



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 3 July 2017
To : Hearing Commissioners
From : Consultant Planner
Subject : **CHAPTER 11 OHIWA HARBOUR - PLANNING REPORT**
File ID :

1. INTRODUCTION

My name is Ann Nicholas. I have a Bachelor of Town Planning and I am a member of the New Zealand Planning Institute. I am a principal of Sigma Consultants, Rotorua, and I have over 35 years experience as a planning consultant. I have been engaged by the Ōpōtiki District Council to assist with the preparation of the draft district plan and the Proposed District Plan and to report on submissions to the Proposed District Plan.

The scope of this report is to provide an evaluation of submissions and further submissions received in relation to Chapter 11 Ohiwa Harbour Zone. The data, information, facts and assumptions I have considered in forming my recommendations are set out in this report.

2. STRUCTURE AND SUMMARY OF THE CHAPTER

The structure of Chapter 11 Ohiwa Harbour is set out with issues, objectives, policies, activity status, zone standards, assessment criteria, other methods, and expected environmental results. This chapter is an existing chapter in the Operative District Plan and seeks to provide a framework for activities to occur within the zone.

The Ōhiwa Harbour lies in both the Whakatāne and Ōpōtiki Districts and is important for its community, recreation, spiritual, cultural, ecological, scientific and ecological and natural character values. The Harbour is a taonga and of great significance to Māori, and is a traditional mahinga mataitai. It contains outstanding natural features and landscapes. It adjoins the Rural and Coastal Zones in the Ōpōtiki District. Along the boundary with the Whakatane District it adjoins the Rural Ohiwa Zone, a similar specific zone for managing the effects of activities in the Ohiwa Harbour environment under the Whakatane District Plan. The Coastal environment overlays a significant part of this zone.

3. RELEVANT STATUTORY CONSIDERATIONS

The overall Section 42A report provides the statutory framework for the District Plan and the review process and any changes since the Plan was notified. The provisions in this chapter have been developed in accordance with the specific statutory requirements as set out in the Section 32 report prepared and made available at the time that the Plan was notified.

Section 74 of the RMA requires that the District Plan must give effect to the Operative RPS. The RPS identifies regionally significant issues as including:

- Inadequate recognition and provision for matters of national importance
- Effects of growth and development pressures on access to the coast, lakes and rivers, ancestral sites and historic heritage
- Inadequate recognition of kaitiakitanga, the Maori environmental resource management system and Te Tiriti o Waitangi principles
- Insufficient protection of tangata whenua environmental values
- Degradation of mauri of land and water
- Uncoordinated growth and development
- Fragmentation of rural land
- Effects of urban and rural subdivision on natural features and landscapes
- Conflict between incompatible or sensitive activities and rural production activities in rural areas
- Integration of land use and infrastructure.

4. SUBMISSIONS

4.1 SUBMISSION OVERVIEW

19 submitters lodged submissions on this chapter with a further 6 parties lodging further submissions. The key broad issues raised in submissions are as follows:

- Giving effect to the NZ Coastal Policy Statement and recognising the high values relating to the Ohiwa Harbour
- Requesting the deletion of the zone. This action is not supported.
- Greater recognition of the relationship between tangata whenua and the Ohiwa Harbour
- Recognition of rural production activities / primary production in the Ohiwa Harbour Zone and their contribution to the economy.
- Control of buildings, especially within 50m of NHWS, reflectivity, clarification of the ridgeline rules through mapping key ridgelines

- Subject to compliance with standards, provision for earthworks, artificial crop protection structures, audible bird scarers, frost fans, emergency services facilities, training and management activities, goat and deer farming
- Restricting vehicle access to the coast
- Controlling light pollution to protect a dark sky

The key issues for consideration are giving effect to the NZCPS and aligning the specific provisions already set out in this zone with the amended framework. This has led to some recommended amendments to the objectives, policies and rules, as discussed in more detail in the main section 42A report.

4.2 SUBMITTERS

The 19 submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
5	J Gregory	11.7.8.2
7	Department of Conservation	11, 11.1.1.1, 11.1.1.4, 11.1.1.5, 11.1.1.9, 11.2.1, 11.2.1.1, 11.2.2, 11.2.2.1, 11.2.2.2, 11.2.2.3, 11.3.2.1.2, 11.3.2.1.3, 11.3.2.1.4, 11.3.3.1.1, 11.3.4.1.2, 11.3.5.1, 11.3.5.2, 11.3.5.3, 11.3.5.4, 11.3.5.5, 11.4.1.1, 11.4.1.3, 11.5.1.2, 11.6.1, 11.7.13.1, 11.7.15
8	Eastern Bay of Plenty – Forest and Bird	11, 11.1.1.1, 11.2.1.1, 11.2.1.3, 11.2.1.4, 11.2.2, 11.2.1, 11.2.2.1, 11.2.2.2, 11.2.2.3, 11.3, 11.3.2.1.4, 11.3.2.1.6, 11.3.3.1.1, 11.3.3.1.2, 11.3.4.1, 11.3.5.1, 11.3.5.3, 11.3.7.1, 11.4, 11.4.1.1, 11.4.1.3, 11.5.1.1.2, 11.5.1.2, 11.6.1.4, 11.7, 11.7.1.1, 11.7.1.2, 11.7.3.3, 11.7.9.2, 11.7.9.3, 11.7.13, 11.8.1.5
11	Horticulture NZ	11.1, 11.2, 11.2.3, 1.3.2.1, 11.3.4.1, 11.3.4.1.3, 11.4.1.1, 11.7, 11.7.2, 11.7.3.1, 11.7.4, 11.7.5, 11.7.5.1, 11.7.12.2
12	NZ Transport Agency	11.1, 11.2, 11.7
13	Overington Surveyors	11.3.2.1
17	Bay of Plenty Regional Council	11.2, 11.3.2.1, 11.3.2.1.2, 11.3.3.2, 11.3.5, 11.3.5.1, 11.4, 11.4.1.3, 11.4.1.4, 11.4.1.5, 11.7.1.2, 11.7.6, 11.7.10.1
18	Heritage NZ	11.1.1.3, 11.2.3, 11.2.3.1, 11.2.3.2, 11.3, 11.3.2.1.5, 11.3.2.1.6, 11.3.2.1.7, 11.4.1.4, 11.5, 11.8, 11.9
19	NZ Defence Force	11.3, 11.3.2.1.13, 11.7
24	Opotiki District Council	11.1.1.5, 11.5.1, 11.5.1.1

Submitter Number	Submitter Name	Provisions submitted on
29	Upokorehe Iwi	11.1.1, 11.2.1, 11.2.2, 11.2.3, 11.2.3.1, 11.4.1, 11.4.1.3, 11.4.1.4, 11.9.1
37	NZ Fire Commission	11.3.2.1, 11.7.8, 11.7.12
39	Transpower NZ Ltd	11.3
40	NZDFA BOP	11.3.2.1, 11.7.16
41	Ministry of Education	11.3.5, 11.7.5, 11.7.7.1, 11.7.9.3
43	Ohiwa Cove Limited	11.2.1.5
49	Whakatāne District Council	11.1, 11.2, 11.7.2
57	Toi Te Ora	11.3.2.1.13, 11.7.5
60	Federated Farmers of NZ	11.1, 11.2, 11.2.2.1, 11.2.2.2, 11.2.2.3, 11.3.2, 11.3.2.1, 11.3.2.1.3, 11.3.5.1, 11.7.3.2, 11.7.3.3, 11.7.4, 11.7.5, 11.7.15

4.3 There are 6 further submitters in relation to the above submissions, as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on	
		Number	Name
3.106	Bay of Plenty Regional Council	60.50	Federated Farmers of NZ
3.107	Bay of Plenty Regional Council	7.42	Department of Conservation
3.18	Bay of Plenty Regional Council	11.115	Horticulture NZ
3.108	Bay of Plenty Regional Council	8.111	Eastern Bay of Plenty – Forest and Bird
3.110	Bay of Plenty Regional Council	8.110	Eastern Bay of Plenty – Forest and Bird
3.112	Bay of Plenty Regional Council	8.114	Eastern Bay of Plenty – Forest and Bird
3.108	Bay of Plenty Regional Council	8.109	Eastern Bay of Plenty – Forest and Bird
3.113	Bay of Plenty Regional Council	8.115	Eastern Bay of Plenty – Forest and Bird
3.114	Bay of Plenty Regional Council	18.91	Heritage NZ
3.115	Bay of Plenty Regional Council	18.92	Heritage NZ
3.58	Bay of Plenty Regional Council	11.118	Horticulture NZ
3.46	Bay of Plenty Regional Council	40.4	NZDFA BOP
3.6	Bay of Plenty Regional Council	60.57	Federated Farmers of NZ
3.33	Bay of Plenty Regional Council	60.58	Federated Farmers of NZ
3.43	Bay of Plenty Regional Council	60.59	Federated Farmers of NZ
3.34	Bay of Plenty Regional Council	7.56	Department of Conservation
3.25	Bay of Plenty Regional Council	7.57	Department of Conservation
3.62	Bay of Plenty Regional Council	11.124	Horticulture NZ
3.116	Bay of Plenty Regional Council	60.63	Federated Farmers of NZ
3.117	Bay of Plenty Regional Council	7.66	Department of Conservation
3.48	Bay of Plenty Regional Council	60.69	Federated Farmers of NZ

Further	Further Submitter Name	Submission Number and Name submitted on	
9.17	Department of Conservation	17.83	Bay of Plenty Regional Council
9.23	Department of Conservation	17.140	Bay of Plenty Regional Council
9.24	Department of Conservation	17.141	Bay of Plenty Regional Council
9.19	Department of Conservation	17.85	Bay of Plenty Regional Council
9.25	Department of Conservation	17.142	Bay of Plenty Regional Council
9.10	Department of Conservation	17.47	Bay of Plenty Regional Council
11.28	Federated Farmers of NZ	12.2.8	NZ Transport Agency
11.29	Federated Farmers of NZ	7.46	Department of Conservation
11.30	Federated Farmers of NZ	8.110	Eastern Bay of Plenty – Forest and Bird
11.31	Federated Farmers of NZ	8.109	Eastern Bay of Plenty – Forest and Bird
11.32	Federated Farmers of NZ	8.3	Eastern Bay of Plenty – Forest and Bird
11.33	Federated Farmers of NZ	17.83	Bay of Plenty Regional Council
12.1	Whakatane District Council	60.50	Federated Farmers of NZ
12.10	Whakatane District Council	11.113	Horticulture NZ
12.2	Whakatane District Council	60.51	Federated Farmers of NZ
12.11	Whakatane District Council	11.114	Horticulture NZ
12.12	Whakatane District Council	11.115	Horticulture NZ
12.13	Whakatane District Council	11.116	Horticulture NZ
12.15	Whakatane District Council	17.57	Bay of Plenty Regional Council
12.17	Whakatane District Council	17.73	Bay of Plenty Regional Council
12.3	Whakatane District Council	60.56	Federated Farmers of NZ
12.4	Whakatane District Council	60.52	Federated Farmers of NZ
12.18	Whakatane District Council	7.47	Department of Conservation
12.5	Whakatane District Council	60.53	Federated Farmers of NZ
12.6	Whakatane District Council	60.54	Federated Farmers of NZ
12.7	Whakatane District Council	60.55	Federated Farmers of NZ
12.8	Whakatane District Council	60.57	Federated Farmers of NZ
12.9	Whakatane District Council	60.61	Federated Farmers of NZ
12.14	Whakatane District Council	11.121	Horticulture NZ
12.19	Whakatane District Council	8.6	Eastern Bay of Plenty – Forest and Bird
18.26	Heritage NZ	17.67	Bay of Plenty Regional Council
18.29	Heritage NZ	17.70	Bay of Plenty Regional Council
18.32	Heritage NZ	17.73	Bay of Plenty Regional Council
18.42	Heritage NZ	11.117	Horticulture NZ
18.37	Heritage NZ	17.85	Bay of Plenty Regional Council
18.40	Heritage NZ	17.88	Bay of Plenty Regional Council
18.12	Heritage NZ	17.27	Bay of Plenty Regional Council
19.81	Horticulture NZ	7.5	Department of Conservation
19.82	Horticulture NZ	8.118	Eastern Bay of Plenty – Forest and Bird
19.83	Horticulture NZ	60.50	Federated Farmers of NZ

Further	Further Submitter Name	Submission Number and Name submitted on	
19.84	Horticulture NZ	60.51	Federated Farmers of NZ
19.85	Horticulture NZ	17.73	Bay of Plenty Regional Council
19.86	Horticulture NZ	60.56	Federated Farmers of NZ
19.88	Horticulture NZ	7.46	Department of Conservation
19.87	Horticulture NZ	60.52	Federated Farmers of NZ
19.87	Horticulture NZ	7.47	Department of Conservation
19.90	Horticulture NZ	8.111	Eastern Bay of Plenty – Forest and Bird
19.93	Horticulture NZ	8.109	Eastern Bay of Plenty – Forest and Bird
19.94	Horticulture NZ	60.53	Federated Farmers of NZ
19.95	Horticulture NZ	60.54	Federated Farmers of NZ
19.97	Horticulture NZ	7.51	Department of Conservation
19.96	Horticulture NZ	60.55	Federated Farmers of NZ
19.98	Horticulture NZ	60.57	Federated Farmers of NZ
19.99	Horticulture NZ	8.119	Eastern Bay of Plenty – Forest and Bird
19.100	Horticulture NZ	8.120	Eastern Bay of Plenty – Forest and Bird
19.101	Horticulture NZ	8.121	Eastern Bay of Plenty – Forest and Bird
19.105	Horticulture NZ	17.88	Bay of Plenty Regional Council
19.106	Horticulture NZ	8.6	Eastern Bay of Plenty – Forest and Bird
19.107	Horticulture NZ	49.5	Whakatane District Council
19.108	Horticulture NZ	8.135	Eastern Bay of Plenty – Forest and Bird
19.109	Horticulture NZ	60.65	Federated Farmers of NZ

5. CONCLUSION

The changes recommended as a result of the analysis of submissions in Appendix 1 are outlined in the Tracked Changes Version of the Chapter (Appendix 2).

Appendices

Appendix 1 - Chapter 11– Submissions Analysis

Appendix 2 – Chapter 11 - Track Changes