

TE PUNA HEARTLAND INC
(Submitter 08)

ADDITIONAL WRITTEN INFORMATION – PLAN CHANGE 93, FOR HEARING BY THE DISTRICT PLANNING COMMITTEE, 6-7 JULY 2022, WESTERN BAY OF PLENTY DISTRICT COUNCIL

Dated 30 June 2022

1. Te Puna Heartland Inc was incorporated in 2002. It is a community volunteer organisation whose membership extends to anyone who lives in Te Puna. At its meetings matters of interest and, often, concern for Te Puna residents are raised and discussed. The Te Puna Community Development Plan (TPCDP) often provides the basis for Heartland's response and actions, which aim for consensus and constructive engagement with the many and varied activities that take place in Te Puna. Both the 2007 and the 2017 Plans are public documents that were carefully developed by a process of community-led consultation involving a widely-selected group of local leaders, including the Pirirakau iwi.
2. We rely on both the TPCDP and the Operative District Plan as the basis for this statement.
3. Our organization is often referred to simply as "Heartlands".
4. This information corrects a number of errors and misstatements put forward in the various documents associated with Private Plan Change 93. Important areas of agreement are also noted.
5. We deal with these in the following order:
 - The Planning Officer's report
 - The economic assessment
 - TPES's statement
 - The landscape architect's brief
 - The traffic consultant's brief
 - The ecologist's brief

We use their paragraph numbering in our remarks.

PLANNING OFFICER'S REPORT

6. The Planning Officer's report recommends approval of Plan Change 93. There are however some factual and interpretation errors that require correction. They are:
 - 6.1 At paragraph 2 the 'subject site' is referred to as comprising approximately 5.93 hectares of land. In fact the applicant's land that is the subject of this application is 5.4764 hectares on Title #873798. The remainder, 4,500m², is reserve land vested in WBoPDC for use as a community hall site and on separate title: #883144.
 - 6.2 We draw attention to the WBoPDC's status as adjoining landowner and question whether the Planner's Report is made from an entirely independent position.**
 - 6.3 Figure 1 of her report makes the position clear but the implication that the Hall site might also be subject to changed zoning criteria should be resisted.

6.4 Under the heading Topic 1: Zoning the Planning Officer has misrepresented Heartlands' position in her "Submission points" (no paragraph number). We instance her comment at 8.8. Heartlands' request for better evidence cannot be stretched to an inference that it "did not object" to the extension of the Commercial Zone. Instead, we advise the Committee that, in order to deal with the application at all, we had to accept its premises. **Please see our own statement of our position below, at our paragraphs 9.3 and 9.4.**

As to 8.9: Our submission was explicit. Rules applying to land zoned commercial must have results that encourage social and cultural interaction. This is a long distance from the Planner's assertion that Heartlands "support[s] the rezone to Commercial."

6.5 Further, she mis-describes the potential of the existing site as compromised by "existing land use, the pattern of roading at the southern and eastern boundaries of the site,... the establishment of a place of assembly [the Te Puna Hall, rebuilt approximately 50 metres from its original site], proximity to existing commercial zones... peri-urban rather than rural which also changes the character of the site." This is nonsense. Nothing she lists actually affects the possibility of using the land adjacent to the Hall for rural purposes. The hall in fact sat among paddocks since it was built in 1922. All the other built facilities listed have been there for years and would have no effect on, for instance, horticultural, equine or even pastoral-based businesses.

6.6 She asserts, with no actual evidence, that the land has been so damaged (it should be noted, by deliberate actions of the landowner) by large-scale earthworks, that it is no longer suitable for productive use of the site. In rebuttal we cite a 2009 report by Wildlands Consultants Ltd which states:

Yellow-brown loams in the middle-to-lower reaches of both catchments exhibit considerable versatility, which is reflected in the fact that virtually the entire area of the lower catchments has been converted to some form of agricultural or orchard land use...ⁱ

Heartlands members are locals. We know what's possible on Te Puna's versatile, valuable and resilient soils. We refute the Planner's selective analysis of the submissions made and her conclusion that no s32AA evaluation is necessary.

Topic 2: We express no view on the placement of the TPES Structure Plan in the Operational District Plan.

6.7 Topic 3: Structure Plan Map. We draw attention to the Planner's superficial and cursory s 32AA analysis of the Structure Plan changes. There is no evidence on the Structure Plan of either footpaths or reasons for the residents of Te Puna to penetrate the site, arrive somewhere else (like the Te Puna Store) and, in doing so, "bump" into one another. The new structure plan offers two dead ends – cul-de-sacs with no obvious access or reason for exploring the "reserve area" mentioned – here and nowhere else – in the analysis. The Planner's Report offers no confirmation that the watercourse enclaves will be public or even safe.

- 6.8 Topic 4: Rural Amenity and Reverse Sensitivity; Topic 5 Urban Design. The Planner's Report on both these topics relies entirely on the applicant's willingness to adhere to private covenants and current rules for good urban design. Given the record to date of the applicant's non-compliance with rural zoning criteria we register a high level of concern at the level of monitoring by both neighbours and the WBoPDC that may be involved in the future.
- 6.9 Topic 6: Cultural. Heartlands has checked the assertions made in the Planner's report (in reliance, it seems, on information provided by the applicant) and invites the District Planning Committee to inquire further, and directly, from Pirirakau spokespeople, kanohi ki te kanohi.
- 6.10 Topic 7: Transportation. The Planner's Report asserts that "walking and cycling connection[s] will remain through the site and the road width is sufficient to provide for pedestrian/cycle access although it is noted this is a private road and not a Council vested road." There is, however, no evidence on the revised Structure Plan that these multi-modal connections will be formally established. The Planner's lack of attention to detail indicates that walkers and cyclists will explore the two cul-de-sacs at their own risk.
- 6.11 Topic 8: Stormwater. Topic 9: Wastewater. Heartlands appreciates the careful attention paid by the Regional Council and Public Health to Topic 8 and expresses its support for the approach the RC has taken so far. We note that the proposed siltation pond in the revised Structure Plan has, apparently, no outlet. As to wastewater. Heartlands holds grave concerns as to the process followed within the WBoPDC to achieve a resolution of this issue and has initiated inquiries as to the fairness and transparency of the allocation of access to the Omokoroa pipeline to Te Puna sites. We do not agree that this is a "minor change" as the Planner's Report describes it. For instance, the Te Puna School would greatly appreciate the opportunity to have its wastewater disposed of via the Omokoroa pipeline. Heartlands is aware of several other disappointed candidates. We also challenge the basis for WBoPDC's calculation of the fees it imposed on the applicant. We think it likely that the charges will simply be passed on to TPES's leaseholders and tenants and be of no use at all in effective and fair allocation of a scant resource (ie pipeline capacity).
- 6.12 Topic 10: Natural Hazards: no further comment.
- 6.13 Topic 11: Freshwater and ecology: the practice among planners of destroying a natural wetland in order to create a new one cannot be taken for granted as equivalent in ecological terms. Functioning wetlands can take years to develop and the Planner's recommendation is based not on hard evidence of the steps intended but "the development of options for appropriate ecological enhancement measures requir[ing] an understanding of the current values of watercourses on the subject property". These are vague possibilities that could have been much more carefully examined by the applicant before making its Plan Change application.
- 6.14 Topic 12: Sensitive Activities: Heartlands accepts that clarity is needed to define sensitive activities but the Planner has confined her remarks solely to the drafting of the rule and has not addressed either intended or unintended consequences of allowing TPES the dispensation they seek.

- 6.15 Topic 13: Permitted Activities: Heartlands welcomes the removal of the wording intended to allow non-complying activities that were already occurring on rural-zoned land.
- 6.16 Topic 14; Non-Complying Activities: the Planner concludes that, because no submitter actually opposed the location proposed for non-compliant activities, the change should be accepted. As a matter of consistent rule-drafting, this has some logic to it- but our criticisms of the approach taken (see para 6.14 above) also apply.
- 6.17 Topic 15: Screening: again we draw attention to Wildlands' 2009 report on catchment management that relies on the goodwill of private owners and the continued enthusiasm of local care groups. Heartlands regards the Planner's ready acceptance of the workability of the proposed rule change and reference to TP Springs' Structure Plan as naïve and superficial.
- 6.18 Topic 16: Heartlands endorses the Planner's recommendation that no change be made to the 9m height limit. We have photographs of buildings elsewhere in Te Puna that show, even at that height, the improved aesthetic and visual amenity that results from 'breaks' in the building form and the use of balconies and verandahs.
- 6.19 Topic 17: Retail Frontage and Carparking: The Planner's reasoning in respect of this Plan Change application amounts to a 'special case' abandonment of Operative District Plan zoning criteria without any in-depth examination of why a special case is required. She bases her argument on the lack of a 'main street' strip development in Te Puna. There is no consideration given to whether the applicant could or should include the essential elements of commercial zoning criteria in its planned development or on the impact on the community of this exemption to established District Plan principles. It is Heartlands' position that until the community is given clear reasons why the rules set for commercial zone development should be departed from, those rules should apply. Examples elsewhere in the 'four corners' offer a mix of building forms and traffic management that broadly conform to the needs and behaviours of those involved in commercial activities. The Planner advances no cogent reasons why TPES should not be required to take the same approach.
- 6.20 Topic 18: Noise and Lighting: Here at least the Planner invokes the District Plan's rules and their intended effect. Heartlands commends this approach.

ECONOMIC OVERVIEW

7. We note that Property Economics was sub-contracted by Aurecon to provide a high-level economic overview (para 5) and that (para 6) information was obtained from Statistics NZ and NZTA.
- 7.1 That said, Heartlands is dismayed at the lack of actual hard data, based on local studies, that might support PE's evidence. Even given PE's status as an expert witness, their brief presents no quantified demonstration of why the applicant's piece of rural land is more appropriate as a location for "commercial, community and light industrial growth" (para 9) than other vacant land in Te Puna.
- 7.2 At para 12 PE cites the efficiency of "tapping into" SH2 traffic. No reference is made to the likely effect of the TNL expressway on such traffic and no consideration is given to

the possible economic use of land, now vacant, 'left over' from the construction of the TNL and in the vicinity of Te Puna's existing commercial area.

- 7.3 The brief amounts to an opinion rather than analysis of benefits to and economic impacts on the Te Puna local economy. We note as well that the evidence from Aurecon's traffic consultant contradicts the assumption PE makes at their para 12.

TE PUNA SPRINGS ESTATE LTD's EVIDENCE

- 8 Heartlands restricts its comments to matters that go to the actual planning application, although it has some knowledge of the history of the site and Mr Macintyre's business activities that differs from that put forward by TPES's CEO.
- 8.1 At para 8, advice from WBoPDC planning staff in 2005, concerning the straightforwardness of a zone change to commercial, is referred to. We inquire whether evidence of that advice could be provided.
- 8.2 At para 10, reference is made to a promise of "like for like" return of commercial land sold for Hall purposes. Heartlands queries what evidence exists of this promise, who made it, and how it could be reconciled with existing planning law.
- 8.3 References to stormwater management at paras 11 and 13 require closer scrutiny. Water from upland properties will always flow into downland ones. No particular duty ever lay on any of the properties listed to make formal arrangement with TPES although we note that DMS did in fact come to a business arrangement with TPES that allowed for discharge of runoff from their extensive, hard-surfaced property into TPES's retention pond.
- 8.4 Heartlands representatives did attend meetings held in 2018/19 in TPES premises (see para 18). These were not, however, community consultations on rezoning the subject site. They were an attempt to set up a local business network involving those in Te Puna who operate not only from the 'four corners' area but from their homes and sheds. Commercial activity in Te Puna is in fact very dispersed, a fact that District Plan review processes often are asked to adapt to. There is no evidence that TPES ever participated in those public opportunities to effect a change of zoning for its land. Instead – as it has a right to do – it chose to invoke private plan change processes. But its claim of extensive public consultation is overstated. For instance, a structure plan offered by TPES in 2016 bears no resemblance to the revision that currently represents their intentions for the subject site.

9 LANDSCAPE – BOFFA MISKELL

- 9.1 Since this is the first evidence brief that actually addresses substantive elements of the plan change proposal, we offer some introductory remarks.
- 9.2 In common with the WBoPDC Planner, this expert incorrectly interprets (at para 7.3) Heartland's argument for an improved and rule-based approach to rezoning rural into commercial land as a lack of objection. The Te Puna Community Development Plan's nuanced approach to dealing with growth of this kind is ignored. We draw the Planning Committee's attention to Heartlands' original submission, for instance at para 4.12 and section 5.
- 9.3 For the avoidance of doubt: Heartlands' position is that, despite efforts the applicant has made to resolve issues raised by submitters, this application remains of poor quality and should not proceed. In our view the lack of any strategic, long-term, structural plan for the wider area around the 'four corners' of Te Puna, including the land adjacent to the new TNL, means that the principle of retaining rural land adjacent to the present commercial zone must, in the meantime, remain.
- 9.4 If, however, this inadequate application is granted, we wish our critique of its flaws to be taken seriously by the District Planning Committee, to be incorporated as conditions of the grant, and for adherence to those conditions to be monitored by the WBoPDC. Heartlands acknowledges that commercial expansion in the vicinity of the Te Puna Store, service station and Hall is a realistic possibility. Our preference, however, is that any zone change decision is deferred until the planning exercise outlined in 9.2 above has been carried out.
- 9.5 We turn now to the points made by Boffa Miskell.
- 9.5.1 At their para 8.1 Boffa Miskell assert that "the existing character of the site is peri-urban and does not have an existing rural production character." This assertion merely confirms TPES's studied refusal, since 2005, to use the rural land it bought for rural purposes. It does not address the possibility that (enforced) conformity to rural zone uses could occur again, with an effect very little different from the open paddock land on the northern corner of Armstrong and Te Puna roads.
- 9.5.2 Para 8.6: Heartlands is in broad agreement with the opinion expressed and endorses the need (para 8.8) for significant landscaping. There are still some unclear elements in the Structure Plan, however, such as how pedestrian and community access to the proposed green spaces is to be achieved. We note that all of these spaces remain as private land and are not vested as Council reserves.

- 9.5.3 Para 8.14 - Further clarity on the walking and cycling connections is needed. The “rationalized” roading network is evident, but there are no actual indicators of where pedestrians and cyclists can go.
- 9.5.4 Para 8.19 - Absent any Council policy or strategic structure plan of the kind we put forward at para 9.3 above, Heartlands has very little confidence in the extent of control on, for example, screen planting under Rule 4C.5.3.2 that might be exercised by WBoPDC.
- 9.5.5 Paras 8.20 – 8.26: The proposed new height limit of 12m for this development risks creating a canyon effect along Te Puna Road (ie, the stretch opposite the DMS coolstore) and a looming presence immediately adjacent to the Hall’s northern wall.

10. TRAFFIC – AURECON

10.1 We address points made in this brief, using its para numbers, as follows:

10.1.1 At 3.2, we note that the Structure Plan area includes the Te Puna Memorial Hall. Since all but the tiniest strip of Hall Reserve land (see Figure 3 at para 3.6) is already zoned commercial, and all of its reserve is in fact not owned by the applicant, we say that that area should be excluded from the Structure Plan area.

10.1.2 Heartlands endorses the siting of the private access point as described at para 4.3.

10.1.3 We agree with the consultant’s assessment of likely changes in traffic behaviour at paras 6.3 and 6.4.

10.1.4. We endorse the plan to delay any development of Area ‘A’ on Figure 6 until after the TNL is operating, as described at para 7.3.

10.1.5 Paras 7.5 – 7.13 We are gratified to see quantified data on traffic movements that, as assumptions, can be re-tested at the time of Resource Consent (if this proposal should ever reach that stage).

11. ECOLOGY – WILDLANDS CONSULTANTS LTD

11.1 As above, Heartlands uses Wildlands’ paragraph numbers to identify our points.

11.1.1 Paras 13 and 15: We note the evidence of neglect, disturbance and modification that is stated to have taken place over the period of the applicant’s occupation of the site.

11.1.2 Para 26: Heartlands acknowledges that, following submissions, considerable changes were made to the Structure Plan to address those concerns. We observe that, had the extent of prior consultation claimed by the applicant actually taken place, a number of these could have been dealt with as part of its original application, made in January. Providing an expert assessment last month has not allowed Heartlands any opportunity, as a volunteer organization with very limited resources, for similarly qualified pro bono scrutiny of Wildlands’ work. We therefore take it on trust.

11.1.3 Para 28: we note the gap, hopefully to be corrected, between the Planner's judgment of the ecological significance of the stream corridors and that put forward by Wildlands.

11.1.4 Para 29: Heartlands wholeheartedly endorses the new rule put forward for the Structure Plan, and especially the emphasis placed on water quality standards for downstream receiving environments described in para 30.

FINAL COMMENT

12. A Collier's 61-page brief of evidence, which, accompanied by Neil Raynor's 25-page brief, arrived in Heartlands email in-box at 2.36 pm on Tuesday 28 June, have not been dealt with in this document. Although we were given a further 24 hours before deadline, there has simply been insufficient time to address them at the level of detail Heartlands wishes to offer the District Planning Committee. This matter will be addressed at the hearing itself.

13. We submit our additional information accordingly.

A handwritten signature in black ink that reads "Beth Bowden". The signature is written in a cursive style with a long, sweeping underline that extends to the left and then curves back under the name.

Secretary,
Te Puna Heartland inc

ⁱ <https://atlas.boprc.govt.nz/api/v1/edms/document/A3416220/content>