

Western Bay of Plenty District Council

Change to the District Plan – First Review

Plan Change 65 Landscape Features in Residential Zones

Section 32 Report

Prepared by: Tony Clow, Policy Analyst Resource Management

1.0 Introduction

1.1. General Introduction and Background

The purpose of this Plan Change is to review the need for landscape controls on properties within Residential Zones. There are currently five "Natural Features and Landscapes" that fall either partly or fully within this zone.

2.0 Resource Management Act 1991

2.1. Section 32

Before a proposed plan change can be publicly notified the Council is required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- 1) An evaluation report required under this Act must—*
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

- (2) An assessment under subsection (1)(b)(ii) must—*
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

- 3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) the provisions and objectives of the amending proposal; and*
 - (b) the objectives of the existing proposal to the extent that those objectives—*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.*

4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

2.2. Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council.

None of the iwi management plans that have been lodged with Council raised any issues which are of relevance to this Plan Change.

3.0 Consultation

Due to the minor and technical nature of this proposed change there has been no specific consultation with the public.

Council engaged with the surveying and planning community in the Western Bay of Plenty and Tauranga area via the "Surveyors Newsletter".

4.0 Issue

There are currently 24 "Natural Features and Landscapes" included in Appendix 3 (Schedule of Outstanding Landscape Features) of the District Plan and shown on the Planning Maps. The visual character and appearance of these features are protected under Section 6 (Landscape) of the District Plan which contains a number of restrictions relating to building colour, height and location, screening, vegetation removal, earthworks and subdivision. The majority of these features (19) are located entirely within the Rural Zone. The remaining five are located partly within both the Rural Zone and Residential Zone, or entirely within the Residential Zone.

The issue at hand is whether there is any benefit of having landscape controls in Residential Zones given that these zones are in place to provide for a high density of development and most have already been developed to their full potential and in many cases before landscape controls were introduced. Where this is the case, the cumulative adverse effects on the landscape are already apparent and placing controls on any further development will not reverse these effects. Yet, landowners are still required to apply for resource consents for new houses and additions.

The five landscape features which fall within Residential Zones are listed below along with a description of the land affected and the extent to which that area has already been developed and/or will be developed. The relevant planning maps are included as **Attachment A**.

Feature	Residential Land Affected	Map
S10 - Bowentown Heads	The northern end of this feature covers a number of lots on the harbour side of Seaforth Road south of Bowentown Boulevard. The residential subdivision at 508 Seaforth Road is already developed however there are a small number of larger properties totalling approximately 10ha which are still yet to be developed.	U11 U12
S20 - Okurei Point/Headland	This feature covers the entirety of the Lyndhurst Avenue Residential Zone at Little Waihi which has already been completely developed.	U154
S21 - Waihi Estuary	This feature partly extends over a number of the same properties in the Lyndhurst Avenue Residential Zone. It also partly or fully covers approximately fifty properties on Pukehina Parade which have already been developed.	U154
S22 – Pukehina Spit End	This feature is on WBOPDC Recreation Reserve. Existing development consists of the surf club, toilets and car park.	U155
S23 - Western Bay Golf Links	This feature is the Omokoroa golf course. Existing development consists of the club house and car park.	U58 U59

4.1. Option 1 – Status Quo

Benefits	<ul style="list-style-type: none"> Imposing landscape controls in “undeveloped” residential zones will protect the visual character and appearance of landscape features.
Costs	<ul style="list-style-type: none"> Imposing landscape controls in “developed” residential zones will not protect the visual character and appearance of those landscape features because the adverse effects are already apparent. The associated requirement for resource consent leads to unnecessary process and costs for landowners and Council. Generally inconsistent with the exclusion of Rural-Residential Zones from all landscape features and Residential Zones from the Tauranga Harbour and Wairoa River Landscape Management Areas.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> Not effective in terms of addressing Issue 1. Not effective at protecting parts of landscape features in “developed” Residential Zones. Not efficient because it leads to unnecessary process and costs for landowners and Council with respect to “developed” residential zones.

Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.
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4.2. Option 2 – Remove landscape features from all Residential Zones.

Benefits	<ul style="list-style-type: none"> ▪ Removes unnecessary landscape controls in “developed” residential zones and hence removes unnecessary process and costs for landowners and Council. ▪ Generally consistent with the exclusion of Rural-Residential Zones from all landscape features and Residential Zones from the Tauranga Harbour and Wairoa River Landscape Management Areas.
Costs	<ul style="list-style-type: none"> ▪ Loss of protection for landscape features in “undeveloped” residential zones. This includes the northern end of Bowentown Heads, the entire Western Bay of Plenty Golf Links, and the entire Pukehina Spit End.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective at addressing Issue 1, however it goes further than what is required. ▪ Not effective at protecting landscape features in “undeveloped” residential zones. ▪ Efficient as it removes unnecessary process and costs on landowners and Council with respect to “already developed” land.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

4.3. Option 3 – Only remove landscape features from “developed” Residential Zones.

Benefits	<ul style="list-style-type: none"> ▪ Removes unnecessary landscape controls in “developed” residential zones and hence removes unnecessary process and costs for landowners and Council. ▪ Retains landscape controls in “undeveloped” residential zones which are still vulnerable to being affected by future development. ▪ Fully consistent with the exclusion of Rural-Residential Zones from all landscape features and Residential Zones from the Tauranga Harbour and Wairoa River Landscape Management Areas. This is because they were excluded due to already being developed.
Costs	<ul style="list-style-type: none"> ▪ None

Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective at addressing Issue 1. ▪ Effective at protecting landscape features in “undeveloped” residential zones. ▪ Efficient as it removes unnecessary process and costs on landowners and Council with respect to “already developed” land.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

4.4. Preferred Option

The preferred option is:

Option 3 – Only remove landscape features from “developed” residential zones, specifically as follows.

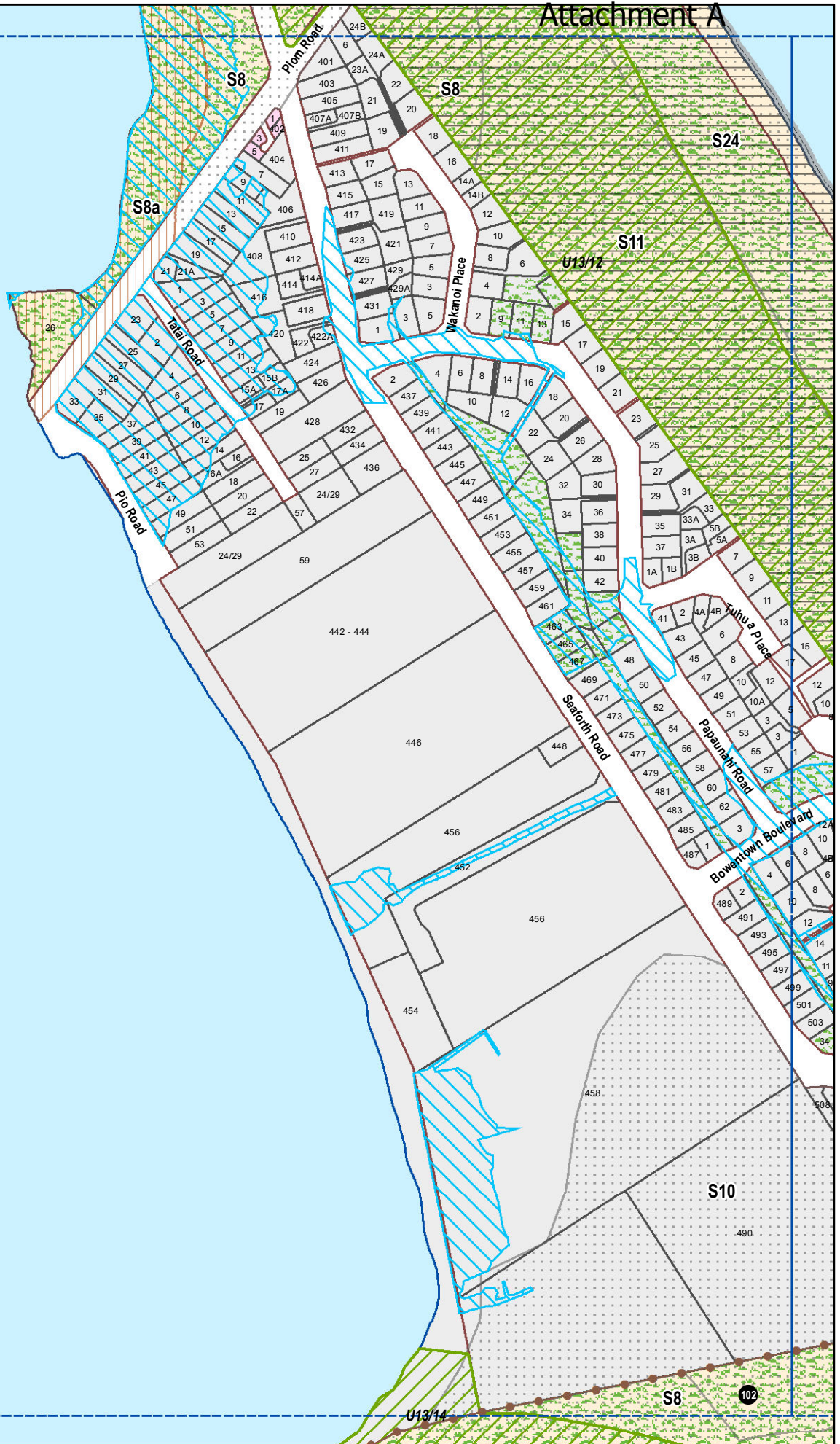
- Remove S10 (Bowentown Heads) from the land shown as 508 Seaforth Road on Planning Map U12 and from legal description Allot 1B1 Katikati Parish ML 21951.
- Remove S20 (Okurei Point and Headland) and S21 (Waihi Estuary) from the Lyndhurst Avenue Residential Zone at Little Waihi as shown on Planning Map U154.
- Remove S21 (Waihi Estuary) from all affected residential properties on Pukehina Parade. The first being the one adjoining the WBOPDC Recreation Reserve as far as 598 Pukehina Parade.

The proposed changes to the Planning Maps are shown as **Attachment B**.

4.5. Reasons

Option 3 is the most appropriate way of addressing Issue 1 because of the following;

- It removes the requirement for landowners to apply for resource consent for new houses and additions in “developed” residential zones where the adverse effects are already apparent and hence removes unnecessary process and costs for landowners and Council.
- By not removing landscape features from all residential zones, it retains landscape controls in “undeveloped” residential zones which are still vulnerable to being affected by future development. This includes part of S10 (Bowentown Heads) and the entirety of the S22 (Pukehina Spit End) and S23 (Western Bay Golf Links).
- It is fully consistent with the exclusion of Rural-Residential Zones from all landscape features and Residential Zones from the Tauranga Harbour and Wairoa River Landscape Management Areas which were excluded due to already being developed.

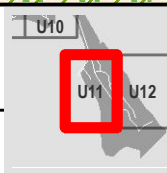


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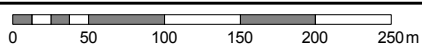


U11

Pios Beach

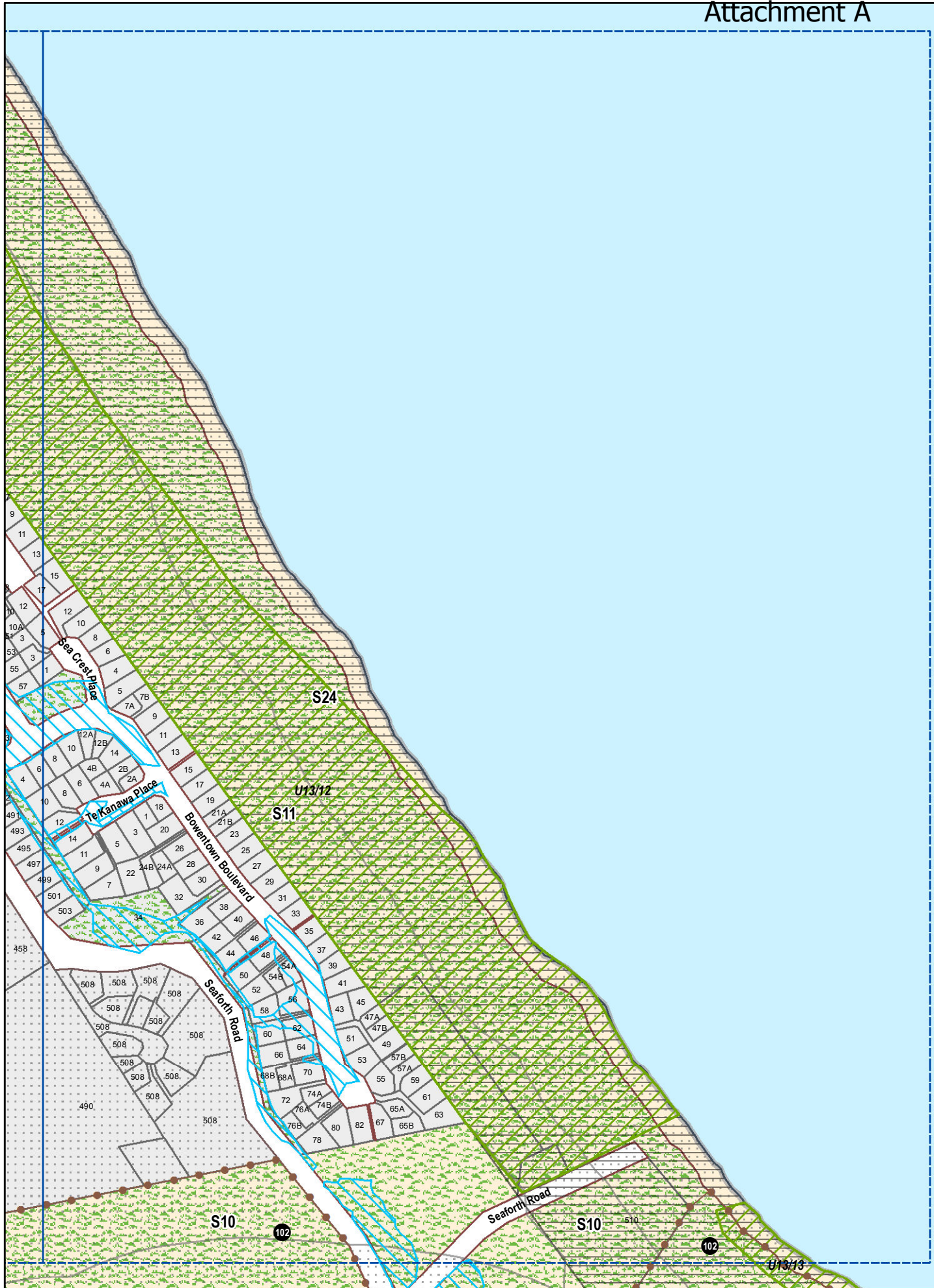


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Revision Date: 16 June 2012

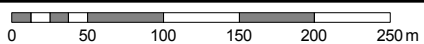
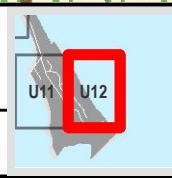


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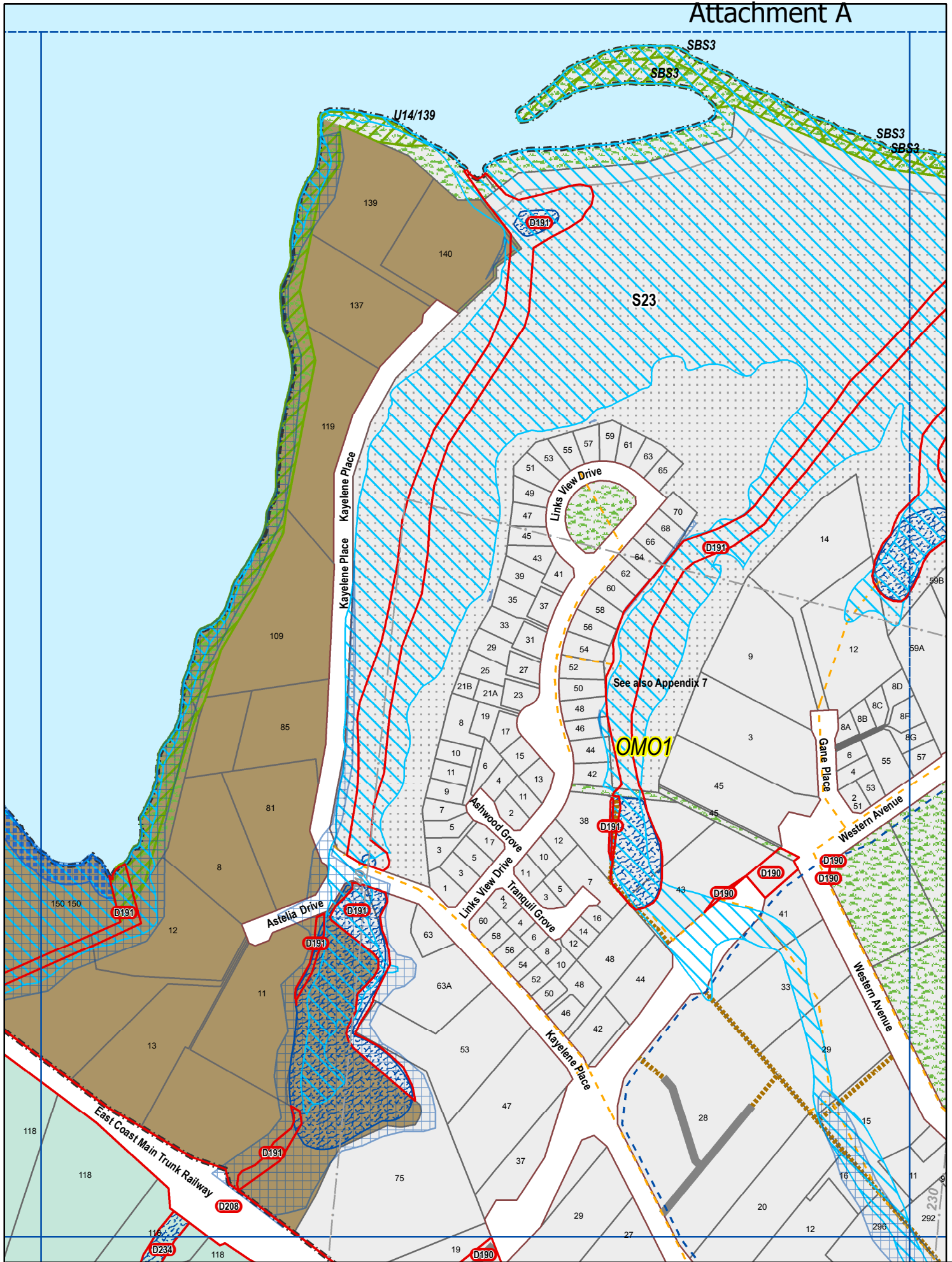
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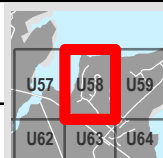
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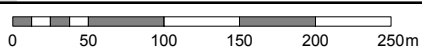
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U58

Omokoroa

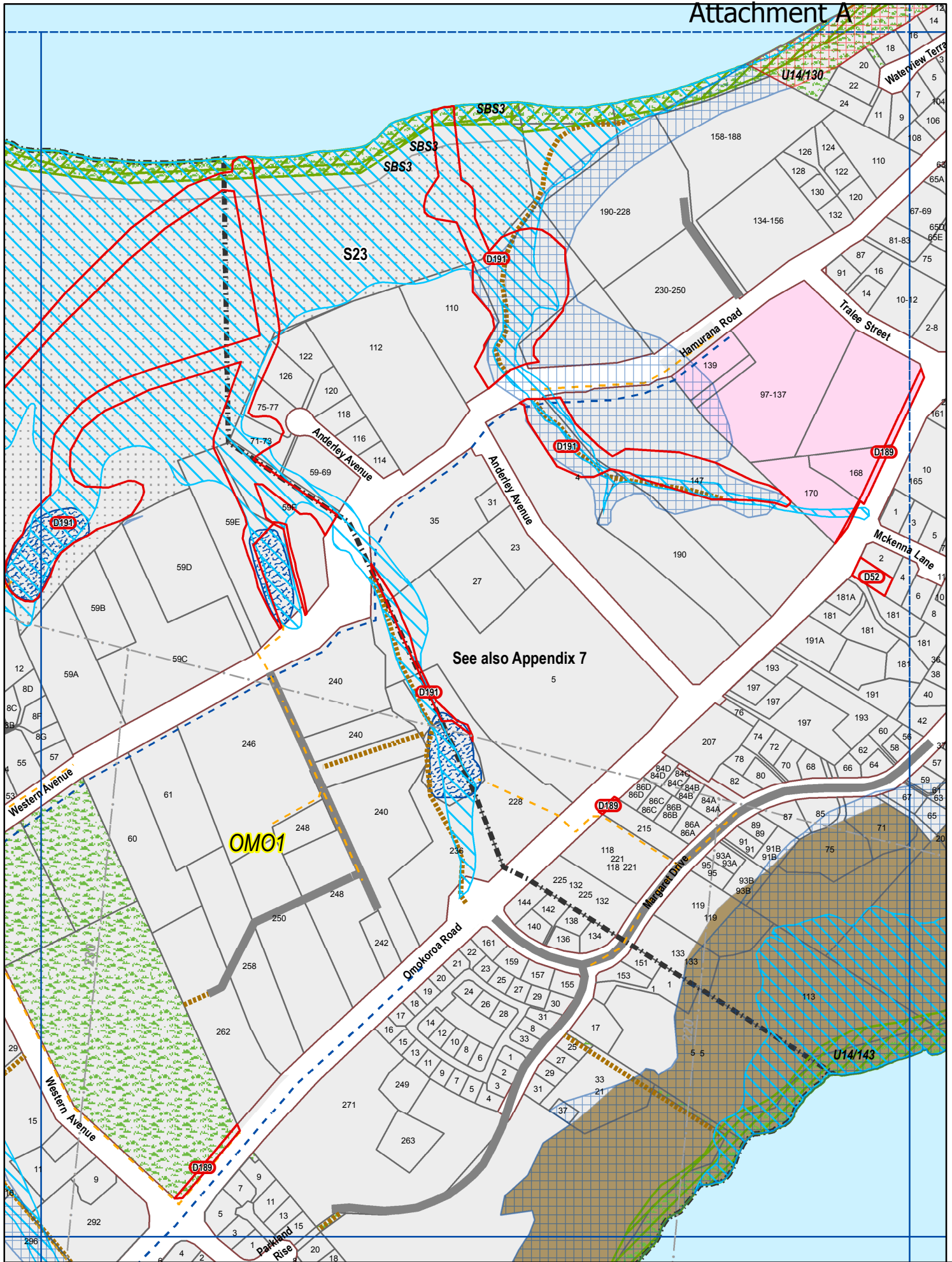


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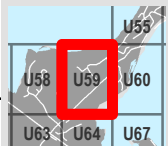
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U59

Omokoroa

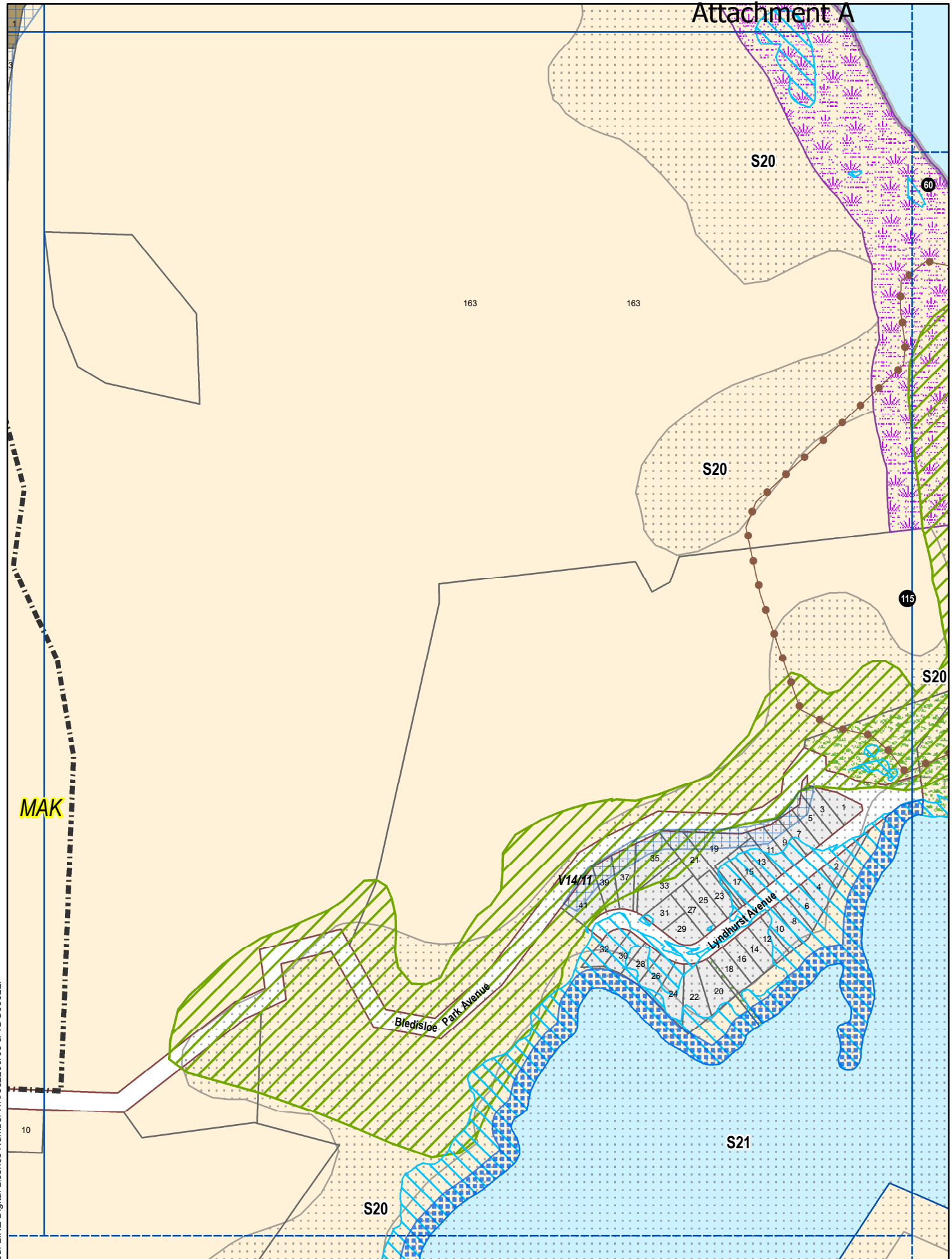


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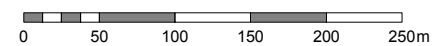
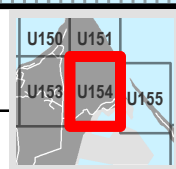


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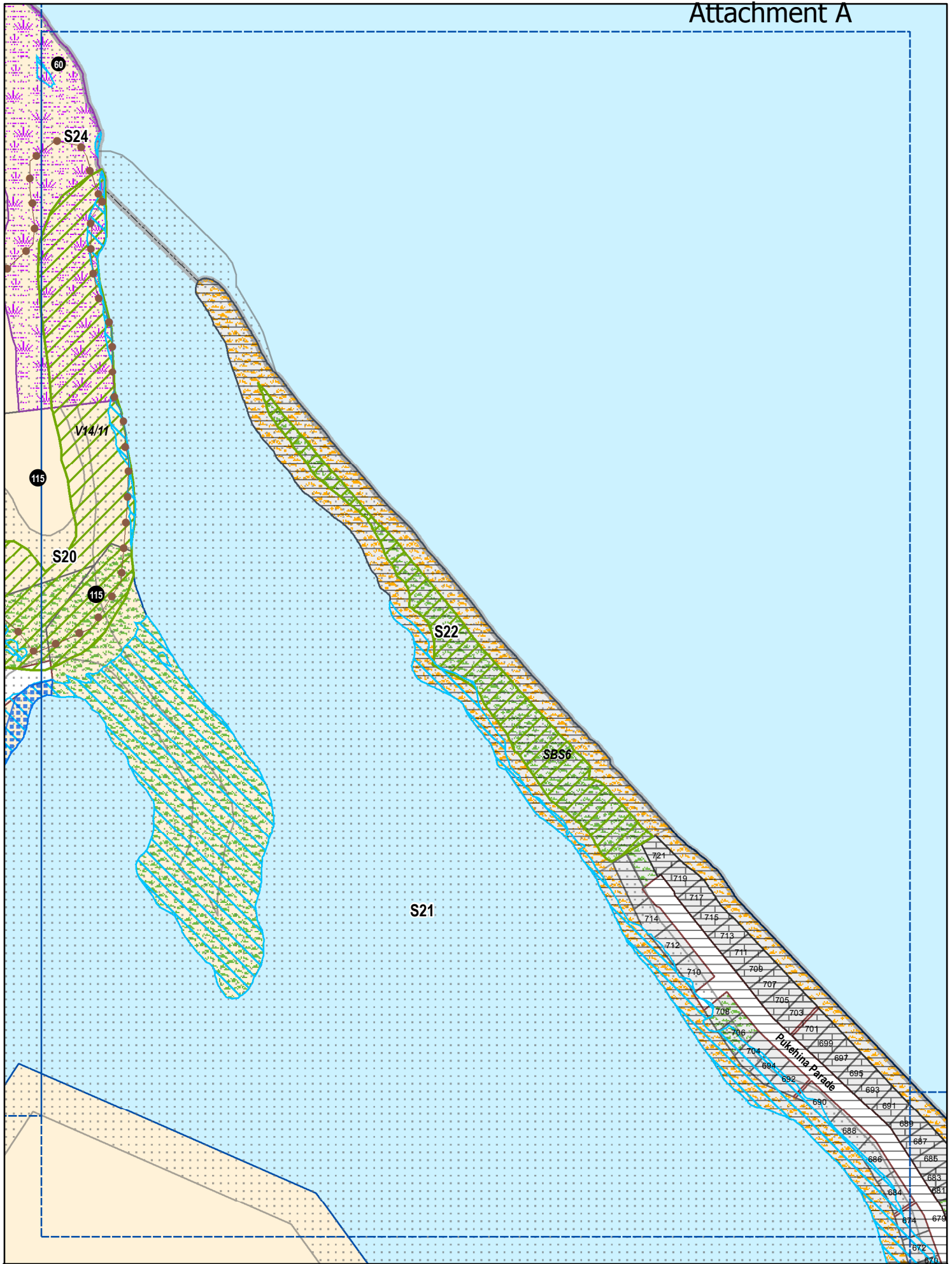
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Maketu



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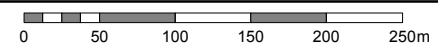


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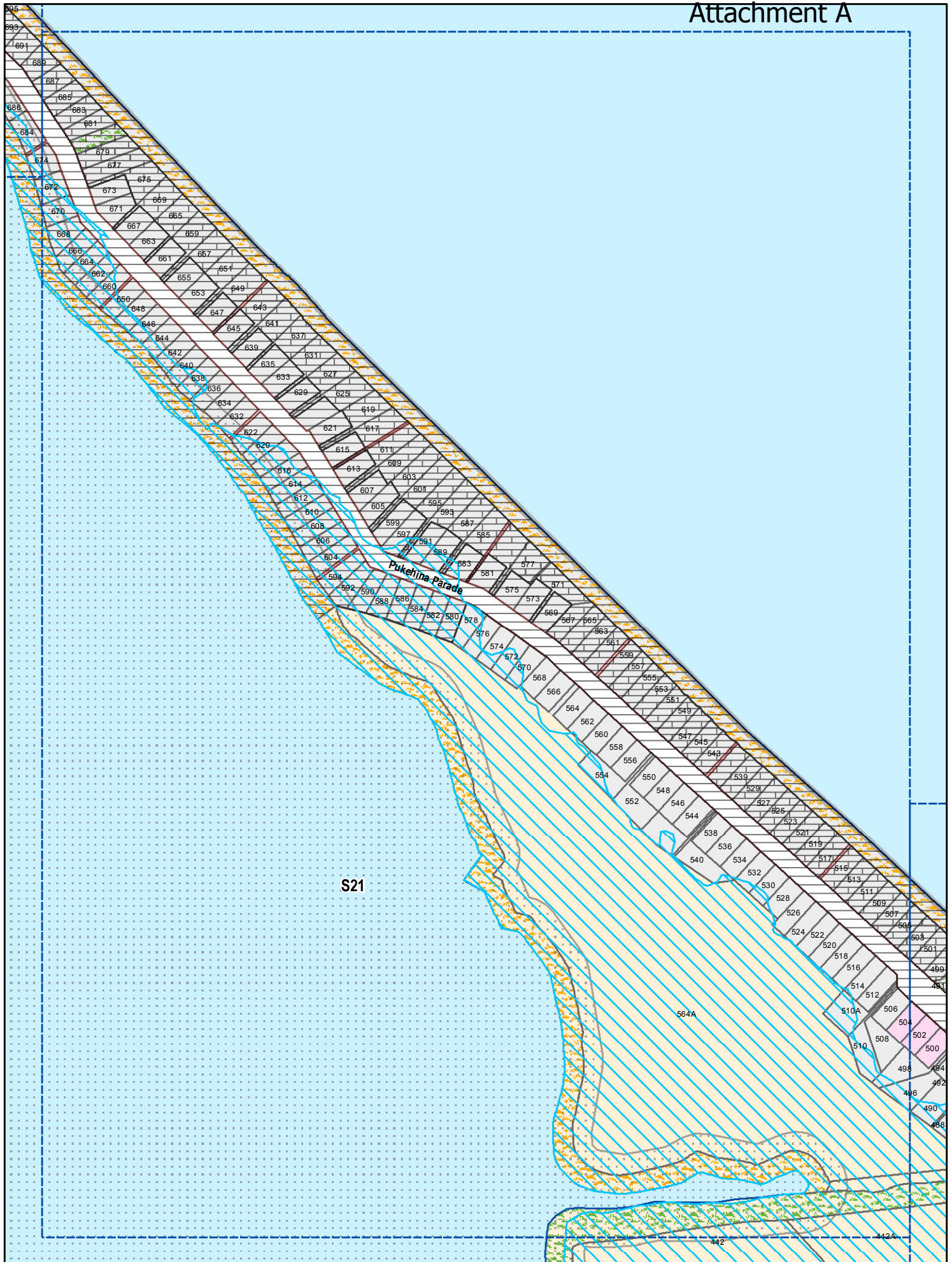
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Pukehina



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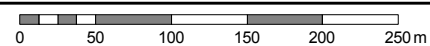
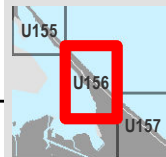


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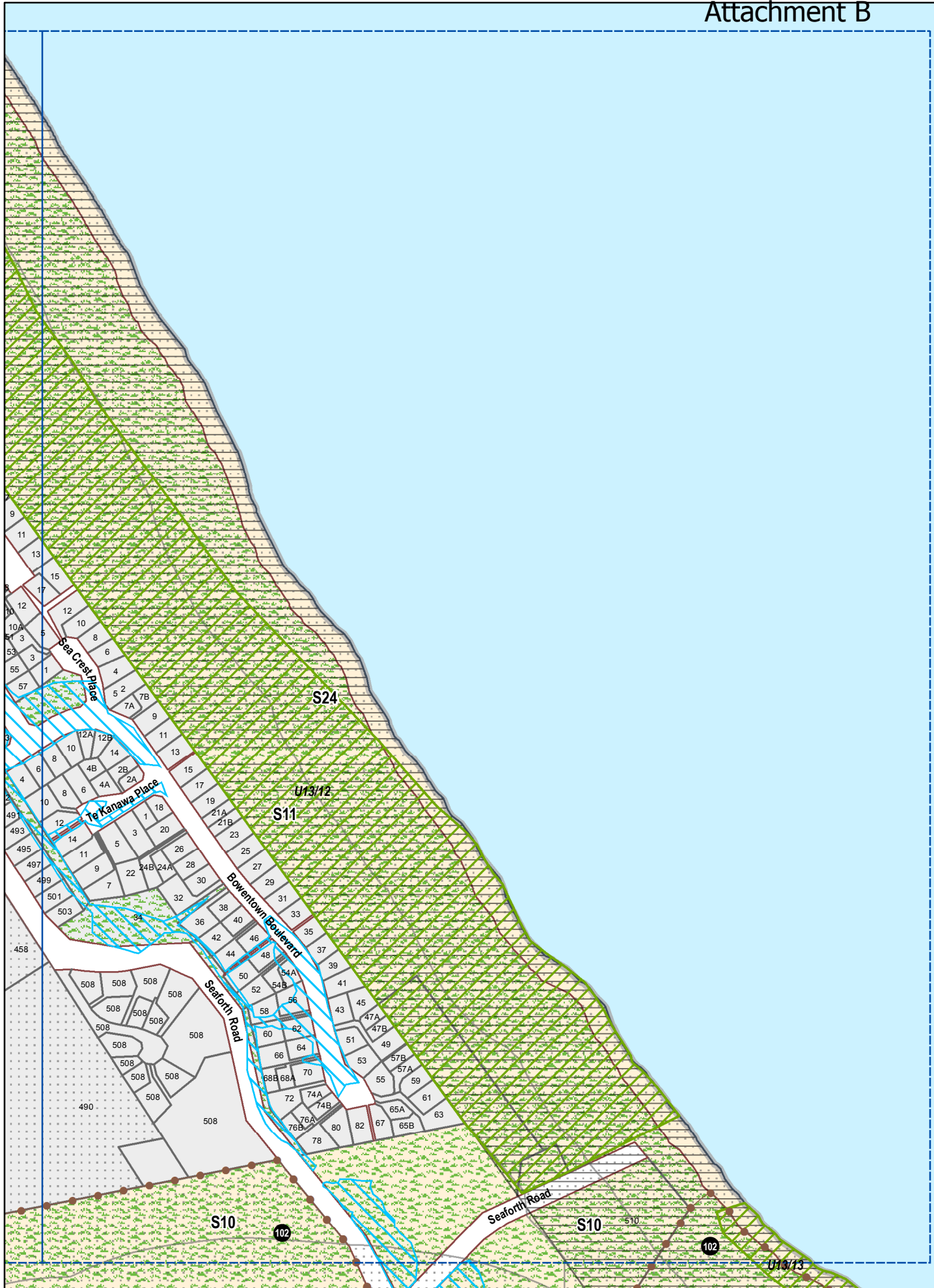
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Pukehina



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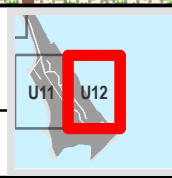


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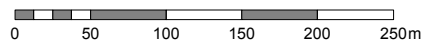


U12

Pios Beach

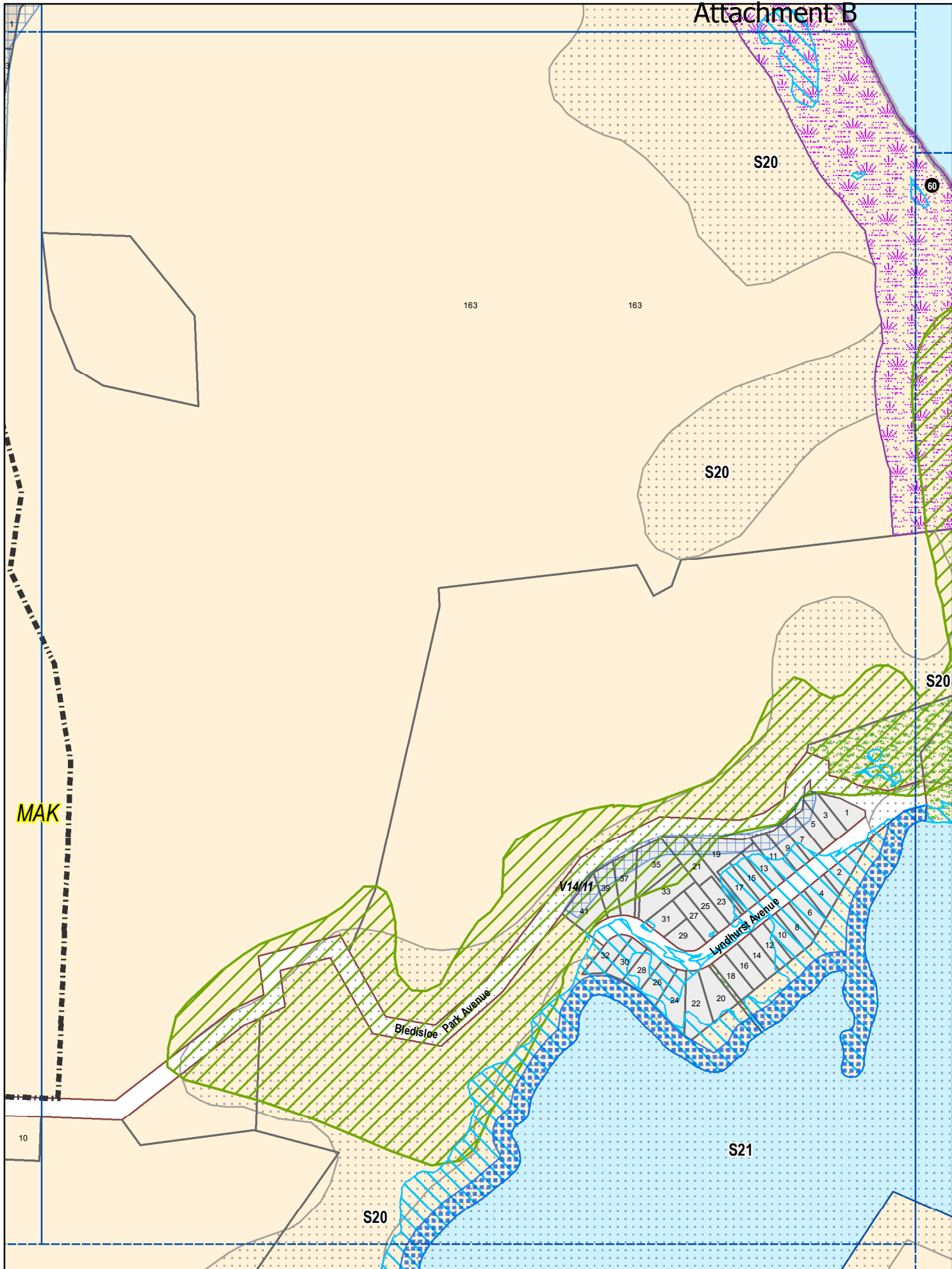


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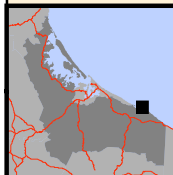


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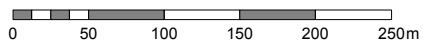
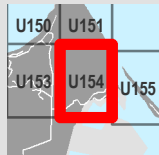


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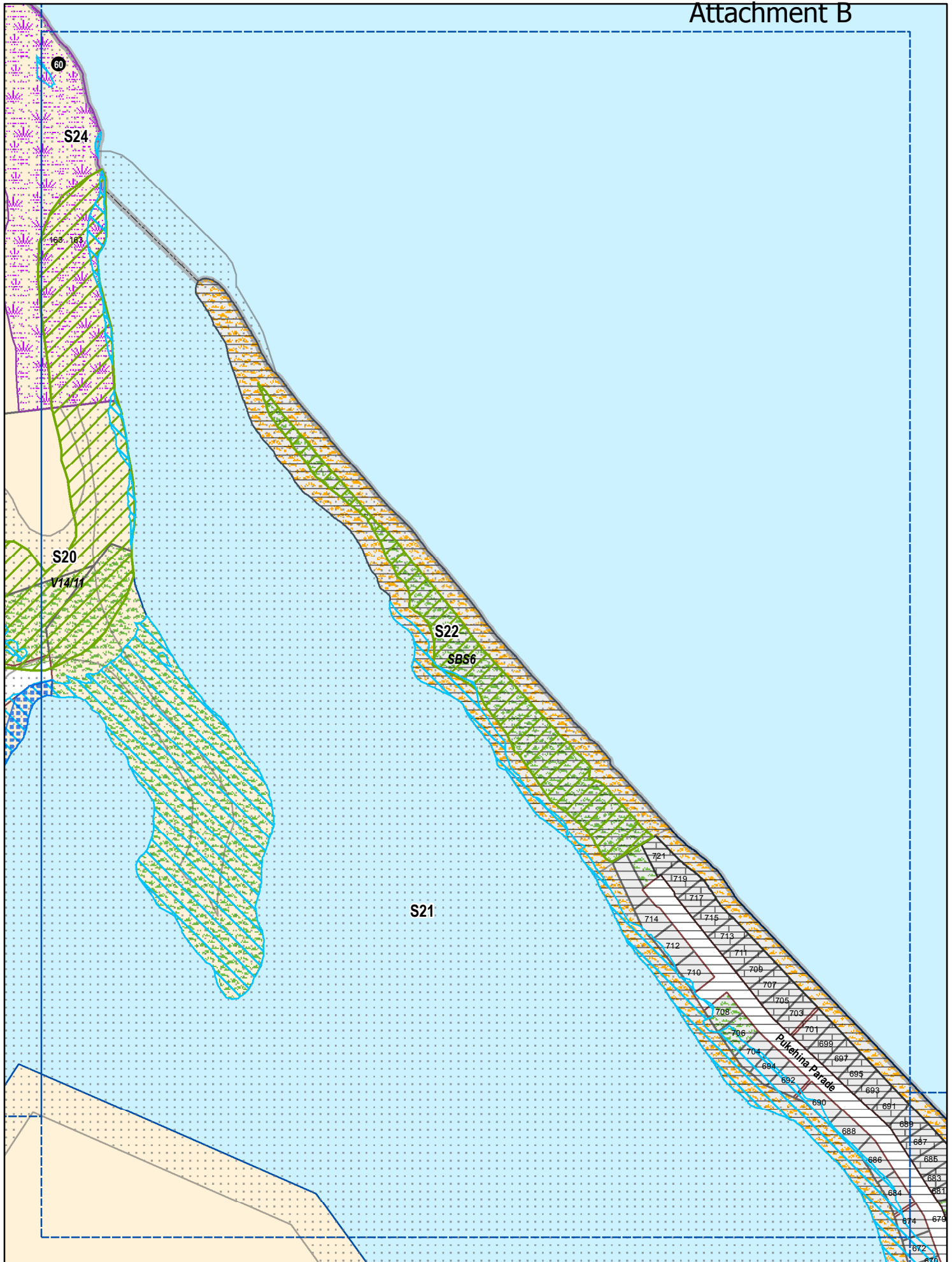
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Maketu

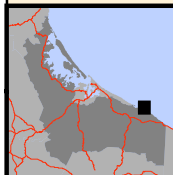


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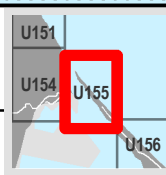


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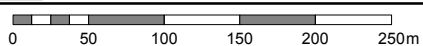


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Pukehina

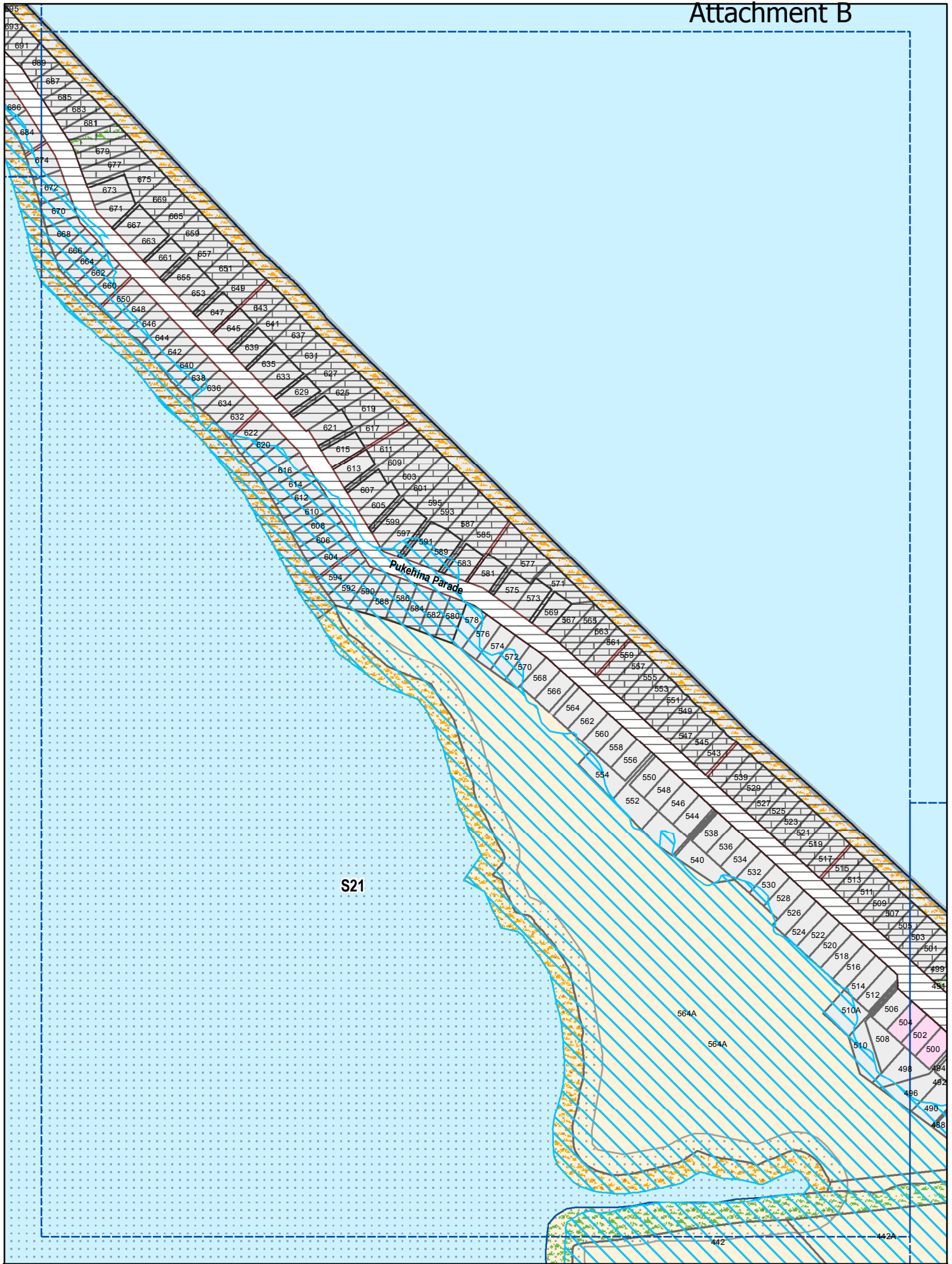


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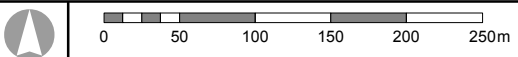
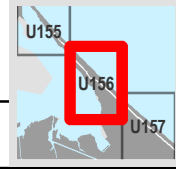


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U156

Pukehina



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