

Section 28.9 – Kaimarama Structure Plan

28.9.1 Description

The Kaimarama Structure Plan is located at 2824 State Highway 25, Whitianga; approximately seven kilometres south of Whitianga.

The Kaimarama Structure Plan covers 138.6560 ha of land held in three separate titles:

- Lot 1 DP 461840 (66.5710 ha)
- Lot 1 DP 458622 (0.9250 ha); and
- Lot 3 DP 458622 (71.1500 ha).

The Kaimarama Structure Plan also includes a 10 m wide vehicle access strip, part of the adjoining Lot 1 DP 476521, which lies between Lot 1 DP 461840 and Lot 3 DP 458622.

The land in the Kaimarama Structure Plan is within the Rural Zone. Lot 1 DP 458622 and Lot 1 DP 461840 do not have any overlays. Lot 1 DP 461840 includes some land with higher quality soils, as shown on the New Zealand Land Resource Inventory. Lot 3 DP 458622 adjoins the Whitianga Estuary and has two overlays over part of this lot - the Coastal Environment Overlay and the High Natural Character Overlay.

The intersection with State Highway 25 and Kiteroa Place will be upgraded in 2021, in accordance with Diagram B. The upgraded intersection will address safety issues and facilitate the proposed increase in traffic generated by subdivision and development enabled under Rule 1.1.

28.9.2 Purpose

The purpose of the Kaimarama Structure Plan is to provide for rural-residential development with a conservation focus, ensuring the protection or enhancement of wetlands, riparian margins and regenerating coastal forest as well as pā sites.

To achieve this purpose:

- a) Development intensity will be limited to a total of 35 dwellings and will identify a Defined Building Area for each lot; and
- b) Subdivision and development shall provide for the protection, enhancement, maintenance, and restoration of existing indigenous vegetation, riparian margins and wetlands; and
- c) Regenerating indigenous vegetation shall be maintained and held in private ownership; and
- d) On-going plant and animal pest control programmes shall be implemented; and
- e) An Ecological Management Plan shall be developed to provide for:
 - (i) the final harvest of the pine trees within the existing production forest located within the natural character overlay; and
 - (ii) revegetation with indigenous species

- f) Pā Sites of significance to Ngāti Hei shall be protected; and
- g) High class soils will be available for rural production purposes; and
- h) No further subdivision will occur in Areas A and C on Diagram A, excluding subdivision for a boundary adjustment, network utilities, or vehicle access.

28.9.3 Issues

The future development of the Structure Plan Area requires an integrated approach to retain the rural character and amenity; to protect existing biodiversity and to provide for ecological restoration through phasing out exotic production forestry within the high natural character overlay and restoring indigenous vegetation. It is desirable that development occurs in a coherent manner which is unlikely to be achieved by adhering to the average rural lot size and conservation lot subdivision rules.

The Structure Plan Area has important rural amenity on the periphery of Whitianga. Development may diminish the rural amenity values, limit rural productive capacity and the ecological values of the land.

28.9.4 Objectives and Policies

Objective 1

Protect and enhance regenerating indigenous vegetation and areas of high natural character.

Policy 1a

Development shall be planned, designed and located to:

- a) Retain areas of natural character;
- b) Ensure production pine forest is not re-established following harvest within the Coastal Environment and High Natural Character Overlays and animals and plan pests are managed within conservation areas;
- c) Ensure stormwater discharges are managed so that the environmental values of the estuary are not compromised;
- d) Ensure that rural-residential development does not have adverse effects on the existing habitat values.

Policy 1b

Areas of indigenous vegetation shall be held in private ownership and be subject to conservation covenants under the [Conservation Act 1987](#) or other approved legal mechanisms.

Objective 2

A high quality rural-residential subdivision is created in the Rural Zone.

Policy 2a

Development within the Kaimarama Structure Plan shall be in accordance with Diagram A.

Policy 2b

Larger lots shall be created on Lot 1 DP 461840 to retain production use of high-class soils.

Policy 2c

Development shall retain rural landscape character.

Policy 2d

Development shall not compromise the safety and efficiency of the transport network.

Activity Table	
Activity	
One <u>dwelling</u> per lot	R 2
Accessory buildings	R 2
Minor unit	R 2
Any other activity in the Kaimarama <u>Structure Plan</u>	R 3
<u>Subdivision</u> creating one or more lots	R 1

28.9.5 Kaimarama Structure Plan Rules

Rule 1: Subdivision creating one or more lots

1. Subdivision creating one or more lots is a restricted discretionary activity provided:
 - a) One additional lot is created within Area B on Diagram A, transferring the dwelling that would be permitted within Area C on Diagram A; subject to:
 - i) The additional lot having an area of not less than 6.0ha and containing one Defined Building Area identified on Diagram A; and
 - ii) A covenant in the form of consent notice is registered on the Record of Title for Lot 3 DP 458622 to prevent the further establishment of a dwelling, minor unit or accessory building. The covenant shall remain until the Right of Way over Lot 3 DP 458622 (marked 'B' on Deposited Plan 458622) has been surrendered over a length greater than or equal to 95m when measured from the northern boundary with State Highway 25; and
 - b) With the exception of subdivision anticipated in Rule 1.1 a), no further subdivision within Area A, B or Area C on Diagram A shall occur until:
 - i) The Right of Way over Lot 3 DP 458622 (marked 'B' on Deposited Plan 458622) has been surrendered over a length greater than or equal to 95m when measured from the northern boundary of State Highway 25 and access is provided through Kiteroa Place;
 - ii) The intersection with State Highway 25 and Kiteroa Place has been upgraded in accordance with Diagram B; and
 - c) In Areas A, B and C on Diagram A, the following standards shall apply provided the total number of lots does not exceed 35:

	Maximum number of lots	Average lot area
Area A	11	Not less than 3.0 ha
Area B	8	Not less than 4.0 ha
Area C	20	Not less than 3.5 ha

The maximum number of lots in Areas A, B or C may be exceeded for subdivision for a network utility or vehicle access.

- d) The subdivision standards in Section 41 Table 4 are met; and
- e) Each dwelling site identified on Diagram A shall be within a Defined Building Area shown on the survey plan of subdivision; or
Where a dwelling site identified on Diagram A is to be expunged from the structure plan and a new substitute lot is created, a Defined Building Area shall be identified for the new substitute lot. The Defined Building Area shall be shown on the survey plan of subdivision in accordance with Rule 1.h) (iv) below; and
- f) There shall be one Defined Building Area per lot; and
- g) The subdivision application shall include an Ecological Management Plan prepared by a suitably qualified expert which:
 - i) Provides for the enhancement and/or restoration and ongoing management of the biodiversity values of the Conservation Areas shown on Diagram A; and
 - ii) Provides for the legal protection in perpetuity through a covenant or other legal mechanism, for the priority area identified in Figure 1A in Section 41; and
 - iii) Addresses the earthworks and vegetation clearance required to establish access to each Defined Building Area, the effect of the earthworks and vegetation clearance on the biodiversity values of the vegetation and methods to address adverse effects arising; and
- h) The subdivision application shall include a Landscape Management Plan which:
 - i) identifies design standards including colour, exterior materials, maximum height and reflectivity, to address potential visual effects of future dwellings and accessory buildings; and
 - ii) describes the landscaping measures to be implemented which will integrate buildings and structures into the rural landscape, and
 - iii) describes the measures to be implemented to preserve the values and characteristics of the natural character area; and
 - iv) identifies the area of high-class soils to be used for productive farming; and.
- i) The subdivision application shall include a Cultural Management Plan prepared by a suitably qualified person which shall:
 - i) Identify sites of significance to Ngāti Hei, such as Pā sites; and
 - ii) Identify methods to ensure that all such sites are appropriately protected; and
- j) A consent notice registered on the title of the lot to which it relates shall:
 - i) Require the owner and successors in title to meet recommendations in the Ecological Management Plan; and

- ii) Require the owner and successors in title to meet recommendations in the Landscape Management Plan; and
 - iii) Require the owner and successors in title to meet recommendations in the Cultural Management Plan; and
 - iv) Restrict a proposed dwelling, accessory buildings and minor unit to the Defined Building Area identified on the survey plan of subdivision.
2. The Council restricts its discretion to matters 1 - 7 and 9 in Table 2 below.
 3. Subdivision that is not a restricted discretionary activity under Rule 1.1 a), b), d)-j) is a discretionary activity.
 4. Subdivision that is not a restricted discretionary activity under Rule 1.1 c) is a non-complying activity.

Rule 2: One dwelling per lot; Accessory buildings; Minor unit

1. An activity in Rule 2 that is a permitted activity in the Rural Zone retains its activity status provided:
 - a) It is located within a Defined Building Area; and
 - b) It meets the standards in Table 1 below and Table 5 at the end of Section 59.
2. An activity in Rule 2 that does not retain its activity status under Rule 2.1 b) shall be a restricted discretionary activity provided it is located within a Defined Building Area.
3. The Council restricts its discretion to matters 8 and 9 in Table 2 below.
4. An activity in Rule 2 that does not retain its activity status under Rule 2.1 a) is a non-complying activity.

Rule 3: Any other activity in the Kaimarama Structure Plan

1. An other activity in the Kaimarama Structure Plan that is a permitted, controlled or restricted discretionary or discretionary activity in Section 59 Rural Zone, the overlays or the district-wide rules retains its activity status provided that:
 - a) Activities involving the placement or erection of temporary or permanent buildings and structures are not located within any Conservation Area shown on Diagram A; and
 - b) Buildings for farming or intensive farming may be located outside of the Defined Building Area but shall not be within any Conservation Area shown on Diagram A; and
 - c) In the event of a conflict between the zone, overlay or district-wide rules and the Kaimarama Structure Plan, the rules of the Kaimarama Structure Plan shall prevail.
2. Any other activity in the Kaimarama Structure Plan that does not retain its activity status under Rule 3.1 is a non-complying activity.

Table 1 – Natural Character Overlay Standards

1. Maximum wall reflectivity is 30%.
2. Maximum roof reflectivity is 20%.
3. Maximum window reflectivity is 15%.
4. The highest point of any building must be below the nearest ridgeline.

Table 2 – Restricted Discretionary Activity Matters

1. Site suitability, water supply, wastewater, stormwater and electricity/telecom infrastructure and services.

- a) Whether water, wastewater and stormwater services are provided to Council standards.
- b) Whether all lots can be serviced by reticulated electricity and telecommunication services or whether alternative power and telecom supply would be appropriate.
- c) Whether lots will have a building platform free from inundation, erosion, subsidence and slippage. Council may require a report on the suitability of the lot (including any restrictions) from a Chartered Professional Engineer.
- a) Whether a site and soil evaluation assessment has been carried out in accordance with NZS 1547:2012 On-site Domestic Wastewater Management, and the results indicate that the site and soil can adequately cope with anticipated wastewater loads without leaching or ponding during wet seasons.

2. Ecological rehabilitation, restoration, enhancement and protection.

- a) The extent to which measures are provided to ensure rehabilitation, weed control, pest control, mechanisms for legal protection, restoration planting, and ecological corridors to meet the purpose of the structure plan.
- b) Whether the Ecological Management Plan is adequate to ensure restoration or enhancement of the area/feature and ensure ongoing management.
- c) Whether the protected area/feature can be successfully monitored to ensure the **Sites of significance to Ngāti Hei** management requirements can be met.

3. Rural Character and Coastal Environment

- a) The extent to which rural character and amenity is maintained.
- b) The extent to which the colours, materials and design of any future buildings or structures blend in with the surrounding landform and vegetation and reduce reflectivity.

4. Staging of development.

- a) The extent to which staging of development needs to be identified at the time of subdivision.
- b) Whether conservation covenants and protection of archaeological or sites of significance to Ngāti Hei are identified for each particular stage of development.

5. Sites of significance to Ngāti Hei

- a) Whether sites of significance to Ngāti Hei are appropriately identified.
- b) The extent to which measures to avoid, remedy or mitigate adverse effects are adequate.

Table 2 – Restricted Discretionary Activity Matters

6. Access, earthworks and vegetation clearance

- a) Whether the earthworks and vegetation clearance proposed are planned, and will be managed, to avoid adverse effects on the rural character.
- b) Whether internal roads and driveways are located so as to integrate with the topography of the site to minimise adverse effects on landscape values.
- c) The extent to which the earthworks required for the construction of access and dwelling sites are minimised.
- d) Whether the effects of the earthworks on natural character values and characteristics will be temporary or permanent.
- e) The extent to which any earthworks or any landscape planting will retain the natural character values and characteristics of the natural character area.

7. Legal mechanisms

- a) The extent to which requirements for legal mechanisms are imposed to ensure that dwellings are confined to defined building areas.

8. Effects of not meeting the standard(s) in Section 59 Table 5

- a) Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.

9. Code of Practice for Subdivision and Development (October 2013)

- a) The extent to which the works are designed and constructed in accordance with the Code of Practice for Subdivision and Development (October 2013).

28.9.6 Definition for the Kaimarama Structure Plan

For the purpose of the standards, terms and conditions used in this structure plan, the following definition shall apply:

Defined <u>Building Area</u>	means a nominated area for the purpose of locating <u>building</u> platforms for one <u>dwelling</u> , accessory buildings and a <u>minor unit</u> . A Defined <u>Building Area</u> shall have a maximum area of 2000m ² and be shown on a survey plan and consent notice.
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28.9.7 Kaimarama Structure Plan – Diagram A
Diagram A



28.9.8 Kaimarama Structure Plan – Diagram B
Diagram B (Kiteroa Place/State Highway 25 Intersection)

