

Report

# Minden Structure Plan – Section 32, RMA Evaluation

Prepared for Western Bay of Plenty District Council  
By Beca Carter Hollings & Ferner Ltd (Beca)

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# 1 Background

## 2 Proposed Western Bay of Plenty District Plan

The proposed Western Bay of Plenty District Plan provides for the development of approximately 1063 Ha of the Minden Area by way of a structure plan to which development shall generally adhere. Section 16.6: (Lifestyle Zone Rules) of the proposed District Plan establishes lifestyle zones at Te Puke, Minden and Katikati and requires:

a) That to develop in the area it is necessary to adhere, generally, to a structure plan. Specifically, the plan establishes subdivision that is not in accordance with a structure plan is non-complying:

*16.7.5 Non-Complying Activities:*

(a) *Minor dwellings not complying with performance standards specified in 16.8.1(f);*

(b) *Coolstores and Packhouses;*

(c) *Subdivision not in accord with an approved structure plan.*

(Emphasis added.)

b) Rules of section 16.6 also require that development proceed by uptake of tradable development rights (TDRs) and in general accordance with the structure plan concepts. i.e:

*16.8.2 Subdivision Activity Performance Standards*

(a) *General*

(i) *Shape factor*

*Each lot which will qualify for the erection of a dwelling as a Permitted Activity shall be capable of accommodating a 20m diameter circle exclusive of yard requirements, such area to contain a building site complying with 12.4.1 (b) and in accordance with an approved structure plan.*

*16.8.2(b)(ii) Development in accordance with the structure plan*

*All subdivision shall be designed to be in general accordance with the approved structure plan for the identified Lifestyle Zone area and Council has full discretion to assess the subdivision application and decide whether a proposal is in general accord with the structure plan.*

## 3 Minden Structure Plan

The Minden Structure Plan unlocks development potential within the Minden area. The proposed Western Bay of Plenty District Plan anticipates this and provides for development within the area, subject to development of a structure plan.

This evaluation, pursuant to S32 of the Resource Management Act (S32), therefore addresses the efficiency and effectiveness of rules and addresses minor changes to policy. This S32 evaluation does not address the alternatives to the Minden Lifestyle area itself as this has been done in the substantive S32 for the proposed District Plan.

## 4 District Plan Layout and Structure

# 5 The Issue

Currently, the District Plan is structured with lifestyle zone provisions included within the “Rural” section of the plan. This means that plan users are directed to rural Objectives and Policies and a Rural introduction when looking to develop lifestyle properties. This is likely to reinforce the link people have between “lifestyle” and “rural” landuse.

Council intends that lifestyle landuse be distinct from rural landuse. By providing for identified lifestyle areas that receive TDRs Council is addressing the fragmentation of rural land. The reallocation of the right to develop from productive land or land to be protected to more marginal land will result in less fragmentation of productive land and more coherent development of rural infrastructure. It is therefore appropriate that people seeking lifestyle experiences look to this and other stand-alone zones for their lifestyle experience.

The lifestyle zone is considered a distinct zone that should be clearly separated from rural properties.

Issue: How to Structure the Plan	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Merge “Lifestyle” into the Rural Zone</p>	<p><b>Effectiveness:</b> Not effective as it may potentially result in conflict between rural and lifestyle amenity.</p> <p><b>Efficiency:</b> Not efficient, as it may result in inconsistent application of objectives and policies in the Rural zone.</p>	<p><b>Benefits:</b> Keeps developers focussed on rural character and open-space issues and therefore emphasises amenity.</p> <p><b>Costs:</b> Does not provide distinction between “lifestyle” and “rural” landuse options.</p>

Issue: How to Structure the Plan	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 2</b> Stand alone zone</p>	<p><b>Effectiveness:</b> Effective as it delineates a geographic area with particular character and policy treatment. Lifestyle stands within the plan at the same level as “rural” and “residential” and provides for lifestyle demand in rural areas.</p> <p><b>Efficiency:</b> Efficient as provisions for a high-demand landuse option are contained within their own section in the District Plan.</p>	<p><b>Benefits:</b> Provides a clear, easily identifiable set of objectives and policies for lifestyle landuse development in the District Plan.</p> <p><b>Costs:</b> Potential for “lifestyle” to be seen as “urban” which may erode the rural character of these areas.</p>

**The preferred alternative is 2:** This option creates the policy and rule separation desired and more clearly identifies that lifestyle zones are not rural but exist to satisfy separate demand.

## 6 Key Issues

### 7 Overview

#### 8 Purpose

The purpose of the Minden lifestyle area as outlined in the Proposed Western Bay of Plenty District Plan (PWDP) is:

*To provide opportunities for lifestyle living in close proximity to the City of Tauranga with good views over the Harbour and wider Bay of Plenty. This is envisaged as being the premier lifestyle location with 1150ha that will be developed over a period of 40 years. It is envisaged that the whole area will eventually be connected by a series of managed “green lanes” wide enough for walking, cycling and horse riding. Consideration will be given to including an equestrian “farm park” style complex in part of the structure plan. In addition the existing and future roading will be upgraded to include berms that provide safe walking for pedestrians.*

*The area has been set back from the State Highway to avoid any reverse sensitivity issues but it is envisaged that through the structure plan exercise the area will have upgraded access to the highway to enable safe commuting to the city.*

The area is close to urban amenities (Bethlehem and Te Puna), has a strategic route at one edge and is relatively steep. The area contains a large amount of geologically challenging land. The intersection of Minden Road and State Highway 2 is considered dangerous by many local people.

Most of the structure plan area was previously zoned Rural though a large area has been zoned Rural Residential.

Many of the existing rural blocks have been subdivided into smaller allotments, though a number are relatively large too. On the whole, traffic concerns, difficult terrain and geology pose the greatest challenges.

## 9 Development Context<sup>1</sup>

From 2006 Census data residents in the Minden area are predominantly 45 years to 65 years old and older. On average, properties are just over 3 ha in size with approximately 35% of lots vacant (i.e 108 lots in total are vacant).

Social infrastructure includes facilities like childcare, early childhood education, playgrounds, health care and aged care. Council requires communities to be developed with reference to standards for such things - such as the amount of reserve available per thousand people, or distance to health care facilities.

An analysis of services provision has been undertaken and confirms that the Minden structure plan satisfies services requirements in all respects. However, it is noted that access to most services is via Bethlehem. As no specific provision for social services is required in this area, no further analysis of this issue is required.

The area has received 209 new lots since 1991, which equate to around 11 Lots per annum. In total, under existing rules (i.e. 4Ha minimum lot rules and having regard of current vacant lots) 192 new lots could be developed in the area.

The area enjoys a northern outlook and is, in parts, relatively steep. Erosion and instability are known issues.

It is understood that the Minden property market is generally upper end, high quality properties and that over the past few years, limited availability of properties and the economic downturn have combined to substantially reduce sales in the area. Nonetheless the area remains high quality and unique in its aspect and outlook, and proximity to town.

Following consultation adjustments were made to the Structure Plan area bringing approximately 350 additional Ha under the structure plan. The land newly incorporated fills a void that existed between the proposed Tauranga Northern Link and the structure plan area and moves the Northern Boundary towards the Te Puna stream. In both cases, "regularising" boundaries avoids creating isolated pockets of undevelopable land.

## 10 Traffic - Overview

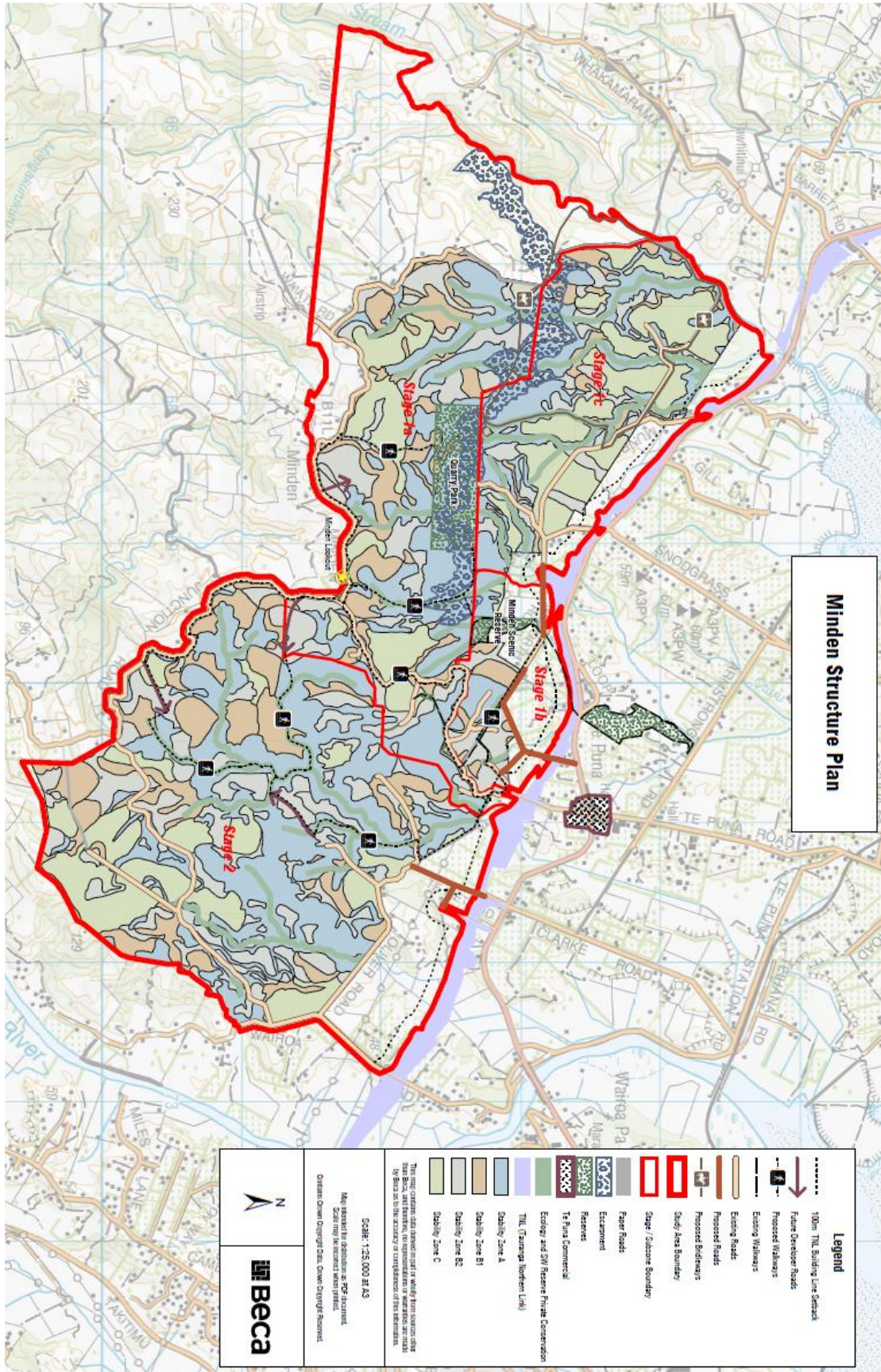
Effects of the structure plan on traffic flow – particularly as it affects SH2 and its intersection with Minden Road and Wairoa Road has been assessed by considering the effects of the additional dwellings that the structure plan will introduce into the area.

Table 1, below, summarises assumed inputs to the traffic model and was developed on the basis that a certain amount of development (i.e. 192 dwellings) could occur now. It was assumed that the difference between what could occur now and the structure plan yield was the critical modelling input as this was the key difference the Structure Plan would bring to the traffic environment.

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<sup>1</sup> See Minden Housing Market Demand Assessment, Beca 2009.

As noted above, additional land has since been incorporated into the Minden Structure Plan area.





## Figure 1: Minden Structure Plan Area

As shown in Table 1, for traffic modelling it was assumed that 588 new dwellings could be created under the structure plan (i.e. dwellings that could not be created under prior planning rules). Although the area of the structure plan has since been increased, this assumption of additional dwellings has not changed and impacts on the adjacent Strategic Roding Network remain fixed as if the structure plan remained at its original size. However, before the number of new lots can exceed the existing subdivision development rights stipulated mitigation must be completed that would equally provide for the additional number of lots.

**Table 1: Predicted Structure Plan and Do Minimum Scenario Yields**

Residential Yields	Structure Plan Scenario	Do Minimum Scenario
Existing Dwellings	312	312
Existing Subdivision Development Rights	192	192
New Structure Plan Dwellings	588	-
<b>Overall Dwelling Yield</b>	<b>1,092</b>	<b>504</b>

### 11 Structure Plan Context

The structure plan will be developed by taking up Tradable Development Rights (TDRs<sup>2</sup>) from other parts of the District. This means that development that might otherwise occur elsewhere will be concentrated into the Minden (and other lifestyle zones) where the effects of increased traffic can be more easily identified and managed. This is expected to result in a net improvement to District road performance by enabling management of effects on capacity of the roads and intersections that would otherwise be widely dispersed and more difficult to address.

### 12 Wider Network

As traffic volumes along SH2 increase any connections with the highway are likely to experience decreased levels of service. The Tauranga Northern Link has been proposed to alleviate capacity problems between Takitimu Drive and Te Puna but is many years from construction. The Tauranga Northern Link is an essential requirement of ultimate development of the Eastern (Stage 2) section of the Minden Structure Plan because of the SH2/Wairoa Road intersection.

### 13 Local connections to SH2

Traffic modelling has shown that high levels of delay are experienced by vehicles turning right from Barrett Road, Quarry Road, Minden Road and Wairoa Road to travel eastbound along SH2 toward Tauranga and that improvements are likely to be required to mitigate these effects in both the 'Do Minimum' and 'Structure plan' modelling scenarios in both 2021 and 2031. Consequently, the structure plan allows development up to the limits currently (i.e. under no structure plan) applying to

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<sup>2</sup> And approximately 44 lots will be made available as "bonus lots".

the land but does not permit development beyond this until mitigation in the form of roading improvements is completed.

Included in this mitigation, at identified stages, are an upgrade to the SH2/Minden Intersection, closure of Quarry and Ainsworth Road accesses to the State Highway and completion of the TNL.

#### 14 Issue Summary

Connecting transportation onto SH2 is challenging. Traffic volumes are increasing and modelling shows that existing intersections are problematic and will become more so with time. The structure plan, in the medium to longer term, has the potential to increase local traffic accessing the state highway beyond the current development baseline which may exacerbate this issue. However, development for rural lifestyle purposes in a consolidated area will relieve the current pressure on the transport network elsewhere in the District. Development in the short term can proceed on the basis of the current development baseline.

#### 15 Alternatives Analysis

Objective: The objective (see 7) of the Minden Structure Plan is to *provide opportunities for lifestyle living in close proximity to the City of Tauranga*. This S32 analysis must therefore consider alternatives in relation to achievement of that objective.

Issue: Minden is Difficult to Connect to SH2	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Retain existing connections to SH2 (do nothing)</p>	<p><b>Effectiveness:</b> Ineffective. This will be opposed by the New Zealand transport Agency (NZTA) and is no considered acceptable.</p> <p><b>Efficiency:</b> May discourage use of vehicles and put people off developing in the area. Mixed efficiency.</p>	<p><b>Benefits:</b> This is the cheapest option and allows the market to develop a solution.</p> <p><b>Costs:</b> Increased potential for accidents at key intersections as traffic volumes increase.</p>
<p><b>Alternative 2</b> No new development until TNL completed</p>	<p><b>Effectiveness:</b> The TNL will reduce use of SH2 by providing a faster alternative. Existing intersections between Loop Road and the Wairoa River will have improved levels of service.</p> <p><b>Efficiency:</b> Not an efficient or sustainable management solution to development of the land or roading resource.</p>	<p><b>Benefits:</b> Requires the least amount of up-front investment to improve intersections.</p> <p><b>Costs:</b> The timing of TNL is uncertain and delay may result in planning uncertainty reducing the lifestyle amenity of the area.</p>
<p><b>Alternative 3</b> Allow development of the permitted baseline (what would have occurred anyway) while gathering contributions for local road</p>	<p><b>Effectiveness:</b> Provides for staged development and ensures safety improvements are implemented relative to growth. The net result will be better than if development were to occur haphazardly.</p> <p><b>Efficiency:</b></p>	<p><b>Benefits:</b> Soaks up development resulting from TDRs that would otherwise occur elsewhere Improves safety over what would have occurred under</p>

Issue: Minden is Difficult to Connect to SH2	Effectiveness/Efficiency	Benefit/Cost
<p>improvements and identified mitigation. Provide for further lifestyle development once mitigation is implemented.</p>	<p>Allows for the sustainable management of development over a known timeframe that allows appropriate planning and budgeting of services.</p>	<p>the do nothing scenario for the Minden Structure Plan Area.            Enables improvements to the roading infrastructure.            Enables staging.  <b>Costs:</b>            Development must be staged and is capped by “baseline’ considerations. Not all landowners can develop at once.            Does not immediately improve safety of intersections and may result in a lower level of service in some situations until upgrades are implemented.</p>

The preferred alternative is alternative 3.

## 16 Conclusion

The preferred alternative, in respect of managing transportation effects of the Minden Structure Plan, to provide opportunities for lifestyle living in close proximity to the City of Tauranga, is to enable limited development within the constraints of the existing baseline until identified mitigation is implemented. Staged development is likely to have less adverse effects than unstaged development and up to the baseline is considered unlikely to have adverse effects beyond those that would have otherwise occurred.

## 17 Geotechnical - Overview<sup>3</sup>

Land in the Minden Structure Plan area has been categorised into four<sup>4</sup> levels of geotechnical constraint (stability zonings). These are:

<sup>3</sup> See Minden Rural 3 Zone Structure Plan geotechnical Appraisal. Beca, August 2009 for a detailed discussion of geotechnical issues

<sup>4</sup> Additional land that was brought into the Structure Plan following consultation has no stability classification.

- 1) Zone A: (Most constrained) being land that is subject to, or likely to be subject to, instability.
- 2) Zone B1: Land potentially subject to instability
- 3) Zone B2: As with B1 - but to a lesser degree than B1 if:
  - a. There is no on-site sewage or stormwater disposal
  - b. There is no significant cutting or filling
  - c. There is no significant vegetation removal.
 (i.e. the natural form and vegetation cover remains intact).
- 4) Zone C: Land unlikely to be at risk from instability.

Rules of the proposed Western Bay of Plenty District plan currently provide that:

*16.7.4: New buildings and external additions to buildings in the Minden A, B1 and B2 stability areas not within an approved building site – are a Discretionary activity.*

*16.10.4 Discretionary Activities – Buildings Sites to which 16.8.4 (j) Applies*

(a) *An approved building site shall:*

(i) *Mean a site that has been approved in conjunction with a resource consent application under the RMA, and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards). Any approval is likely to include conditions applicable to access, vegetation removal, cutting and filling, earthworks, drainage and the like.*

(ii) *Be no less than 300m<sup>2</sup> in area to allow for buildings, amenity areas and waste disposal.*

(iii) *Be able to be used for residential purposes.*

(iv) *Comply with the yard requirements.*

(v) *Contain all buildings except for pump houses, fences and masts which may be located outside of the building site.*

(b) *An approved building site can be formed at either subdivision or building consent stage. Any formation shall ensure the site:*

(i) *Blends in with existing contours.*

(ii) *Preserves stands of native bush.*

(iii) *Does not compromise significant topographical features by earthworks.*

The Minden area has a history of slope instability due, in part, to the shallow ash layer overlaying relatively steep land. Terraces of the area are often described as “oversteep” and movement of the lower terraces (i.e. below 40m) is active. The higher terraces appear to be more dormant<sup>5</sup>.

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<sup>5</sup> Minden Rural 3 Zone Structure Plan Geotechnical Appraisal, Beca, 2009.



**Figure 2: Erosion in the Minden**

**18 Issue Summary**

The issue is how to best provide for development in a way that is sensitive to the geotechnical constraints of the land.

**19 Alternatives Analysis**

Issue: Difficult Geotechnical conditions	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Require full geotechnical assessment prior to the</p>	<p><b>Effectiveness:</b> A geotechnical assessment is necessary to confirm the stability of soils for development. Site cuts and fills, vegetation removal and the on-site</p>	<p><b>Benefits:</b> Is the safest alternative in an area of known geotechnical difficulty <b>Costs:</b></p>

Issue: Difficult Geotechnical conditions	Effectiveness/Efficiency	Benefit/Cost
granting of any consent. Control earthworks.	<p>disposal of wastewater and stormwater need to be controlled even on flatter areas as any disturbance or intervention may have a down slope effect.</p> <p><b>Efficiency:</b> Efficient as it ensures that all development is assessed in terms of the potential effect on the surrounding environment but inefficient insofar as it imposes costs on developers of safe “C” classified land.</p>	<p>May be costly and, in some situations, found to be unnecessary after the assessment.</p>
<p><b>Alternative 2</b> Require assessment on only those areas that have been identified as being at risk of slippage (A, B1 and B2) (Preferred)</p>	<p><b>Effectiveness:</b> As effective as alternative 1, as all land that is known to be at risk is assessed.</p> <p><b>Efficiency:</b> The assessments to date have been desk-based to establish general areas of geotechnical stability. Slope is a significant component of this assessment. Subject to slope being confirmed, it is unlikely that areas that meet “C” classification requirements will react adversely to development</p>	<p><b>Benefits:</b> Allows for assessment to be undertaken in category C areas</p> <p><b>Costs:</b> May advantage some landowners over others.</p>
<p><b>Alternative 3</b> Disallow all development as the area is too risky</p>	<p><b>Effectiveness:</b> Does not provide for the reasonable development of land in a sustainable manner.</p> <p><b>Efficiency:</b> Not efficient as it does not provide for the use of the land for its most efficient purpose. Much of the land has limited horticultural or agricultural value and is more efficiently used for lifestyle purposes. Allowing this land to be used for lifestyle purposes realises agricultural potential in other areas.</p>	<p><b>Benefits:</b> Ensures the geotechnical safety of landuse activities in the area.</p> <p><b>Costs:</b> Constrains development in an area that could be developed.</p>

**The preferred alternative is alternative 2** with an activity standard linked to site slope. This option enables the best use of land with minimal consent encumbrance and ensures development does not generate adverse effects.

## 20 Ecology – Overview<sup>6</sup>

An ecological assessment has been undertaken for the structure plan and has identified the potential for riparian enhancement in conjunction with the continued use of gullies for storm water management. The report also identified the need for invasive weeds to be controlled.

Two significant ecological features (U14/4 and U14/52<sup>7</sup>) identified in the proposed Western Bay of Plenty District Plan are located within the area also.

The Western Bay of Plenty District plan has extensive rules for the protection of features of ecological significance and these rules will apply to any features that have been identified within the Minden Structure Plan. It is also proposed that the Structure Plan, recognising the importance of riparian areas, and provide rules to ensure appropriate planting and maintenance of these sensitive areas occurs.

## 21 Issue Summary

It is necessary to provide the enhancement of the ecological environment to ensure the provision of a lifestyle area with a high level of amenity (see Figure 3 as an example of a gully that may be restored).

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<sup>6</sup> See Wildlands Report 2286, August 2009 for a detailed ecological assessment of the site.

<sup>7</sup> These areas are noted as shrubland and forest.



Figure 3: Gully with restoration options

## 22 Alternatives Analysis

Issue: How to best manage ecology in the Minden Structure Plan area	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Rely on provisions of the WBOPDP as they stand.</p>	<p><b>Effectiveness:</b> Not effective as the plan does not provide for the level of riparian management envisaged for the Minden area.</p> <p><b>Efficiency:</b> Efficient as it entails no change to the current rules.</p>	<p><b>Benefits:</b> Easy to implement. Cheap.</p> <p><b>Costs:</b> Does not achieve the purpose of the Structure Plan which is to provide a high quality (high amenity) structure plan area.</p>
<p><b>Alternative 2 (Preferred)</b> Enhance provisions of the WBOPDP by providing additional rules to enhance riparian areas, and require ecological</p>	<p><b>Effectiveness:</b> More effective than alternatives as it will improve on the current situation and move towards the goal of creating a high quality environment. Provides for the sustainable management of the ecological environment.</p> <p><b>Efficiency:</b></p>	<p><b>Benefits:</b> Easy to implement. Cheap. Achieves the purpose of providing an area of enhanced amenity.</p> <p><b>Costs:</b> Places a cost on developers who will be required to provide enhancements</p>



Issue: How to best manage ecology in the Minden Structure Plan area	Effectiveness/Efficiency	Benefit/Cost
enhancement (where appropriate).	Most efficient – relies on existing rules and provides for the enhancement of the structure plan area.	

**The preferred alternative is 3.** As subdivision is a discretionary activity these requirements will be implemented via conditions of subdivision consent. Riparian margins and connectivity between ecological areas are specific assessment matters.

## 23 Conclusion

Alternative 2 is the preferred option because it provides for the enhancement of riparian areas by requiring development adjoining streams and other water bodies to provide a riparian strip – to be planted in appropriate species. This will have the effect of providing an ecological corridor, preventing the use of this area for dumping and assists in achieving Council’s objectives with regards to the structure plan area.

## 24 Landscape Overview

The purpose of the structure plan is to create a high quality environment and that the area will become a *premier lifestyle location*. Therefore, protection of landscape character is important, as is maintaining the area’s northern outlook.

As part of the structure plan development process design principles were developed including requirements to:

- Promote clustering
- Ensure development is not visually dominant (i.e. sits below ridgelines)
- Protect viewshafts
- Link roads to existing routes and connections
- Create a hierarchy of street types that reflect the rural character of the area; with narrow carriageways and wide grass verges and minimal kerb and channel.
- Setback dwellings from roads and screen with vegetation
- Provide low impact infrastructure solutions.

## 25 Issues Summary

The issues relating to landscape are primarily how to provide for the identified design principles. The options available differ in prescriptiveness and the extent to which solutions for the Minden should vary from elsewhere in the District.



Figure 4: The Quarry Park - showing the escarpment.

## 26 Alternatives analysis

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Provide design guidelines with subdivision. Development in accordance with these guidelines shall be a permitted activity.</p>	<p><b>Effectiveness:</b> Less effective as it is difficult to provide design guides that are sufficiently flexible to be appropriate to topography like the Minden, yet be certain enough to be used as a permitted activity standard.</p> <p><b>Efficiency:</b> Efficient as the guideline provisions only need to be prepared once and reliance can be placed on compliance with the rule.</p>	<p><b>Benefits:</b> Less administration as the rule is clear for both developers and Council staff monitoring compliance.</p> <p><b>Costs:</b> There is an up-front cost to Council in preparing the guidelines. Developers may adopt a “do minimum” approach.</p>
<p><b>Alternative 2</b> Continue with the “controlled” subdivision</p>	<p><b>Effectiveness:</b> Effective provided matters of control are sufficiently precise to be administered</p>	<p><b>Benefits:</b> Certainty to the developer and “added value” as Council can</p>

Issue	Effectiveness/Efficiency	Benefit/Cost
model and provide matters for Council to issue control over.	efficiently and consistently for all development. <b>Efficiency:</b> Efficient as it provides certainty the development can proceed.	assist through matters of control <b>Costs:</b> Up-front consent preparation and processing costs; but these are relatively minor in comparison to the total cost of development.
<b>Alternative 3 (preferred)</b> Focus subdivision on matters of design so that subdivision becomes a restricted discretionary activity restricted to consideration of design, geotechnical and traffic matters.	<b>Effectiveness:</b> Effective as it gives Council the ability to decline the designs that are not appropriate or control those that require additional input. <b>Efficiency:</b> Efficient as it provides a defined path for the consent giving certainty.	<b>Benefits:</b> Provides for the enhancement of landscape through design and allows other matters (such as geotechnical) to be considered as well. <b>Costs:</b> Cost of implementation may be higher than not providing a rule for enhancement.

**The preferred alternative is 3.** Subdivision needs to be a discretionary activity for landscape as well as geotechnical and traffic reasons.

## 27 Conclusion

There is a continuum of activity-status alternatives in relation to landscape enhancement for Council with benefits and costs related to all of the alternatives. Landscape values in the Minden are good, and the purpose of the structure plan is to enhance the landscape and the greenness of the area. Controls, as proposed, will allow Council to discuss opportunities for improved outcomes with developers with confidence at Council, and with the developer, that consent will be granted, but with appropriate controls. The restricted discretionary activity status gives Council the ability to decline proposals where they are not appropriate.

## 28 Specific Plan Provisions

## 29 Policy Changes<sup>8</sup>

It is proposed to insert the following policies into the **Rural** section of the Proposed Western Bay of Plenty District Plan to support the rules that require compliance in general accordance with the structure plan and related activity standards:

21. *Development within Rural 3 Structure Plan areas shall be staged to match the capacity of the strategic roading network to accommodate additional vehicle movements likely to be generated from the structure plan area.*
  
22. *Subdivision, use and development within the Rural 3 Structure Plan areas shall provide walkways, equestrian connectivity and other high quality amenities or, where onsite provision of these amenities is not appropriate, shall integrate these elements into its own design.*
  
23. *Where subdivision or development within the Rural 3 Structure Plan areas provides privateways or public roads, it shall take into account site constraints including geotechnical, landscape and ecological limitations in determining an appropriate design that delivers a high quality amenity environment.*

The purpose of these policies is to communicate how the relevant objectives are implemented and how the provisions of Part 2 of the RMA are to be given effect to in the Minden Structure Plan area. In particular, the policies confirm the need to stage development to match infrastructure, the importance of high quality amenity (so the area continues to attract people and thereby fulfills its wider network functions), and to recognize inherent limitation of the land (and thereby enable efficient use and development).

Three policy alternatives are discussed below:

Issue	Effectiveness/Efficiency	Benefit/Cost
<b>Alternative 1</b> Provide no additional objective or policies	<b>Effectiveness:</b> Not effective as the purpose of objectives and policies is to aid decision-making and their absence will provide little certainty for developers. A District Plan is required to have policies to show how the plans Objectives will be met.	<b>Benefits:</b> None <b>Costs:</b> Opens the potential of challenge to the proposed structure plan as the District Plan is required to have

<sup>8</sup> Note: This analysis was prepared mindful that the Minden Lifestyle section will be “stand alone”. These structural changes are discussed elsewhere in this assessment.

Issue	Effectiveness/Efficiency	Benefit/Cost
	<p><b>Efficiency:</b> Not efficient as it does not meet the requirements of the RMA.</p>	<p>policies to implement the plans objectives. Leaves the rules open to different interpretation.</p>
<p><b>Alternative 2</b> Provide a broad suite of Objectives and Policies addressing all relevant Minden matters.</p>	<p><b>Effectiveness:</b> Effective as it meets the requirements of the Act, but does not fit with scheme of the proposed District Plan. <b>Efficiency:</b> Efficient as it describes the requirements for all matters related to the Minden but this may result in repetition as other general objectives and policies do so also.</p>	<p><b>Benefits:</b> Provides greater certainty in interpretation by developers and Council. <b>Costs:</b> May result in alternative interpretations between general objectives and policies and these more specific ones.</p>
<p><b>Alternative 3 (preferred)</b> Address “key” issues through targeted policy.</p>	<p><b>Effectiveness:</b> Most effective as the proposed policies target issues of relevance to the Minden Structure Plan area and relies on Pt II RMA and wider plan policy for other matters. <b>Efficiency:</b> Most efficient as it reduces repetition.</p>	<p><b>Benefits:</b> Provides greater clarity in relation to the Minden Structure Plan area and reduces potential for misinterpretation. <b>Costs:</b> May result in some matters being considered in a policy vacuum.</p>

The preferred alternative is 3 because this option is most effective and efficient.

## 30 Subdivision a Mix of Controlled and Restricted Discretionary Activity

Controlled subdivision status is a default for many plans in typical development situations. This enables Council to control the subdivision but guarantees the applicant that they will be granted consent.

Because they cannot be declined, controlled activities should be reserved for activities that will not have significant adverse environmental effects and are consistent with the purpose of the Resource Management Act. Subdivision on land that is unstable and may fail is unlikely to be consistent with the purpose of the Act as it puts current and future generations at risk and does not provide for their wellbeing.

In the Minden Lifestyle Structure Plan area it is proposed that consent may be declined in all but C classified stability zones. On other land the geotechnical stability of the area must be specifically assessed and may not be suitable for development. However, subject to addressing these geotechnical concerns and provided appropriate foundations are formed, development on this “A” and “B” land is appropriate.

The principal alternatives are non-complying of full discretionary activity status. These options are not appropriate because they place too little reliance on work undertaken in the development area in preparing the structure plan. Non-complying activity status infers that development in the area is not anticipated by the plan. This is not in accordance with the purpose of the zone.

Therefore controlled and restricted discretionary subdivision in relation to geotechnical effects and landscape is appropriate.

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Chosen alternative:</b> Restricted discretionary subdivision (“B” stability zones) and controlled subdivision in “C” stability zones.</p>	<p><b>Effectiveness:</b> Effective and necessary due to the potential for natural landslip hazards in the Minden Area. <b>Efficiency:</b> Efficient as it clearly identifies the areas of concern that need to be addressed in subdivision assessment. Means that developers know what issues Council is concerned about enabling more efficient consenting processes.</p>	<p><b>Benefits:</b> Ability to enhance development through consent conditions <b>Costs:</b> Increased cost of assessment necessary to understand the environment. Possibility that consent will be declined.</p>

## 31 Bonus Lots

The proposed structure plan includes rules providing incentives for lots that provide infrastructure in accordance with the structure plan. The intent is that these rules will negate the need for Council to raise revenue from other developers by way of contributions to pay for the community infrastructure.

Walkways and bridleways passing through eligible properties (i.e. bridleways through land of length greater than 250m (giving 2500m<sup>2</sup> area), walkways of 100m or more in length) may result in 44 additional lots being created (4 from bridle trails and 40 from walkways). Approximately 80% of the required length (16 km) of public amenities can be provided in this way (the remainder being in small parcels that are not eligible).

Benefits of the approach are reduced cost to Council and reduced financial contribution cost across the structure plan area. Benefits to the developer are that a greater number of lots can be developed in complying circumstances as the “bonus lots” generally apply to larger land parcels. Costs include slightly increased yields which were previously not expected.

The main principal alternative to this approach is to rely on development of financial contributions<sup>9</sup>.

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Use Financial Contributions</p>	<p><b>Effectiveness:</b> Effective as it provides a clear system that provides for the identified enhancements and services.</p> <p><b>Efficiency:</b> Efficient as a means of gathering infrastructure funds.</p>	<p><b>Benefits:</b> Clear and accepted method of gathering infrastructure funding.</p> <p><b>Costs:</b> Expensive to provide for all services by contribution. May be subject to change through the annual plan and LTCCP processes. May deter development.</p>
<p><b>Alternative 2</b> Provide “Bonus” lots</p>	<p><b>Effectiveness:</b> Effective as a means of encouraging the provision of identified services and to increase sustainable use of the land resource.</p> <p><b>Efficiency:</b> Efficient as it results in the provision of identified service at the time of subdivision.</p>	<p><b>Benefits:</b> Encourages design outcomes that implement the structure plan at less cost to Council.</p> <p><b>Costs:</b> If incentives are not taken up then there may be an increased cost in acquiring walkways and equestrian facilities.</p>

The preferred alternative is 2 because it has the greatest chance of ensuring the structure plan’s success.

## 32 Staging

Subdivision within the structure plan area is to be staged according to a rule that requires development prerequisites to be met. This rule states that until mitigation is met subdivision beyond the identified trigger levels will be non-complying. Those pre-requisites include alternative access formation, until either the construction of the Tauranga Northern Link or the date of 2025 being reached.

<sup>9</sup> The terms “Financial Contributions” and “Development Contribution” are used interchangeably because they are considered the same for the purpose of this analysis.

The 2025 date is provided to recognise that if development within the Minden Lifestyle Area is to occur it is necessary to enable its connection within reasonable timeframes.

The main alternative to this rule is to have no staging. The discussion in section 2 of this report demonstrates that this is not a viable option.

The critical question in respect of staging is how much development to permit. The main alternatives are:

- ❑ No limit at all (which, as discussed, is completely unsafe and is not considered)
- ❑ The current “baseline” – i.e. what would be permitted now under the existing rules
- ❑ The limit as dictated by roading infrastructure itself.

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Constrain to current baseline</p>	<p><b>Effectiveness:</b> Effective as this is a “no change” situation and allows development already anticipated in the area.</p> <p><b>Efficiency:</b> Efficient as the incentives to improve intersections remain.</p>	<p><b>Benefits:</b> Allow some (limited) wider District benefits to be realised through implementation of the Structure Plan, up to the baseline point.</p> <p><b>Costs:</b> Development opportunities are capped in accordance with the current limitations.</p>
<p><b>Alternative 2</b> Constrain to limits of roads.</p>	<p><b>Effectiveness:</b> Effective as this means no more development and thus no further reduction in level of service at the key intersections.</p> <p><b>Efficiency:</b> Not efficient as it doesn’t resolve the current issues nor does it provide for the sustainable management of the land resource, or for the safe and efficient operation of the state highway network.</p>	<p><b>Benefits:</b> Maintains current levels of service for those intersections as influenced by traffic from the Minden Structure Plan area. [note; The increased traffic on SH2 could still result in a lower level of services in the future].</p> <p><b>Costs:</b> Wider District benefits are not realised.</p>

The preferred alternative is alternative 1.

### 33 Subdivision Activity Status Matters of Consideration (Controlled activities)

A number of matters for consideration are proposed. These are in addition to other matters of the plan.



The purpose of these matters is to provide a focus for developers and consenting staff when considering development. These matters are listed within the controlled activities section of the plan and referred to under restricted discretionary activities. The matters relate to aspects that have been identified in project investigations and are considered relevant to the structure plan area. The principle alternative is to have no such matters and to revert to full discretionary or non-complying activity status.

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> List matters of 'priority' in the controlled activity rule and refer to these in the restricted discretionary activity rule.</p>	<p><b>Effectiveness:</b> Effective as it provides a focus but does not discount broader considerations. Avoids duplication and ensures that the only distinguishing feature between activity classes is the ability to decline. <b>Efficiency:</b> Efficient as it considers all proposed subdivision on its merits and criteria are consistent between the matters of control and assessment criteria.</p>	<p><b>Benefits:</b> Ability to address unanticipated effects. <b>Costs:</b> Potentially greater costs in preparation and less certainty with regards to approval.</p>
<p><b>Alternative 2</b> Pull matters of 'priority' up into a policy (or policies) and rely on discretionary consent status.</p>	<p><b>Effectiveness:</b> Less effective because the rule (full discretion) does not logically reflect the policies (which it could via a different activity status). <b>Efficiency:</b> Less efficient because all policies are relevant and the outcome is less certain for all parties.</p>	<p><b>Benefits:</b> Is comprehensive (i.e. all matters may be considered). <b>Costs:</b> Administratively burdensome and requires a good knowledge of the plan to be able to focus the application.</p>

**The preferred alternative is 1** as this is administratively efficient and gives effect to the structure plan.

## 34 The Structure Plan Configuration

The proposed Structure Plan has been extensively consulted in terms of layout and levels of service provided. Community feedback supported the current option subject to measures to contain costs which were seen as a potential deterrent to development. The maintenance of walkways and connectivity throughout the area were supported.

The two principle alternatives were evaluated as following:

Issue	Effectiveness/Efficiency	Benefit/Cost
<p><b>Alternative 1</b> Reduced Level of Service.</p>	<p><b>Effectiveness:</b> Effective at it achieves connectivity throughout the area and infrastructure costs are modest (though still high). <b>Efficiency:</b> Efficient as there is limited infrastructure and therefore less imposition on the private realm.</p>	<p><b>Benefits:</b> More affordable Less private land encroached onto and better use of existing public infrastructure (i.e. roads). <b>Costs:</b> Less “unique” and “distinctive” public infrastructure elements.</p>
<p><b>Alternative 2</b> Greater Level of Service.</p>	<p><b>Effectiveness:</b> Effective as it achieves connectivity throughout the area. Infrastructure costs are high and these were perceived as a barrier to the structure plan occurring. <b>Efficiency:</b> Less efficient due to cost and encroachment into private land.</p>	<p><b>Benefits:</b> Good connectivity and high amenity. <b>Costs:</b> Potentially, too costly</p>

**The preferred alternative is** a variant of 1 which is more cost effective and provides complete walking and running loops. It should be noted that cost, which was a perceived barrier to achieving option 2, has been addressed (in part) through bonus lot incentive rules.

## 35 Consultation

Record of formal consultation:

- ❑ NZTA 1 June, 2009.
- ❑ NZTA: 21 September, 2009.
- ❑ Preliminary Focus Group Meeting, 9 August 2010.
- ❑ NZTA – 20 April, 2010.
- ❑ Letter to agency stakeholders – 10 May, 2010
- ❑ Stakeholder Open Day – 17 May, 2010.
- ❑ Public Open Day – 26 May, 2010.

## 36 References

This Section 32 Evaluation provides a summary of benefits, costs, effectiveness and efficiency of the proposed rules and Structure Plan configuration. The evaluation relies on a number of reports prepared previously as listed below. Reference should be made to these reports in conjunction with this evaluation.

### **BECA:**

Minden Rural 3 Zone Structure Plan Geotechnical Appraisal. 31 August, 2009

Minden Structure Plan Rural residential design Assessment. 31 August, 2009

Minden Commercial Assessment 28 August, 2009

Minden Housing market demand Assessment. 28 August, 2009

Preliminary Information – Cultural Assessment

### **ISTHMUS GROUP**

Minden Rural 3 Zone Structure Plan Landscape and Visual Assessment, September 2009.

### **WILDLAND CONSULTANTS LIMITED**

Ecological Assessment for the Minden Structure Plan, Western bay of Plenty. August 2009.

### **OTHER**

Social Infrastructure Planning Guidelines, WBOPDC, October 2009