

Western Bay of Plenty District Council

Change to the District Plan – First Review

Plan Change 69 Waihi Beach Structure Plan

Section 32 Report

Prepared by: Andries Cloete, Senior Policy Analyst Resource Management

1. Introduction

1.1. General Introduction and Background

The operative Waihi Beach Structure Plan was introduced into the District Plan in 2006/07, during a time of significant growth. The Structure Plan makes provision for 1,946 additional dwellings by 2046 and extensive infrastructure to accommodate that growth. However, both the 2006 and 2013 census results have shown that the anticipated growth will not be achieved. Included with the Structure Plan is a list of the capital projects to be undertaken as part of the Structure Plan and anticipated timeframes for the construction of these projects. Due to the much slower growth over the past eight years (than the 2006 projections), there is a significant difference between the capital project schedule and timeframe included in the Structure Plan and the actual projects undertaken.

In 2014, Council completed more detailed investigations on stormwater issues currently being experienced in the One and Two Mile Creek catchments. The operative Structure Plan allows for significant growth in these catchments which may increase the current flooding issues. Council undertook intensive consultation with the Waihi Beach community during 2014 and the majority of the community is not in favour of residential growth in these stormwater catchments due to existing flooding issues in these catchments.

Most of the land between Three Mile Creek and Emerton Road, earmarked for Stage 2 development in the operative Structure Plan, is subject to flooding and has poor soil conditions, therefore expensive to develop.

2.0 Resource Management Act 1991

2.1. Section 32

Before a proposed plan change can be publicly notified the Council is required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- 1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- 3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
- 4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

2.2. Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council. The Te Awanui Harbour Management Plan was lodged with Council in 2008. The proposed changes to the Waihi Beach Structure Plan take the Te Awanui Harbour Management Plan into account.

3.0 Consultation

Directly affected landowners were invited to a meeting held on 20 March 2015 to inform them about the proposed changes to the Structure Plan and the reasons for these changes. Eight of the 14 invited landowners attended the meeting. The affected landowners comprise a mixture of long time residents and developers. Council staff were also in contact with most of the landowners that were not present at the meeting by phone or email.

In 2012/2013 Council developed a stormwater model for the northern part of Waihi Beach (Two Mile Creek North) and the information was then used to review the flood hazard zones in the District Plan. Extensive consultation with the Waihi Beach community was undertaken during the project. The outcomes from the project are also of significance for the review of the Waihi Beach Structure Plan

4.0 Defining the issue

4.1 Land available for residential development

The operative Structure Plan comprises two stages. The land included in stage 1 is zoned Residential, while the land included in stage 2 is still zoned Rural. Stage 1 comprises approximately 62ha of which approximately 31ha is floodable or along steep slopes. At a density of 12 dwellings per hectare (which is equal to an average lot size of approximately 630m²), stage 1 can accommodate at least 370 dwellings.

4.2 Projected growth

The operative Structure Plan is based on the assumption that 1,946 additional dwellings are to be developed by 2046. This projection is considered to be high, given the actual growth experienced since 1996.

The Waihi Beach wastewater scheme came into operation in 2002 and in 2003 Council notified Plan Change 23 – Waihi Beach Growth Strategy. Plan Change 23 projected significant growth from both infill subdivision and greenfield development. The projections included in Table 1 are an extract from the Plan Change.

Table 1: Waihi Beach projections as included in Plan Change 23

<i>Census year</i>	<i>Population</i>	<i>Total dwellings</i>
1996	1914	1358
2001	1911	1368
2006	2150	1555
2011	2500	1808
2016	2900	2097
2021	3300	2387

The projections included in Plan Change 23 were reviewed after the 2006 census and the projections as per Table 2 were included in the documentation that informed Council's Long Term 2009-2019. Council also reviewed the then operative Waihi Beach Structure Plan through Plan Change 55. Although the projections were lower than the 2003 projections, no changes were made to the assumption that 1,946 additional dwellings will be required by the year 2046.

Table 2: Waihi Beach projections as prepared for Council's Long Term Plan 2009-2019

<i>Census year</i>	<i>Population</i>	<i>Total dwellings</i>
2006	1773	1536
2010	1875	1579
2011	1900	1600
2016	2300	1750
2021	2700	1920

Results from the 2013 census have confirmed that the growth as projected in 2003 is too high. As a result, Council adopted the following projections for Waihi Beach in September 2014 (see Table 3). Although the projected number of dwellings is higher than the projections included in the Long Term Plan 2009-2019, there is a significant drop in the population. This is due to the reduction in household size and the fact that Waihi Beach is continuing to be a popular town for holiday makers. It is therefore expected that holiday homes and other types of accommodation, instead of conventional dwellings in a subdivision, will become more prominent, for example retirement villages, holiday apartments and townhouses (see Table 4). This statement is supported by the fact that only 888 of the 1,746 dwellings in Waihi Beach were occupied in 2013.

Table 3: Waihi Beach projections as adopted by Council in September 2014

<i>Year</i>	<i>Population</i>	<i>Total dwellings</i>
2013	2042	1746
2016	2077	1838
2018	2100	1900
2021	2130	1960
2023	2150	2000
2028	2200	2050
2033	2250	2050

Source: Western Bay of Plenty District Council Long Term Plan assumptions, 2014

Table 4: Waihi Beach – Number of dwellings and population per census

2001		2006		2013	
Dwellings	Population	Dwellings	Population	Dwelling	Population
1,368	1,908	1,536	1,773	1,746	1,935

As part of the work undertaken for Council's new Long Term Plan (2015-2025), it was established that there are approximately 135 vacant lots in Waihi Beach and approximately 140 additional lots (instead of 1,946) will be required over the next 30 years. This is also supported by the fact that there have always been a relatively large number of dwellings and lots up for sale. Looking at the websites of three real estate companies operating in Waihi Beach, these show that currently there are more than 200 residential properties/lots listed for sale. Even though some of the properties might be listed with two or three different companies, it excludes private sales listed on TradeMe for example.

*Table 5: Properties listed for sale in Waihi Beach area (February 2015)**

<i>Real estate companies</i>	<i>Residential properties for sale**</i>
LJ Hooker	117
First National	52
Harcourts	51

* *This may include Pios Beach*

** *Including vacant sections*

According to one of the principal salespersons of one of the real estate companies in Waihi Beach, there were 45 vacant sections listed with them in June 2015.

4.3 Stormwater issues within the catchments of One, Two and Three Mile Creeks

There is a significant flood risk at Waihi Beach and a large number of residential properties are at risk of inundation during storm events. The town has been developed on a natural flood plain and the community has experienced many flooding issues with the most recent flooding above floor levels occurring in 2013 (1 in 8 year storm event).

In 2012/2013, Council developed a stormwater model for the northern part of Waihi Beach (Two Mile Creek north). This information was then used to review the flood hazard zones in the District Plan. The model for Two Mile Creek South will be completed in 2015.

Generally, flooding in the “back dune” area is caused by limited capacity of the stormwater drainage system and “ponding” characteristics of the topography caused by the dune complex. Essentially the low lying areas fill with water and this water cannot drain from the area (other than infiltration) before the “crest” of the pond is overtopped.

In order to defend against these rainfall events, extensive infrastructure such as upper catchment retention dams or stormwater pumping systems will be required to reduce the risk of flooding to these properties. This infrastructure could cost tens of millions of dollars and may not remove the flood risk for all properties.

Council has been working with the community over the past 2 years to develop a stormwater management strategy for Waihi Beach to enable it to better manage the risk of flooding to private property. There is a high risk in this catchment that further development will increase the risk of flooding for properties. To ensure the risk of flooding is not exacerbated it must be carefully managed in the future.

Modelling and historical flooding information indicate that it will be difficult to develop greenfield sites identified as being within a flood hazard area in Waihi Beach without increasing the flood risk to these properties and/or adversely

affecting downstream properties. Development within Waihi Beach should therefore be restricted to areas outside the revised flood hazard zones.

The Waihi Beach community advocates that the filling of land for development should not be permitted in the One and Two Mile Creek catchments. Filling of land for development outside the One and Two Mile Creek catchments may be permitted in special circumstances, however clear evidence should be included as part of a resource consent application to demonstrate that there will be no downstream effects.

Development outside of identified flood hazard zones will need to be carefully managed to ensure that flood risk is not exacerbated. Clear evidence will need to be provided showing that the development will have no downstream effects. Stormwater should be managed onsite, prior to discharge into a Council system. However, as this issue is not limited to structure plan areas it has to be addressed in a separate plan change.

It is important though that rules be included in the District Plan to ensure that:

- Existing overland flow paths cannot be altered or changed without investigating and mitigating the effects.
- No structures are to be erected within known overland flow paths.
- No building up of ground profiles or changes to the section is allowed (unless designed to avoid downstream effects)
- Foundations and buildings in flood zones are designed to cater for flooding events
- With a subdivision or development, clear evidence is provided that it will not have any down stream effects or increase the current flood risk.

4.4 Reduction of lead infrastructure

As the operative Structure Plan was introduced with the intention to accommodate close to 2,000 additional dwellings in 2046, a significant amount of lead infrastructure was provided to service the area and to ensure connectivity. For example, a proposed link road between Waihi Beach Road (in the north) and Emerton Road (in the south) with links to existing roads (e.g. Seaforth Road and Citrus Avenue) were introduced.

Included in the operative Structure Plan are two large stormwater ponds which are yet to be designed and constructed to cater for a large number of future subdivisions. The Structure Plan signals that these ponds be constructed as development occurs within the area. Those subdividing first will need this stormwater pond to be constructed straight away; however they will not be able to fund the entire pond by themselves. Therefore, Council may have to contribute the funds needed for the construction of the pond and slowly recoup the money from financial contributions as other subdivisions follow later. This will increase Council's debt and financial risks.

By reducing the additional number of dwellings required by the year 2046 to 140, the proposed roading network and associated water and wastewater infrastructure cannot be afforded and will not be required.

It is also important to note that most of the proposed infrastructure is within areas subject to flooding. Significant filling would therefore be required when development occurs within these areas. As a result of the filling, overland flow paths and flood water will be displaced which may increase existing flooding issues in Waihi Beach.

5.0 Reviewing the Structure Plan

5.1 Summary of proposed changes to the Waihi Beach Structure Plan

a) Water Network

Included in the operative Structure Plan are significant upgrades to the existing water network to the east of the Ocean Breeze subdivision and to the east of Citrus Ave. The purpose of the infrastructure was to cater for significant growth in the area between Waihi Beach Road and Three Mile creek. Most of the area is still zoned Rural.

Future development will be restricted in the Two and Three Mile Creek catchments due to the existing flooding issues. It is therefore no longer the intention to rezone land from Rural to Residential. As a result, the water network extensions included in the operative Structure Plan are no longer required.

Proposed water line WS4 (link between Citrus Ave and Seaforth Rd along Three Mile creek) will still be required to support the existing infrastructure and to accommodate growth east of Citrus Ave (on lots currently zoned Residential).

b) Wastewater Network

Proposed wastewater line WW6 (from Citrus Ave to the treatment plan) has been deleted. This line is no longer required due to the restricted residential growth in the catchments of One, Two and Three Mile creeks.

c) Stormwater

As mentioned in paragraph 4.3 and 4.4, Council would like to assure that stormwater is well managed on-site and it is therefore not the intention to construct proposed stormwater ponds SW3 and SW4.

d) Transportation network

Council is not proceeding with the link road between Emerton Road and Waihi Beach Road (see paragraph 4.4). As a result, proposed link roads RD14 and RD19 are no longer required.

A new walkway/cycleway RD20 has been included parallel to Seaforth Rd, between Glen Isla Pl and Mako Ave.

Also included in the proposed Structure Plan is the upgrading of a portion of Waihi Beach Rd to improve vehicle and cycle safety.

5.2 Option 1 – Status Quo - No change to the Structure Plan.

Benefits	<ul style="list-style-type: none"> ▪ None
Costs	<ul style="list-style-type: none"> ▪ The cost of development within Waihi Beach will increase significantly if the quantity of proposed infrastructure remains the same because this far exceeds what is actually required for the number of dwellings that are now actually expected. Most of the infrastructure was planned to be funded by dwellings but the projected numbers have decreased from 1,946 to 140. ▪ Alternatively, a larger portion of the proposed infrastructure could be funded through rates, meaning a significant rates increase across the ward or Waihi Beach.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ The population and dwelling projections have been reduced significantly since the current Structure Plan became operative. As a result, the operative Structure Plan will not be able to guide future growth in an effective and efficient manner.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ Not applicable as sufficient information is available.

5.3 Option 2 – Modify the Structure Plan and Infrastructure Schedule to reduce the number of roads, and the amount of wastewater, water and stormwater infrastructure.

Benefits	<ul style="list-style-type: none"> ▪ The reduced infrastructure will be better aligned with the projected growth. ▪ Will still be able to accommodate additional growth. ▪ Structure plan roads will not be developed in areas subject to flooding which will signal that Council does not plan to accommodate residential
-----------------	---

	<p>development in floodable areas.</p> <ul style="list-style-type: none"> ▪ Accommodates incremental growth. ▪ Will be more affordable to develop. ▪ Less risk to existing ratepayers to cover development cost shortfall. ▪ Will encourage on-site stormwater management practices.
Costs	<ul style="list-style-type: none"> ▪ None
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ The proposed Structure Plan is a more effective and efficient response towards the projected growth for Waihi Beach. ▪ More efficient use of existing infrastructure and reduced costs to all ratepayers. ▪ Is flexible and will be able to accommodate additional lots/dwellings if growth increases.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ Risk of under provision of infrastructure if growth increases significantly. However, the risk is very low and the current areas included in the Structure Plan can accommodate more than double the expected growth.

5.4 Preferred Option

The preferred option is:

Option 2 – Modify the Structure Plan and Infrastructure Schedule to reduce the number of roads, and amount of wastewater, water and stormwater infrastructure.

Rule Change

- Amend 1.1 Waihi Beach Infrastructure Schedule in Appendix 7 of the District Plan as outlined in **Attachment A**.
- Amend 1.2 Waihi Beach Structure Plan in Appendix 7 as outlined in **Attachment B** and make subsequent changes to District Plan Maps A03, U03, U04, U05, U06 and U07 (also included in Attachment B).
- Include the following conditions and design criteria in Rule 12.4.12.1:

(c) For all subdivision and development in Waihi Beach and Island View:

- (i) Existing overland flow paths should not be altered or changed without investigating and mitigating any effects.
- (ii) No structures shall be erected within overland flow paths.
- (iii) All earthworks and development shall mitigate stormwater effects.

- (iv) Buildings within a flood hazard area shall be designed for flooding events
- (v) Clear evidence shall be provided showing any subdivision or *development* will not have any downstream effects.

5.5 Reasons

The Proposed Structure Plan:

- Restricts development in areas subject to flooding
- Reduces the construction of lead infrastructure significantly, as a result making it more affordable.
- Is aligned with the projected population and dwelling projections for the next 30-years.
- Is more flexible and can accommodate more dwellings if the current projections are exceeded.

6.0 Recommended changes to the District Plan

- a) Amend 1.1 Waihi Beach Infrastructure Schedule as outlined in **Attachment A**.
- b) Amend 1.2 Waihi Beach Structure Plan in Appendix 7 as outlined in **Attachment B** and make subsequent changes to District Plan Maps A03, U03, U04, U05, U06 and U07 (also included in Attachment B).
- c) Include the following conditions and design criteria in Rule 12.4.12.1:

(c) For all subdivision and development in Waihi Beach:

- (i) Existing overland flow paths should not be altered or changed without investigating and mitigating any effects.
- (ii) No structures shall be erected within overland flow paths.
- (iii) All *earthworks* and *development* shall mitigate stormwater effects.
- (iv) Buildings within a flood hazard area shall be designed for flooding events
- (v) Clear evidence shall be provided showing any subdivision or *development* will not have any downstream effects.

Attachment A

1. Waihi Beach

1.1 Infrastructure Schedule

Waihi Beach Urban Roding					
<u>Project Number</u>	<u>Project</u>	<u>Proposed Construction year</u>	<u>Total Project Cost (\$)</u>	<u>Funding Source (percentage)</u>	
				<u>Developer Funded</u>	<u>Catchment Allocation</u>
<u>RD 6</u>	<u>Farm Road Widening</u>	<u>2040</u>	<u>36,000</u>		<u>100%</u>
<u>RD 7</u>	<u>Farm Road Extension</u>	<u>2040</u>	<u>190,000</u>	<u>87%</u>	<u>13%</u>
<u>RD8R1</u>	<u>Centre Link Road</u>	<u>2030</u>	<u>1,326,000</u>	<u>88%</u>	<u>12%</u>
<u>RD8R2</u>	<u>Centre Link Road Cul-de-sac</u>	<u>2030</u>	<u>458,000</u>	<u>73%</u>	<u>27%</u>
<u>RD 13R</u>	<u>New Link road off Citrus Ave linking to RD 8 R1</u>	<u>2020</u>	<u>1,534,500</u>	<u>71%</u>	<u>29%</u>
<u>RD 17</u>	<u>Reserves Walkway adjacent to Three Mile Creek: from Citrus Ave to Seaforth Road.</u>	<u>2021</u>	<u>4,500</u>	<u>0%</u>	<u>100%</u>
<u>RD 19</u>	<u>Link Road parallel to airstrip, now existing and reduced in length</u>	<u>2013</u>	<u>1,170,000</u>	<u>86%</u>	<u>14%</u>
<u>RD 20</u>	<u>Cycleway</u>	<u>2017</u>	<u>100,000</u>		<u>100%</u>
<u>RD 21</u>	<u>Town Centre Link</u>	<u>2025</u>	<u>300,000</u>		<u>100%</u>
<u>RD 22</u>	<u>Waihi Road upgrade</u>	<u>2018</u>	<u>2,000,000</u>		<u>24%</u>
			<u>7,179,000</u>		

Waihi Beach Utilities						
<u>Project Number</u>	<u>Project</u>	<u>Proposed construction year</u>	<u>Total Project Cost (\$)</u>	<u>Funding Source(percentage)</u>		
				<u>Developer</u>	<u>Rates</u>	<u>Financial Contributions</u>
	<u>New Water supply</u>					
<u>WS1</u>	<u>Parallel RD 19: Existing</u>	<u>2013</u>	<u>76,000</u>	<u>60%</u>		<u>40%</u>
<u>WS4</u>	<u>Parallels RD 17 Walkway</u>	<u>2020</u>	<u>83,840</u>	<u>40%</u>		<u>60%</u>
<u>WS5</u>	<u>Extends from walkway to Citrus Ave</u>	<u>2020</u>	<u>41,920</u>	<u>40%</u>		<u>60%</u>
<u>WS6</u>	<u>Parallels RD 6</u>	<u>2030</u>	<u>60,000</u>	<u>70%</u>		<u>30%</u>
<u>WS 15</u>	<u>New main on Seaforth Rd</u>	<u>2020</u>	<u>178,160</u>		<u>40%</u>	<u>60%</u>
			<u>439,920</u>			<u>100%</u>
	<u>New Wastewater</u>					
<u>WW3 -1</u>	<u>New reticulation West of Citrus Avenue</u>	<u>2020</u>	<u>125,000</u>			<u>100%</u>
<u>WW3 -2</u>	<u>New reticulation West of Citrus Avenue</u>	<u>2030</u>	<u>100,000</u>			<u>100%</u>
<u>WW5</u>	<u>New Pump Station in RD 13</u>	<u>2020</u>	<u>350,000</u>			<u>100%</u>
			<u>575,000</u>			
	<u>New Stormwater</u>					
	<u>Previous expenditure only</u>					

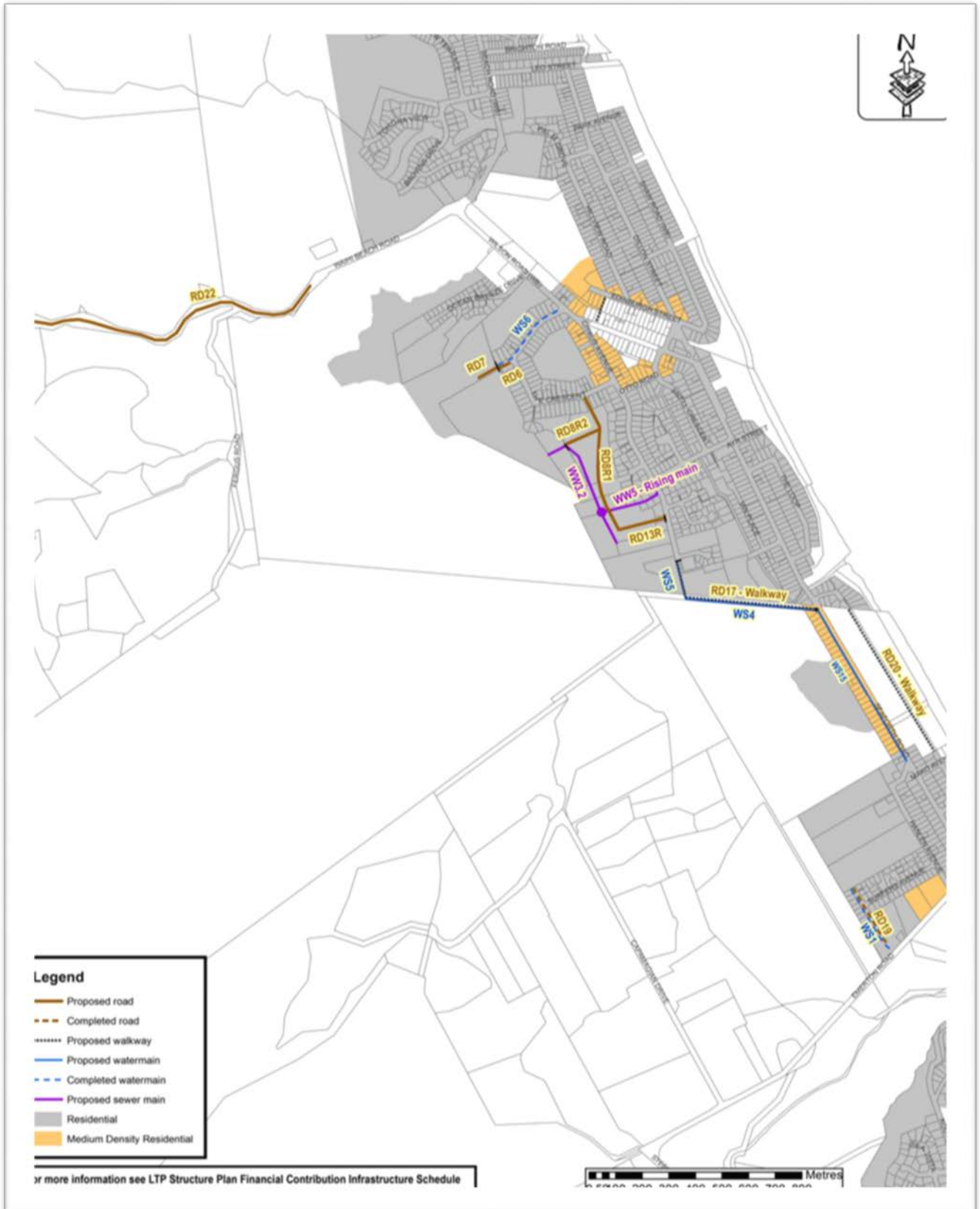
Attachment A

Project		Funding Source(%)			
		Developer	Council Financial Contributions	Council Rates	Other
Water Supply	Source	0%	0%	0%	0%
	Reservoirs	0%	100%	0%	0%
	Reticulation	37%	63%	0%	0%
Wastewater	Treatment	0%	0%	0%	0%
	Reticulation	12%	88%	0%	0%
Stormwater	Ponds	0%	100%	0%	0%
	Reticulation	0%	100%	0%	0%
Transport	Roads	0%	100%	0%	0%
	Intersections	0%	100%	0%	0%
	Walk/cycleways	0%	100%	0%	0%
	Park-n-Ride	0%	0%	0%	0%

Attachment B

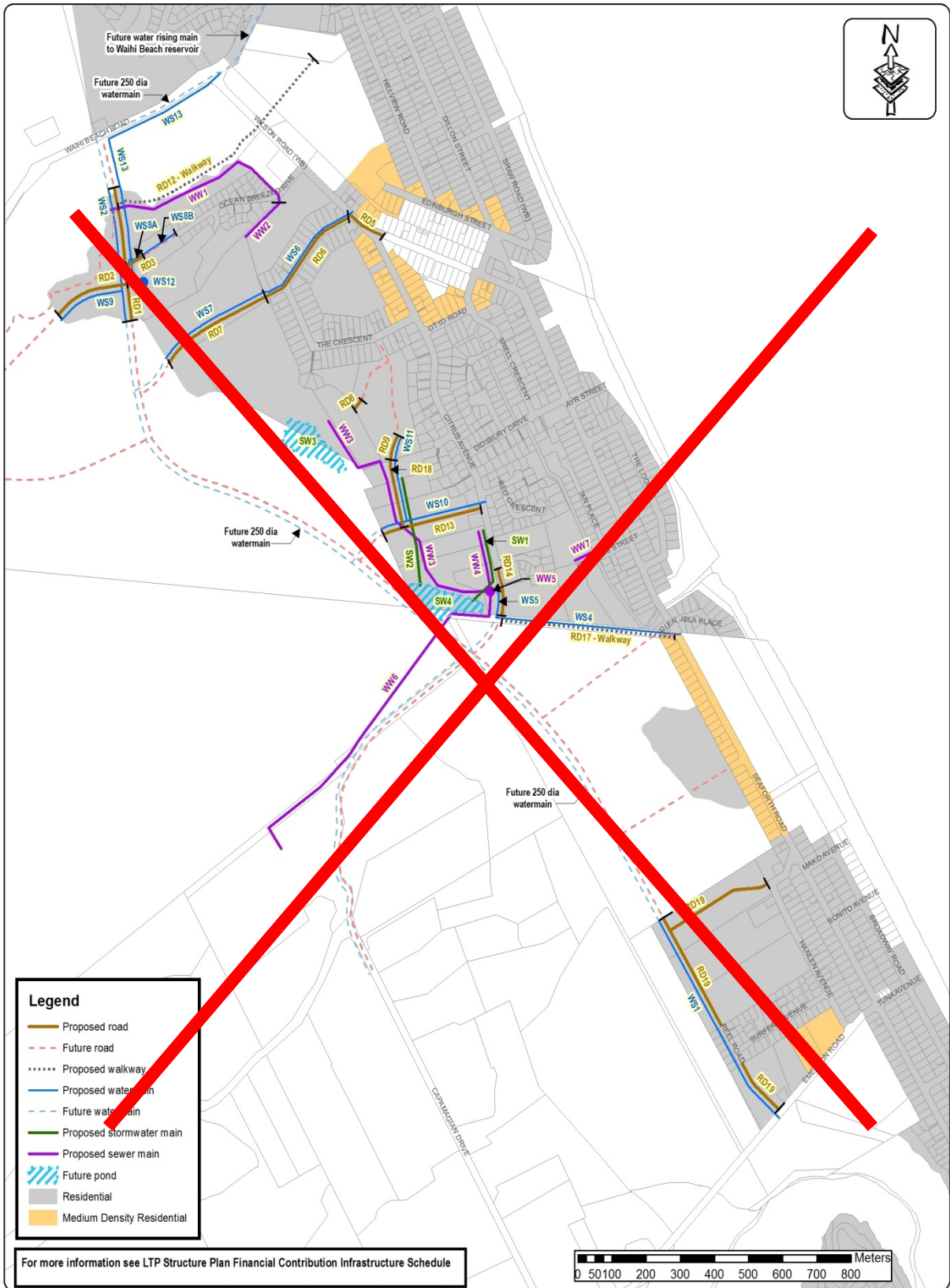
1.2 Waihi Beach Structure Plan

The Proposed Structure Plan

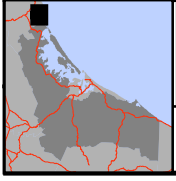
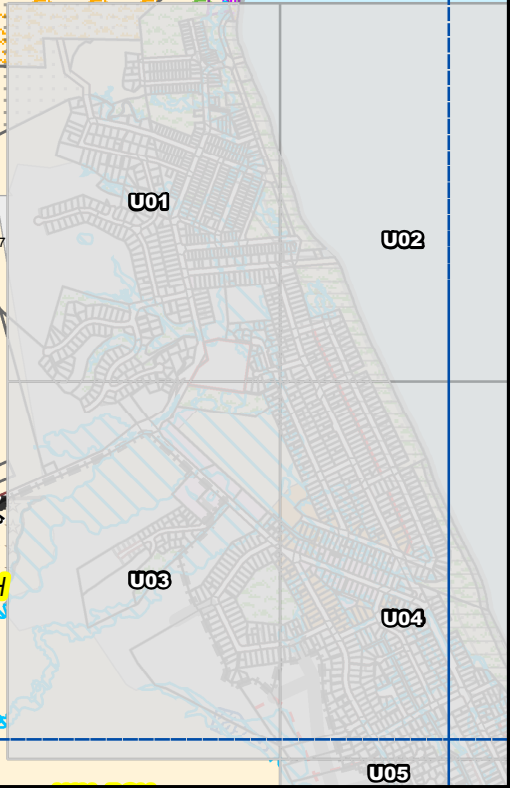
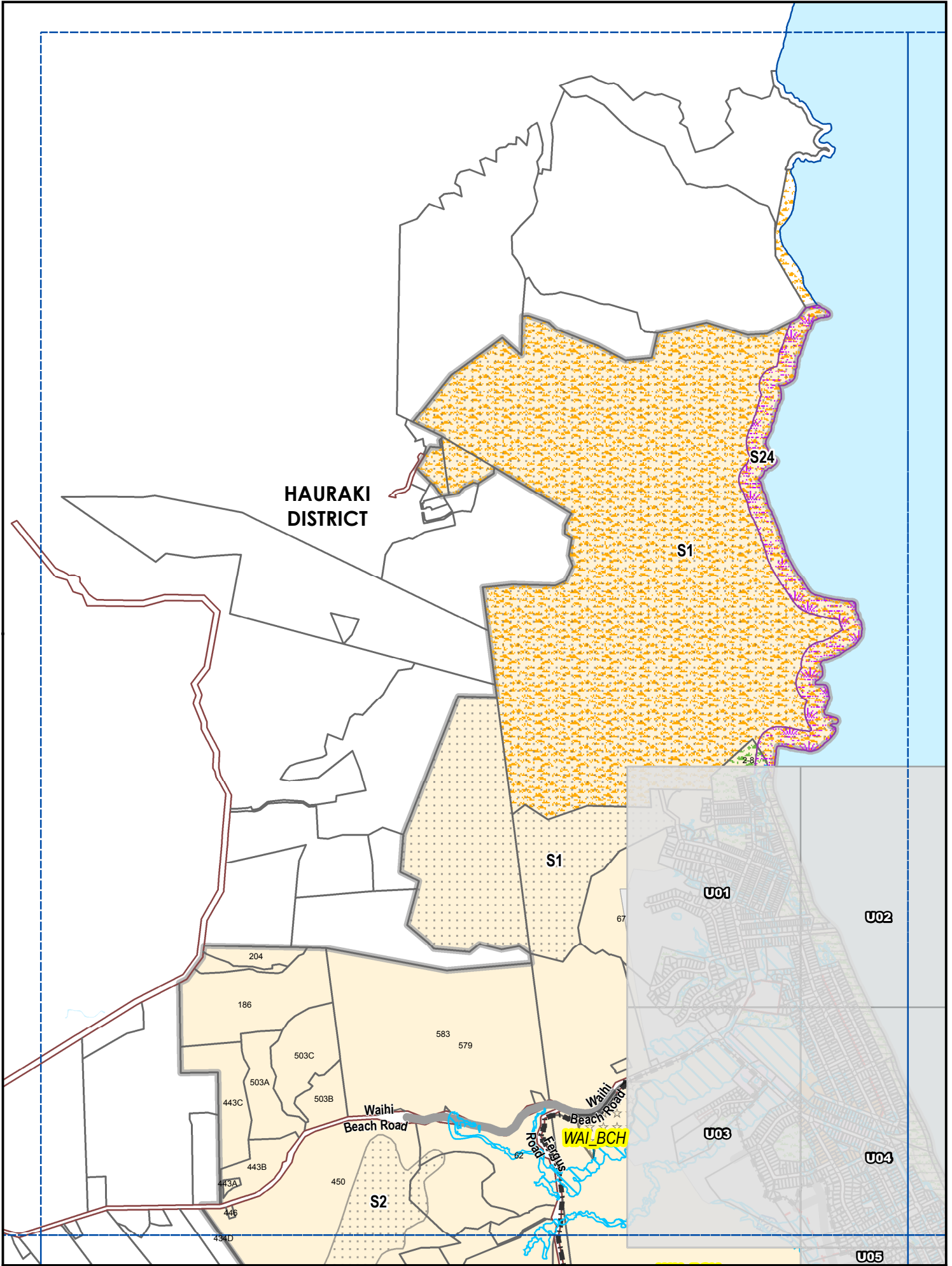


Attachment B

Operative map to be deleted



Crown Copyright Reserved. LINZ Digital Licence Number HN/35220/03 & TDO03522.



A03 Rural Series

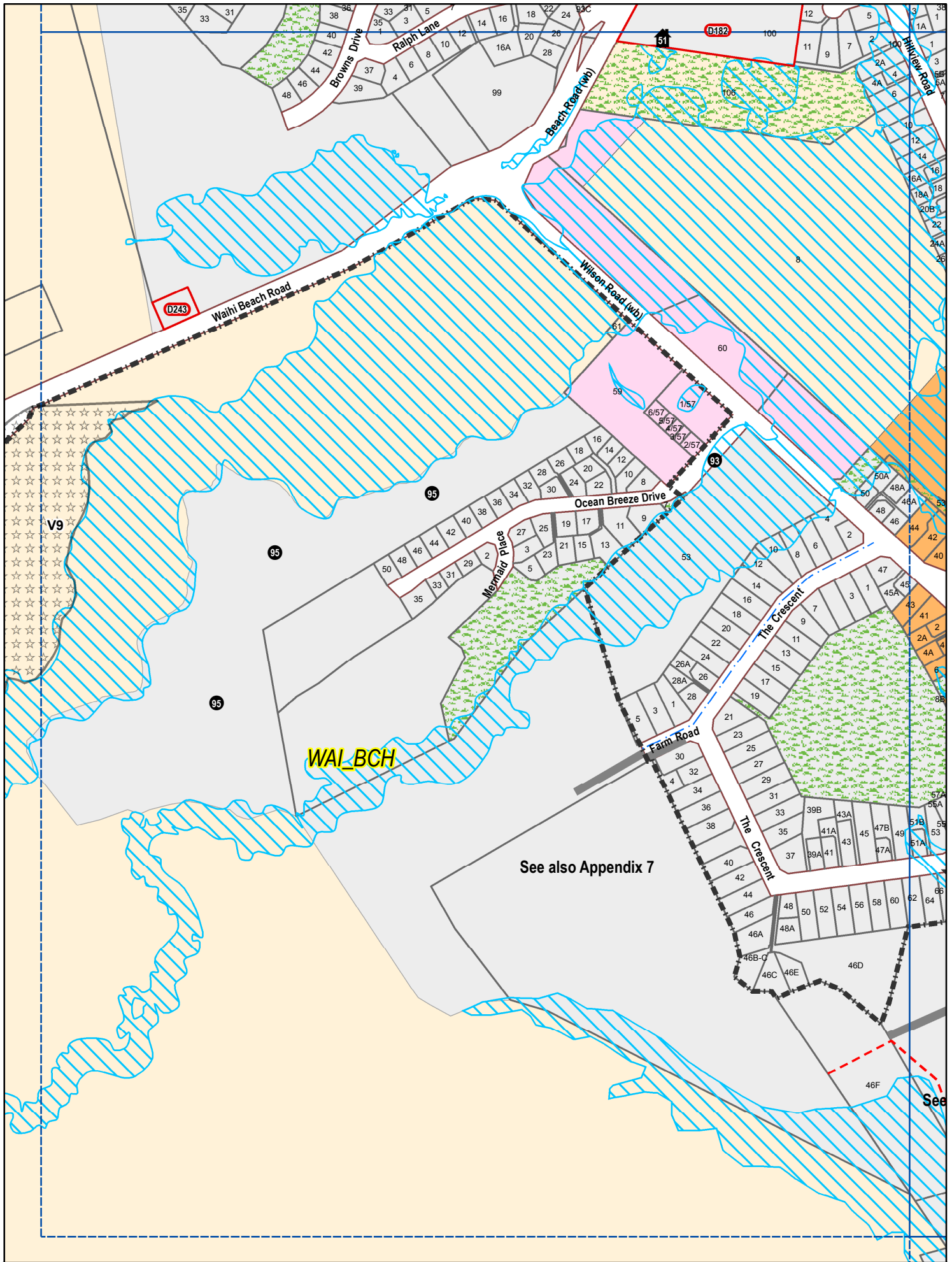
Scale 1:25000 (A4)

0 200 400 600 800 1000 1200 1400m

A03 A04
B02 B03 B04

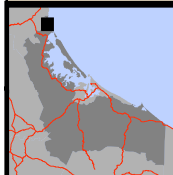
Western Bay of Plenty District Council

Revision : PC 69
Date : Feb 2015



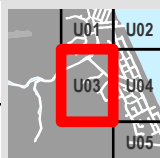
See also Appendix 7

See

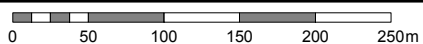


U03

Waihi Beach

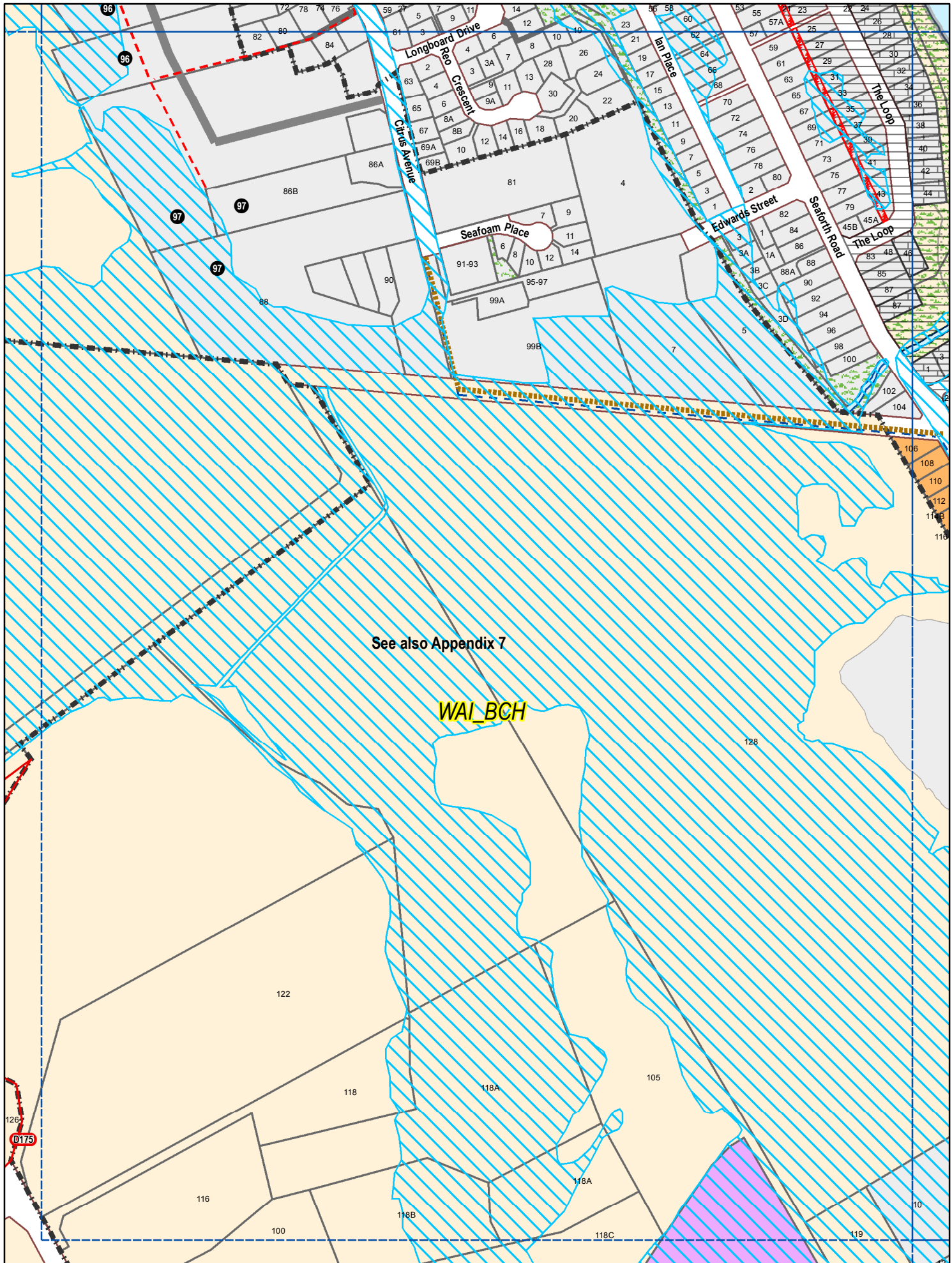


**Western Bay of Plenty
District Council**



Scale 1:5000 (A4)

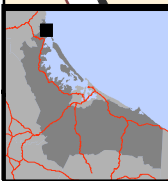
Revision : PC 69
Date : Feb 2015



See also Appendix 7

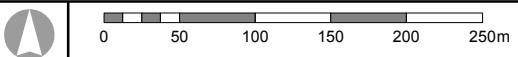
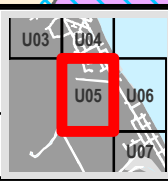
WAI_BCH

Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03522.



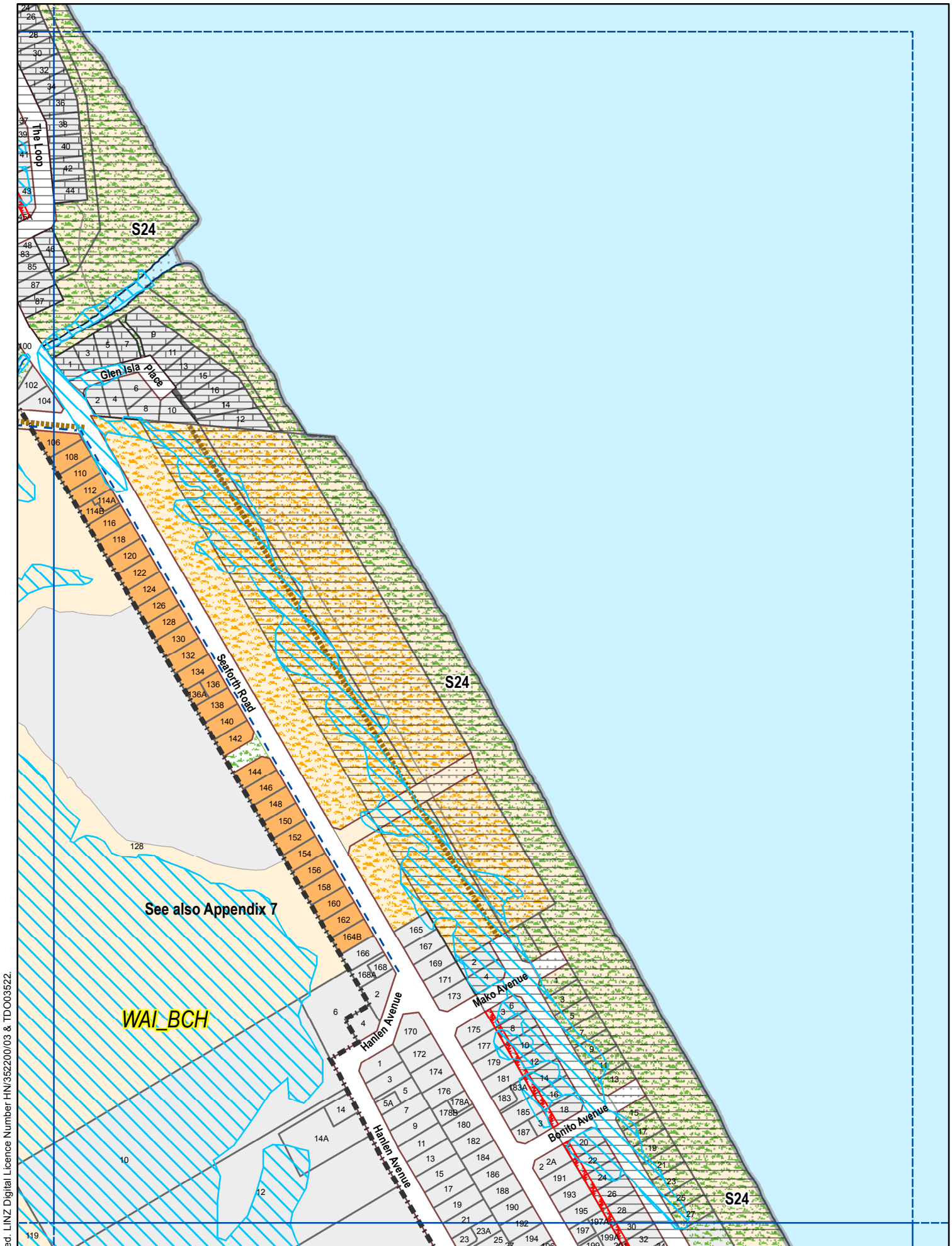
U05

Waihi Beach



Scale 1:5000 (A4)

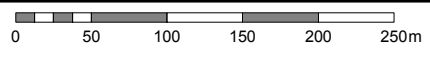
Revision : PC 70
Date : Feb 2015



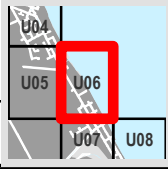
Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03522.

U06

Waihi Beach



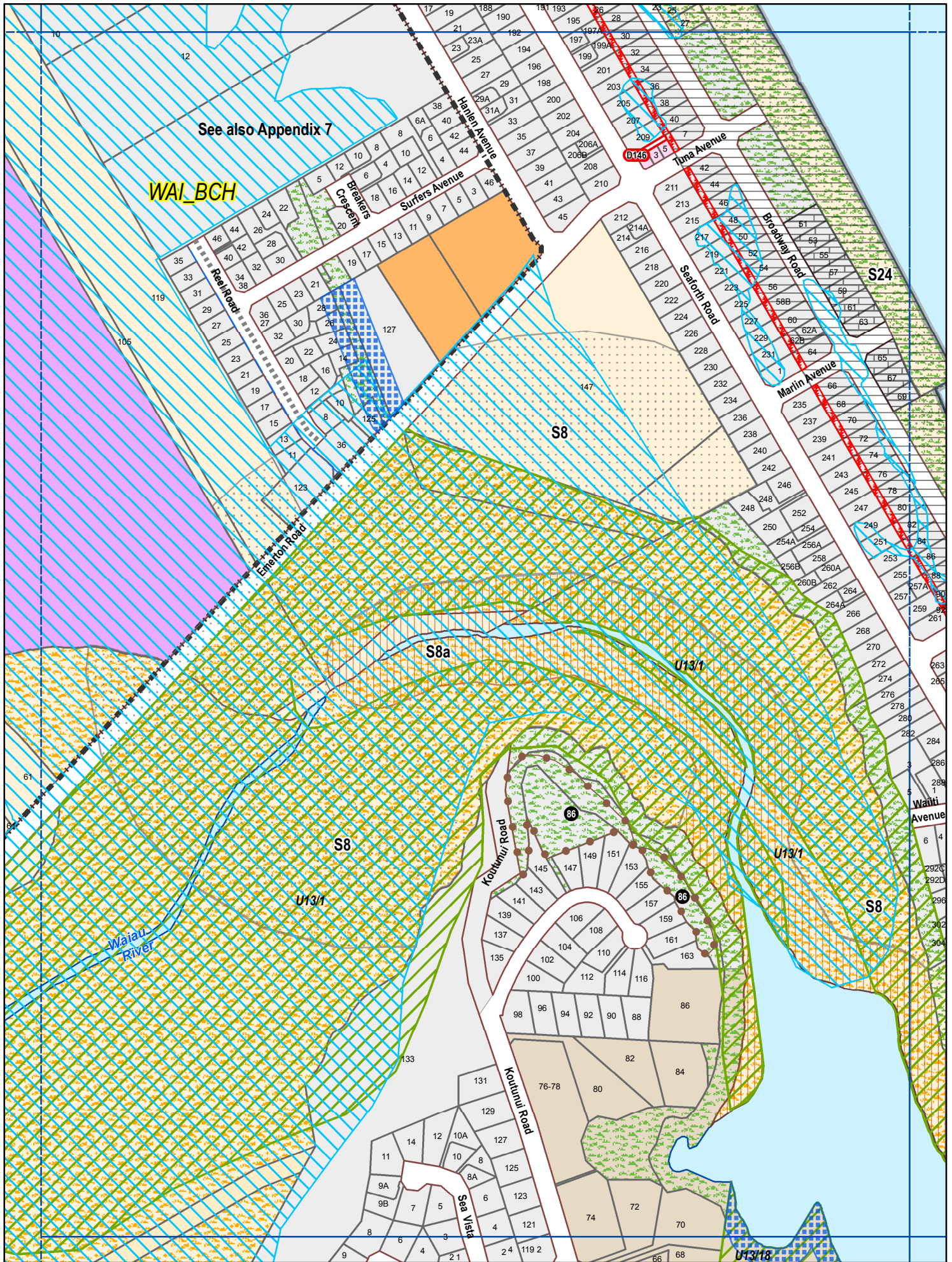
Scale 1:5000 (A4)



Revision : PC 69
Date : Feb 2015

See also Appendix 7

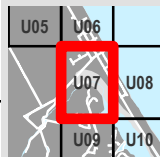
WAI_BCH



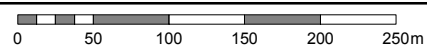
Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03522.

U07

Athenree



Western Bay of Plenty District Council



Scale 1:5000 (A4)

Revision : PC 69
Date : Feb 2015