

# Horowhenua District Plan

## **Proposed Plan Variation 3**

*Rural Subdivision Design Guide Review*

### Section 32 Report

August 2014



# Contents

---

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Background Context .....	1
1.2	Scope of Proposed Plan Variation .....	1
<b>2</b>	<b>Statutory Context</b> .....	<b>2</b>
2.1	Resource Management Act .....	2
2.2	Consultation .....	2
<b>3</b>	<b>Proposed Plan Variation 3 - Rural Subdivision Design Guide</b> .....	<b>3</b>
3.1	Comparative Research .....	3
3.2	Horowhenua Rural Subdivision Design Guide .....	4
<b>4</b>	<b>Section 32 Evaluation</b> .....	<b>5</b>
4.1	Design Guide Review and Consequential Amendments .....	5
4.2	Risk of Acting or Not Acting Where There is Uncertain or Insufficient Information .....	9
4.3	Conclusion.....	9

# 1 Introduction

---

Proposed Plan Variation 3 (PPV3) seeks to extend the focus of the Rural Subdivision Design Guide (Schedule 6 of the District Plan) beyond subdivision to include land use development within Outstanding Natural Landscapes and landscape domains with high amenity value. In addition, the Design Guide has been reviewed in response to the Commissioner's Decision on Plan Change 20 (Rural Subdivision) which specified that a review of the Design Guide should be undertaken as soon as practical.

This report outlines the scope of PPV3, the statutory context and the proposed amendments and provides an evaluation of the Variations proposed. In addition, it provides a summary of the review of the Design Guide as directed by the decision on Plan Change 20.

## 1.1 Background Context

In January 2009 Council notified Plan Change 20 (Rural Subdivision), the purpose of which was to improve the management of rural subdivision in the district. As part of this change the Rural Subdivision Design Guide was included in the District Plan as a method to help manage the effects of rural subdivision and subsequent use and development.

This change was followed up in September 2009 by Plan Change 22 (Outstanding Natural Features and Landscapes) which identified Outstanding Natural Features and Landscapes throughout the district. As part of this plan change provisions were proposed to ensure that buildings within domains with high landscape amenity achieve low impact by having regard to the Rural Subdivision Design Guide.

During the progress of these plan changes a number of submissions were lodged that raised concerns regarding the Rural Subdivision Design Guide. Although most of the concerns were addressed through the associated hearings process, additional guidance relating to high voltage transmission lines and historic heritage, and a further qualification of the guideline relating to changes to existing natural landforms, was inadvertently omitted from the current version of the Design Guide. As the decision on Plan Change 20 directed that these matters be addressed in the guide, PPV3 proposes to amend the Design Guide to align with these directions.

In addition to these matters the decision on Plan Change 20 directed Council to review the design guide as soon as practical and indicated that this review should include consideration of subdivision design guides prepared by other Council's, the provision of greater detail, reducing areas of duplication and removing unnecessary wording. The amendments proposed in PPV3 represent a response to this directive, noting that a number of these improvements were previously addressed through the appeal (and subsequent mediation) on Plan Change 20 initiated by Horticulture New Zealand.

## 1.2 Scope of Proposed Plan Variation

The Variations proposed in PPV3 are minor in nature and do not alter or challenge the intent of existing objectives, policies or rules in the District Plan. They primarily involve amendments to the nature of some of the guidance contained in the Rural Subdivision Design Guide (Schedule 6), as well as consequential amendments to references made to the guide throughout the plan resulting from the proposed change in title (i.e. Rural Subdivision *and Development* Design Guide).

As an evaluation of the costs, benefits, efficiency, effectiveness and appropriateness of the associated objectives, policies, rules and assessment criteria currently contained in the plan has already been undertaken as part of the previous Plan Change 20 and 22 processes, no further re-evaluation of these provisions will be carried out in this report.

## **2 Statutory Context**

---

### **2.1 Resource Management Act**

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 of the RMA identifies seven matters of national importance which need to be recognised and provided for including:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

Section 7 of the RMA requires particular regard to be given to a range of other matters. including:

- (c) the maintenance and enhancement of amenity values,*
- (f) maintenance and enhancement of the quality of the environment*

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

There are no provisions contained in any National Policy Statement or National Environmental Standard or in the Horizons Regional Council Proposed One Plan that are directly relevant to the scope and content of this plan variation.

### **2.2 Consultation**

Consultation on PPV3 was undertaken with the Ministry for the Environment, Horizons Regional Council and Iwi. Comment was received from Horizons Regional Council suggesting the addition of a note to make people aware that some activities associated with rural subdivision and land development may require consent from Horizons. This information was added to the proposed amendments to the Design Guide.

A pre-notification meeting with a small group of local surveyors and developers was also held during May 2014 to discuss what was missing from the Design Guide along with any improvements that could be made.

It was noted at this meeting that the Design Guide provided useful direction, particularly to less experienced surveyors and developers and landowners who are not regularly involved in subdivision. The meeting participants also generally accepted that the guide was 'not entirely broken' and did not present a barrier to subdivision. However, it was recommended that changes be made to the guide to better align building development with the provisions introduced into the District Plan by Plan Change 22.

## **3 Proposed Plan Variation 3 - Rural Subdivision Design Guide**

---

PPV3 has been prepared in response to a review that has been undertaken of the Rural Subdivision Design Guide (Schedule 6 of the District Plan). The amendments proposed within the plan variation include a number of additions to the Design Guide that were inadvertently not carried over from the decision on Plan Change 20, the introduction of a new section on building design and appearance, minor amendments to existing text and deletion of parts of the introductory section to remove unnecessary repetition. The variation also includes updates to references throughout the District Plan to reflect the amended title of the Design Guide (i.e. Rural Subdivision *and Development* Design Guide), along with updates to the table at the end of the guide that cross references relevant objectives and policies in the District Plan.

### **3.1 Comparative Research**

Prior to preparing PPV3 the Council undertook a comparative analysis of similar design guides that have been prepared by the Hurunui, New Plymouth, Thames Coromandel, Tasman, Kapiti Coast and Taupo District Councils. The purpose of this research and comparative analysis was to inform the review of the Horowhenua Rural Subdivision Design Guide to improve its effectiveness.

Although the design guides varied in style and detail given their differing geographic and locational context, the following common characteristics were identified through this analysis:

- The guides are predominantly non-statutory, sitting outside of their respective district plans.
- The guides are similarly structured and serve as a method to implement the objectives and policies of their relevant district plan.
- The guides commence with an introduction that generally outlines their purpose and how they are to be applied.
- In most cases the guides describe the special characteristics of their respective rural areas, along with identifying basic design considerations to ensure that these characteristics are maintained.
- The guides set out the process to be applied to designing a rural subdivision or development, including relevant process steps (e.g. research, communication, information gathering and research, design options, documentation).

- The guides provide practical direction on a range of matters relevant to rural subdivision and development (e.g. site selection, landform and contouring, servicing, access, planting) but the nature and extent of this guidance varies dependent on the circumstances and context. For example:
  - They all contain some guidance on subdivision layout (e.g. lot boundaries, access) and ways to mitigate adverse effects (e.g. planting).
  - They all provide direction on building location but guidance on building appearance is limited.

### **3.2 Horowhenua Rural Subdivision Design Guide**

Based on the analysis of design guides prepared by other Councils it appears that the structure, content and level of detail contained in the Horowhenua Rural Subdivision Design Guide is both similar to, and consistent with, that provided in comparable guides. Given this review and feedback obtained from industry representatives, no major re-write or significant changes to the Design Guide are required.

Notwithstanding this general finding, the process of reviewing the Design Guide has revealed that there is currently an absence of guidance in the document to inform development in Outstanding Natural Landscapes and landscape domains with high amenity. Although reference to the Design Guide was incorporated into a policy and assessment criteria introduced through Plan Change 22, no consequential amendments were made to the guide to ensure that the design and appearance of development within Outstanding Natural Landscapes and landscape domains with high amenity is consistent with the relevant objectives and policies in the District Plan. Consequently, it is proposed that PPV3 rectify this through incorporating into the Design Guide additional guidance relating to building design and appearance.

## 4 Section 32 Evaluation

---

### 4.1 Design Guide Review and Consequential Amendments

As a result of the review that was undertaken of the current Rural Subdivision Design Guide, specific guidance relating to building design and appearance along with a number of minor content and reference related amendments are proposed to improve the effectiveness and efficiency of the document.

To ensure that the guide fully aligns with the directives contained in the decision on Plan Change 20 it is also proposed that further guidance is included to protect high voltage transmission corridors and historic heritage areas/features and that greater clarity is provided regarding modification of existing natural landforms.

#### 4.1.1 *Minor Amendments to the Rural Subdivision Design Guide (Schedule 6)*

The decision on Plan Change 20 included a number of directions relating to both the District Plan and the Rural Subdivision Design Guide. However, in implementing these directions the following Design Guide related directives were inadvertently overlooked:

- Incorporation of specific guidance on high voltage transmission lines throughout existing sections of the guide;
- Addition of a relevant guidance point relating to protection of historic heritage to the "Allotment Layout and Boundaries" section of the guide; and
- Insertion of the word 'significantly' into the sentence "avoid changing the existing natural landforms" in Section 3 Guidelines: Landforms and Contours.

To remedy this situation PPV3 proposes to amend the Design Guide to align with these directives.

There are two options available in considering the minor amendments proposed. These are:

*Option 1: Retain existing Rural Subdivision Design Guide.*

*Option 2: Amend existing Rural Subdivision Design Guide to incorporate the abovementioned changes.*

Options	Option 1	Option 2
<b>Costs (Environmental, Economic, Social, Cultural)</b>	§ Environmental – Potential unintended outcomes relating to protection of historic heritage and high voltage transmission lines due to absence of appropriate guidance. § Economic – Potential increase in operational cost relating to protection and management of high voltage transmission corridors and compliance costs relating to minor changes to existing natural landforms. § Social and Cultural – Potential unintended social and cultural outcomes may arise if historic heritage features/ areas are destroyed due to absence of appropriate guidance.	§ Environmental - None identified § Economic – Administrative cost of preparing and processing the Plan Variation and potential compliance costs associated with meeting historic heritage and high voltage transmission line guidelines. § Social and Cultural - None identified
<b>Benefits</b>	§ Environmental – No change § Economic – No change § Social and Cultural – No change	§ Environmental – Potential reduction in subdivision and/or development activities that could compromise historic heritage features/areas or impinge on high voltage transmission corridors. § Economic - None identified. § Social and Cultural - Potential reduction in subdivision and/or development activities that could undermine the cultural values associated with historic heritage features/areas.
<b>Efficiency and Effectiveness of Achieving Objectives</b>	Retaining the status quo would be inefficient and ineffective in achieving the objectives of the Rural Environment and Natural Features and Values Chapters as interpretation and administration of the existing Design Guide could unintentionally result in the destruction/modification of historic heritage features/areas, obstruction of high voltage electricity transmission and imposition of unnecessary restrictions on changes to existing natural landforms; it would also result in the content of the guide being inconsistent with the directives in the Plan Change 20 decision.	Revising the Design Guide would ensure that it is consistent with the directives contained in the decision on Plan Change 20; it would also help to achieve more effective and efficient interpretation and administration of the objectives of the Rural Environment and Natural Features and Values Chapters as it would confirm that historic heritage features/areas and high voltage electricity transmission lines are important subdivision and development considerations and that minor changes to existing natural landforms are contemplated in rural areas.



Option 2 is considered to be the most appropriate option to achieve Objectives of the Rural Environment and Natural Features and Values Chapters of the Plan. Amending the Design Guide to include or clarify the guidance provided would rectify an identified anomaly and ensure that the guide is more effectively interpreted and implemented. For these reasons option 2 is considered the most appropriate option.

#### **4.1.2 Changes derived from the review of the Rural Subdivision Design Guide**

In accordance with the directive of the Hearing Panel in its decision on Plan Change 20 a review of the current Design Guide was undertaken by the Council. Based on this review the following amendments are proposed to improve the efficiency and effectiveness of the guide:

- Minor amendments to existing text to improve clarity and reduce unnecessary repetition;
- Deletion of parts of the introductory section to remove unnecessary repetition;
- Introduction of a new section on building design and appearance in Outstanding Natural Landscapes and landscape domains with high amenity and clarification that the guide applies to development as well as subdivision;
- Update references to the guide throughout the District Plan to reflect a consequential amendment to the title (i.e. Rural Subdivision *and Development* Design Guide); and
- Update the table in the Outcome section of the guide to accurately align the design considerations and guidelines to the relevant objectives and policies in the District Plan.

There are two options available in considering the amendments proposed. These are:

*Option 1: Retain existing Rural Subdivision Design Guide.*

*Option 2: Amend existing Rural Subdivision Design Guide to incorporate the abovementioned changes.*

Options	Option 1	Option 2
<b>Costs (Environmental, Economic, Social, Cultural)</b>	<ul style="list-style-type: none"> <li>§ Environmental – Building development in Outstanding Natural Landscapes and landscape domains with high amenity that is potentially visually intrusive and of a scale and form that is out of context with its surroundings.</li> <li>§ Economic – No change.</li> <li>§ Social and Cultural – No change.</li> </ul>	<ul style="list-style-type: none"> <li>§ Environmental – Potential reduction in building design flexibility.</li> <li>§ Economic – Administrative cost of preparing and processing the Plan Variation and potential compliance costs associated with meeting building design and appearance guidelines.</li> <li>§ Social and Cultural - None identified</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>§ Environmental – Increased building design flexibility.</li> <li>§ Economic – No building design and appearance related compliance costs.</li> <li>§ Social and Cultural – No change.</li> </ul>	<ul style="list-style-type: none"> <li>§ Environmental – Potential reduction in building development in Outstanding Natural Landscapes and landscape domains with high amenity that is visually intrusive and of a scale and form that is out of context with its surroundings.</li> <li>§ Economic - None identified.</li> <li>§ Social and Cultural - None identified</li> </ul>
<b>Efficiency and Effectiveness of Achieving Objectives</b>	Retaining the status quo would be inefficient and ineffective in achieving the objectives of the Rural Environment and Natural Features and Values Chapters as interpretation and administration of the existing Design Guide lacks any guidance regarding the design and appearance of buildings within these sensitive landscapes and advice as to how any associated effects might be minimised.	Revising the Design Guide would help to achieve more effective and efficient interpretation and administration of the objectives of the Rural Environment and Natural Features and Values Chapters as it would confirm that building design and appearance is an important development consideration, and would identify practical methods/solutions to ensure that buildings sensitively respond to their surroundings and that any associated effects are minimised.

Option 2 is considered to be the most appropriate option to achieve the objectives of the Rural Environment and Natural Features and Values Chapters of the Plan. Amending the Design Guide to include guidance relating to building design and appearance would reinforce the importance of this design consideration in assessing development in Outstanding Natural Landscapes and landscape domains with high amenity, and would provide both an efficient and effective means of ensuring that relevant guidance to help inform development proposals within these landscapes is readily available to landowners, developers and the Council. Equally, the deletion of repetitive or redundant text and updating relevant cross referencing in the guide would help to improve clarity and ensure more consistent application of the guidelines. For these reasons, option 2 is considered to be the most appropriate option.

## **4.2 Risk of Acting or Not Acting Where There is Uncertain or Insufficient Information**

All the issues discussed above are largely well understood and have been extensively considered through Plan Change 20 and 22. Consequently, it is considered that there is negligible risk associated with acting in the manner proposed.

## **4.3 Conclusion**

This evaluation has been undertaken in accordance with Section 32 of the RMA. It identifies the need, the benefits and costs associated with a number of amendments relating to the Rural Subdivision Design Guide and has evaluated and confirmed their appropriateness having regard to their effectiveness and efficiency relative to other means to achieve the purpose of the Act.