

Proposed Changes to Section 18 of the District Plan

- 1.1 The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 1.2 Recommended changes to the District Plan First Review are shown as follows:
- existing District Plan text in black,
 - proposed changes as included in the Section 32 Report in red, and
 - changes as a result of the hearings and decisions in blue.

Proposed Changes to Section 18. Rural

18. Rural

Explanatory Statement

Matakana Island is an elongated barrier island between Tauranga Harbour and the Pacific Ocean that lies between Mount Maunganui in the southeast and Bowentown in the northwest. Its predominant landuses are pastoral farming and horticulture, with *production forestry* on the sand barrier. The Island is of significant value to the Western Bay of Plenty District in a number of ways:

- (a) Its resident population of around 250 is principally tangata whenua with a rich cultural history and strong social fabric.
- (b) The Island community has a strong sense of connectedness and a modest way of life.
- (c) It is one of the richest archaeological landscapes in the western Bay of Plenty sub-region.
- (d) Matakana Island protects Tauranga Harbour, which is of national importance, from the Pacific Ocean.
- (e) The freshwater wetlands, dune lakes and frontal dune system on the Island are significant ecological features that provide the habitat for a diverse range of threatened and at risk species.
- (f) The pine forest landscape, as viewed from the Harbour, open coast and mainland is valued by both residents of the Island and the mainland, and visitors and as a production forest it will be subject to cyclical harvesting and associated visual changes.
- (g) The unbuilt nature of the Matakana Island forested sand barrier.

It is important that future *development* on Matakana Island complements these significant values and provides for the Island community's social, cultural and economic well-being. Council has adopted the Matakana Island Plan which

addresses these significant issues in more detail to provide guidance for the future subdivision, use and development of the Island. This seeks to confine the built form on the forested sand barrier to be clustered instead of the traditional pepper potting based on subdivision lot size. In addition, the hapu of the Island have adopted the Hapu Management Plan which has to be taken into account by Council.

~~Interest has been expressed for more intensified development of Matakana Island. The Island has a rich cultural history and like much of the Western Bay of Plenty, its landscape and natural environment are sensitive to misuse. For this reason, any consideration of intensive or large-scale development must be preceded by a 'Whole of Island Plan' that deals with issues in a holistic manner. Development that enhances the rural community of the Island within the context of general rural planning strategies for the District, including appropriate provision for Papakaianga housing, may be expected to continue to provide for the Island community's social, cultural and economic well being.~~

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18.1 Significant Issues

10. Matakana Island is a sensitive environment that needs to be planned for carefully. While the resource management issues relevant to Matakana Island also apply to other rural land, those of particular importance in the Matakana context include:

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- The subdivision of large blocks into multiple 40ha lots and the pepper potting of dwellings on these lots.
- The potential for more intensive or large scale subdivision, use and development to adversely impact on archaeological, cultural, spiritual, ecological and landscape values. and
- The need and desire of tangata whenua Maori to exercise rangatiratanga and kaitiakitanga and to actively protect cultural values over their ancestral land, and to live on and develop their own ancestral land.
- The threat of a multiplicity of natural hazards including coastal erosion, tsunami, liquefaction, inundation, and fire.

18.2 Objectives and Policies

18.2.1 Objectives

10 The following attributes which contribute to the social and cultural well-being of the Matakana Island community are maintained and supported:

- unique way of life,
- rich cultural values,
- sensitive natural environment, and
- a significant landscape.

18.2.2 Policies

16. In addition to policies relating to the rural land resource, subdivision, use and development of land on Matakana Island shall recognise and provide for the following matters:

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(a) Cultural, spiritual and archaeological values, including the need and desire of Maori to live on, and develop and otherwise maintain a strong relationship with their ancestral land.

(b) Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes, indigenous vegetation and habitats of indigenous fauna, and historic heritage.

(c) The need to ensure that large-scale or more intensive subdivision, use and development proposals do not compromise future options for the comprehensive planning, land use and development of the Island.

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(d) Legal access to the ocean beach, Panepane and sites of cultural significance for at least the local community and landowners.

(e) Sustainability of existing social infrastructure and the cultural and social well-being of the Matakana Island community.

(f) Sustainable economic development that contributes to the economic well-being of the Matakana Island community.

(g) Development that is of a scale and nature that will complement the lifestyle (including self-sufficiency) of the Matakana Island community.

(h) Provide for the establishment of additional dwellings on the Matakana Island forested sand barrier in a clustered form only.

- (i) [Manage subdivision, landuse and *development* on the Matakana Island forested sand barrier under the rural provisions of the Plan to avoid fragmentation of existing titles](#)

18.3 Activity Lists

18.3.1 Permitted Activities

- (d) One *dwelling* per lot, ~~with the exception of:~~
- ~~[Lots on the Matakana Island forested sand barrier other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 10A Katikati PSH, Allot 12B Katikati PSH and Allot 12A Katikati PSH.](#)~~
- (s) *Rural Contractors Depots*, ~~[excluding within a dwelling cluster on the Matakana Island forested sand barrier.](#)~~

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18.3.2 Controlled Activities

- (a) One *minor dwelling* in addition to 18.3.1(d) above subject to performance standard 18.4.1 ~~(f)(i)~~ Standards for *minor dwellings*, ~~[excluding Matakana Island the Matakana Island forested sand barrier.](#)~~
- (b) One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009, ~~[excluding titles on the Matakana Island forested sand barrier.](#)~~
- (j) Subdivision as provided for in Rules 18.4.2(b) General Farming Lots ~~[excluding the Matakana Island forested sand barrier](#)~~, (d) Transferable Rural Lots, (e) Transferable Amalgamation Lots, (f) Additional Dwelling Lots and (g) Separation Lots.
- (k) Protection Lot subdivision, ~~[excluding the Matakana Island](#)~~, for up to two additional *lots* off a sealed road as specified in Rule 18.4.2(h)(ii)1.

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18.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 18.4, ~~[excluding Matakana Island \(see rule 18.3.4\(r\)\).](#)~~

- (d) Accommodation facilities and education facilities on Matakana Island that comply with 18.4.1(f).
- (e) Places of Assembly on Matakana Island that comply with 18.4.1(g).
- (f) Dwellings and associated subdivision in addition to 18.3.1(d) on the Matakana Island forested sand barrier (other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 12B Katikati PSH and Allot 12A Katikati PSH), subject to compliance with the activity performance standards contained in Rules 18.4.1(d) and 18.4.2(i).
- (g) Aquaculture on Matakana Island.
- (h) Works and network utilities as provided for in Section 10.

18.3.4 Discretionary Activities

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| (c) | <i>Accommodation facilities</i> not complying with 18.4.1 (d) <u>(e) excluding Matakana Island.</u> | 3.11
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| (d) | <i>Education facilities</i> for more than four persons (excluding staff), <u>excluding Matakana Island.</u> | 3.11
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| (e) | <i>Places of assembly,</i> <u>excluding Matakana Island.</u> | |
| (m) | Subdivision specified in Rule 18.4.2(h) Protection Lot Subdivision, <u>excluding Matakana Island, excluding the Matakana Island forested sand barrier.</u> | 3.11
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| (e) | Minor dwellings on Matakana Island. | |
| (e) <u>(p)</u> | Protection Lot subdivision not complying with 18.4.2(h)(ii); <u>excluding the Matakana Island forested sand barrier.</u> | |
| <u>(r)</u> | <u>Any Permitted or Controlled Activity on Matakana Island that fails to comply with the activity performance standards listed in Rule 18.4.</u> | |
| <u>(s)</u> | <u>Subdivision, dwellings and development associated with the clustering of dwellings on the Matakana Island forested sand barrier that fails to comply with the activity performance standards listed in 18.4, provided that in respect of rule 18.3.6 an overall density of one dwelling per 40ha is not exceeded.</u> | |

18.3.5 Non-Complying Activities

~~(f) Accommodation facilities, education facilities or Places of Assembly on Matakana Island not complying with the performance standards in 18.4.1(f) or 18.4.1(g)~~

~~(g) Subdivision and development on the Matakana Island forested sand barrier that is not associated with the clustering of dwellings subject to performance standards in 18.4.2(b).~~

18.3.6 Prohibited Activities

~~(a) Residential development and subdivision that exceeds a density of one dwelling per 40ha on the Matakana Island forested sand barrier, other than on Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 10A Katikati PSH, Allot 12B Katikati PSH and Allot 12A Katikati PSH.~~

~~(b) Minor dwellings on the Matakana Island forested sand barrier, other than on Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 10A Katikati PSH, Allot 12B Katikati PSH and Allot 12A Katikati PSH.~~

18.4 Activity Performance Standards

18.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and all Restricted Discretionary Activities on Matakana Island. They shall also be used as a guide for the assessment of all other activities. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

Except where specified otherwise the following performance standards shall be met by all land use activities.

(c) Yards

(vi) Tauranga Harbour (S8), Wairoa River (S7) Landscape Management Areas and Matakana Island Landscape Management Area (S9) – for controls on activities up to 300m landward of MHWS, see Section 6.4.

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(d) Standards for clustering of dwellings or lots on the Matakana Island forested sand barrier

~~(i) All dwellings to be constructed on lots other than Lot 1 DPS 76181, Lot 2 DPS 76181, Allot 10A Katikati PSH, Allot 12B Katikati PSH and Allot 12A Katikati PSH, shall~~

~~be within a cluster approved pursuant to a resource consent granted under rule 18.3.3.~~

(i) Dwelling or Lot entitlements: one dwelling or lot for every 40ha of the combined total area of all existing lots on which the application is based.

~~(iii) Maximum average distance between dwellings: 80m~~

~~(ii) Yards:~~

- ~~- within the cluster - Minimum of 10m~~
- ~~- along the outer boundary of the cluster - Minimum of 30m~~

~~(iii) Minimum number of dwellings or lots per cluster: 20 10~~

~~(iv) The layout of the cluster or multiple clusters shall not be of a linear nature.~~

~~(v) The reflectivity of all roofs of all buildings, excluding solar panels, shall be no greater than 25% (as per the British Standard BS5252 Reflectance Value).~~

~~(vi) Transferring of development rights:
To achieve the clustering of dwellings or lots, a dwelling or subdivision entitlement may be transferred from one existing title (the donor lot) to another existing title (the recipient lot) at a rate of one dwelling entitlement per 40ha of land within the "donor" lot.~~

~~An Memorandum of Encumbrance shall be registered against the title of the donor lot or balanced land to record the transfer of entitlements to:~~

~~(a) ensure that the allotment cannot be used for further subdivision or additional dwellings in future.~~

~~(b) record the balance number of lots or dwellings still to be transferred (if necessary). ensure that only no dwelling or minor dwelling, other than within an approved cluster, shall be constructed on that lot in the future.~~

~~(vii) Development within the cluster shall be in accordance with a Management Design and Development Plan approved in conjunction with the granting of a resource consent under rule 18.3.3(f). The Design and Development Plan shall, as a minimum, address the matters included in rule 18.5.8.~~

(f) Restricted Discretionary standards for accommodation facilities and education facilities on Matakana Island.

- (i) Maximum combined total of 20 guests or students.
- (ii) No *building* shall exceed a total gross floor area of 200m².
- (iii) The distance between any two *buildings* shall be at least a minimum of 10m.
- (iv) The *buildings* shall be partially screened from each other. The screening shall be dominated by trees and vegetation above 2m in height to mitigate the cumulative scale of the *accommodation/education facilities*.
- ~~(iv) Shall not be within a *dwelling* cluster approved in conjunction with the granting of a resource consent under rule 18.3.3(f).~~
- (iv) The *buildings* shall meet the reflectivity standards of rules 6.4.1.3(b)(ii) to (iv).
- (v) Information is to be provided in accordance with 4A.6.2.

(g) Standards for Place of Assembly on Matakana Island.

- (i) Shall be limited to facilities for recreation activities and tourist facilities.

18.4.2 Subdivision Activity Performance Standards (see Section 12)

(b) General farming lots ~~excluding the Matakana Island forested sand barrier (see 18.4.2(i))~~

(i) Subdivision relating to clustered residential development on the Matakana Island forested sand barrier.

- (i) Subdivision shall be in accordance with the related land use consent.
- (ii) The maximum size of a *lot* accommodating a *dwelling* shall be 1ha.

- (iii) An memorandum of encumbrance shall be registered on the titles of all of the land parcels involved (including any balance area) to record the transfer of entitlements to:
- (a) ensure that the allotment cannot be used for further subdivision or additional dwellings in future.
 - (b) record the balance number of lots or dwellings still to be transferred (if necessary).
- so as to prevent any further subdivision and to ensure that no dwelling or minor dwelling shall be constructed, other than in accordance with the related land use consent.

18.5 Matters of Discretion

18.5.8 Assessment Criteria for Restricted Discretionary Activities on Matakana Island, including the clustering of dwellings or lots on the forested sand barrier – General Assessment Criteria

Council shall restrict its discretion to the following:

- (a) The matters referred to in Objective 10 and Policy 16.
- (b) The location of the cluster of dwellings or lots on the forested sand barrier.
- (c) The sustainability of water, wastewater, electricity, telecommunication and solid waste removal provisions.
- (d) The provision of safe and legal access for landowners and the effect on the existing access rights of surrounding landowners.
- (e) The impact of development (including earthworks) on the natural environment, landscape, cultural and archaeological values.
- (f) Avoidance or minimisation of the risk to life and damage to property from natural hazards.
- (g) The social and cultural impact on the existing Island community.
- (h) How existing areas of ecological value will be enhanced and maintained.
- (i) How the introduction of pest plants and animals will be minimised and managed.

- (j) The impact on the existing rural character and amenity values of Matakana Island as viewed from within the Island, the mainland, open coast and the Harbour.
- (k) How the *development* will co-exist with the *production forestry* operations.
- (l) The provision of convenient access for the existing Island community to the open coast, Panepane and sites of cultural significance.
- (m) Roading ownership, construction and on-going maintenance.
- (n) Potential for conflict with existing and foreseeable activities in the area. In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.
- (o) Traffic Generation
 - Impact on roading including traffic safety;
 - Access;
 - Effect on amenity.
- (p) Scale of the activity including number of people and how this affects the existing character and amenity values.

~~**18.5.9 Restricted Discretionary Assessment Criteria applying to clustered residential development on the Matakana Island forested sand barrier.**~~

~~*Council* restricts its discretion to the following:~~

~~**(a) General:**~~

- ~~(i) The matters referred to in foregoing rule 18.5.8;~~
- ~~(ii) Measures to prevent further subdivision;~~
- ~~(iii) How the *development* will co-exist with the *production forestry* operations;~~
- ~~(iv) The provision of convenient access for the existing Island community to the open coast, Panepane and sites of cultural significance;~~
- ~~(v) Roothing ownership, construction and on-going maintenance.~~

~~**(b) Clustering of dwellings**~~

~~Any *development* within a cluster shall be in accordance with a detailed Management Plan approved in conjunction with the granting of a resource consent pursuant to rule 18.3.3(f). In addition to 18.5.8 and 18.5.9(a) above, Council's assessment of the Management Plan shall include the following matters:~~

~~(ii) The location of the cluster.~~

~~(iii) The layout of the cluster, including avoidance of linear *development*.~~

18.5.8-10 2 Discretionary and Non-Complying Activity Criteria – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in ~~18.4~~ 18.5.1 – 18.5.8 -9: