



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 3 July 2017
To : Hearing Commissioners
From : Consultant Planner
Subject : **CHAPTER 15 SUBDIVISION - 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 my report is to provide an evaluation of submission and further submissions received in relation to Chapter 15 Subdivision. 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 15 Subdivision comprises issues, objectives, and policies. The activity status for subdivision in different zones, specific requirements for subdivision lot size, general standards for subdivision, assessment criteria and expected environmental results follow. This chapter consolidates the provisions for subdivision in the Operative District Plan which sets out subdivision rules in a specific chapter and in each 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
- Land supply and inefficient patterns of land use
- Reverse sensitivity effects on infrastructure
- 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.
- Significant adverse effects on the natural character and ecological functioning of the coastal environment.

4. SUBMISSIONS

4.1 SUBMISSION OVERVIEW

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

- Versatile land to be retained in one larger lot/ not fragmented further through subdivision
- Specific requirements for lots for horticulture in Rural, Coastal and Ohiwa Harbour Zones.
- Focus of policies on National Grid not all network utilities and infrastructure.
- Requiring public notification where esplanade reserves or strips are not required.
- Provision for subdivision which may affect gas transmission pipelines
- Subdivision in Coastal and Ohiwa Zones should be altered – to Discretionary or Controlled, according to different submissions
- Generally correct terms to be used (network not public utilities, etc)
- Reference to suitably qualified and experienced person to report on wastewater treatment systems.
- Protection/ incentive lots – require whole feature to be protected. In fact all of the feature (within the parent lot) is required for maximum number of lots. There is no definition of incentive lot and this

makes the definition of protection lots potentially confusing. A new definition is recommended in Chapter 19.

- Width of access – Rural Zone to increase from 3 to 4 for one lot and then from 4m to 9m for 2 lots and from 6m to 12m for 3-6 lots.
- NZ Fire Commission – fire fighting water supply. This is discussed in the main section 42A Report.
- Water supply not to affect existing users.
- Recognition of emergency services in lots for network utilities
- Natural hazard – require a risk assessment in accordance with RPS for subdivision of 5ha or more for urban use

The changes recommended to this chapter are generally to clarify and give better alignment to the objectives, policies and rules, rather than major changes.

4.2 SUBMITTERS

The 20 submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
3	A & H Mortelman	15.4.1.1
6	Chris Peterson	15.2.3, 15.3.4.1, 15.3.4.5, 15.3.4.6, 15.3.4.7, 15.4.1.1, 15.5.11, 15.10.1.6
7	Department of Conservation	15.4.3.2, 15.5.12, 15.6.1.2, 15.6.1.3, 15.6.1.7, 15.8.1.1, 15.8.2.1
8	Eastern Bay of Plenty – Forest and Bird	15.1.12, 15.2.1, 15.2.1.2, 15.2.1.5, 15.2.1.6, 15.2.3, 15.2.3.1, 15.2.3.2, 15.2.3.4, 15.3.4, 15.3.4.1, 15.3.4.10, 15.4.2.2.4, 15.4.2.3, 15.4.2.4, 15.5.11.1, 15.5.13, 15.6.1.2, 15.6.1.3, 15.6.1.7, 15.8, 15.8.2.1.5, 15.10.1.1, 15.10.1.2, 15.10.1.3, 15.10.1.4, 15.10.1.5, 15.10.1.6
11	Horticulture NZ	15.1.4, 15.1.8, 15.2.1, 15.2.1.3, 15.2.1.4, 15.2.2.4, 15.3.4, 15.4.2.4, 15.4.2.5, 15.5.2.1, 15.5.5.6, 15.6.1.1, 15.7.1, 15.8.1
12	NZ Transport Agency	15.1.7, 15.2.2, 15.2.2.2,
13	Overington Surveyors	15.4.1.2, 15.4.2.2, 15.4.4.3
17	Bay of Plenty Regional Council	15.1.8, 15.1.11, 15.2.1.3, 15.3.4, 15.4.1.2.2, 15.4.2.2.3, 15.4.2.2.4, 15.4.2.3.1, 15.4.2.4, 15.4.7.1, 15.5, 15.6, 15.8.1.1.9
18	Heritage NZ	15.1, 15.2.1.2, 15.2.1.6, 15.3, 15.3.4, 15.4.3, 15.6.1.2, 15.7, 15.8.1.1.10, 15.8.1.10
24	Opotiki District Council	15.4.2.4, 15.7.1.1.7
32	Ngai Tama	15
36	First Gas Ltd	15.2.2, 15.2.2.5, 15.3.4, 15.4.1.1, 15.4.5.1
37	NZ Fire Commission	15.2.2.1, 15.4.4.3, 15.4.5, 15.5.5, 15.5.11.1, 15.11.1.3, 15.8.1

Submitter Number	Submitter Name	Provisions submitted on
39	Transpower NZ Ltd	15.1.17, 15.2.2, 15.2.2.4, 15.3.4.11, 15.3.4.12, 15.3.4.13, 15.4.6.1, 15.7.1.1
51	Mountain Ridge Holdings	15.2.1.4, 15.3.4.1, 15.3.4.5, 15.3.4.6, 15.3.4.7, 15.4.2, 15.4.2.2, 15.4.2.3, 15.4.2.4, 15.4.3, 15.4.4.2, 15.5.5.1
53	Vodafone	15.3.4.4, 15.3.4.5, 15.5.9.1, 15.5.9.2
54	Chorus	15.3.4.4, 15.3.4.5, 15.5.9.1, 15.5.9.2
55	Spark	15.3.4.4, 15.3.4.5, 15.5.9.1, 15.5.9.2
57	Toi Te Ora	15.1.14, 15.4.1.2.2, 15.5.5.6, 15.5.6, 15.5.6.1
60	Federated Farmers of NZ	15.2.2, 15.2.2.4, 15.4.6,

4.3 Further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on	
		Number	Name
3.145	Bay of Plenty Regional Council	11.159	Horticulture NZ Horticulture NZ
3.146	Bay of Plenty Regional Council	3.1	A & H Mortelman
3.147	Bay of Plenty Regional Council	13.6	Overington Surveyors
3.148	Bay of Plenty Regional Council	51.12	Mountain Ridge Holdings
3.149	Bay of Plenty Regional Council	11.163	Horticulture NZ
3.150	Bay of Plenty Regional Council	7.82	Department of Conservation
3.151	Bay of Plenty Regional Council	18.212	Heritage NZ
4.4	Transpower NZ Ltd	60.111	Federated Farmers of NZ
4.5	Transpower NZ Ltd	11.161	Horticulture NZ
4.6	Transpower NZ Ltd	60.112	Federated Farmers of NZ
4.7	Transpower NZ Ltd	60.113	Federated Farmers of NZ
9.42	Department of Conservation	17.188	Bay of Plenty Regional Council
17.19	Chris Petersen	32.13	Ngai Tama
17.20	Chris Petersen	8.232	Eastern Bay of Plenty – Forest and Bird
17.21	Chris Petersen	8.233	Eastern Bay of Plenty – Forest and Bird
18.62	Heritage NZ	6.22	Chris Peterson
18.61	Heritage NZ	51.8	Mountain Ridge Holdings
18.63	Heritage NZ	51.12	Mountain Ridge Holdings
18.64	Heritage NZ	11.163	Horticulture NZ
18.65	Heritage NZ	8.220	Eastern Bay of Plenty – Forest and Bird
18.66	Heritage NZ	51.16	Mountain Ridge Holdings
19.138	Horticulture NZ	17.180	Bay of Plenty Regional Council
19.139	Horticulture NZ	17.182	Bay of Plenty Regional Council
19.140	Horticulture NZ	17.185	Bay of Plenty Regional Council

Further	Further Submitter Name	Submission Number and Name submitted on	
19.141	Horticulture NZ	17.186	Bay of Plenty Regional Council
19.110	Horticulture NZ	37.75	NZ Fire Commission
19.142	Horticulture NZ	17.187	Bay of Plenty Regional Council

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 15 – Submissions Analysis

Appendix 2 – Chapter 15 - Track Changes