view shafts protected under the District Plan, which are described in Appendix (ii) as follows:

- The view from Tauranga Harbour and Matakana Island along State Highway 2 just past the Athenree turnoff
- View towards Tauranga harbour from State Highway 2 travelling north
- View towards Tauranga and the sea from State Highway 29 at layby just east of the entry of the Fortex venison farm
- Elevated view from rail bridge on State Highway 2, at coast north east of Ohinepanea
- Minden lookout
- The Lindemann Lookout
- View eastward over Te Puke, Maketu and plains from an unformed road off Upper Papamoa Road.

- 6.1.2 In addition to these, The Wairoa River Strategy (Landscape Section – Action Plan) also proposes that key view shafts to and from the Wairoa River need to be protected from future development, through their identification and the accompaniment of ‘appropriate rules’. The strategy recommends that these view shafts be identified and prioritised in consultation with landowners, and then integrated into various strategies, including the District Plan.

- 6.1.3 Another possible view shaft which has been recommended for inclusion is located along a stretch of State Highway coming from Rotorua in towards Pyes Pa. Starting at Pyes Pa School; there is a 400m stretch of road which gives passers-by a stunning view of Tauranga Harbour on their way into the city.

6.2 Option 1

- 6.2.1 Retain the status quo and only protect the existing seven view shafts.

6.3 Option 2

- 6.3.1 Undertake further research to identify important view shafts along the Wairoa River Valley and have any of significant merit added to the District Plan.

6.4 Option 3

- 6.4.1 Give consideration to the inclusion of the described Pyes Pa view shaft in the District Plan.

6.5 Option 4

- 6.5.1 The removal of one of more existing view shafts from the District Plan, which may no longer hold the same value that they once did.

7. How should we give protection to Marae View Shafts within the District?

7.1 Discussion

- 7.1.1 In December 2003, a 'Marae Sightlines Report' was released by Kaahuia Consultancy, which identified significant ancestral landscapes and visual values of importance to tangata whenua from 36 marae within the Western Bay of Plenty District, and investigated the extent to which these 'sightlines' or 'view shafts' were blocked by surrounding urban development. In many cases, it was found that these marae sightlines (particularly within urban areas) were significantly compromised by encroaching residential development, multi-storey buildings, state highways and roads. This was often made worse by ad hoc development undertaken by tangata whenua on surrounding Maori land, and in combination created an impression of entrapment or 'impending doom'.
- 7.1.2 A 2007 report prepared by Boffa Miskell also assessed the importance of cultural view shafts, with a focus on retaining visual links to Mauao from marae and other significant places. The report describes Mauao as a "dominant and iconic landmark for the city of Tauranga and the Bay of Plenty that is recognised for its unique landscape character as well as deep and underlying cultural values". The report has recommended 9 marae with view shafts toward Mauao which could be given protection in the District Plan. These are Rereatukahia, Tawhitinui, Matakana, Poututerangi, Paparoa, Oponui, Rangiwaewa, Opureora and Whakaue.
- 7.1.3 The need to actively recognise and protect the District's significant view shafts of cultural significance to Maori is a growing issue, which will need to be tackled in the District Plan Review. 'Proposed Change 2: Growth Management' of the Regional Policy Statement now provides that local authorities should, where practicable, protect views from marae to landscape features of significance to the iwi and hapu associated with that marae. Furthermore, it lists as a method of implementation the need to work with tangata whenua to identify these view shafts.
- 7.1.4 There are also two actions within the Landscape Section (7.1.8) of the SmartGrowth Strategy which provide for the protection of view shafts. 'Specific Project Action' 2 states the need to "investigate opportunities to protect significant view shafts to Mauao", while 'Ongoing Approach' 3 recognises the need to "develop a settlement pattern that takes into account the landscapes, natural features, and marae sightlines within the sub region".

7.1.5 Finally, the Resource Management Act 1991 requires within its purpose that the use, development, and protection of natural and physical resources be done in a way which enables communities be able to provide for their 'cultural wellbeing'.

7.2 Option 1

7.2.1 Add these 9 identified view shafts to the existing list of view shafts in the District Plan, therefore affording them the same protection.

7.3 Option 2

7.3.1 Where practicable an alternative option is putting a buffer zone around certain marae and attaching a specific set of objectives, policies, and rules (such as building height) to these zones to protect views from encroaching development.

7.4 Option 3

7.4.1 Retain the status quo and give no protection to these in the District Plan and instead allow marae representatives to negotiate with surrounding landowners.

8. Should Kopukairua (Old Baldy) be recognised as a Significant Landscape Feature in the District Plan?

8.1 Discussion

8.1.1 The feature has been identified as being an integral part of the ancestral and visual landscape and in need of protection from potentially harmful development. At the moment, not having it recognised as a Significant Landscape Feature means that any proposed development within this landscape needs only to comply with the activity performance standards for the zone. Inadvertently, this could result in adverse visual effects compromising the character of the landscape.

8.2 Option 1

8.2.1 Add Kopukairua to the existing list of 'Identified Significant Landscape Features' in Appendix (ii) of the District Plan. As a result of doing so, any proposed development within this landscape will then also need to conform to the Landscape Section's Activity Performance Criteria for Discretionary Activities.

8.3 Option 2

8.3.1 Retain the status quo and do not recognise Kopukairua as a Significant Landscape Feature, leaving the landscape vulnerable to any possible adverse visual effects which may arise from inappropriate development.

9. Should Additional Activity Performance Criteria for Discretionary Activities be imposed to Provide Added Protection for our District's Landscapes?

9.1 Discussion

9.1.1 Although the Landscape Section's current set of activity standards for discretionary activities is fairly robust, there have been some inadequacies highlighted which need to be addressed. One notable example is the absence of rules controlling building colour and building reflectivity. Until this is remedied, conditions cannot be imposed on Resource Consents to ensure that new developments fit into their surroundings and maintain the natural character and amenity of the landscape area.

9.1.2 Another potential issue is the lack of rules relating specifically to view shafts. It has been noted in the current District Plan that some of the identified view shafts are already under threat by inappropriate plantings and forest expansion.

9.2 Option 1

9.2.1 The inclusion of a rule to control building colour could be added. This rule should be devised to ensure that building colour is consistent with the surrounding natural environment and locality, and so that the building does not become more visually prominent than the landscape it lies within.

9.3 Option 2

9.3.1 The inclusion of a rule to control building reflectivity could also be considered. In this case the options include the prevention of high glare building materials such as excessive glass areas, zincalume, large smooth surfaces, and shiny and highly reflective materials. Another option is to control the design of building, such as roof angle and roof contour.

9.4 Option 3

9.4.1 A modification to rule 10.3.4.1 (f) could also be beneficial in softening the visual impacts of new developments. At the moment it reads "all disturbed ground shall be revegetated with species appropriate to the context and use of the site", but could be altered to also include 'undisturbed ground'. The reason behind this is that it could allow for additional vegetative screening or mitigation of a building.

9.5 Option 4

9.5.1 In terms of view shafts, possibilities could include a requirement for ongoing maintenance in relation to the trimming of trees, and the strategic location of buildings (including height restrictions) within view shafts to minimise adverse visual effects. Perhaps this could be covered in part through the modification of rule 10.3.4.1 (a) in the Landscape Section, for it to then read "the extent to which the development will

maintain the integrity of the landform, skyline profile, and any view shafts in which it is located".