

# **Planners Report 23**

## **Variation 1: Lifestyle Zones and Minden Structure Plan Area**

### **Lifestyle Section – Matters of Control for Subdivision**

#### **16A.5.2 (b) (c) and (e) – Various and New**

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## **1.0 Background**

- 1.1 This report is the last of three for the Matters of Control. The first two reports dealt respectively with the topics of Instability and Erosion (a) and Landscape (d) due to the larger number of submission points received on each of these topics.
- 1.2 This report brings together the remaining submission points on the Matters of Control (b) (c) and (e). These deal respectively with the topics of ecological and landscape improvement, walkway and bridleway connectivity, and potable and firefighting water supply.
- 1.3 This report also addresses the request from Powerco for a new Matter of Control relating to electricity supply.

## **2.0 Issues**

- 2.1 11 submission points were received on Matters of Control 16A.5.2 (b) (c) and (e).
- 2.2 Of these, two were in support; six were in support but with suggested amendments and four were in opposition. Three further submission points were received.
- 2.3 The main issues raised by submitters can be summarised as follows:

### **16A.5.2 (b)**

#### **Riparian planting and retirement of land for protection of ecology**

- 2.3.1 One submitter suggested that this rule specify that it is only significant indigenous vegetation that is to be protected; otherwise it may also apply to home landscaping.
- 2.3.2 The same submitter also suggested that the degree of riparian planting required should be determined by an appropriately qualified ecologist.

### **16A.5.2 (c)**

#### **Providing connectivity with walkways, bridleways and other amenities**

**2.3.3** Three submitters felt there was too much emphasis on equestrian features. Two asked for the rule to be deleted.

### **16A.5.2 (e)**

#### **Potable and firefighting water supply**

**2.3.4** Three submitters opposed the need for a capacity for storage of 30 000 litres on site and either sought that lots have consent notices requiring compliance with SNZ PAS 4509:2008, or that this was only needed when Council water mains had insufficient capacity.

**2.3.5** Council's submission suggests an advice note is added to explain the timing of the "trickle feed" water supply.

#### **Powerco - New Matter of Control**

**2.3.6** Powerco have requested the addition of a new matter of control to read;

"The ability to connect to an adequate electricity supply system".

## **3.0 Options**

### **3.1 Option 1**

**3.1.1** Retain 16A.5.2 (b) (c) and (e) as notified.

### **3.2 Option 2**

**3.2.1** Amend Rule 16A.5.2 (b) by limiting this protection to "significant" indigenous vegetation only.

### **3.3 Option 3**

**3.3.1** Delete Rule 16A.5.2 (c).-  
Providing connectivity with walkways, bridleways and other amenities.

### **3.4 Option 4**

**3.4.1** Delete Rule 16A.5.2 (e) and instead require compliance with SNZ PAS 4509:2008 for potable and fire fighting water supply.

### **3.5 Option 5**

**3.5.1** Add an advice note to 16A.5.2 (e) explaining the timing of the "trickle feed" water supply.

### 3.6 Option 6

#### 3.6.1 Add a new Matter of Control as requested by Powerco to read;

“The ability to connect to an adequate electricity supply system”.

## 4.0 Advantages and Disadvantages

<b>4.1 Option 1: Retain 16A.5.2 (b) (c) and (e) as notified.</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"><li>• For 16A.5.2 (b) - The protection of ecological features, indigenous vegetation and planting of riparian vegetation enhances amenity and also helps to prevent erosion.</li><li>• For 16A.5.2 (c) - Ensures that connectivity can be provided within the Lifestyle Zone.</li><li>• For 16A.5.2 (e) - Ensures potable and firefighting water supply is available for residents until upgrades are made to infrastructure.</li></ul>	<ul style="list-style-type: none"><li>• See opposition from submitters.</li></ul>

<b>4.2 Option 2: Amend Rule 16A.5.2 (b) by limiting this protection to “significant” indigenous vegetation only.</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"><li>• Indigenous vegetation can include home landscaping and other vegetation such as shrubs and grasses which are not intended to be protected.</li></ul>	<ul style="list-style-type: none"><li>• The word “significant” would imply that it is only indigenous vegetation part of significant ecological features scheduled in Appendix 1 that can be protected.</li><li>• This could exclude protection of other indigenous vegetation which may also add to the general amenity of the zone.</li></ul>

<b>4.3 Option 3: Delete Rule 16A.5.2 (c) - Providing connectivity with walkways, bridleways and other amenities.</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"><li>• A number of landowners are opposed to the concept of walkways and bridleways for various reasons outlined in detail in Reports 3 and 4.</li><li>• Obligations, costs, disruption of landuse, privacy and security were the main issues raised.</li></ul>	<ul style="list-style-type: none"><li>• This rule ensures that walkways, bridleways and equestrian facilities are taken at subdivision stage</li><li>• Also ensures their locations are planned in order to achieve the objectives of creating a <u>network</u> of “green lanes”.</li></ul>

**4.4 Option 4: Delete Rule 16A.5.2 (e) and instead require compliance with SNZ PAS 4509:2008 for potable and fire fighting water supply.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Existing rule is a blanket provision and does not take into account circumstances that may warrant a smaller or larger amount of supply being required.</li> <li>Under SNZ PAS 4509:2008 on-site water storage requirements for rural areas without reticulation will vary depending on whether a sprinkler system is installed or not.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>

**4.5 Option 5: Add an advice note to 16A.5.2 (e) explaining the timing of the trickle feed water supply.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Would provide more certainty for those looking to develop or move into the Lifestyle Zone.</li> </ul>	<ul style="list-style-type: none"> <li>It is uncertain when this infrastructure will be put in place so cannot be confirmed in this rule. It will happen when growth necessitates and pays for construction and installation.</li> </ul>

**4.6 Option 6: Add a new Matter of Control to read;**

**“The ability to connect to an adequate electricity supply system”.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Easier to find if included within the Lifestyle Section.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 12.4.8 of the Subdivision and Development Section already requires that electricity is supplied to the approval of the network utility operator (Powerco).</li> <li>This rule is already cross-referenced within the Lifestyle Section.</li> </ul>

## 5.0 Discussion

### 5.1 General

**5.1.1** The Matters of Control in (b) and (c) will strongly contribute towards achieving the objectives of a high amenity and interconnected lifestyle environment.

**5.1.2** The Matter of Control in (e) on the other hand ensures that Minden residents will have water supply (30,000 litres on site) until which time the level of growth in the zone necessitates upgrades and makes them financially viable.

**5.1.3** All of these controls seek to create a positive living environment for residents of the zone and are important to retain. Challenges have however been made to each of these controls as discussed below.

**5.2 Option 2 - Limiting protection to “significant” indigenous vegetation only.**

**5.2.1** The submitter has sought that this rule be clarified so Council only reserves control over the protection and enhancement of “significant” indigenous vegetation, as opposed to all indigenous vegetation which may include home landscaping. There is no intention to be so prescriptive however a wording change would at least clarify this point for landowners.

**5.2.2** The drawback of adding the word “significant” though is that it confuses itself with those features scheduled in Appendix 1 of the District Plan and may limit protection to those. It would be beneficial for general zone amenity to retain control over indigenous vegetation beyond that deemed “significant” as was the intention. However, there is no intention to control small scale activities like home landscaping and gardens, for the benefit of the larger zone.

**5.3 Option 3 – Connectivity of walkways and bridleways.**

**5.3.1** The overall objective of connecting the Minden Lifestyle Zone by a series of “green lanes” will be achieved at subdivision stage. It is through this process that landowners will be required vest identified walkways, bridleways and equestrian facilities in return for smaller average and minimum lot sizes. The route for these features, including possible linkages to adjoining properties, will be planned at this point but this opportunity needs to be enacted through a rule.

**5.3.2** Deleting Rule 16A.5.2 (c) would mean that this vesting and route identification process cannot occur at subdivision stage. The walkway and bridleway concept cannot be implemented without this rule. Also, routes need to be planned at subdivision stage around the positioning of lots, house sites, roads and other servicing.

**5.4 Option 4 - Potable and firefighting water supply.**

**5.4.1** SNZ PAS 4509:2008 provides a clear method for determining how much on-site fire fighting storage capacity is needed per dwelling based on whether they have approved sprinkler systems installed or not.

**5.4.2** The notified 30,000 litre requirement provides a suitable storage of potable water, however in some cases this will not necessarily

be sufficient for firefighting requirements. It is considered that adopting standards from SNZ PAS 4509:2008 would be more appropriate.

## **5.5 Option 5 – Clarifying timing of “Trickle Feed”**

**5.5.1** The term “trickle feed” describes the method that Council will use to supply reticulated water into the Minden Lifestyle Zone once growth brings about this need. Council has suggested in their submission that wording is added in Rule 16A.5.2 (e) to show when this infrastructure will be constructed. Unfortunately, this timeframe cannot be confirmed as it will depend on the uptake of subdivision within the zone and associated financial contributions to pay for infrastructure construction. Wording should instead reflect this point.

## **5.6 Option 6 – Powerco New Matter of Control for electricity**

**5.6.1** Powerco seek this new Matter of Control to ensure that electricity is provided for all subdivisions with the Minden Lifestyle Zone. This request comes from a concern that electricity supply may not be available for the zone in the future depending on a planned substation in Bethlehem which is currently under appeal. Rule 12.4.8 of the Subdivision and Development Section already has this same point covered and does not need to be repeated in the Lifestyle Zone.

## **6.0 Recommendation**

- 6.1** That the Matters of Control in 16A.5.2 (b) (c) and (e) are retained as notified subject to the amendments below;
- 6.2** That Rule 16A.5.2 (b) is reworded as follows;
- 6.3** “Protecting and enhancing scheduled significant ecological features, other prominent areas of indigenous vegetation which contribute to the zones wider amenity, existing waterways, providing ecological linkages and improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land for grazing activity and the avoidance of discharge to such areas”.
- 6.4** That 16A.5.2 (e) is reworded as follows;
- 6.5** “Requiring the provision of appropriate potable and firefighting water supply systems, including a minimum on-site water storage capacity of 30,000 litres including the provision of approved connections to the on-site water reservoir. For on-site firefighting water supply provision this is to be in accordance with Diagrams E7 and E8 (and associated rules) from SNZ PAS 4509:2008”.
- 6.6** As an alternative to Option 5, the following addition (or similar) is made to the Minden Explanatory Statement as follows;

**6.7** "Reticulated water supply is intended for the zone and this infrastructure will be provided when the level of development generates sufficient funding for its construction. In the interim, a level of independent water source and on-site storage will be required."

**6.8** The following submissions are therefore:

**6.9 Accepted**

Submission	Point Number	Name
14	7	Department of Conservation (BOP)
FS 90	15	Milne, Aaron Supports 14.7

**6.10 Accepted in Part**

Submission	Point Number	Name
FS 88	36	Hatton, GW & M Supports 29.15
FS 88	33	Hatton, GW & M Supports 29.7
73	2	Hume, Cushla
20	2	Hume, Nic
FS 90	14	Milne, Aaron Supports 58.11
58	11	NZ Transport Agency
29	15	Ray and Michelle Cobb
29	7	Ray and Michelle Cobb
49	37, 40	Surveying Services
40	6	Western Bay of Plenty District Council

**6.11 Rejected**

Submission	Point Number	Name
19	6	Pirirakau Incorporated Society
57	5	Powerco Limited

**7.0 Reasons**

**7.1 General**

**7.1.1** Matters of Control (b) (c) and (e) should all be retained as they seek to achieve the objectives of the zone. Specific reasons for amendments are shown below.

**7.2 Option 2**

**7.2.1** The recommended wording change limits Council's control to the protection of more notable areas of indigenous vegetation that will contribute to the amenity objectives of the zone. The word "significant" was not used as suggested by the submitter due to possible confusion with scheduled ecological features.

### **7.3 Option 3**

**7.3.1** Rule 16A.5.2 (c) should be retained as it is the key mechanism for ensuring walkways, bridleways and equestrian facilities are taken and planned for at the time of subdivision.

### **7.4 Option 4**

**7.4.1** SNZ PAS 4509:2008 provides a clear method for determining how much on-site fire fighting storage capacity is needed.

### **7.5 Option 5**

**7.5.1** The Explanatory Statement is a more appropriate place for explaining the timing of water supply reticulation. Other explanations regarding roading, stormwater and wastewater are included here. It's logical to do the same for water supply.

### **7.6 Option 6**

**7.6.1** Rule 12.4.8 of the Subdivision and Development Section already requires that electricity is supplied to the approval of the network utility operator (Powerco). Adding a similar rule in the Lifestyle Section would be a repeat and is not required.