

DISCUSSION PAPER: SUBDIVISION ISSUES

1.0 Introduction

- 1.1 The Council is undertaking a review of its district plan. This paper is one of a series of discussion documents on potential changes to the Operative Otorohanga District Plan. It is confined to the issues arising from subdivision.
- 1.2 To assist the review process, consultation and research work has been undertaken by Council over the last year on various issues. These include research on the district landscape and natural character, the coastal environment, natural hazards such as flooding and erosion, and heritage. These research papers provide a basis for understanding matters relating to subdivision as well as providing possible solutions.
- 1.3 In addition a joint project (Shore Futures Project) with Environment Waikato, the Department of Conservation, and the territorial authorities surrounding the Kawhia and Aotea harbours has resulted in the draft Preferred Futures Report.
- 1.4 Both of these processes have revealed some of the gaps and errors in the Operative Plan that should be corrected in this review. Council also held landowner meetings for those directly affected by the Landscape, Flooding and Coastal Setback Reports throughout July 2009. These issues are discussed further in this Subdivision Discussion Paper and are complimentary to the Land Use Discussion Paper which is also released for comment.

2.0 Background to this paper

- 2.1 Subdivision (while technically a matter of lines on a plan) provides as-of-right options for the provision of a dwelling house. Subdivision also results in associated roading, access, ancillary buildings and earthworks. All of these activities can impact upon the environment. The Operative Plan allows relatively unlimited subdivision across the wider rural area of the district. In the urban areas the level of subdivision is primarily dependent upon the ability to allow for waste disposal. No minimum lot sizes are specified.
- 2.2 In recent times subdivision consents have been sought within rural areas, and in particular coastal areas. Some of these have highlighted limitations of environmental policy direction in the Operative Plan. Council decisions have been appealed resulting in a few Environment Court cases. As a result, the Environment Court has determined that multi-lot subdivisions in the vicinity of Kawhia harbour have some unacceptable adverse visual and amenity impacts.
- 2.3 In addition, since the introduction of the Operative Plan, there have been a number of legislative changes that place a different emphasis on the management of the district's resources and environment. For example, it has become evident that the Operative Plan does not provide a sufficiently robust set of objectives, policies and rules to deal with threats from natural hazards, reverse sensitivity, and potentially adverse effects on the landscape.
- 2.4 The Council wishes to make sure that through its Review, it can implement the intentions of its Plan and effectively provide for appropriate activities and subdivision and opportunities for growth, whilst addressing any adverse effects upon the environment.
- 2.5 Drawing upon the background papers, research, workshops and consultation to date, the following issues and concerns have been identified:
 1. The adverse effects of clusters or groups of lots and dwellings in the rural and coastal environments;

2. The need to give recognition and protection to, and avoid intrusion into Outstanding Landscapes, Areas of High Natural Character and Visual Amenity, and Areas of Ecological Significance;
3. Adverse impacts of subdivision upon the Kawhia and Aotea Harbours Coastal Environment;
4. The adverse impacts of natural hazards, including coastal hazards and river inundation;
5. The need to maintain or enhance rural character and the avoidance of reverse sensitivity;
6. Intrusion of subdivision upon heritage sites;
7. Site size minimums - urban sites that are too small for ultimate development or to accommodate sewage and stormwater disposal in un-serviced locations;
8. Public good gains and public access limitations - insufficient encouragement for environmental gains such as retention of areas of ecological significance or public access to the coastline.

2.6 These issues are examined in the following paragraphs, and measures suggested.

3.0 Adverse Effects of clusters or groups of lots and dwellings on the Rural and Coastal environment

The Issue:

- 3.1 In recent times some larger scale multi-lot subdivisions have been undertaken within the district. This has resulted in the presence of groups of lots (and consequent dwellings) occurring within close proximity to one another. Consequently there are potential impacts upon the rural character of the district, in particular in some of the more sensitive coastal and elevated rural locations.
- 3.2 The level of growth over the whole district is such that it is not expected there will be a plethora of lots over any one area of the district. However, groups of dwellings and subdivision have occurred (and more numbers may be likely to occur) in more isolated locations. These include in particular within the more elevated areas, the Aotea and Kawhia Harbour environs, the northern area of the plains and elevated section adjacent to Mt Pirongia, as well as in some areas around Otorohanga.
- 3.3 The presence of groups of lots in any one location often impacts upon the visual amenity of an area. Subdivision favours elevated sites and picturesque rural coastal locations. The resultant pattern of development for even a small number of lots in such a location can be visually prominent. This prominence can have a significant impact on the particular rural character of the location and overall character of the wider area.
- 3.4 Cumulative effects of subdivision can also occur over time through a series of smaller subdivisions. Resulting development can readily compromise values such as outstanding landscapes, high natural character, heritage and ecology. In addition to visual and effects on rural character, clusters of dwellings can impact upon the costs of collective infrastructure such as infrastructure and stormwater management.

District Plan Reference

- 3.5 The Operative Plan includes strategies and direction to sustain the resources of the district with objectives and policies to address particular environmental effects of development and subdivision. There are no maximums on the number of lots in any one location.

Discussion

- 3.6 In principle, subdivision can presently occur in any area (Urban Services, Urban Limited Services and Rural Areas) and at any scale, although this will be limited by specific rules as described above. The potential exists for large-scale subdivision to occur in any location across the district including within the prime coastal environments and elevated areas of the district, with potential to impact upon the visual amenity and character of those locations.
- 3.7 Despite the declining population of the district, there has been moderate growth of new dwellings in the last two decades (averaging 48 dwellings and 20 re-locatable dwellings annually). The rural area of the district comprises 9314 parcels. Of these there are numerous lots available that have no dwelling located on them. There is a greater preponderance of smaller lots closer to Otorohanga and on the Otorohanga Plains, on the northern boundary with the Waipa district, and to a lesser degree around the fringes of the Kawhia harbour.
- 3.8 Overall there is a relatively limited set of directions and provisions, in both the Issues section (Objectives and Policies) and the Rules of the Operative Plan, to manage the effects of larger grouping of lots on any one property and to address the cumulative effect of a number of lots in any one location over time.
- 3.9 A number of options exist as to how the district plan can address this issue. Those considered include:
1. Provide for large lot subdivision (as a substitute for countryside lifestyle living) at an appropriate scale (i.e. lot size of 2500m² in area or greater) and in an area where effects can be managed.
 2. Provide for clusters of life-style subdivision and development anywhere in the district, that are comprehensively designed, and develop specific rules to prevent or avoid sprawling or sporadic development elsewhere.
 3. Limit the number of lots on any one property (for instance - maximum of 1 lot per property over the whole district or to large properties (i.e. 20 ha or over) where effects can be addressed).
 4. Charge full financial contributions for every new lot for potential cost to infrastructure from subdivision.
 5. Continue to allow rural subdivision anywhere retaining existing provisions and monitor the extent of subdivision that occurs.
- 3.10 Given the likely level of development over the next 10 - 20 years (possible demand of 10 - 20 lots per year), it is not expected that a large number of lots for countryside living will occur and that there will not be extensive areas required to meet such a demand.
- 3.11 The issue is how more clustered forms of development can occur that:
- do not result in adverse visual effects of clustered development in sensitive environmental locations
 - avoid an ad-hoc dispersal of such development across the district
 - are managed in an appropriate and integrated manner
 - relate to existing settlements
 - avoid an ad-hoc dispersal of such subdivision across the district.
- 3.12 The Operative Plan provides for the opportunity of large lots within the urban un-serviced areas. This includes a large area of land on the northern side of Otorohanga presently zoned. This area however has potential to be fully developed for serviced development and it is desirable this area is retained for such more intensive future urban option.
- 3.13 The choice of location for any countryside living area is critical to its success. It is desirable that any countryside living should be:

- within a reasonable proximity to established settlements,
 - with good road access,
 - located on roads that have the capacity for increased traffic volumes,
 - in a location that is not identified in a flood hazard,
 - outside areas of high natural character, outstanding landscapes or amenity landscapes and
 - in design and layout that avoids adverse visual effects on the amenity and rural character of the district.
- 3.14 There are various existing smaller settlements and areas where there is existing infrastructure that can provide a level of service to countryside living within reasonable proximity, and whose function could be reinforced by greater levels of population within their locality.
- 3.15 Given the particular nature of demand and the settlement patterns across the district, it is not considered desirable to identify a particular countryside living zone and location. At this stage it is considered there should be an emphasis on avoiding a wide dispersal of clustered (Multi-lot) development across the district, and provide policy guidance for appropriate countryside subdivision in close proximity to existing community infrastructure (such as schools) where it can be demonstrated that environmental effects can be addressed.
- 3.16 In the wider rural and coastal areas, current parcel/property size across the district indicates that of the 9314 land parcels within the rural area 2057 are above 20ha in area. There is a greater level of smaller lot holdings in the Otorohanga Plains northern sector, adjacent to the Waipa boundary.
- 3.17 An option is to set a threshold for qualification (i.e. at 20ha), which will avoid development of existing smaller lots, thus reducing potential cumulative effects. The larger holdings are able to more readily absorb the effects of the creation of an additional lot, and avoid changes in character to any one location.
- 3.18 Overall the Operative Plan requires change to give clearer direction to the management of growth and subdivision within the district. In particular, direction is required on how to address the adverse effects of larger scale subdivision and to assist in identifying areas of suitability.
- 3.19 In addressing this issue it is considered that a combination of:
- Encouragement of countryside multi-lot subdivision through policy direction, only in circumstance where such development is within close proximity to existing community infrastructure of the more significant settlements (Kawhia and Otorohanga), and where environmental effects are addressed, and
 - Limiting opportunities for multi-lot subdivision in the general Rural Area throughout the district, and
 - Monitoring of the take up of such lots.
- 3.20 Such a combination provides opportunity to meet the demand for countryside living in a managed manner that can reinforce the role of schools and settlements, address adverse effects, avoid impacts upon the more sensitive locations and still provide options for an appropriate level of subdivision within the wider rural community and area. Additional opportunities are also provided where environmental features are protected (Refer Section 10 - Public Good and Encouragement for Environmental Gains).

3.21 Suggested Methods

1. In the Rural area provide the subdivision of one lot, on sites of 20 hectares or greater, shall be a restricted discretionary activity.
2. In the Rural area country-style living subdivision of more than one lot and within 5 km of the existing townships of Otorohanga and Kawhia which have road access to Road Order 1 or 2 roads with a sealed width of 6.0 meters or greater (such areas shall be identified on the planning maps), shall be a discretionary activity.
3. In other rural areas subdivision of more than one additional lot, or for any subdivision on sites less than 20 hectares (other than Environmental lots), shall be a non-complying activity.
4. For all subdivision the following design and location factors will be considered.
 - Building platform and subdivision boundary locations that take into account:
 - proximity to neighbouring properties by ensuring a separation distance to neighbouring buildings of greater than 50 metres in country style living areas and 30 metres for rural areas.
 - proximity to adjoining rural activities and avoid, remedy or mitigate reverse sensitivity issues by ensuring a separation distance of at least 25 metres to adjoining site boundaries and rural activities in country style living areas and 15 metres in rural areas.
 - Avoidance of 'High Natural Character' or 'Outstanding Natural Feature and Landscape' areas.
 - Avoidance of sensitive coastal environments and coastal setback areas as defined in the Coastal Policy Area.
 - An assessment that addresses adverse effects on 'Areas of Visual Amenity' Landscapes.
 - Location and extent of earthworks.
 - Avoids hazardous areas or avoid adverse effects upon natural hazards.
 - New lots and building platforms shall be outside or mitigate adverse effects upon, specified setbacks applied to address natural hazards.
 - Section size shall be 2500m² or greater.
5. At the time of subdivision, for country-style living subdivision (that area within 5 km of Kawhia and Otorohanga) in addition to the above elements, the following design and location factors will be considered. This is to ensure that the development can be visually absorbed into the landscape and it will have few adverse effects beyond the site. At that time of subdivision considerations (in addition to those above) will include:
 - An integrated approach that ensures 3 or more lot subdivisions are comprehensively planned (concept plans for larger subdivisions developments).
 - Visual integration into landscape by the implementation of a mitigation planting and landscaping plan to achieve the integration of the building areas, earthworks and access into the landscape.
 - Subdivision design shall ensure that building platforms and access ways shall provide setbacks from significant natural vegetation, significant features and cultural sites.
 - Avoidance of significant ridgelines and highly visible promontories.
 - Access only from a road order of 1 or 2 which has a sealed width of 6.0 metres.
 - Configuration of lots in relation to access to minimise multiple access.

- Is undertaken in a manner that reflects rural character of an area.

4.0 Recognition and Protection of Outstanding Landscapes Areas, High Natural Character and Visual Amenity areas and areas of Ecological Significance

The issues

- 4.1 The District contains a significant number of sites of 'Areas of Outstanding Landscape' and 'High Natural Character'. The extent of these landscapes and features has been identified in the research undertaken examining landscape categories on behalf of Council and in a further report examining the issue of potential coastal setbacks. These include various areas of significant indigenous vegetation as well as the wetland and estuarine areas of the Aotea and Kawhia Harbour environs.
- 4.2 These have been identified in the research undertaken examining Natural and Landscape Character across the whole district including the coastal catchments subject to the Shore Futures Project. They include various areas of significant indigenous vegetation as well as the wetland and estuarine areas of the Aotea and Kawhia Harbour environs, areas along the slopes of Mt. Pirongia and along the Waikato and Waipa Rivers. Assessments were presented in two reports.^{1/2} All owners of properties in areas identified as having land with 'Areas of Outstanding Natural Features and Landscapes' and 'High Natural Character' features were contacted for meetings during July 2009 where the Council's consultant landscape architect, outlined the findings of the reports and presented recommended management options for consideration by Council in the review of the District Plan.
- 4.3 In addition there are also extensive areas of the district that are considered to be of a high level of visual amenity, which contribute to the natural quality and character of the overall rural and coastal environment. The research provides an understanding of the district's environment and the issues facing the district in addressing and recognising such landscapes.
- 4.4 Such landscapes and natural character areas are also required to be recognised and protected from the effects of inappropriate subdivision, use and development. These are considered to be matters of national importance in accordance with the Resource Management Act 1991.

District Plan

- 4.5 The Operative Plan identifies some issues relating to outstanding natural features (Issue 8 – Indigenous Vegetation, Issue 10 – Coastal Environment and Issue 11 - subdivision). However there are no objectives or policies that give any clear direction in regard to either the obligations to identify areas of Outstanding Landscape and High Natural Character or to provide any means of protection.
- 4.6 The Subdivision Rules in the Operative Plan do not contain any rules that refer to the need to consider any areas of Outstanding Landscape and High Natural Character and Natural Features and Amenity when determining the effects of subdivision. There is no schedule of Outstanding Landscapes or areas of High Natural Character or significant areas of indigenous vegetation.

Discussion

¹ Golder Associates, *West Coast Natural Character and Landscape Assessment (Kawhia and Aotea Catchments)*, commissioned by Environment Waikato, Waikato, Otorohanga, and Waitomo District Councils & Department of Conservation, December 2008, pp. 78.

² Stephen Brown Environments Ltd., *Assessment of Natural and Landscape Character Otorohanga District*, commissioned by Otorohanga District Council, October 2008, pp.107.

- 4.7 The central issue is that subdivision provides for housing and other development as of right. Such developments can have a considerable and permanent impact upon the outstanding natural features and overall amenity values. In recent times a number of subdivision consents have been sought within rural areas. The studies undertaken on behalf of Council have now identified those features and areas classified as Outstanding Landscape and High Natural Character, and Natural Amenity Areas within the district. These include various areas of significant indigenous vegetation as well as the wetland and estuarine areas of the Aotea and Kawhia Harbour environs. It is recognised that a considerable area of such indigenous vegetation is within public reserves. Some features and considerable areas of identified indigenous vegetation are in private ownership. Areas proximate to the coast and those elevated areas exhibiting high amenity values may well be under threat from future development and subdivision.
- 4.8 The district plan review should ensure that subdivision and development do not compromise such values, as well as the overall amenity and rural character of the district while still providing opportunities for growth throughout the district.
- 4.9 In undertaking this review process, Council wishes to ensure that the next district plan gives greater and clearer direction to the processing of consent applications in sensitive locations, and clearer direction as to what is expected in terms of subdivision.
- 4.10 The questions therefore are: What sort of protection or recognition is to be given in the district? Are those methods and approaches discussed above appropriate?
- 4.11 Suggested Measures
1. Show areas of 'Outstanding Natural Features and Landscapes', 'High Natural Character' and 'Areas of Visual Amenity' on the District Plan maps.
 2. Subdivision in areas of 'High Natural Character' and 'Outstanding Natural Features and Landscapes' should be a non-complying activity;
 3. Subdivision in 'Areas of Visual Amenity' should be a discretionary activity
 4. Provide a comprehensive range of accompanying objectives, policies and rules to ensure the recognition, protection and enhancement of high natural amenity and significant indigenous vegetation and significant habitats of indigenous fauna including physical and ecological processes.
 5. Provide appropriate definitions.
 6. Take into account the effects of cumulative subdivision in or adjacent to areas of significance of natural character on the more elevated and inaccessible areas of the Rangitoto Range and Mt Pirongia.

5.0 Impacts of subdivision upon the Kawhia and Aotea Coastal Environment

The issues

- 5.1 The Aotea and Kawhia Harbours environment is recognised as being of significant natural character and heritage. Both harbours contain areas of wetlands of international significance and areas of cultural heritage value to Maori. The harbours are important for their recreational attributes, commercial function and cultural relevance. The adjoining coastal land environment is important for its natural character and landscape qualities.
- 5.2 The extent of the coastal area, its landscapes and amenity and the processes that impact upon it have been identified in the research undertaken. The overall coastal environment is considered to have a significant natural quality and character despite the presence of human activity and settlements. The Kawhia and Aotea Harbour areas contain a significant range of high quality landscape, including existing coastal native forest and estuarine areas. Aotea Harbour in particular is considered to be a landscape unit of high natural character and outstanding landscape. The coastal environs of the both harbours

are also considered to have strong cultural heritage values of importance to Tangata Whenua.

- 5.3 Overall it is concluded that the Kawhia and Aotea Harbours and environs can be considered to be a distinct area, set apart from the remainder of the District.

District Plan

- 5.4 The Operative Plan (Issue 10) identifies the environmental, social and cultural importance of the Kawhia and Aotea Harbours and habitats, and the potential loss of natural character from inappropriate subdivision as well as the loss of public access. Threats from erosion are also recognised.
- 5.5 The Operative Plan recognises that subdivision should not detract from the amenity and conservation values of the district. Amenity Values and Existing Neighbourhood Character; and Natural Hazards and matters relating to public access to the foreshore are referred to. Particular reference is made to the conflict that exists between development and natural hazards in the Aotea Township.
- 5.6 The District Plan includes a definition of the coastal environment and notes it has three distinct, but interrelated parts:
- the coastal marine area,
 - the active coastal zone, and
 - the land back-drop.
- 5.7 The Operative Plan includes rules restricting the use of land which is subject to erosion, subsidence and other natural hazards (including setback in Aotea township) and for esplanade reserves.
- 5.8 However, apart from these rules, there are no specific rules relating to the effects of subdivision on the particular coastal environment and processes. There are no particular subdivision rules or criterion that refers to the consideration of protecting and enhancing the coastal environment, coastal amenity or character values.

Discussion

- 5.9 It is evident that the Aotea and Kawhia Harbours coastal environment contains a high number of significant landscapes, natural character and amenity areas as well as the environmentally significant harbours estuarine and wetland environment. The character of the highly sensitive Aotea and Kawhia harbours and coastal location can be quickly changed by only a small number of buildings or the destruction of vegetation. In recent times some subdivision consents have been sought in coastal areas.
- 5.10 Various processes such as the location of subdivision areas in close proximity to the shoreline, can impact upon the quality of the estuarine and coastal wetlands. There are also particular concerns such as erosion and instability of land adjacent to the coast and within the townships of Aotea and Kawhia. The potential effect of rising sea level and extreme climatic events may have a considerable impact upon both erosion and inundation.
- 5.11 There are also clear links between the natural attributes of the coastal landscape and high natural character that contribute to the environmental quality of the overall coastal marine area. These elements combined with the visual amenity of the overall harbour environment give the area a unique quality not repeated elsewhere in the district.
- 5.12 The consultation and research process to date indicates that there is a need to provide for the protection of and enhancement of coastal natural character and landscape values of the Aotea and Kawhia Harbour environs.

- 5.13 There is also the need to manage natural coastal hazards and their effects upon subdivision including coastal and river inundation and/or erosion. There are particular concerns as to the effects of erosion and instability of land adjacent to the coast and within the townships of Aotea and Kawhia.
- 5.14 It is considered relevant that the next District Plan recognise the unique nature of this environment through the identification of a Special Coastal Policy Area which is subject to limitations on subdivision.

5.15 Suggested measures

1. Show the Coastal Policy Area (the Aotea and Kawhia Harbours and coastal environs) on a district plan map.
2. Subdivision of one lot, on sites greater than 20 hectares, within the Coastal Policy Area shall be a discretionary activity.
3. Subdivision within the country-style living area (within 5 km of Kawhia and with access to Road Order 1 or 2 roads with a sealed width of 6.0 meters or greater - as defined on planning maps) shall be a discretionary activity and consideration shall be given to:
 - those factors referred to in 3.21 above, and
 - the location of building platforms and access ways that:
 - * avoids significant ridgelines within Coastal Policy Area,
 - * are not located within a 'High Natural Character' area or 'Outstanding Natural Feature and Landscape' area,
 - * are not located within a specified coastal development setback area (refer 6.17)
 - a comprehensively planned approach that ensures visual integration of any subdivision effects, protects and enhances the coastal landscape and its natural amenity and character and takes into account factors that contribute to the environmental quality, natural character and heritage of the overall coastal policy area.
 - the design and layout of any subdivision and the implementation of a mitigation planting and landscaping plan to achieve the integration of the building areas, earthworks and access into the coastal landscape.
 - avoids hazards and is outside specified hazards setbacks.
4. Where the proposed subdivision activity that results in any building platforms, earthworks or accesses being within an area identified as being of 'High Natural Character' or 'Outstanding Natural Feature and Landscape', subdivision shall be a non-complying activity.
5. Include objectives and policies to direct protection and enhancement of the Coastal Environment, including its visual amenity and coastal and rural character, and the protection of existing coastal native forests and promote their maintenance and enhancement.
6. All other subdivision within the Coastal Policy Area shall be a non-complying activity.

6.0 Coastal Development Setbacks

The issue

- 6.1 The Otorohanga district includes the coastal environment of the Aotea and Kawhia Harbours and the Tasman Sea. This environment encompasses expansive areas of

wetland, including internationally recognised wetlands and significant coastal landscapes, as well as the settlements of Aotea and Kawhia. This coastal environment is subject to various natural hazard processes, such as erosion, instability and inundation which impacts upon settlements. Furthermore the various natural hazard processes are affected by subdivision and development.

- 6.2 Council commissioned an analysis of the coastal setback considerations in a recent report.³ The purpose of the report was to consider development setbacks along the coast in relation to; erosion, inundation, landscape amenity, natural character, coastal ecology heritage and climate change in an integrated manner. The authors identified five integrated coastal management areas by their current characteristics – these include coastal dunelands, hard shores, wetlands and low lying areas, and the two townships of Kawhia and Aotea.

The range of hazards identified along coastlines are:

- Beach and soft shore dynamics including erosion
- Toe erosion and slope instability along hard shores
- Coastal inundation of low lying areas
- Wind erosion of sand dunes where vegetation has been disrupted

- 6.3 Such hazards are affected by various processes including alteration in regard to climate change which may cause more extreme weather events and higher sea levels.
- 6.4 In addition Kawhia and Aotea have already had significant erosion and inundation problems that led to the construction of sea walls and groynes which temporarily help protect the existing built up areas. In areas outside the townships there are dynamic and, at times, observable shifts in land and sea.
- 6.5 The Council intends to reduce the risk to life and property by restricting development in locations close to the coast and implement coastal setbacks that reflect the breadth of concerns that development along a coastline encompass.

District Plan Reference

- 6.6 The current plan restricts development immediately along the coastline as it does any other risky location that is -- any activity which is proposed to be located on land subject to damage by erosion, subsidence, falling debris, slippage, flooding and/or inundation be treated as a non-complying activity.(Rule 17.2) In addition there is recognition that Aotea is particularly vulnerable so there are additional standards to be met for sites between a 100 metre hazard line and the coast under Standard 17A. These include requiring that the building be relocatable, that sewage disposal be landward of the building and that no sea control structures be erected on the property.
- 6.7 Apart from subdivision rules which require a 20 metre setback for esplanade reserve and public access from streams, rivers and the coast, there is no guidance regarding distance from the sea except in relation to Aotea as outlined above (Standards 5A, 5B, and 6A).

Discussion

- 6.8 The research undertaken provides an understanding of the issues of coastal flooding, erosion, sea inundation and sea level rise and the way these impact upon the various harbour edge environments and processes, including the relevance of future subdivision and development. Particular hazard issues and significant risk are evident within the Aotea and Kawhia settlements. Areas in close proximity to the central river systems are also subject to areas of high risk.

³ Eco Nomos Ltd & 4D Environmental Ltd, *Otorohanga District: Coastal Setbacks*, June 2009, pp. 85.

- 6.9 A number of location specific coastal setbacks and special policy areas are recommended, to address differing aspects of the coastal environment. These include:
- *Coastal Dunelands Management Area* - A setback of a minimum of 500m landward from the seaward edge land .
 - *Hard Shore Management Area* (encompasses the entire coastal area of the harbour outside the Aotea and Kawhia townships) - 70m coastal setback measured from the top seaward edge of coastal escarpments or for escarpments higher than 35 meters, within the area defined by a 1V:2H slope as measured from the toe of the escarpment. This is to protect the natural character and landscape values of the harbour margins, avoid coastal erosion and slope instability, protect natural coastal processes and features, and provide space for restoration of forest and riparian margins where appropriate.
 - *Kawhia Township Management Area* - A setback is recommended along the top edge of the coastal escarpments, so that houses and infrastructure in this area are progressively relocated landward as they are upgraded or replaced. A precautionary approach is warranted and a minimum setback equivalent to a 1V:2H slope as measured from the seaward toe of the escarpment is recommended, where the seaward toe of the bank lies on the coastline. This setback can be reduced where appropriate on the basis of site specific geotechnical investigations and associated recommendations undertaken by a specialist professional with appropriate training and experience.
 - *Aotea Township Management Area*
 - Extreme Risk areas (40m of existing rock wall).
 - High Risk areas (40 - 80m of rock wall).
 - Moderate Risk (> 80m of rock wall).
 - *Coastal Wetlands and Coastal Flooding Management Area* - The area is defined as the greater of:
 - Coastal margin areas with elevations less than 2.5m above mean sea level;
 - 30m from landward edge of existing wetland vegetation.
- 6.10 The new District Plan where information is available should also contain clear identification of areas where natural hazards occur, including coastal erosion and sea.
- 6.11 In conclusion it is appropriate to
- Identify areas of risk on the planning maps. These include coastal setbacks including setbacks for development and subdivision within the Aotea and Kawhia townships, in order to address both erosion and sea inundation (Aotea), and stability (Kawhia). This may include the identification of areas of high risk from which subdivision should be excluded.
 - In coastal areas, designate a separate policy area that comprehensively addresses the range of hazards, ecological concerns, natural character, landscape, and heritage issues.
 - Subdivision or development is to be avoided in critical locations subject to erosion and potential effects from sea level rises.
 - Limit expansion of any settlement within the Aotea Harbour area in those areas subject to moderate risk; allow subdivision only where the applicant can demonstrate the risk will be avoided, mitigated or remedied.

6.12 Suggested Measures

1. Introduce a requirement that any subdivision located between the MHWS and 500 metres inland within the Coastal Dunelands Management Area be a non-complying activity.
2. Introduce a requirement that any subdivision outside Kawhia or Aotea townships, that is located between the MHWS and 70 metres inland or for escarpments higher than 35 metres, within the area defined by a 1V:2H slope as measured from the toe of the escarpment is defined as being within the Hard Shore Management Area of both harbours and therefore be a non-complying.
3. In Aotea township put in place three Aotea Hazard Management Areas.
 - a. Extreme Hazard Area (up to 40 metres from the sea wall) prohibits any subdivision, including erecting and or extension of dwellings/buildings.
 - b. High Risk Hazard Area (between 40 - 80 metres from the seawall), any subdivision shall be a non-complying activity.
 - c. Moderate Risk Hazard Area (all areas on sand greater than 80 metres from the seawall) any subdivision be a restricted discretionary activity.
4. In Kawhia township along the top edge of the coastal escarpments put in place a Kawhia Hazard Management Area equivalent to a 1V:2H slope as measured from the seaward toe of the escarpment, where the seaward toe of the bank lies on the coastline. In this area subdivision should be a non-complying activity which will require site specific geotechnical investigations to be undertaken by a specialist professional to assess any such applications.
5. Introduce a requirement that any subdivision, outside Kawhia or Aotea townships, that is located on land within the Coastal Wetlands and Coastal Flooding Management Areas below RL 3.5 be a non-complying activity.
6. Any subdivision shall be required to:
 - demonstrate that in those areas within coastal setbacks any risk from or to natural hazards will be avoided, mitigated or remedied
 - environmental qualities of the foreshore areas are protected.
 - require any building platforms located within Kawhia and Aotea townships to demonstrate that a minimum floor level that is the higher of RL 3m or 0.5m above natural ground level can be achieved unless site specific information shows otherwise

7.0 Natural Hazards - relationship to rivers

The issue

- 7.1 The district contains a significant river system which poses natural hazards as a result of flooding and erosion. Significant flooding events have occurred in the past. These natural hazards are also affected by subdivision and development.
- 7.2 Otorohanga itself is protected from the Waipa River by stopbanks. Recent research has advanced the understanding of risk associated with the river systems. Environment Waikato has been able to provide a more detailed analysis of the extent of possible inundation from the Waipa and some tributaries. This recommended 'River Flood Hazard Zone' near Otorohanga in a recently published report.⁴ Council is now in a better position to assess the safer location of future subdivisions and buildings.

⁴ Environment Waikato, *River Flood Hazards and the Otorohanga District Plan*, June 2009, pp.13

- 7.3 Further to this, Mighty River Power Ltd. has identified areas along the Waikato River which during flood events would be inundated with water or exposed to erosion.⁵ In managing land use in relation to flood hazards
- 7.4 The research has indicated that there are a number of areas at risk from hazards such as inundation, erosion, and subsidence beyond those already identified in the Operative Plan. Consequent development can be greatly affected by such hazards. In addition, the nature of hazards and associated risk can be exasperated by subdivision providing the potential for more such developments.
- 7.5 Council should recognise the risk posed to subdivision and development in these areas and incorporate them into the 'River Flood Hazard Zone'.

District Plan Reference

- 7.6 The Operative Plan contains limited direction in regard to the management of natural hazards. Landuse Rule 17 includes standards and rules to address erosion, subsidence, falling debris, slippage, flooding and inundation. Provisions require that land use, development or subdivision should not contribute to or accelerate natural hazards so as to cause material damage to land, or pose a risk to human life. In Aotea special areas are defined whereby any activity is non-complying if the land is subject to (or likely to be subject to) damage by erosion, subsidence, falling debris, slippage, flooding and/or inundation.
- 7.7 Subdivision Rules specify some standards and rules in respect to sites liable to flooding and erosion, subsidence, falling debris or slippage and applies minimum floor levels for habitable room.

Discussion

- 7.8 A report was commissioned from Environment Waikato to examine issues relating to flood hazards and events and flood hazard zones of the major rivers of the district. The report considers that the next District Plan should provide directions which aim to reduce the river flood risk that affects the community, while also protecting the various natural functions of river floodplains. The report suggests the identification of three *River Hazard Management Zones* to manage flood hazards in terms of activities, including subdivision as follows:
- Land which is affected by a confirmed river flood hazard (i.e. river flood hazard zone).
 - Land which is possibly affected by a river flood hazard, but further investigation is required (i.e. possible river flood hazard zone).
 - Land which is affected by a river flood hazard but receives protection from stopbanks (i.e. residual flood risk zone).
- 7.9 The new District Plan where information is available should also contain clear identification of areas where natural hazards occur, including coastal erosion and sea inundation as well as flooding and inundation from rivers identified on the planning maps.
- 7.10 In conclusion it is appropriate to
- Identify areas of risk on the planning maps. These include the provision of flood risk zones applied to the river systems, in order to address both flooding and erosion.
 - Where specific flooding information is not available develop criteria that identify the potential for flooding and erosion to occur and as a result through a consent process

⁵ Harrison Grierson, *Model District Plan Provisions for Waikato Hydro System: Mighty River Power Ltd., Information Package for Local Authorities*, December 2008, pp. 26.

require greater level of information to be provided to Council to assess the potential risk at those locations.

- Subdivision or development is to be avoided in areas where flooding and/or erosion could cause the loss of property or life in risk areas.

7.11 Suggested Measures

1. Introduce a River Flood Hazard Map and River Flood Hazard Zone which includes areas identified by Environment Waikato and Mighty River Power⁶.
2. Subdivision within the River Flood Hazard Zone shall be a non-complying activity.
3. Subdivision is a non-complying activity where it is to occur outside of the River Flood Hazard Zone but is;
 - i. within 100 meters of a stream or river bank, and
 - ii. the existing ground level of the proposed site is lower than the existing average level of the adjacent stream or river bank,
4. In such areas, applicants would be required to identify building platforms that are above the flood hazard levels for any subdivision and ensure that infrastructure vested with Council will be located outside the hazard prone areas.
5. Require a 20 metre setback from the stopbank defences to ensure that access can be provided for maintenance.
6. Require building platforms to be setback a minimum of 20 metres from any stream bank and for building platforms to be a minimum of 2 metres above the streambank level.

8.0 **Protection of rural character and avoidance of reverse sensitivity**

The issues

- 8.1 The creation of Rural Residential sites within rural areas (in particular with no limitation as to numbers of sites in any one location) can create conflicts, where such lots are in close proximity to farming operations such as dairy sheds, pig farming, chicken and egg production facilities and cropping.
- 8.2 The presence of greater numbers of people living in the countryside can and does lead to complaints over issues such as noise, smells, and timing of farming operations. Similarly, consent to extract mineral resources from rural sites has also been thwarted by the presence of life-style blocks. This is referred to as 'reverse sensitivity' and is a valid consideration in terms of the Resource Management Act.

District Plan Reference

- 8.3 There are no rules or assessment criteria requiring any consideration on adjoining rural activities.

Discussion

- 8.4 Although the extent of rural residential growth is relatively small across the district, the District is dependent upon agricultural production as its economic base. Further fragmentation of rural land parcels for residential use can impair its productive use. This includes difficulties in re-parcelling, and amalgamations where land has been fragmented by lifestyle subdivision. In addition permitted activities such as farming (dairy milking sheds) and horticulture (cropping) can be impeded by complaints originating from rural residential residents seeking quieter, odour-free and dust-free environments.

⁶ Harrison Grierson, *Mighty River Power Ltd: Model District Plan Provisions for Waikato Hydro System*, December 2008, pp. 27

8.5 A number of District Plans (Franklin District, Kaipara, Matamata-Piako, and others) include various measures to address reverse sensitivity. They include buffers around established rural activities, (such as chicken operations and mineral extraction areas) and the requirement for resource consent to establish new lots within such buffer areas, which take into account the effect upon the existing operation. There is however difficulty in adopting such techniques for many farming operations such as cow sheds and piggeries, which vary in scale and are scattered through the district. The new District Plan would need to be relatively complex to deal with these events fairly and consistently.

8.6 In summary it is considered appropriate to include:

- Additional subdivision criteria incorporated into the subdivision provisions to avoid or mitigate reverse sensitivity effects.
- limit subdivision throughout the rural area, such as allowing subdivision for a lot on larger properties (greater than 20ha's), where effects can be absorbed into the site, and where reverse sensitivity effects are reduced.
- Avoid the potential for existing small lots (less than 20ha's) to be further subdivided.

8.7 Suggested Measures

1. Subdivision in the wider rural area for one lot on sites 20 hectares or greater shall be a restricted discretionary activity.
2. Building platform and subdivision boundaries locations that take into account:
 - proximity to neighbouring properties by ensuring a separation distance to neighbouring buildings of greater than 50 metres in country style living areas and 30 metres for rural areas.
 - proximity to adjoining rural activities by ensuring a separation distance to adjoining site boundaries of greater than 25 metres in country style living areas and 15 metres in rural areas.

9.0 **Intrusion of subdivision upon heritage sites**

The issues

9.1 A review of the district heritage has been undertaken on behalf of Council. The Review highlights a number of heritage matters for consideration. These include impacts of subdivision, rural lifestyle and development upon heritage values, and a lack of awareness of effects of development and subdivision.

9.2 The present schedule of comprehensive archaeological sites in the Operative Plan relies on historic New Zealand Archaeological Association (NZAA) data and requires upgrading. The Operative Plan is limited in regard to objectives and policies in this topic. In addition there are many more heritage sites not listed, largely waahi tapu. These may warrant protection because of their heritage value. The Heritage Review considers that in the absence of sufficient information a precautionary approach is suggested.

District Plan

9.3 The Operative Plan provides for protection of registered archaeological and historic sites through the scheduling of known sites (Appendices 7 & 7a to the Plan), and these are identified on the planning maps. Rules are applied to both landuse activities and subdivision activities that require the recognition and protection of the scheduled sites and waahi tapu and taonga sites.

9.4 The NZAA has recently undertaken a review of its data base and the accuracy of the location of archaeological sites. This provides the Council with the opportunity to update this information in the new District Plan schedule.

Discussion

9.5 It is appropriate that there is a greater degree of consistency between the heritage requirements for landuse and subdivision and the requirement for an integrated examination of matters at the time of subdivision. This will assist in avoiding conflict during site development and building.

9.6 Suggested Measures

1. Schedule of archaeological and historic sites (appendices 7 & 7a to the Plan) and planning maps be made consistent with the recent NZ Archaeological Association survey.
2. That the more accurate locations as provided by the NZAA, be utilised so that the buffer area between development and the protected site can be reduced from 100 metres to 20 metres.
3. That archaeological and historic sites be registered on any title upon subdivision.
4. That the location of boundaries, building platforms, earthworks and any other site disturbances be considered in an integrated manner at the time of subdivision.
5. That Council continue discussions with district Iwi Authorities on the management of cultural information as outlined in the Heritage Framework report.
6. Where information is not available that Council through the consent process continue to consult with Iwi/Maori as to the identification of sites of significance in relation to specific consent applications.

10.0 Site size minimums

10.1 At present in the Operative Plan there are no minimum lot sizes applied for any area where reticulated sewage is available in the urban serviced areas of Otorohanga township. While many existing lots in the established urban areas are typically 800m² or greater, there is an apparent trend toward smaller sites. With no limitations on size, very small lot sizes (i.e. 350m² in some area) may result.

10.2 The central concern is that urban sites may be too small for ultimate development or to accommodate sewage and stormwater disposal in un-serviced locations. This could impact upon the amenity and character of these urban settlements, including provision of sufficient space for outdoor open space, on-site parking and manoeuvring cars, planting trees and other amenity features. Although a few scattered sites of less than 350m² in a neighbourhood are unlikely to significantly adversely affect residential amenity, clusters of smaller sites could erode the character of a whole area.

10.3 In the Aotea and Kawhia townships sites may be too small for appropriate amenity and character, and ultimately to accommodate sewage and stormwater disposal in un-reticulated locations. Approved lot sizes are typically 800m² in the un-reticulated sewage areas of the Aotea and Kawhia townships. Such lot sizes may be appropriate where soils are of a nature to adequately provide for drainage and soakage. However there may be circumstances where further intensity is inappropriate.

District Plan

10.4 There is no minimum lot size applied for any area where reticulated sewage is available. The Operative Plan applies a minimum lot size of 2500m² where a reticulated sewage system is not available. The 2500m² site size was based on a rough guide used by the regional council as a minimum site size, in order to dispose of sewage on-site.

Discussion

10.5 The application of a minimum lot size (such as 500m²) has a number of implications that require some further consideration. In particular this issue needs to be further examined in

light of future servicing as well as overall amenity. The application of such a provision was considered of limited value in respect of the Aotea and Kawhia townships where servicing is unlikely to be available in the foreseeable future.

10.6 Alternatives such as applying a requirement for the comprehensive design of subdivision and development or applying a greater range of building and development standards and amenity provisions for subdivisions of three dwellings or more could equally achieve the same end as specifying a minimum lot size. Options include:

- Introduce a minimum lot size in the urban serviced areas that is commensurate with the character of the area – e.g. 500m²;
- Allow for smaller site sizes (subject to a resource consent and comprehensive design) when the house and subdivision are designed and laid out concurrently and include criteria to guide such development;
- Continue to administer a rule-of-thumb minimum lot size of 800m² in Kawhia and Oparau;
- Specify a minimum lot size in Urban Services and Urban Limited Services areas based on soil type.

In the Rural areas:

- Continue to apply 2500m² as the minimum lot size for rural life-style blocks;

10.7 A further option is to adopt a structure plan or concept process for new larger scale developments, which extend existing settlements. Examples of this include those where both subdivision and matters such as lot size, are determined through a comprehensive appraisal of environmental attributes and constraints of a site, with the aim of achieving a high level of amenity and character.

10.8 Suggested Measures

1. Require a minimum lot size of 2500m² as a guide for all rural subdivision.
2. For Urban Limited Services require a minimum lot size of 2500m² as a guide for all subdivision unless application intends to connect to reticulated system.
3. On any site, within the urban serviced area and, any site within urban limited services area that will connect to reticulated system, apply the following thresholds and activity status:

Minimum Lots Size

- a. 800m² or greater = controlled activity
- b. Between 500m² – 800m² = restricted discretionary Activity
Matters that Council will limit its discretion to include; access, open space, car parking.
- c. Less than 500m² = discretionary activity
Consider location and scale of building, visual effects, landscaping mitigation and visual character.

Number of Lots

- a. 1 additional lot – controlled activity
 - b. 2 additional lots – discretionary (subdivision layout)
4. Discretionary activity status subdivision in limited\serviced areas, with more than 2 lots, and where sites are 500m² or less shall be subject to a comprehensive design of subdivision and development plan. Criteria shall be applied including:

- the nature of any clustered development on a site,
- the capacity of the land to absorb any effluent or stormwater is demonstrated,
- the extent of mitigation design and landscaping, and the visual impact of the development is assessed.

11.0 Public Good and Encouragement for Environmental Gains

The issue

- 11.1 There is little incentive for applicants to offer protection to heritage sites or ecologically significant sites, or to provide public access along the coast or rivers. An example of this is the lack of public access around the Kawhia and Aotea Harbours edge.
- 11.2 Various district plans throughout New Zealand have incorporated techniques where additional lots are permitted if protection is given to retaining environmental features such as indigenous vegetation, riparian planting or public access. This is allowed on the basis that an overall environmental enhancement results.

District Plan

- 11.3 The District Plan provides no provision for bonus lots where public gain occurs.

Discussion

- 11.4 Subdivision bonus incentives work by allowing for the subdivision of a lot for the protection (by permanent legal means on title) of an environmental feature such as an area of indigenous bush. A number of Council District Plans include varying forms of incentives to encourage the retention of existing natural features such as: indigenous vegetation, wetlands, riparian planting and coastal conservation. One such mechanism works by allowing for the subdivision of a lot in exchange for the protection (permanent legal means on title) of an environmental feature such as an area of indigenous bush.
- 11.5 The bonus method also relies on encouraging more subdivision in certain locations such as the coastal environment. If not appropriately controlled such a provision may result in similar effects to the clustering of dwellings, and adverse effects on sensitive areas such as the coastal environment. Extensive subdivision provision as a bonus for replanting indigenous species and esplanade strips and for public access along streams and river banks may well have the opposite effect to that intended.
- 11.6 The system of Transferable Development Rights has been applied by some Councils as a means of providing overall environmental gain, whereby additional subdivision rights are accorded in some areas in exchange for forfeiting the prospect of subdivision in others. This aims to establishing a trading regime where there are buyers and sellers of such rights.
- 11.7 There are considerable complexities with this system in devising methods to address issues and it generally relies upon high demand for subdivision and considerable price differentials occurring across an area which is not evident in Otorohanga. Such a method is not likely to be successful in Otorohanga.
- 11.8 Methods granting bonus lots for protecting indigenous vegetation are reasonably well tested in various Plans. Commonly referred to as Conservation Lots or Environmental Lots, this approach may provide a useful option in the rural areas of Otorohanga.
- 11.9 Suggested measures
- In the Rural areas outside 'Outstanding Natural Features and Landscapes' or 'High Natural Character' areas (refer 4.11), and hazard areas (refer 6.17) subdivision for Environmental Lots shall be a restricted discretionary activity.

- Environmental Lots are offered here as a means to protect indigenous bush, wetland and habitats while providing some economic benefit to landowners.
- Environmental Lots require qualifying with specified standards relating to:
 - quality of indigenous bush, wetland and habitats,
 - One lot for every 1 hectare of indigenous bush, wetland and habitats
 - a maximum of no more than two lots being obtained on any existing site
 - addressing visual impacts, impacts upon the feature protected, covenant protecting features, avoiding hazards and providing reverse sensitivity setbacks.

12.0 **Summary**

In summary, the recommended changes to the District Plan are:

Adverse Effects of Clusters or Groups of Lots and Dwellings on the Rural and Coastal Environment

- 12.1 In the Rural area provide subdivision of one lot on larger sites of 20 hectares or greater shall be a restricted discretionary activity.
- 12.2 In the Rural area country-style living subdivision of more than one lot and within 5 km of the existing townships of Otorohanga and Kawhia which have road access to Road Order 1 or 2 roads with a sealed width of 6.0 meters or greater (such areas shall be identified on the planning maps), shall be a discretionary activity.
- 12.3 In other rural areas subdivision of more than one additional lot, or for any subdivision on sites less than 20 hectares (other than Environmental Lots), shall be a non-complying activity.
- 12.4 For all subdivision the following design and location factors will be considered.
- Building platform and subdivision boundary locations that take into account:
 - proximity to neighbouring properties by ensuring a separation distance to neighbouring buildings of greater than 50 metres in country style living areas and 30 metres for rural areas.
 - proximity to adjoining rural activities and avoid, remedy or mitigate reverse sensitivity issues by ensuring a separation distance of at least 25 metres to adjoining site boundaries and rural activities in country style living areas and 15 metres in rural areas.
 - Avoidance of 'High Natural Character' or 'Outstanding Natural Feature and Landscape' areas.
 - Avoidance of sensitive coastal environments and coastal setback areas as defined in the Coastal Policy Area.
 - An assessment that addresses adverse effects on "Areas of Visual Amenity" Landscapes.
 - Location and extent of earthworks.
 - Avoids hazardous areas or avoid adverse effects upon natural hazards.
 - New lots and building platforms shall be outside or mitigate adverse effects upon, specified setbacks applied to address natural hazards.
 - Section size shall be 2500m² or greater.
- 12.5 At the time of subdivision, for country-style living subdivision (that area within 5 km of Kawhia and Otorohanga) in addition to the above elements, the following design and

location factors will be considered. This is to ensure that the development can be visually absorbed into the landscape and it will have few adverse effects beyond the site. At that time of subdivision considerations (in addition to those above) will include:

- An integrated approach that ensures 3 or more lot subdivisions are comprehensively planned (concept plans for larger subdivisions developments).
- Visual integration into landscape by the implementation of a mitigation planting and landscaping plan to achieve the integration of the building areas, earthworks and access into the landscape.
- Subdivision design shall ensure that building platforms and access ways shall provide setbacks from significant natural vegetation, significant features and cultural sites.
- Avoidance of significant ridgelines and highly visible promontories.
- Access only from a road order of 1 or 2 which has a sealed width of 6.0 metres.
- Configuration of lots in relation to access to minimise multiple access.
- Is undertaken in a manner that reflects rural character of an area.

Outstanding Landscapes Areas, High Natural Character and Visual Amenity areas and areas of Ecological Significance

- 12.6 Show areas of 'Outstanding Natural Features and Landscapes', 'High Natural Character' and 'Areas of Visual Amenity' on the District Plan maps.
- 12.7 Subdivision in areas of 'High Natural Character' and 'Outstanding Natural Features and Landscapes' should be a non-complying activity;
- 12.8 Subdivision in 'Areas of Visual Amenity' should be a discretionary activity.
- 12.9 Provide a comprehensive range of accompanying objectives, policies and rules to ensure the recognition, protection and enhancement of high natural amenity and significant indigenous vegetation and significant habitats of indigenous fauna including physical and ecological processes.
- 12.10 Provide appropriate definitions.
- 12.11 Take into account the effects of cumulative subdivision in or adjacent to areas of significance of natural character on the more elevated and inaccessible areas of the Rangitoto Range and Mt Pirongia.

Impacts of subdivision upon the Kawhia and Aotea Coastal Environment

- 12.12 Show the Coastal Policy Area (the Aotea and Kawhia Harbours and coastal environs) on a district plan map.
- 12.13 Subdivision of one lot, on sites greater than 20 hectares, within the Coastal Policy Area shall be a discretionary activity.
- 12.14 Subdivision within the country-style living area (within 5 km of Kawhia and with access to Road Order 1 or 2 roads with a sealed width of 6.0 meters or greater - as defined on planning maps) shall be a discretionary activity and consideration shall be given to:
- those factors referred to in 3.21 above, and
 - the location of building platforms and access ways that:
 - * avoids significant ridgelines within Coastal Policy Area,
 - * are not located within a 'High Natural Character' area or 'Outstanding Natural Feature and Landscape' area,

- * are not located within a specified coastal development setback area (refer 6.17)
 - a comprehensively planned approach that ensures visual integration of any subdivision effects, protects and enhances the coastal landscape and its natural amenity and character and takes into account factors that contribute to the environmental quality, natural character and heritage of the overall coastal policy area.
 - the design and layout of any subdivision and the implementation of a mitigation planting and landscaping plan to achieve the integration of the building areas, earthworks and access into the coastal landscape.
 - avoids hazards and is outside specified hazards setbacks.
- 12.15 Where the proposed subdivision activity that results in any building platform, earthworks or accesses being within an area identified as being of 'High Natural Character' or 'Outstanding Natural Feature and Landscape' subdivision shall be a non-complying activity.
- 12.16 Include objectives and policies to direct protection and enhancement of the Coastal Environment, including its visual amenity and coastal and rural character, and the protection of existing coastal native forests and promote their maintenance and enhancement.
- 12.17 All other subdivision within the Coastal Policy Area shall be a non-complying activity.

Coastal Development Setbacks

- 12.18 Introduce a requirement that any subdivision located between the MHWS and 500 metres inland within the Coastal Dunelands Management Area be a non-complying activity.
- 12.19 Introduce a requirement that any subdivision outside Kawhia or Aotea townships, that is located between the MHWS and 70 metres inland or for escarpments higher than 35 meters, within the area defined by a 1V:2H slope as measured from the toe of the escarpment is defined as being within the Hard Shore Management Area of both harbours and therefore be a non-complying.
- 12.20 In Aotea township put in place three Aotea Hazard Management Areas.
- a. Extreme Hazard Area (up to 40 metres from the sea wall) prohibit any subdivision, including erecting and or extension of dwellings/buildings.
 - b. High Risk Hazard Area (between 40 - 80 metres from the seawall), any subdivision be a non-complying activity.
 - c. Moderate Risk Hazard Area (all areas on sand greater than 80 metres from the seawall) any subdivision be a restricted discretionary activity.
- 12.21 In Kawhia township along the top edge of the coastal escarpments put in place a Kawhia Hazard Management Area equivalent to a 1V:2H slope as measured from the seaward toe of the escarpment, where the seaward toe of the bank lies on the coastline. In this area subdivision should be a non-complying activity which will require site specific geotechnical investigations to be undertaken by a specialist professional to assess any such applications.
- 12.22 Introduce a requirement that any subdivision, outside Kawhia or Aotea townships, that is located on land within the Coastal Wetlands and Coastal Flooding Management Areas below RL 3.5 be a non-complying activity.
- 12.23 Any subdivision shall be required to:

- demonstrate that in those areas within and hazardous setbacks any risk from or to natural hazards will be avoided, mitigated or remedied
- environmental qualities of the foreshore areas are protected.
- Require any building platforms located within Kawhia and Aotea townships to demonstrate that a minimum floor level that is the higher of RL 3m or 0.5m above natural ground level can be achieved unless site specific information shows otherwise

Natural hazards- relationships to rivers

- 12.24 Introduce a River Flood Hazard Map and River Flood Hazard Zone which includes areas identified by Environment Waikato and Mighty River Power⁷.
- 12.25 Subdivision within the River Flood Hazard Zone shall be a non-complying activity.
- 12.26 Subdivision is a non-complying activity where it is to occur outside of the River Flood Hazard Zone but is;
- i. within 100 meters of a stream or river bank, and
 - ii. the existing ground level of the proposed site is lower than the existing average level of the adjacent stream or river bank,
- 12.27 In such areas, applicants would be required to identify building platforms that are above the flood hazard levels for any subdivision and ensure that infrastructure vested with Council will be located outside the hazard prone areas.
- 12.28 Require a 20 metre setback from the stopbank defences to ensure that access can be provided for maintenance.
- 12.29 Require building platforms to be setback a minimum of 20 metres from any stream bank and for building platforms to be a minimum of 2 metres above the streambank level.

Protection of Rural Character and Avoidance of Reverse Sensitivity

- 12.30 Subdivision in the wider rural area for one lot on sites 20 hectares or greater shall be a restricted discretionary activity.
- 12.31 Building platform and subdivision boundaries locations shall take into account:
- proximity to neighbouring properties by ensuring a separation distance to neighbouring buildings of greater than 50 metres in country style living areas and 30 metres for rural areas.
 - proximity to adjoining rural activities by ensuring a separation distance to adjoining site boundaries of greater than 25 metres in country style living areas and 15 metres in rural areas.

Heritage Sites

- 12.32 Schedule of archaeological and historic sites (appendices 7 & 7a to the Plan) and planning maps be made consistent with the recent NZ Archaeological Association survey.
- 12.33 That the more accurate locations as provided by the NZAA, be utilised so that a buffer area between development and the protected site can be reduced from 100 metres to 20 metres.
- 12.34 That archaeological and historic sites be registered on any title upon subdivision.

⁷ Harrison Grierson, *Mighty River Power Ltd: Model District Plan Provisions for Waikato Hydro System*, December 2008, pp. 27

- 12.35 That the location of boundaries, building platforms, earthworks and any other site disturbances be considered in an integrated manner at the time of subdivision.
- 12.36 That Council continue discussions with district Iwi Authorities on the management of cultural information as outlined in the Heritage Framework report.
- 12.37 Where information is not available that Council through the consent process continue to consult with Iwi/Maori as to the identification of sites of significance in relation to specific consent applications.

Site Size Minimums

- 12.38 Require a minimum lot size of 2500m² as a guide for all rural subdivision.
- 12.39 For Urban Limited Services require a minimum lot size of 2500m² as a guide for all subdivision unless application intends to connect to reticulated system:
- 12.40 On any site, within the urban serviced area and, any site within urban limited services area that will connect to reticulated system, apply the following thresholds and activity status:

Minimum Lots Size

- a. 800m² or greater = controlled activity
- b. Between 500m² – 800m² = restricted discretionary activity
Matters that Council will limit its discretion to include; access, open space, car parking.
- c. Less than 500m² = discretionary activity
Consider location and scale of building, visual effects, landscaping mitigation and visual character.

Number of Lots

- a. 1 additional lot – controlled activity
 - b. 2 additional lots – discretionary (subdivision layout)
- 12.41 Discretionary activity status subdivision in limited\serviced areas, with more than 2 lots, and where sites are 500m² or less shall be subject to a comprehensive design of subdivision and development plan. Criteria shall be applied including:
- the nature of any clustered development on a site,
 - the capacity of the land to absorb any effluent or stormwater is demonstrated,
 - the extent of mitigation design and landscaping, and the visual impact of the development is assessed.

Encouragement for Environmental Gains

- 12.42 In the Rural areas outside 'Outstanding Natural Features and Landscapes' or 'High Natural Character' areas (refer 4.11), and hazard areas (refer 6.17) subdivision for Environmental Lots shall be a restricted discretionary activity.
- 12.43 Environmental Lots are offered here as a means to protect indigenous bush, wetland and habitats while providing some economic benefit to landowners.
- 12.44 Environmental Lot require qualifying with specified standard relating to:
- quality of indigenous bush, wetland and habitats,
 - one lot for every 1 hectare of indigenous bush, wetland and habitats
 - a maximum of no more than two lots being obtained on any existing site

- addressing visual impacts, impacts upon the feature protected, covenant protecting features, avoiding hazards and providing reverse sensitivity setbacks

Please send your comments to:

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