

PLAN CHANGE 92 – SUMMARY OF CHANGES TO RECOMMENDATIONS BASED ON COUNCIL EVIDENCE – 6 SEPTEMBER 2023

The purpose of this document is to update the recommended changes which were published in the following documents at the time of releasing the Section 42A report:

- Attachment A – Recommended Changes to District Plan Maps
- Attachment B – Recommended Changes to District Plan Text

Attachment A – Recommended Changes to District Plan Maps

This attachment includes a revised set of District Plan Maps with updates to reflect rebuttal evidence (i.e. a full copy of each section is not provided) and noted corrections.

The Map amendments and corrections are as follows:






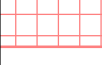
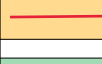
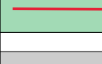

- **Ōmokoroa Plan Change 92 – Proposed Zoning Map:** Further amend the boundary of significant ecological feature U13/145, as it applies to 467E Ōmokoroa Road (M & S Smith) by removing the area shown as (b) in Plate 2 of the assessment from Nautilus Contracting Limited.
- **Ōmokoroa Structure Plan – Stage 3 – Plan Change 92 Infrastructure – Roading and Walkway/Cycleway Map:** Further amend the structure plan map so that the location of the roundabout serving 60 Prole Road, matches the current detailed engineering design, and make consequential changes to roading alignment.
- **Ōmokoroa Structure Plan – Stage 3 – Plan Change 92 Infrastructure – Three Waters Infrastructure:** Further amend the structure plan map to make consequential changes as a result of relocating the roundabout serving 60 Prole Road.
- **Ōmokoroa Structure Plan – Stage 3 – Concept Plan:** Further amend the concept plan to match changes to the zoning map and structure plans.
- **Te Puke Structure Plan – Plan Change 92 Infrastructure – Three Waters Infrastructure:** Delete projects WWINT-1 and WWINT-2 from the structure plan.
- **Ōmokoroa Medium Density Residential – Area Specific Overlays:** Delete this map from Attachment A.
- **Ōmokoroa Stage 3 Development Sequencing, Indicative Timeframes and Yield Areas:** Delete this map from Attachment A.

For clarity:

- **Te Puke Plan Change 92 – Proposed Zone Map:** No changes are recommended
- **Te Puke Natural Hazards Map:** No further changes are recommended
- **Ōmokoroa Natural Hazards Map:** No further changes are recommended
- **Ōmokoroa Medium Density Residential – Area Specific Overlay:** Map removed from Attachment A
- **Ōmokoroa Stage 3 Development Sequencing, Indicative Timeframes and Yield Areas:** Map removed from Attachment A

An amended **Attachment A** follows below.

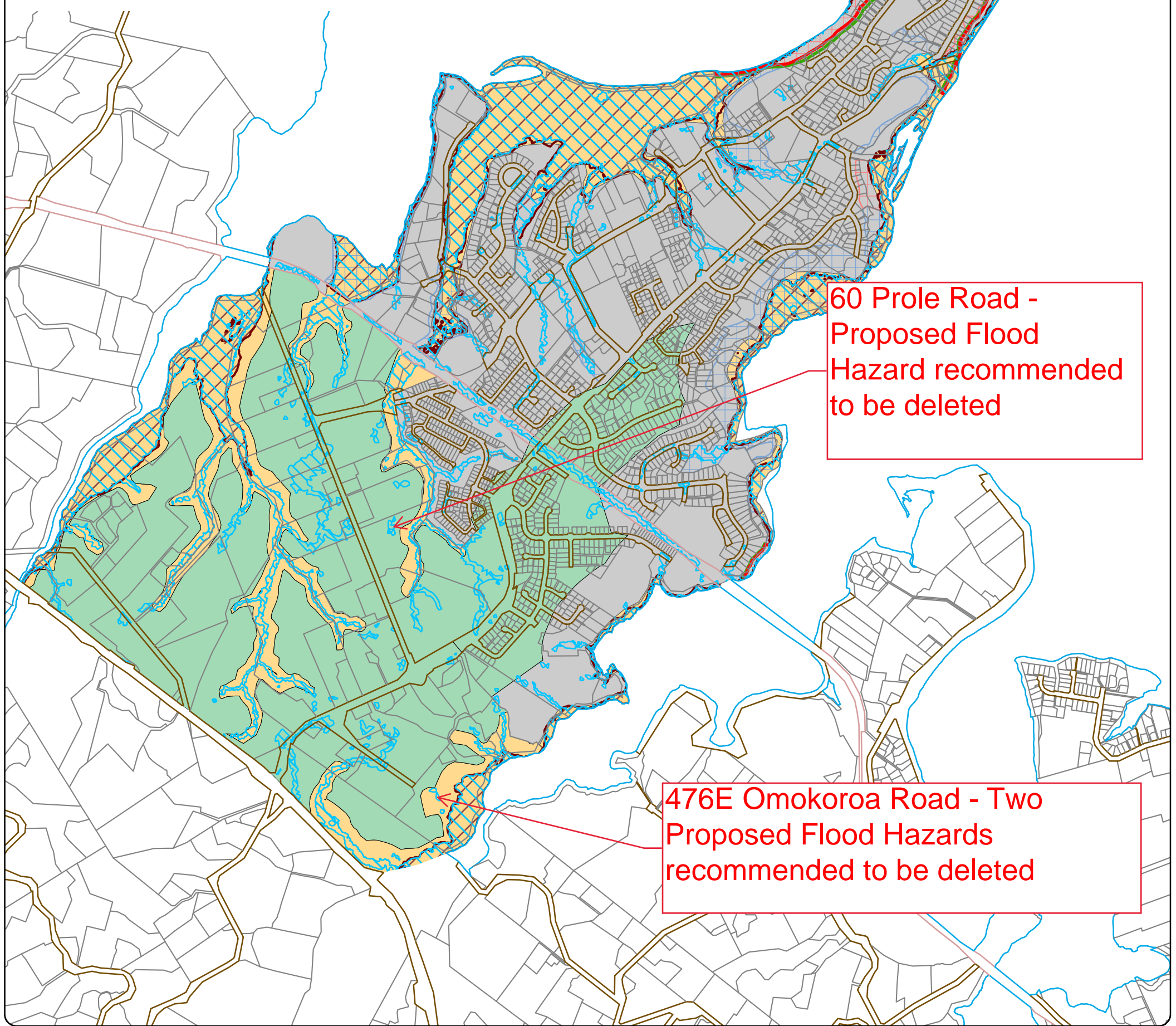
Key

-  Floodable Area
-  Coastal Erosion Area - Primary Risk
-  Coastal Erosion Area - Secondary Risk
-  Coastal Inundation Area
-  Stability Area - General
-  Stability Area - Landslip
-  Liquefaction Damage is Possible
-  Liquefaction Damage is Unlikely
-  Liquefaction Category is Undetermined

All proposed Omokoroa liquefaction maps are recommended to be deleted

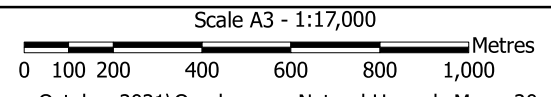
60 Prole Road - Proposed Flood Hazard recommended to be deleted

476E Omokoroa Road - Two Proposed Flood Hazards recommended to be deleted

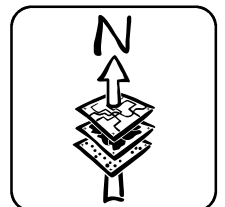


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Email: gis@westernbay.govt.nz
 Date: 9/08/2022
 Operator: mlb
 Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Natural Hazards Map - 20



**ŌMOKOROA
NATURAL HAZARDS MAP**

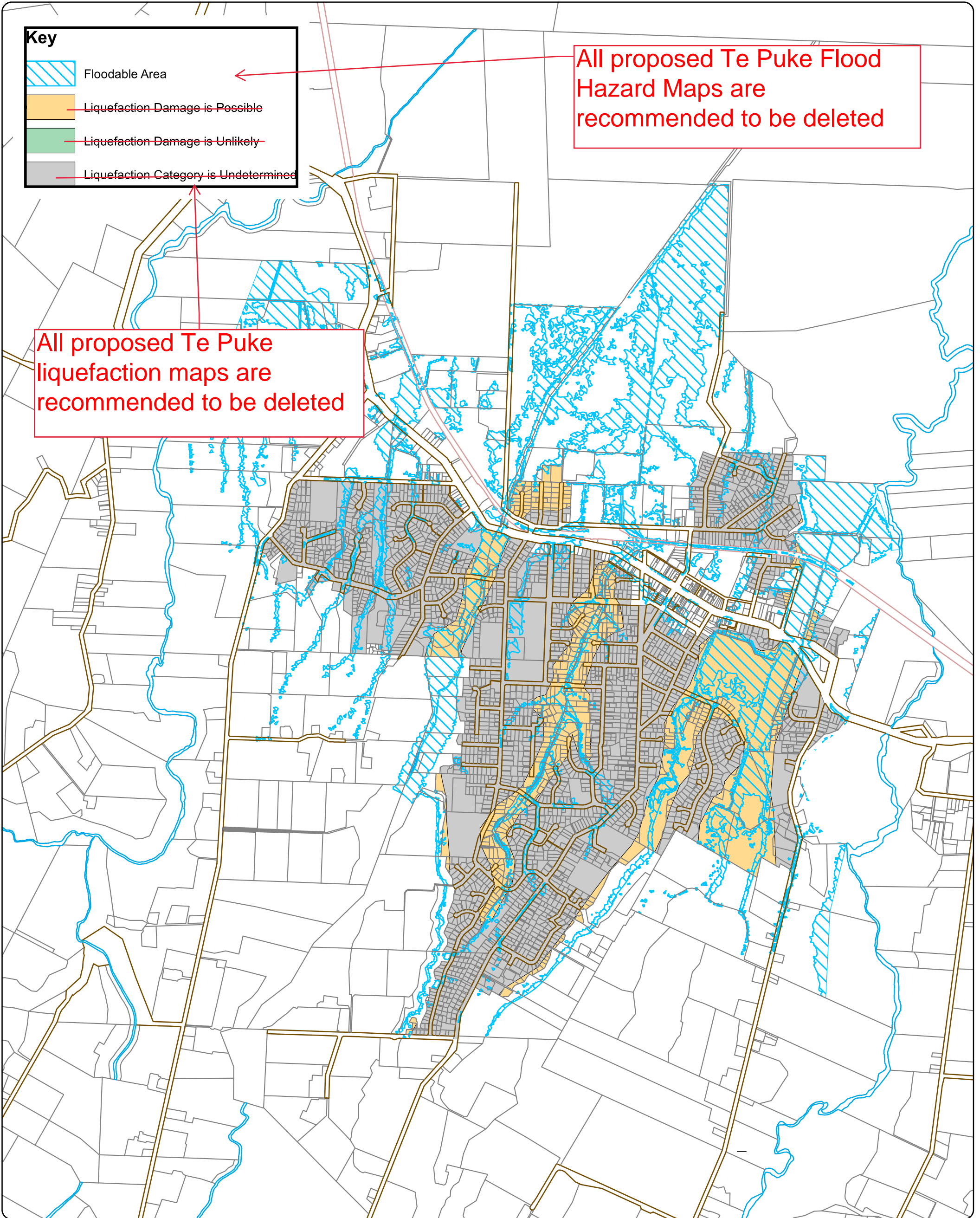


Key

-  Floodable Area
-  Liquefaction Damage is Possible
-  Liquefaction Damage is Unlikely
-  Liquefaction Category is Undetermined

All proposed Te Puke Flood Hazard Maps are recommended to be deleted

All proposed Te Puke liquefaction maps are recommended to be deleted



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Email: gis@westernbay.govt.nz Scale A3 - 1:17,500
 Date: 17/08/2022
 Operator: mlb
 Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Natural Hazards Map - 20



TE PUKE NATURAL HAZARDS MAP

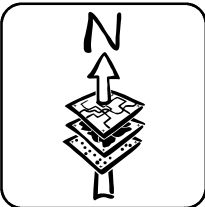
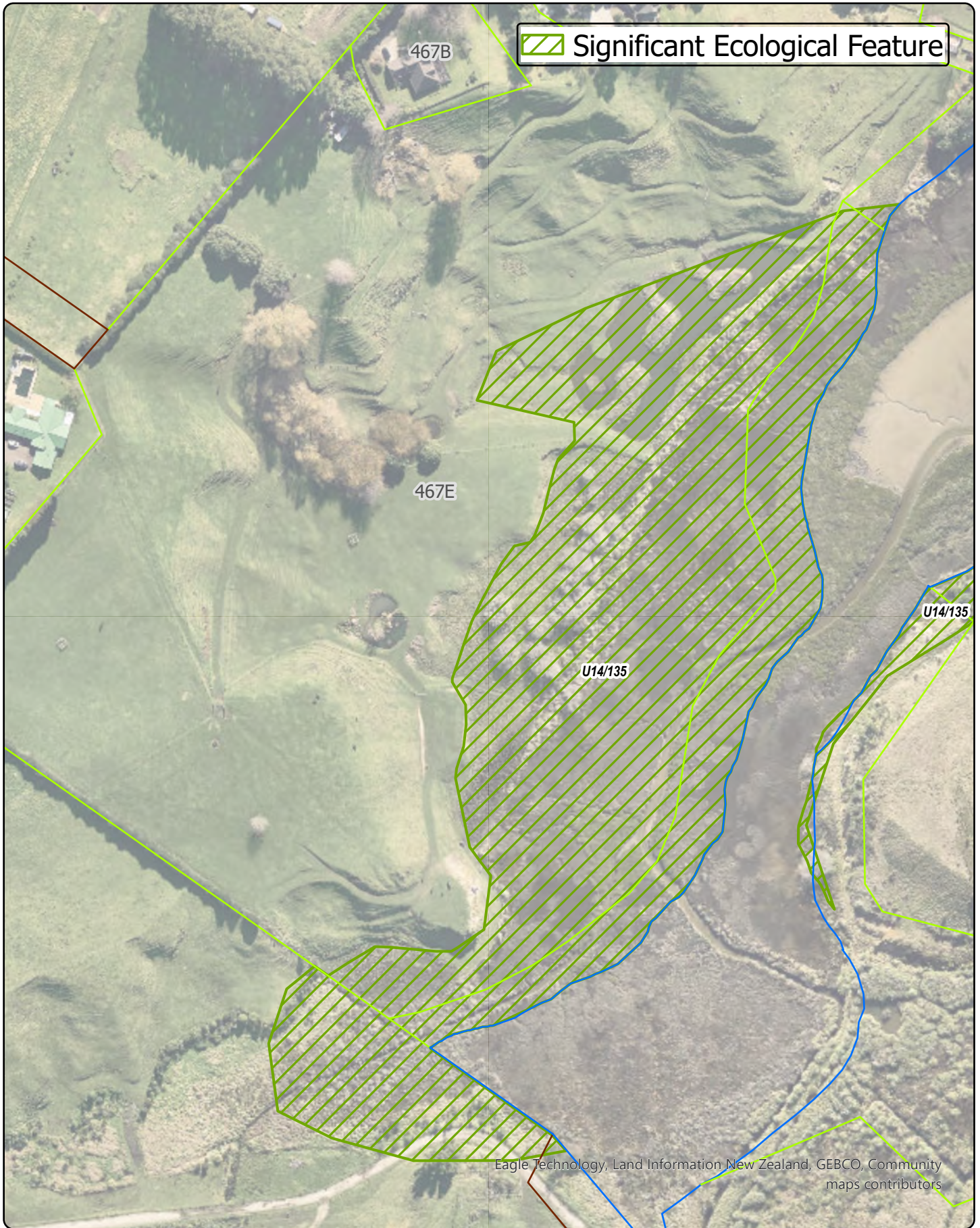




Plate 1 – (Photo Image 2021-2022) Primary areas of ecological significance as advised by Bryan Norton

LEGEND

- - Existing Ecological Feature line per District Plan.
- Existing Covenant Area, being predominantly saltwater & brackish wetland.
- Existing stockproof fence on landward margin of the DOC Covenant Area
- Saline/brackish wetland landward of Covenant Area (prior to pond and raised-ground formation (the natural state of the two southern sites coloured red have remained generally unaffected by earthworks).
- Landward extent of the physical Ecological Feature, being the extent of all wetlands (incl. salt, brackish & freshwater).



Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

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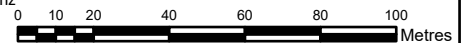
Email: gis@westernbay.govt.nz

Date: 11/08/2023

Operator: mlb

Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Recommended Ecological

Scale A4 - 1:2,000



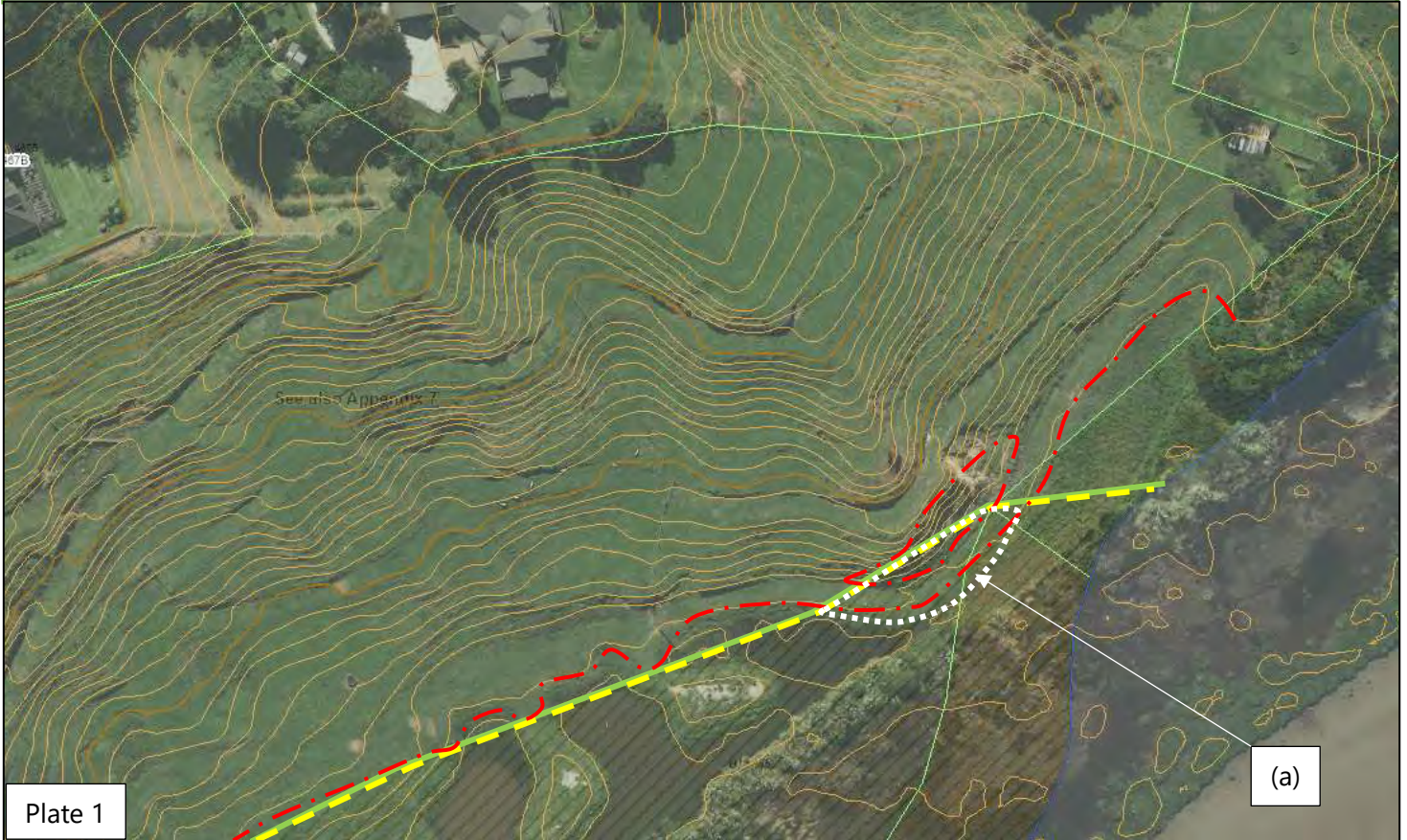
Western Bay of Plenty
District Council

For our people

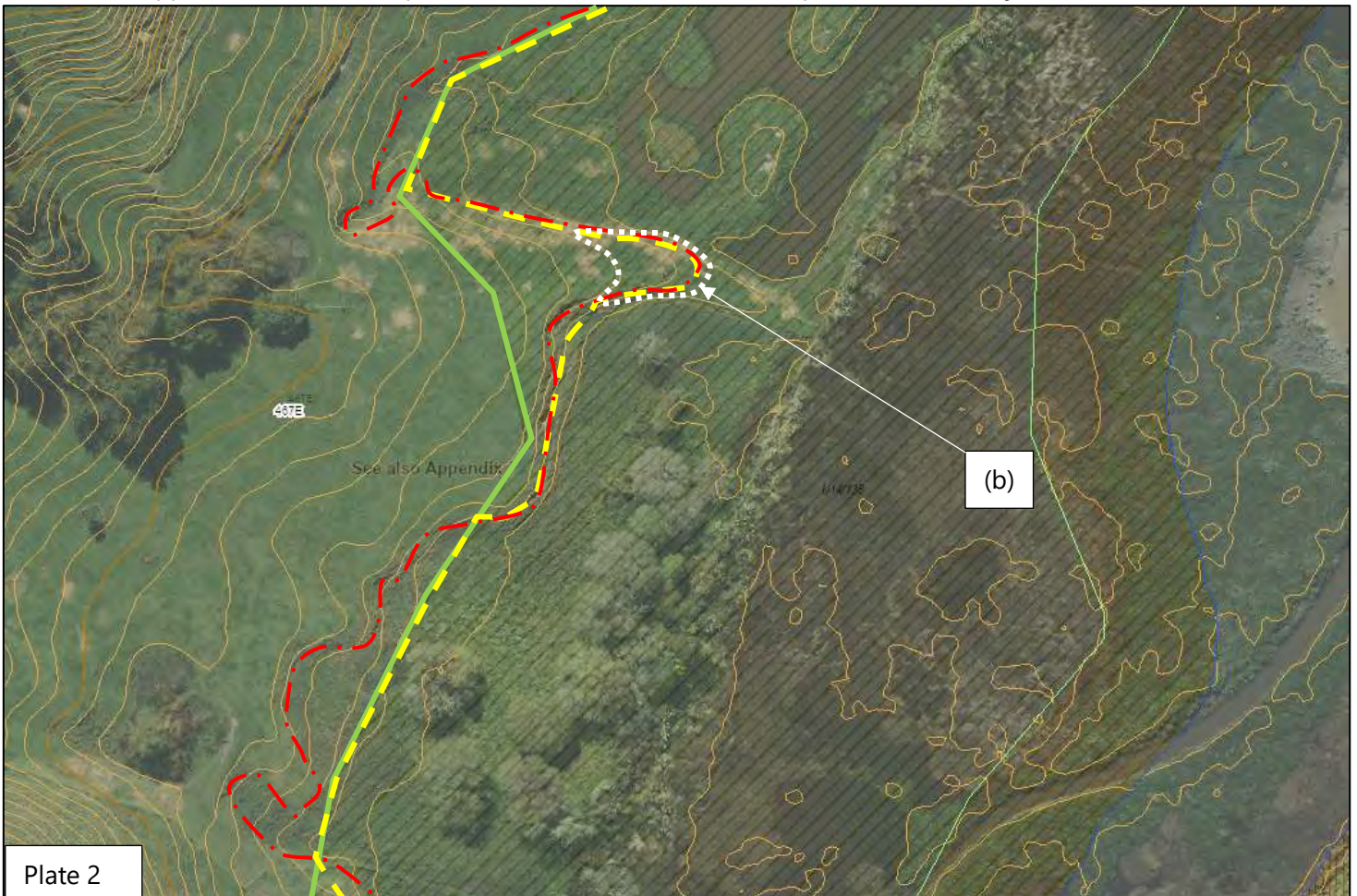
467E Ōmokoroa Road - Recommended Significant Ecological Feature Change



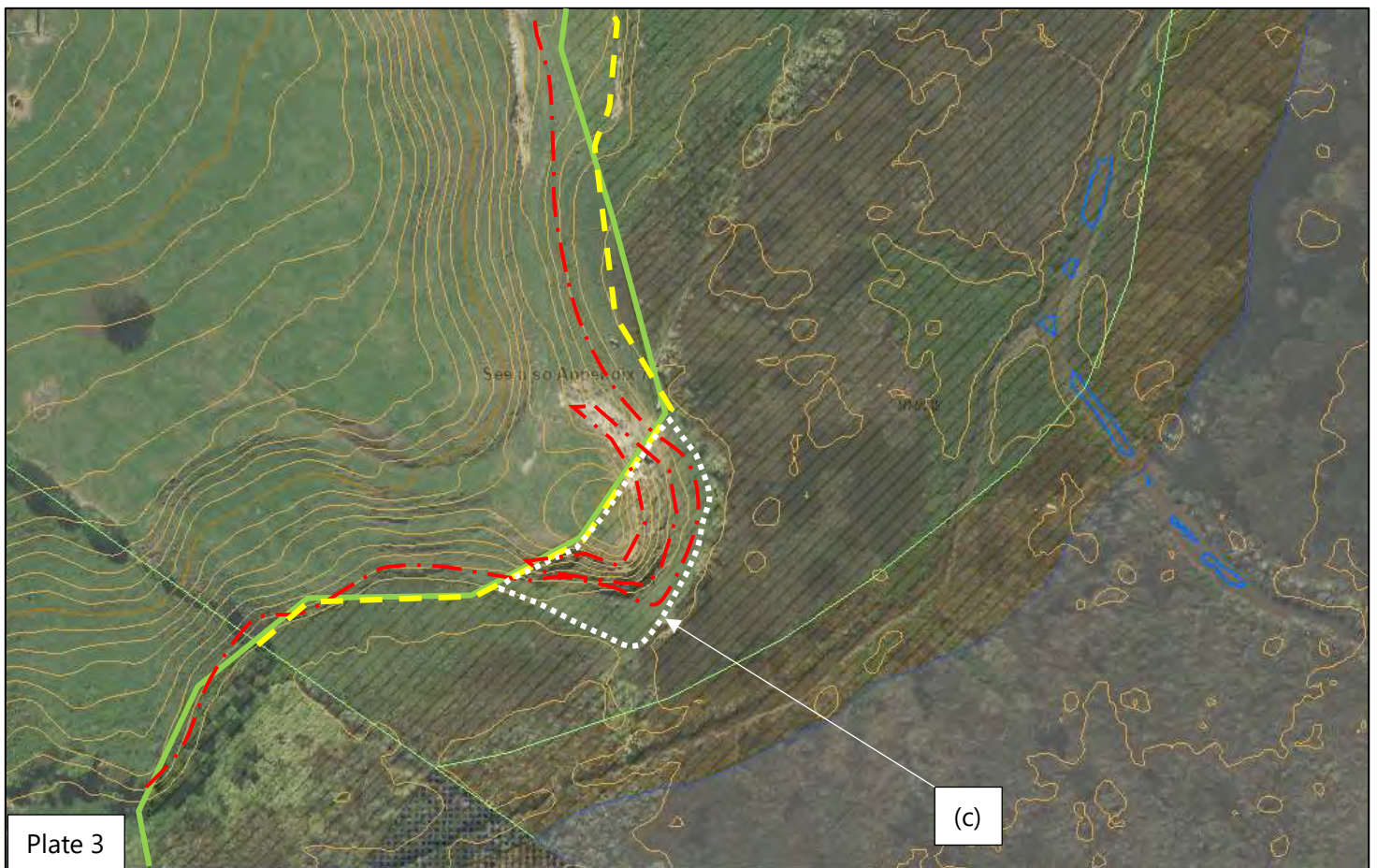
Landward margins of: D.P. SEF (—); Proposed Revised D.P. SEF (—); Smith Submission (---);
Margin of on-site ecological characteristics* (—)



Note: Approx 25% of Area (a) above, as submitted by Mr & Mrs Smith, is within existing esplanade reserve, and when future subdivision happens a MHWS fix will place all of this within a 20m wide esplanade reserve adjustment.



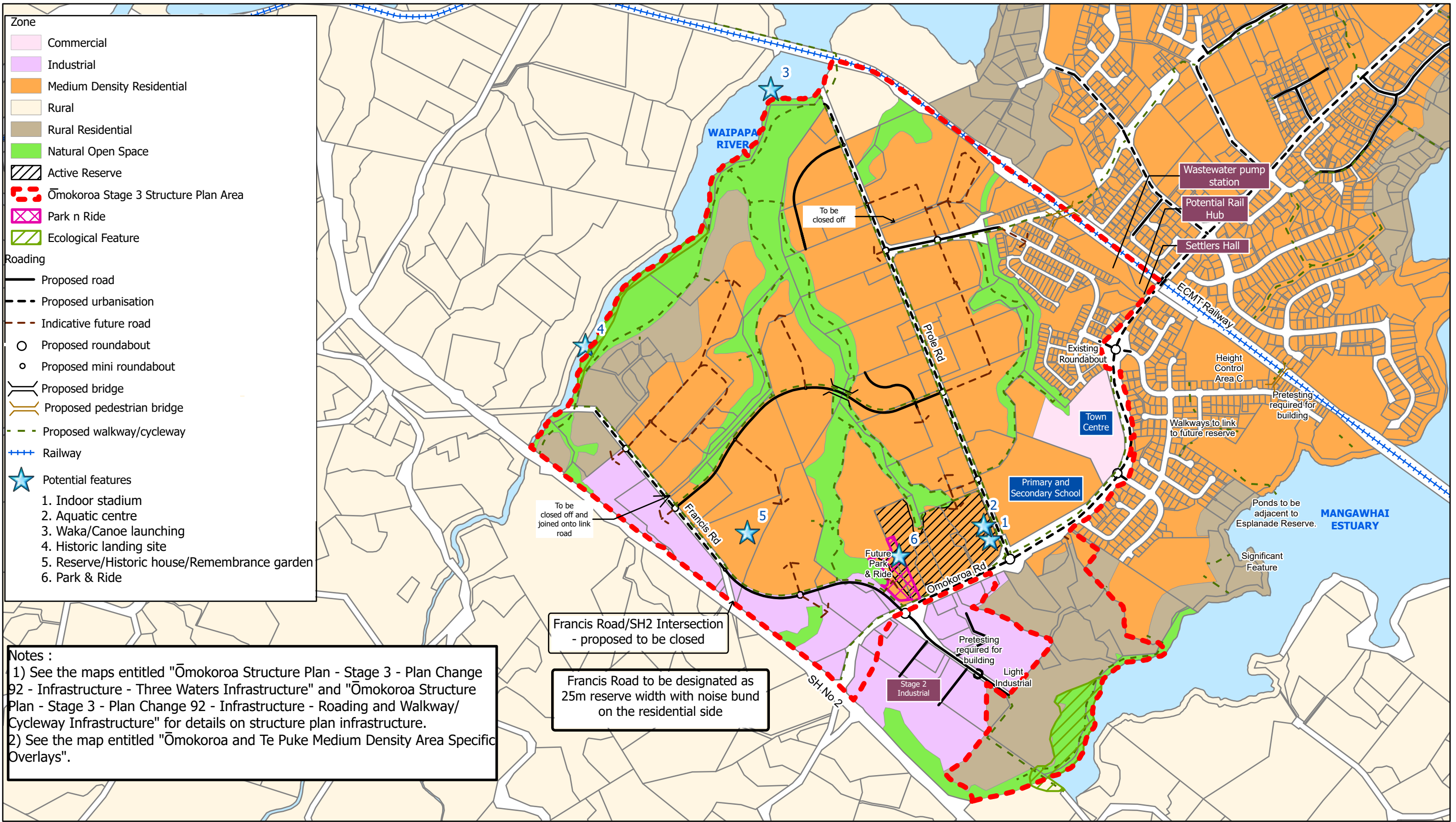
Note: Area (b), as submitted by Mr & Mrs Smith, is to be landward of the revised DP SEF.



NOTES:

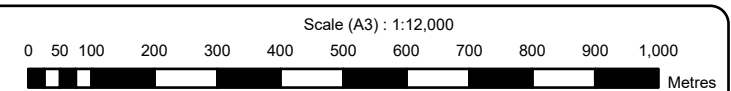
- In Plate 1 the DP SEF alignment remains unchanged. This recognises that: (i) some of Area (a), as submitted by Mr & Mrs Smith, is actually esplanade reserve; (ii) the balance would become esplanade reserve upon any future subdivision; (iii) some of the terrain has been modified; (iv) the steep batter alongside is unstable and should not be grazed or otherwise developed.
- In Plate 2 the DP SEF alignment can be adjusted to align with the extent of the wetland feature – which would develop in the absence of grazing – and which would reasonably closely align with the proposed Plan Change 92 Natural Open Space Zone (NOSZ). This supports Mr & Mrs Smith’s submission respecting Area (b).
- In Plate 3 the DP SEF alignment remains unchanged. This recognises that approx. half of the site is within the freshwater wetland feature – which would develop in the absence of grazing – and includes most of the very steep batter which is erosion prone. Upon future land subdivision all of this area would become esplanade reserve after MHWS refix. This alignment also accords with the NOSZ alignment referred to above. On balance, any ground within Area (c) which is not captured by wetland values or very steep erosion-prone terrain is somewhat insignificant. On that basis it seems meaningless to alter the DP SEF at this site.
- Along the entire length of this farm margin the area of actual ecological characteristics extending landward of the existing DP SEF line is greater than the area between the green & yellow lines.
- The freshwater wetland values would become more evident in the absence of stock grazing and would occupy everything seaward of the continuous dashed-red line.
- Ecological & natural open space zone interests here include the merit of retiring two small but very steep erosion-prone sites (red-circled outliers in Plates 1 & 3 refer*) to protect the natural wetland area and the aesthetic values along this margin.
- The proposed amendment of the District Plan SEF landward line is almost identical to the Plan Change 92 Natural Open Space Zone line. In is sensible for these to be generally consistent.

ENDS



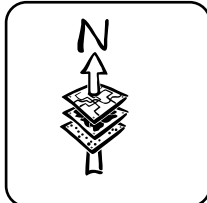
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Email: gis@westernbay.govt.nz
 Date: 16/08/2023
 Operator: mlb
 Map: E:\Shape\MLB\Map\Structure Plans\Omokoroa Stage 3 Concept Plan - 11 August 2023.aprx








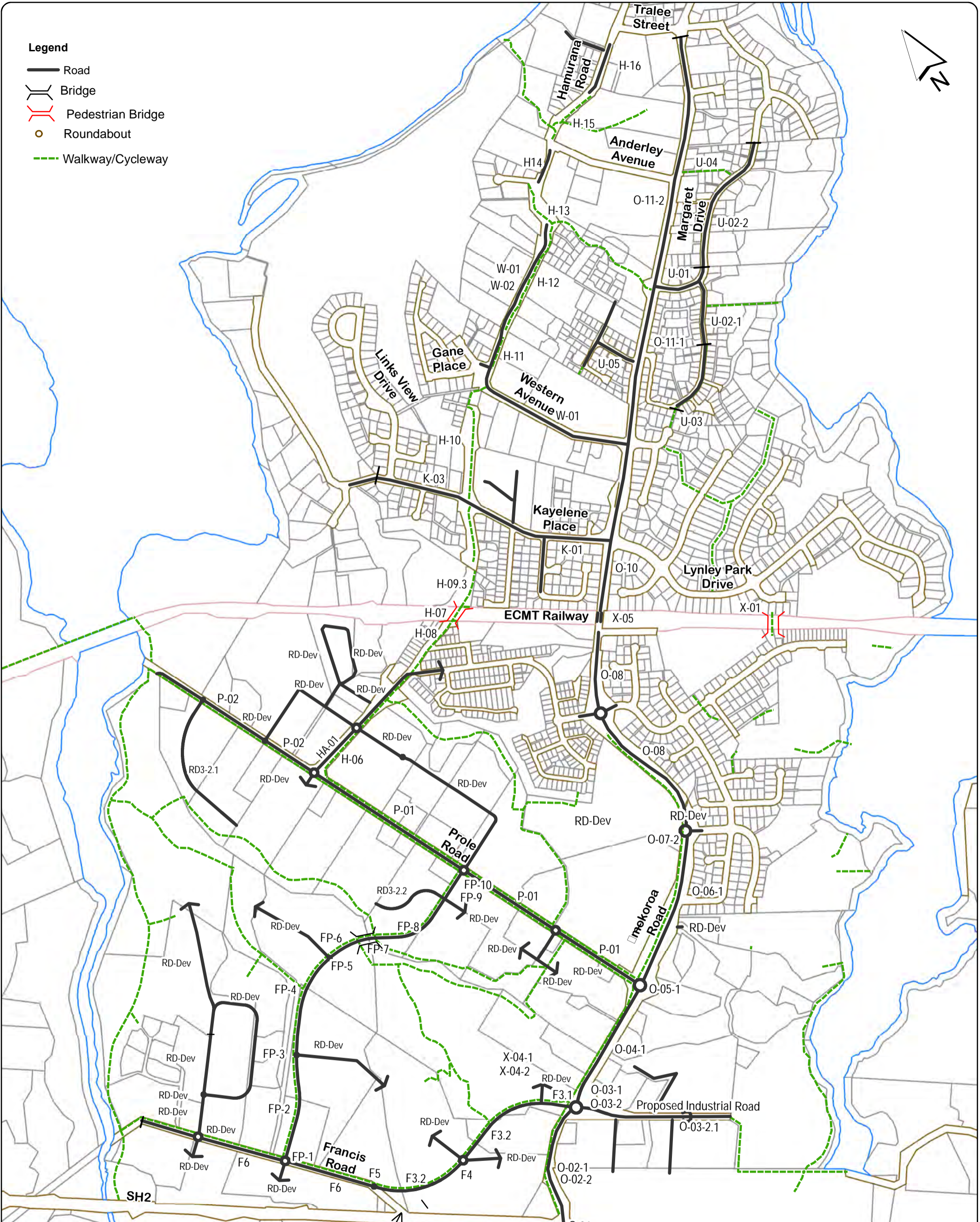
ŌMOKOROA STRUCTURE PLAN - STAGE 3 - PLAN CHANGE 92

11 August 2023



Legend

-  Road
-  Bridge
-  Pedestrian Bridge
-  Roundabout
-  Walkway/Cycleway



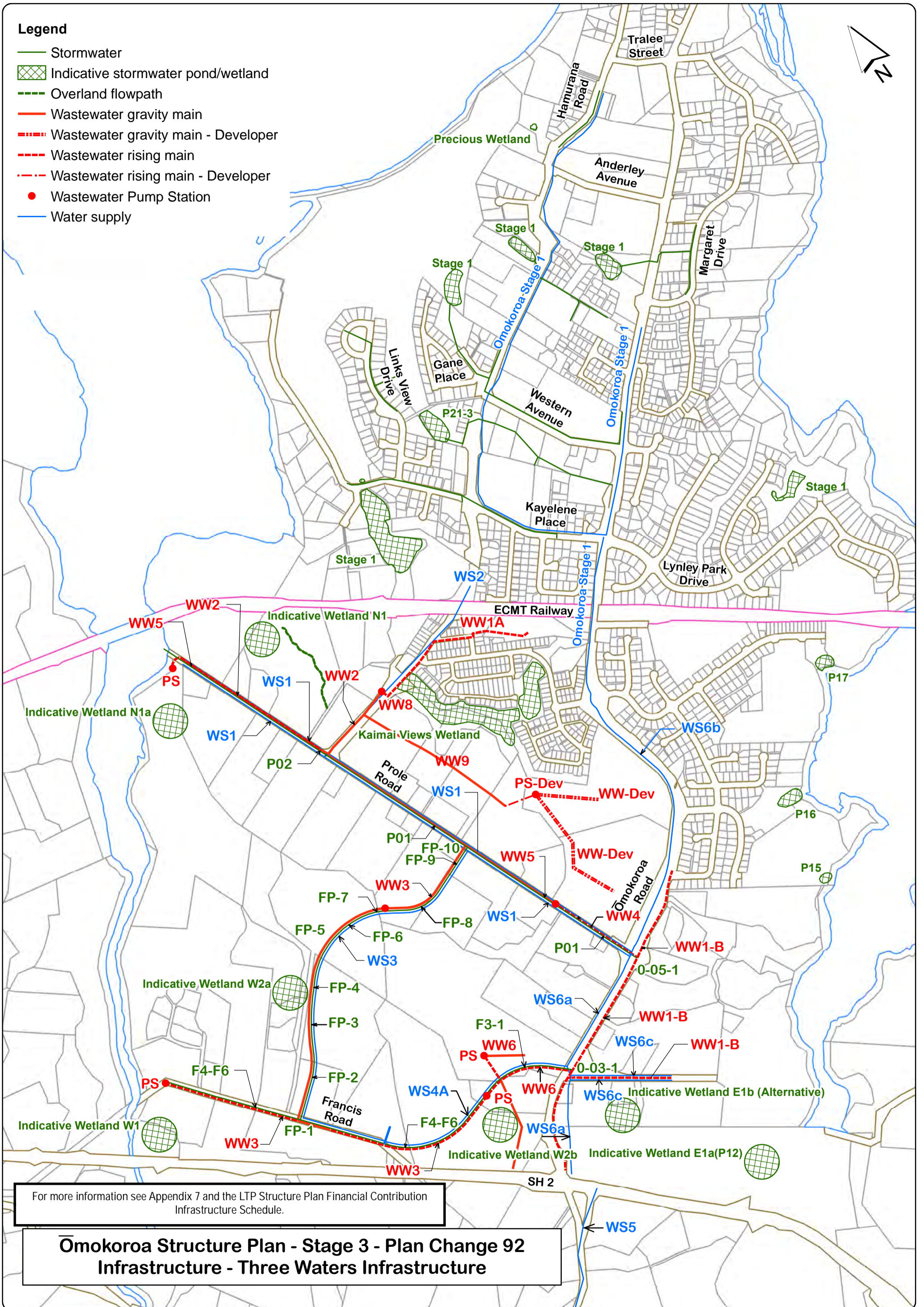
Francis Road/SH2 intersection to be closed

For more information see Appendix 7 and the LTP Structure Plan Financial Contribution Infrastructure Schedule.

**Omokoroa Structure Plan - Stage 3 - Plan Change 92
Infrastructure - Roading and Walkway/Cycleway**

Legend

- Stormwater
- ▨ Indicative stormwater pond/wetland
- - - Overland flowpath
- Wastewater gravity main
- - - Wastewater gravity main - Developer
- · - · Wastewater rising main
- · - · Wastewater rising main - Developer
- Wastewater Pump Station
- Water supply



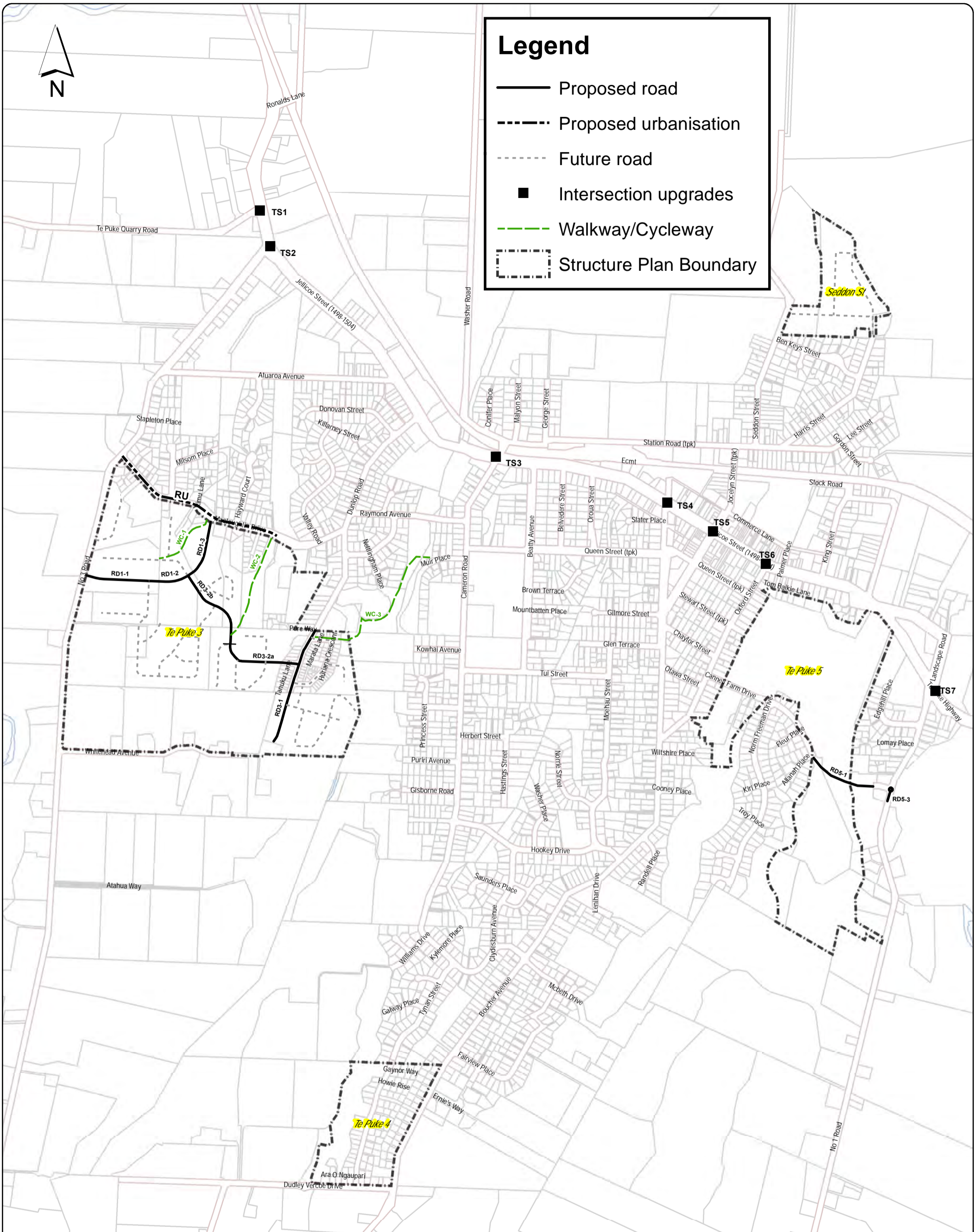
For more information see Appendix 7 and the LTP Structure Plan Financial Contribution Infrastructure Schedule.

**Omokoroa Structure Plan - Stage 3 - Plan Change 92
Infrastructure - Three Waters Infrastructure**



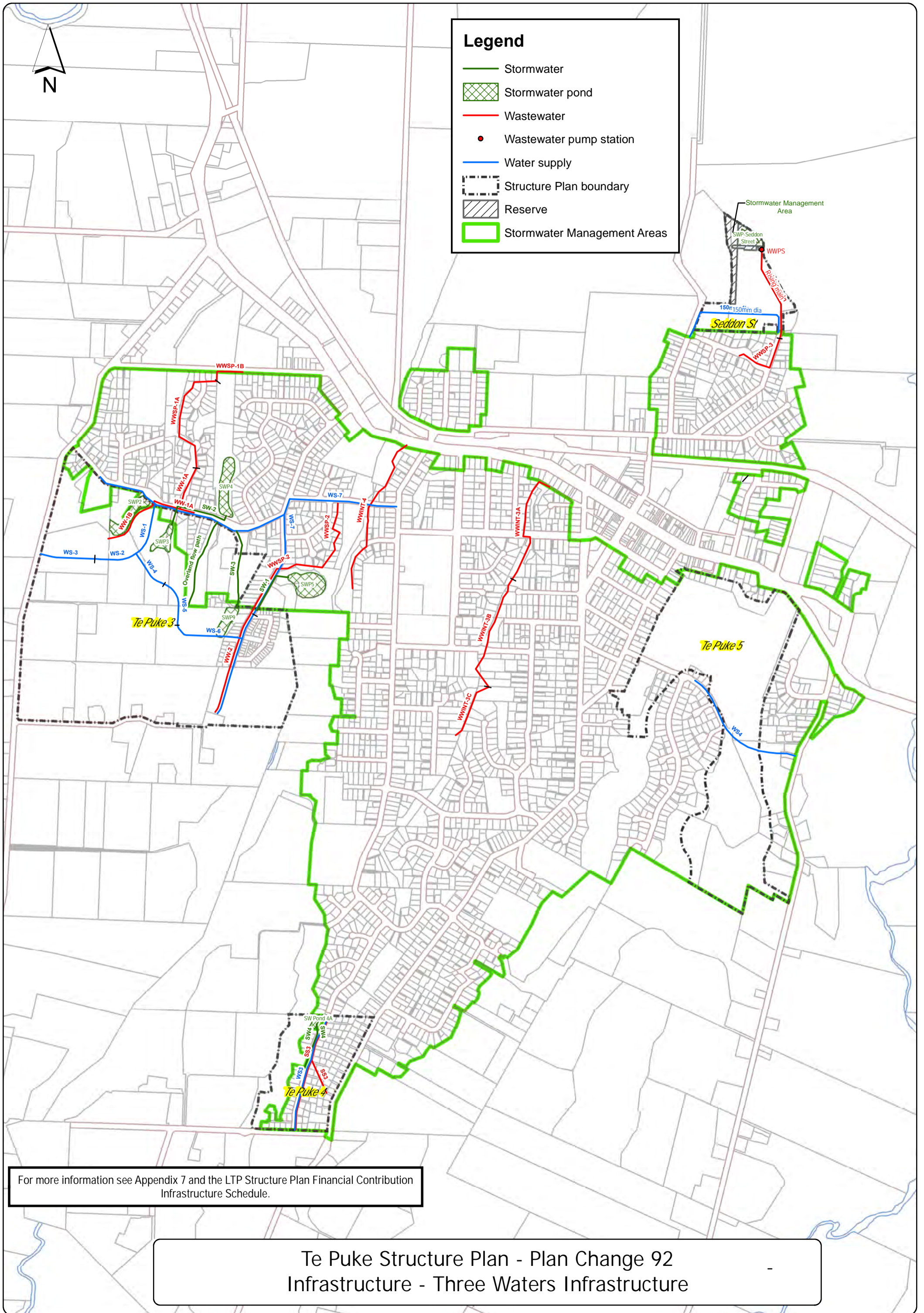
Legend

- Proposed road
- - - Proposed urbanisation
- Future road
- Intersection upgrades
- - - Walkway/Cycleway
- Structure Plan Boundary



For more information see Appendix 7 and the LTP Structure Plan Financial Contribution Infrastructure Schedule.

Te Puke Structure Plan - Plan Change 92 Infrastructure - Roding and Walkway/Cycleway Infrastructure



Legend

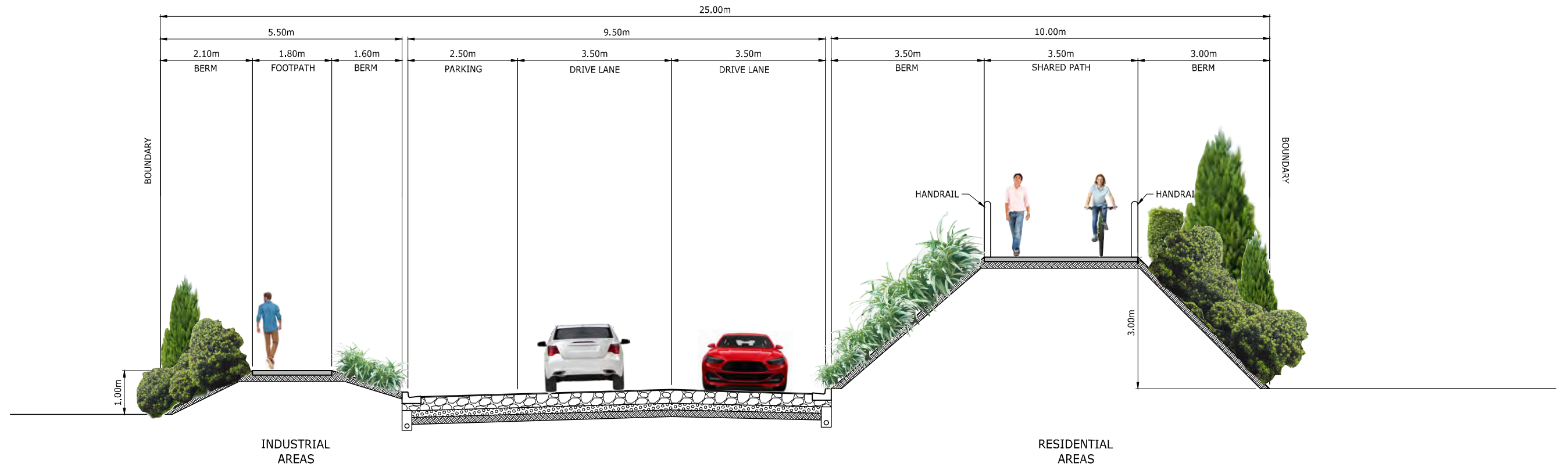
- Stormwater
- Stormwater pond
- Wastewater
- Wastewater pump station
- Water supply
- Structure Plan boundary
- Reserve
- Stormwater Management Areas

For more information see Appendix 7 and the LTP Structure Plan Financial Contribution Infrastructure Schedule.

Te Puke Structure Plan- Plan Change 92
Infrastructure - Three Waters Infrastructure

NOTES:

1. FOOTPATH AND CYCLE PATH TO HAVE 2% BLACK OXIDE COLOURING
2. TREE TRUNKS TO HAVE 300mm OFFSET FROM CYCLE PATH



D FRANCIS ROAD - TYPICAL 25m RESERVE CROSS SECTION (CONCEPT ONLY)
 300 SCALE 1:50 - A1, 1:100 - A3

INDICATIVE

7	UPDATED CROSS SECTION WIDTHS	FJV	08.08.23	ORIGINATOR:	DXC	DATE:	23.04.20	SIGNED:		PLOT BY:	VAV
6	UPDATED CROSS SECTION FEATURES	FJV	05.05.23	ORIGINATOR:	DXC	DATE:	23.04.20	SIGNED:		PLOT DATE:	08.08.23
5	UPDATED CROSS SECTION FEATURES	FJV	27.04.23	DRAWN:	VAV	DATE:	08.08.23	SIGNED:			
4	TREES MOVED TOWARDS CYCLE PATH	FJV	14.12.22	CHECKED:	FJV	DATE:	08.08.23	SIGNED:			
3	UPDATED FOOTPATH WIDTH	FJV	12.12.22	CHECKED:	FJV	DATE:	08.08.23	SIGNED:			
2	UPDATED CROSS SECTION FEATURES	FJV	09.12.22	APPROVED:	FJV	DATE:	08.08.23	SIGNED:			
1	ISSUED FOR INFORMATION	FJV	25.11.22	APPROVED:	FJV	DATE:	08.08.23	SIGNED:			
REF	REVISIONS	BY	DATE								








ASSOCIATION OF CONSULTING ENGINEERS NEW ZEALAND
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PROJECT: **Western Bay of Plenty District Council**
 PROLE ROAD - PHYSICAL WORKS




TITLE: TYPICAL ROADING CROSS SECTIONS SHEET 2


ISSUE STATUS:	INFORMATION	
PROJECT No:	1510-146620-01	SCALES: AS SHOWN
DRAWING No:	146620-01-GA352	REV 7




- Zone**
-  Commercial
 -  Industrial
 -  Medium Density Residential
 -  Natural Open Space
 -  Residential
 -  Rural
 -  Rural Residential

- Boundaries**
-  Structure Plan Boundary

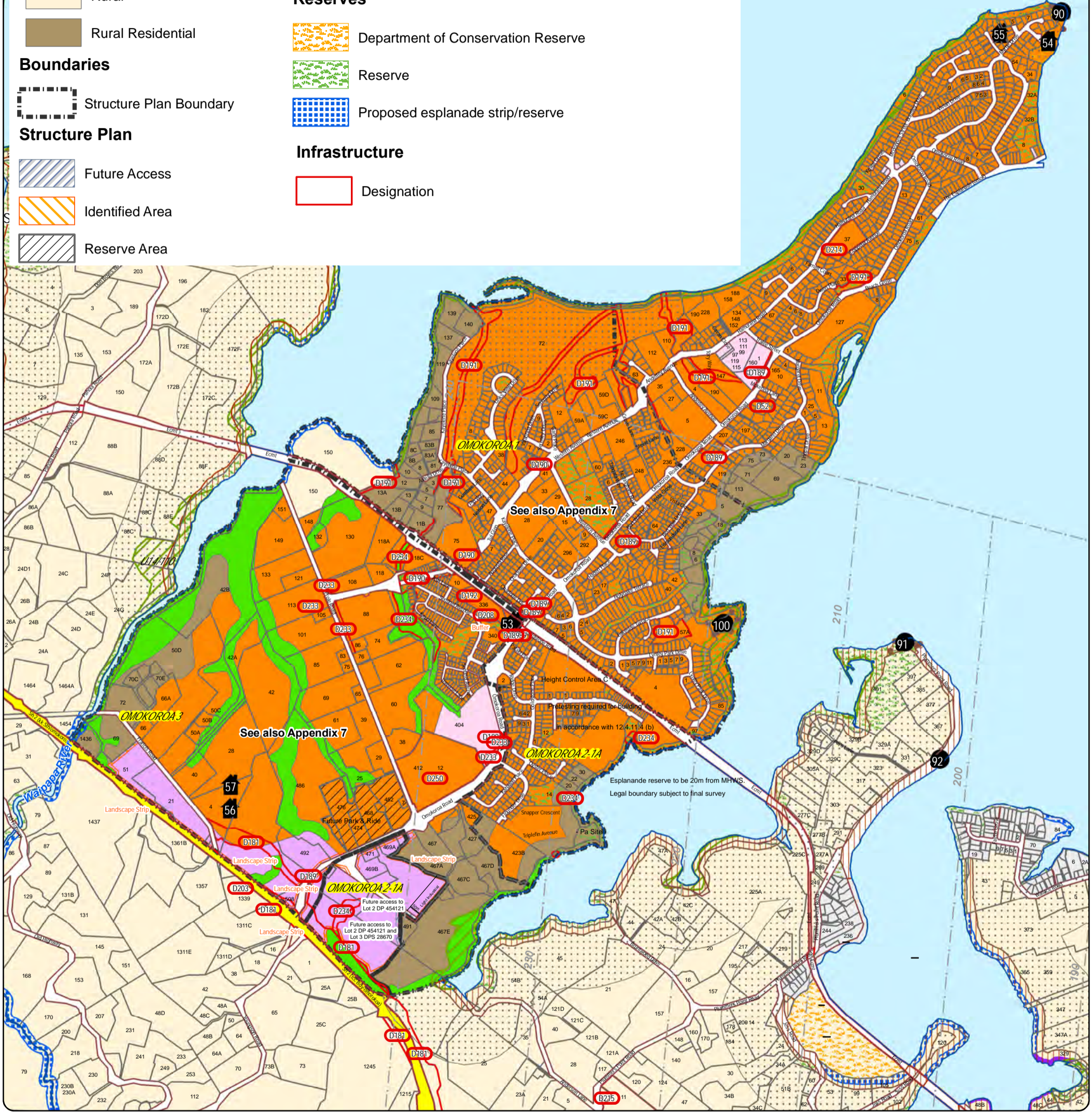
- Structure Plan**
-  Future Access
 -  Identified Area
 -  Reserve Area

- Identified Significant Features**
-  Built Heritage Feature
 -  Cultural Heritage Feature
 -  Ecological Feature/Recommended Area for Protection (RAP)

- Effect Management Areas**
-  Airport Approach Surface

- Reserves**
-  Department of Conservation Reserve
 -  Reserve
 -  Proposed esplanade strip/reserve

- Infrastructure**
-  Designation



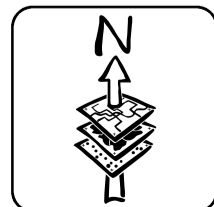
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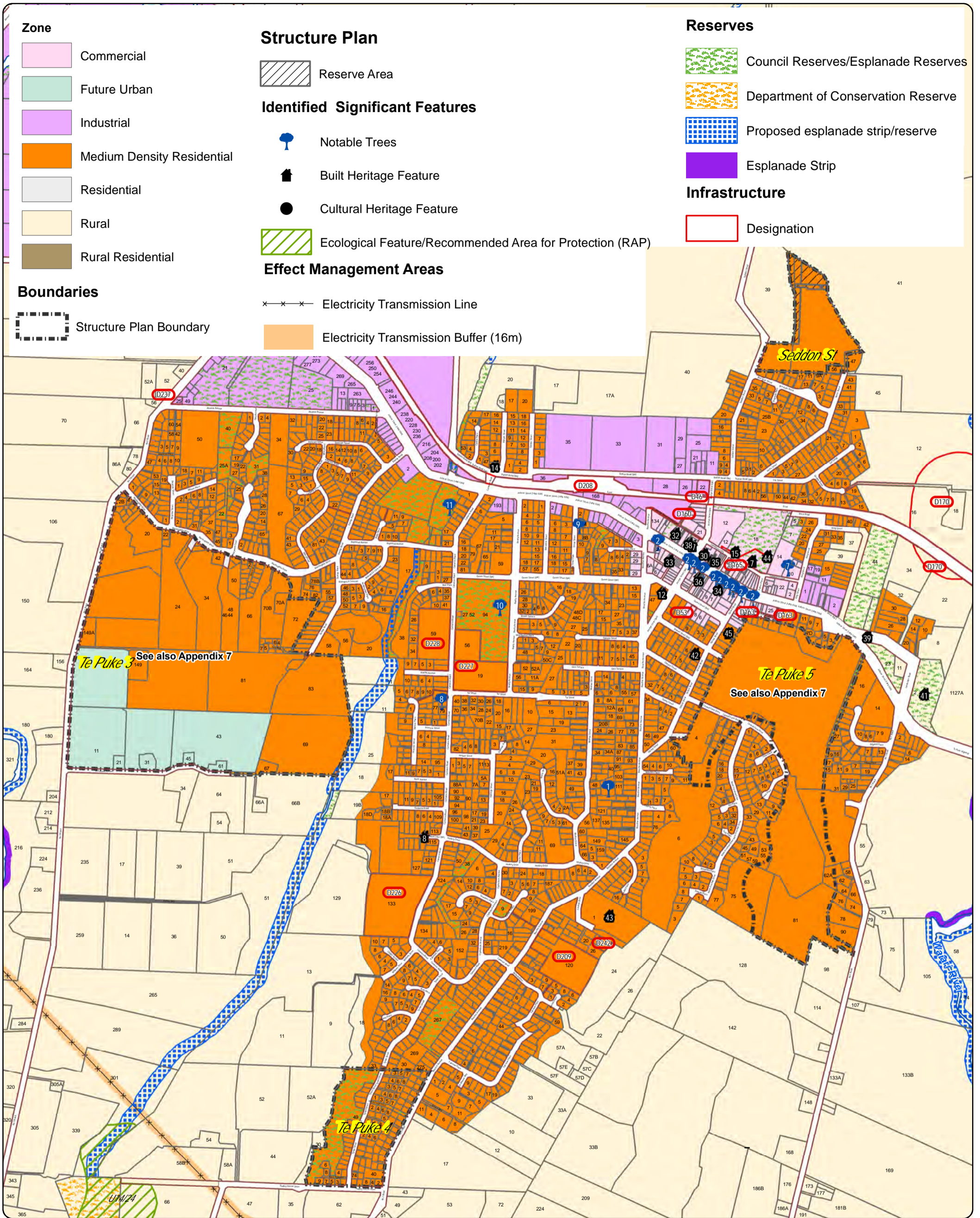
Email: gis@westernbay.govt.nz
 Date: 5/09/2023
 Operator: mlb
 Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Plan Change 92 - Zoning Map

Scale A3 - 1:18,000
 0 100 200 400 600 800 1,000 Metres



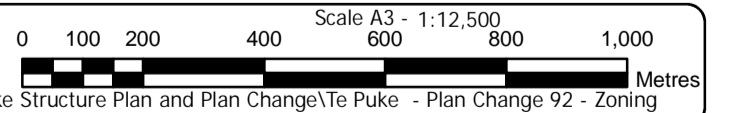
**ŌMOKOROA
 PLAN CHANGE 92
 PROPOSED ZONING MAP - 6 SEPTEMBER 2023**





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Email: gis@westernbay.govt.nz
 Date: 24/08/2022
 Operator: mlb
 Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Plan Change 92 - Zoning



Attachment B – Recommended Changes to District Plan Text

This attachment only includes updates to the recommendations as outlined within rebuttal evidence (i.e. a full copy of each section is not provided)

This attachment follows the numerical order of the District Plan Sections, and includes changes to:

- Section 3 – Definitions (refer to Mr. Clow’s Rebuttal Evidence)
- Section 4C – Amenity (refer to Ms. Price’s Rebuttal Evidence)
- Section 12 – Subdivision and Development (refer to Mr. Manihera’s Rebuttal Evidence)
- Section 14A – Ōmokoroa and Te Puke Medium Density Residential (refer to Mr. Clow’s and Mr. Hextall’s Rebuttal Evidence)
- Section 19 – Commercial (refer to Ms. Price’s Rebuttal Evidence)
- Appendix 7 – Structure Plans (refer to Mr. Manihera’s Rebuttal Evidence)

All text is annotated as follows:

- Existing District Plan text is shown in black.
- Proposed changes to the District Plan text (as notified on 20 August 2022) in black underline and ~~strikeout~~
- Recommended changes in Section 42A Report to District Plan text (as notified on 11 August 2023) in response to submissions in red underline and ~~strikeout~~.
- Recommended changes in Council evidence to District Plan text (as published on 6 September 2023) in response to submissions in blue underline and ~~strikeout~~.

SECTION 3 – DEFINITIONS

1. Amend the definition of *impervious surfaces* as follows:

"Impervious Surfaces" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area with a surface which prevents the infiltration of rainfall into the ground and includes:

- a. Roofs (whether fixed or retractable);
- b. Paved areas including paths, driveways, and sealed/compacted metal parking areas;
- c. Patios;
- d. Swimming pools; and
- e. ~~Soil layers engineered to be impervious such as compacted clay.~~

For the purposes of this definition impervious surfaces excludes:

- a. Any natural surface;
- b. Grass and bush areas;
- c. Gardens and other vegetated areas;
- d. Porous or permeable paving and living roofs;
- e. Permeable artificial surfaces, fields or lawns;
- f. Slatted decks; and
- g. Stormwater management devices.

2. Insert a new definition of *Emergency Services Activities* as follows:

"Emergency Services Activities" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, but excluding health care facilities and hospitals."

SECTION 4C – AMENITY

1. Insert new rule 4C.1.3.2(c)(iii) as follows:

iii. In Ōmokoroa and Te Puke, any new building or addition to an existing building located within 50m of the centreline of a railway track, which contains a dwelling, accommodation facility, education facility, place of assembly, or medical or scientific facility shall meet the following requirements:

(a) The building is to be designed, constructed and maintained to achieve an internal design level of 35 dBL_{Aeq(1h)} for bedrooms and 40 dBL_{Aeq(1h)} for all other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the building concerned.

(b) Where the windows of the building are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

h

SECTION 12 – SUBDIVISION AND DEVELOPMENT

1. Amend Rule 12.4.5.17 as follows:

For subdivision and development in the Ōmokoroa and Te Puke Medium Density Residential, Commercial and Industrial Zones, all stormwater systems shall:

- a. Be designed for attenuation of the 50% and 10% AEP critical storm events to pre-development peak stormwater discharge and the 1% AEP critical storm event to 80% of the pre-development peak discharge except where it can be demonstrated that there will be no increased adverse flood effects on the receiving environment including people, property and buildings.

All stormwater attenuation shall be designed to take into account up to date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity.

- b. Be designed in accordance with the objectives, methods and options of the relevant Catchment Management Plan and:
- i. Prioritise options which avoid degradation and the loss of extent and value of natural water bodies, freshwater ecosystems and the receiving environment by modification or discharges;
 - ii. Identify and incorporate best practicable options for water sensitive urban design-identified in the relevant Catchment Management Plan to manage the effects on pre-development hydrology and water quality;
 - iii. Exterior building materials shall be inert (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to avoid off-site effects;
 - iv. Include details of the proposed stormwater management system such as:
 - Methods and options to minimise stormwater runoff and contaminants.
 - Location, sizing and design of the proposed stormwater systems.
 - Details of construction including the management of effects on the receiving environment.
 - Maintenance and operational requirements for the stormwater system.

The information required in (a) and (b) above shall be provided in the form of a Stormwater Management Plan (SMP).

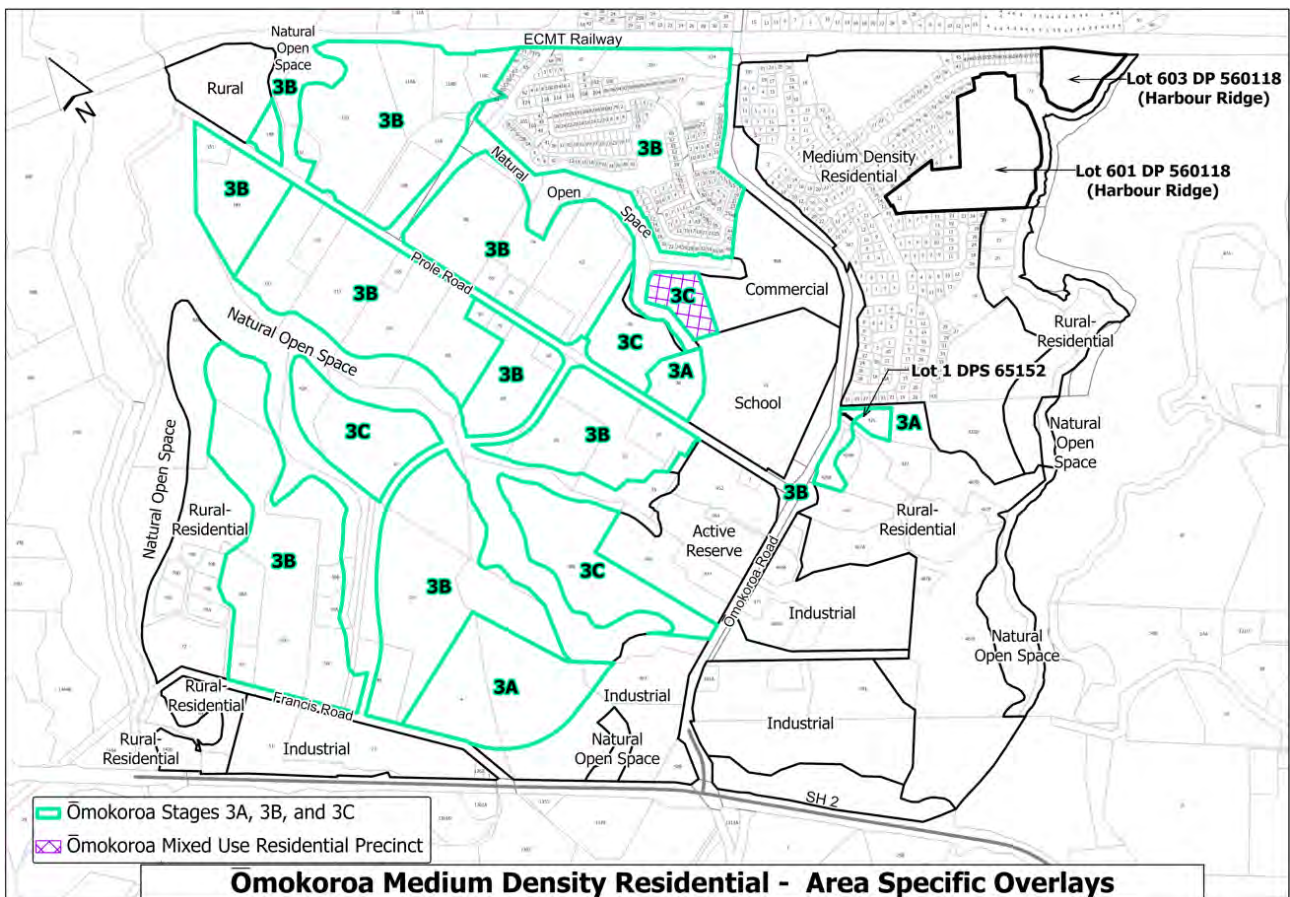
For the purpose of this rule:

“Catchment Management Plan” refers to a document which outlines objectives, methods and options relating to stormwater management for a catchment (including its sub-catchments) and includes catchment management plans prepared in accordance with the conditions of a Comprehensive Stormwater Discharge Consent issued by the Bay of Plenty Regional Council and/or catchment management plans which Council has otherwise adopted.

“Stormwater Management Plan” refers to a report that details stormwater management for a proposed subdivision and/or development area and includes sufficient detail to satisfy the stormwater information requirements and stormwater provision under Section 12 of the District Plan, including Rule 12.4.5.17.

SECTION 14A – OMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL

1. Replace the Ōmokoroa Medium Density Residential – Area Specific Overlays Map with the following:



2. Amend Significant Issue 6 as follows:

Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. These changes have implications for water quality and quantity effects and increases in flood risk on the receiving environment.

The modification of the landform can also adversely affect natural processes and the cultural values of the land

2. Amend Objective 7 as follows:

Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network and, management of flooding risk and effects on the receiving environment.

3. Add new Policy to 14A.2.2

To provide for the diverse and changing residential needs of communities and recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

4. Add a new discretionary activity in Rule 14A.3.4

j. ~~Emergency Services Activities~~

5. Amend Rule 14A.4.1(b)(ii) as follows:

- a. Ōmokoroa Stage 3C where the maximum height for residential units, retirement villages and rest homes shall be ~~20~~ 22 metres and a maximum of six storeys.
- b. Ōmokoroa Mixed Use Residential Precinct where the maximum height for buildings shall be ~~20~~ 22 metres and a maximum of six storeys.
- c. Ōmokoroa Mixed Use Residential Precinct where buildings locate all parking and servicing requirements enclosed below ground level, in which case the maximum height shall be 23 metres.

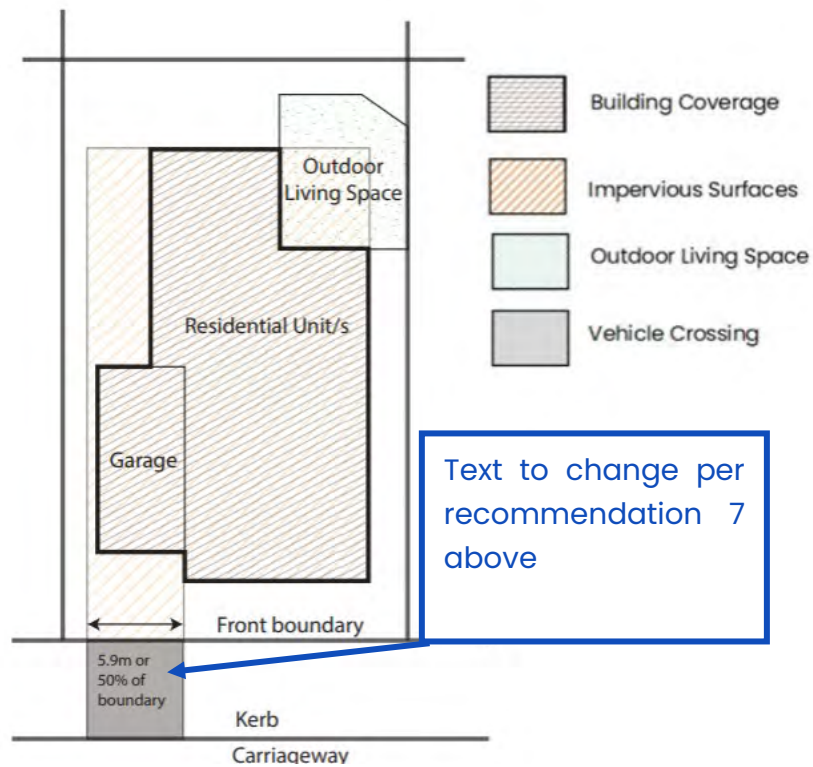
6. Amend Rule 14A.4.1(c)(ii)(f) as follows:

For side and rear yards ~~except for the front yard~~, where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

7. Amend Rule 14A.4.2(e) as follows:

- i. For a site with a front boundary the vehicle crossing shall not exceed 5.4m in width (as measured along the front boundary) and shall not ~~or~~ cover more than ~~40%~~ 50% of the length of the front boundary as shown in the diagram below.

8. Amend the diagram under Rule 14A.4.2(e) to state to correct 5.9m to 5.4m.



9. Add a new matter of discretion under Rule 14A.7.7 as follows:

f. Whether the location and design of the building or structure provides for the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

SECTION 19 – COMMERCIAL

1. Amend rule 19.1.1(a)(iii) as follows:

Ōmokoroa Commercial Zone Stage 2 3 Structure Plan Area

~~The maximum building/structure height in the Ōmokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m height limit.~~

~~The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings locate all parking and servicing requirements enclosed below ground level, in which case the 11m maximum height limit, shall be 23m.~~

The maximum *building/structure height* in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where *buildings provide for parking enclosed, or partially enclosed/under-croft below ground level* in an area which is equal to the gross floor area of the above ground building, in which case the maximum *height* shall be 23m. In addition, visitor parking, servicing and loading requirements can be provided on-site at ground level in accordance with Section 4B.

For the purposes of this rule:

- Only the ground floor of the above ground building shall be included in the calculation of gross floor area; and
- The area for parking enclosed below ground level is inclusive of any areas required for manoeuvring, storage, stairwells, access and ramps.
- For any partially enclosed or under-croft parking areas the length of the exposed parking area must be screened in accordance with Rule 4C.5.3.1, except for where vehicle access is required.

APPENDIX 7 – STRUCTURE PLANS

1. Amend the Te Structure Infrastructure Schedule entitled **“Te Puke: New Wastewater Supply”** as follows:

Te Puke: New Wastewater Supply						
Project Number	Project Description	Proposed Construction Year	Project Cost Total (\$)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
WW-1A	New Reticulation on along Macloughlin Dr	2022	89,104		100%	
WW-1A	New Reticulation adjacent to RD 1-3 and parallel to the stormwater main along SW Pond 2. Includes for a pump system to cover the rest of the area	2024	194,120		100%	
WW-2	W/W line along Dunlop Rd extension	2022	178,432		100%	
WWSP - 1A	Upgrade between Hayward Cr / Aturoa Ave	2026	359,194		60%	40%
WWSP - 1B	Upgrade along Aturoa Ave	2026	91,410		60%	40%
WWSP - 2	Upgrade downstream of Dunlop Road	2025	414,931		60%	40%
WWSP - 3	Upgrade downstream of Seddon St	2026	159,720	60%	40%	
WWINT - 1	Station Rd – Steek Rd upgrade	2024	187,291		60%	40%
WWINT - 2	Upgrade of main WWTP inlet pipeline	2024	770,000		60%	40%
WWINT - 3A	Upgrade of main from Slater PI to Washer PI	2031	504,570		60%	40%
WWINT - 3B	Upgrade of main from Slater PI to Washer PI	2034	434,198		60%	40%
WWINT - 3C	Upgrade of main from Slater PI to Washer PI	2037	171,518		60%	40%
WWINT - 4	Jellicoe St to Kowhai Ave	2039	455,928		60%	40%
Total New Wastewater			3,823,125			