

PLAN CHANGE 75  
TE PUKE FLOODABLE  
AREAS AND AREA 3  
STRUCTURE PLAN REVIEW  
PLANNING REPORT

The Western Bay Way



*Western Bay of Plenty  
District Council*

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## 1. Introduction

- 1.1 The purpose of this report is to provide recommendations on submissions and further submissions to Plan Change 75 Te Puke Floodable Areas and Area 3 Structure Plan Review (PC75).
- 1.2 PC75 deals with two main topics, namely the review of the:
  - Te Puke flood hazard, which is discussed in Topic 1 and
  - Te Puke Area 3 Structure Plan (Macloughlin Dr), which is discussed in Topic 2.
- 1.3 Flood Hazard overlays have been included on planning maps since 1986 (the old Te Puke Borough Planning Map) and were reviewed in the mid-1990's and updated in the first generation District Plan. The overlay applies to land irrespective of its underlying zoning and takes precedence over the rules of the underlying zoning.
- 1.4 Council engaged Opus and Tonkin & Taylor to undertake the review. During the project they engaged with affected landowners on various occasions prior to the notification of PC75.
- 1.5 The Operative Area 3 Structure Plan requires significant upfront capital investment on stormwater infrastructure, which is situated outside the area earmarked for residential development. One of the main objectives of PC75 is to limit upfront capital investment, especially investment outside Area 3.
- 1.6 Twenty one submissions and 10 further submissions were received.
- 1.7 None of the submissions opposed the whole of PC75. As a result, this report only focuses on submissions and further submissions on specific topics.
- 1.8 For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to Appendix 2 of the Section 32 Report.

## 2. Topic 1: Floodable Maps

### 2.1 Background

The purpose of this change to the District Plan is to update the Flood Hazard notations ("notations") in the Te Puke urban area as per the outcome from the hydrological and hydraulic modelling exercise for a one in fifty year flood, undertaken between 2011 and 2015.

The consultants used technology that is more advanced than the technology used with the previous modelling and relied upon the latest scientific

information that was available during the modelling exercise. Consequently, the new model is considered to be more advanced and accurate than its predecessor and thus a more useful tool for technically supporting land use planning methods. The modelling used a 2% AEP with a 24 hour nested rainfall pattern and a 2090 horizon for climate change based on the Ministry for the Environment guideline (MfE 891 2008), from which a 2.1 degree C atmospheric warming was anticipated. This factor was applied to the (High Intensity Rainfall Design System) HIRDS rainfall data (via NIWA) as per the Bay of Plenty Regional Council (BoPRC) guidance (Hydrological and Hydraulic Guidelines 2012/02). High intensity rainfall figures were produced that were used in building the nested rainfall profile as per the BoPRC guideline. The modelling has therefore given effect to Policy IR 2B (having regard to the likely effects of climate change) of the RPS which requires such assessments to have particular regard to predicted increase in rainfall intensity, taking into account the most recent national guidance and assuming a minimum increase in the annual mean temperature of 2 degrees C by 2090. There is however no requirement to give effect to Policy NH11B (providing for climate change) of the Regional Policy Statement because Te Puke is outside of the coastal environment and not affected by sea level rise.

The stormwater infrastructure installed within a subdivision (e.g. catch pits, open drains and piped infrastructure) is only designed to manage the primary flow, which is equal to a one in five year storm event. The District Plan also states that subdivision and development should not impact on the secondary flow path. Most of these secondary flow paths are captured by the notations, which relates to a one in fifty year event. With a one in fifty year event, it is assumed that the primary flow will not be able to manage the flood.

Even though significant changes have been made to the flood hazard notations, only 12 submissions and four further submissions have been received on these changes.

It is important to note that in most cases, submissions only focused on the proposed notation on a specific property. However, the review has to include all the properties within that specific catchment and cannot be limited to a specific property.

The following subsections deal with the submissions on proposed changes to specific notations.

## **2.2 Upper Cameron Road catchment (figure 1)**

### **2.2.1 Submission Points and Discussions**

Three submissions were received on the catchment shown in figure 1.

Submitter 2 pointed out that her property (134 D & E Cameron Road) is much higher than the stormwater gully directly east of her property and therefore the notation should not include part of her property.

The first draft notation of 2015 encroached into 134D & E Cameron Road. As mentioned by Submitter 2, she had discussions with the engineers and it was

agreed that the notation be amended to exclude her property as notified in Plan Change 75.

Submitters 10 and 11 pointed out that the existing shared driveway between 152 and 154 Cameron Road has been engineered and shaped to channel stormwater. The existing dwellings of both properties are significantly higher than the shared driveway and should therefore not be included in the notation. A 675 diameter stormwater pipe also runs underneath the shared driveway.

The model indicates the 675 diameter has capacity to cope with the 50 year flow. However due to the upstream capacity of the stormwater network (including the catchpits) the 50 year flow does not enter the pipe and instead follows the overland flow path.

A one on one meeting was held in October 2015 with submitter 10 and Council engineers. During the meeting the submitter raised concerns that the proposed flood overlay was incorrect. Staff subsequently visited the site and undertook a spot survey of the section. This information was then used to compare levels in the model which confirmed the potential for an overland flow path over the section. The shared driveway appears to be designed to channel the stormwater flow down the driveway towards the drainage reserve at the back of 152 Cameron Road. This is supported by the model. However, for low frequency storm events (such as the 50 year event) the engineers are of the opinion that the volume of stormwater cannot be contained within the overland flow path and will spill as shown on the new proposed flood hazard overlay.

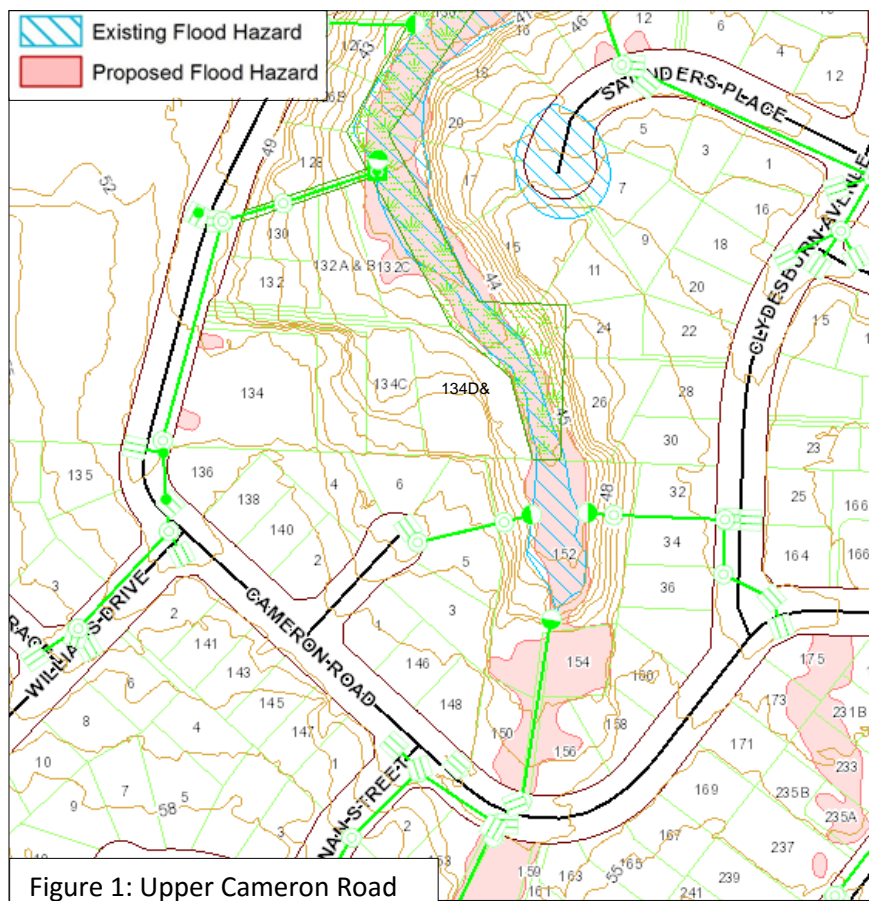


Figure 1: Upper Cameron Road

## 2.2.2 Recommendation

That

1. The proposed notation be retained as notified.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
2	1	B. Doo

### Rejected

Submission	Point Number	Name
10	1	I. Taylor
11	1	D I. James

## 2.2.3 Reason

- a) 134D & E Cameron Road were not included in the notation.
- b) It is agreed that the shared driveway to 152 and 154 Cameron Road has been shaped to channel stormwater.
- c) The model indicates the 675 diameter pipe running underneath the shared driveway has capacity to cope with the 50 year flow. However due to the upstream capacity of the stormwater network (including the catchpits) the 50 year flow does not enter the pipe and instead follows the overland flow path.
- d) A one on one meeting was held in October 2015 with submitter 10 and Council engineers. During the meeting the submitter raised concerns that the proposed flood overlay was incorrect. Staff subsequently visited the site and undertook a spot survey of the section. This information was then used to compare levels in the model which confirmed the potential for an overland flow path over the section. The shared driveway appears to be designed to channel the stormwater flow down the driveway towards the drainage reserve at the back of 152 Cameron Road. This is supported by the model. However, for low frequency storm events (such as the 50 year event) the engineers are of the opinion that the volume of stormwater cannot be contained within the overland flow path and will spill as shown on the new proposed flood hazard overlay.

## **2.3 Area to the east of Seddon Street (between Harris Street & Ben Keys Street)**

### **2.3.1 Submission Points and Discussions**

Two submissions and two further submissions were received on the floodable area included in figure 2.

Submitter 5 pointed out that he has lived on 23 Seddon Street for 38 years and no flooding has occurred on his property during this time, even though he has experienced significant rain events over this period. He requested that the proposed notation be deleted. Further Submitter 27 mentioned that she has lived at 25 Seddon Street for 39 years and supports Submitter 5. Further Submitter 32 is also supporting Submitter 5.

Submitter 9 said that she has resided at 17 Seddon Street for 10 years and has never experienced any flooding on the lower part of her section. She also requested that the notation be removed from her property.

As will be noticed from Figure 2, the proposed Flood Hazard notation is only a refinement of the operative notation (the blue hatch) to align better with the contours.

The notation is along an overland flow path, between Ben Keys Street and Station Road, which is approximately two to four metres lower than Seddon Street.

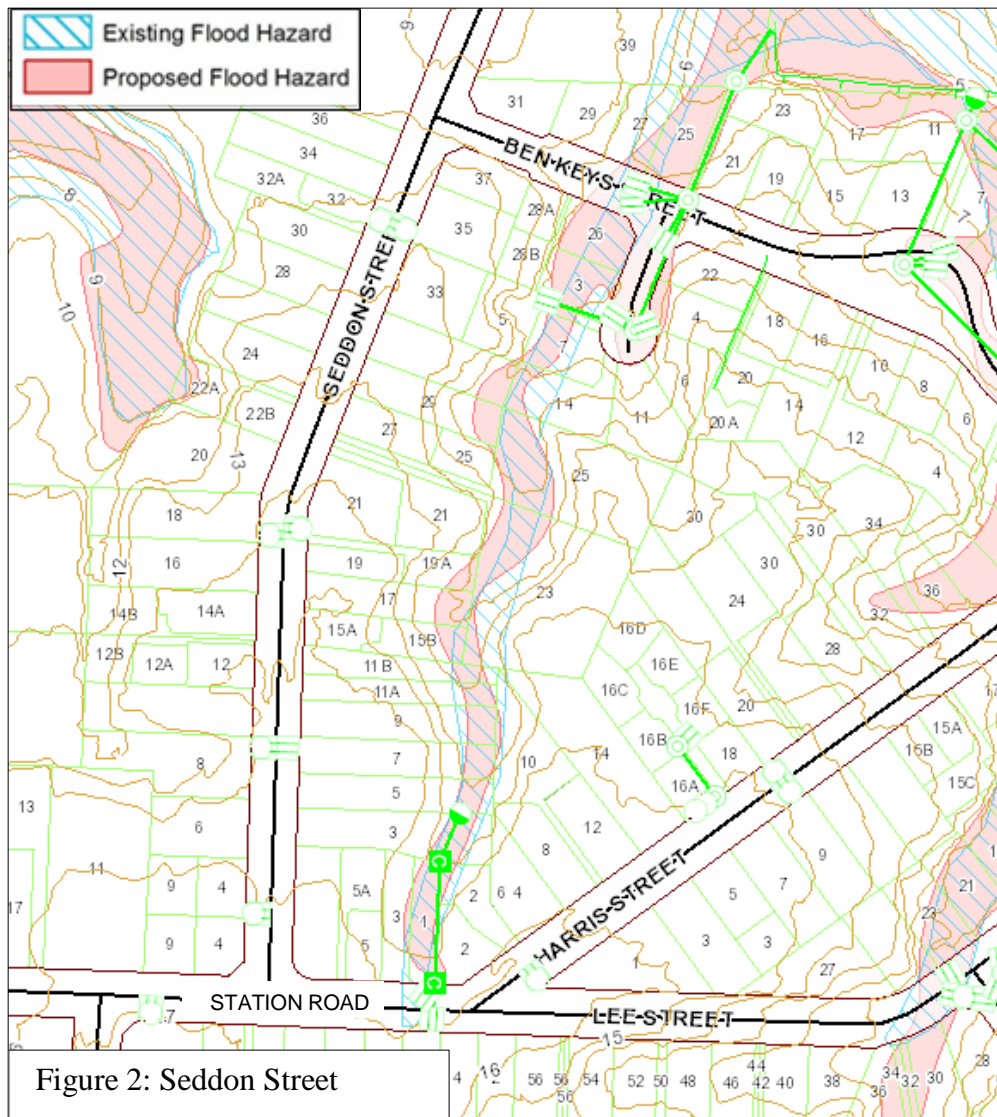
Two stormwater catch pits are in front of 1 Station Road. These catch pits are linked to a 225mm stormwater pipe (which follows the eastern boundary of 1 Station Road) and discharges the stormwater into the overland flow path that is covered by both the operative and proposed notations.

There is no piped stormwater network along any of the roads within this residential area. As a result all of the stormwater within the area (from both roofs and roads) is managed with soak holes and drains along the overland flow path.

Onsite meetings were held with Submitter 5 in November 2015 and May 2016. During the meeting a walkover of the property was undertaken. The walkover identified a clear low point at the bottom/back of the property where the storm water would flow over land.

Having the flood hazard overlay in the District Plan is the only way Council can ensure that the overland flow is kept open by controlling structures, such as close board fences and retaining walls that will impact on the overland flow.

It is also important to note that redevelopment and densification are starting to happen in the residential area. Approximately 60% of the residential properties are larger than 800m<sup>2</sup> and can still be subdivided. This will increase the percentage of hardstand in the area and as a result increase stormwater runoff.



### 2.3.2 Recommendation

That:

1. The proposed notation be retained as notified.

The following submissions are therefore:

#### Rejected

Submission	Point Number	Name
5	1	N Masters
9	1	Y Retter
FS27	5/1	A Feist
FS32	5/1	D Hardie



### **2.3.3 Reason**

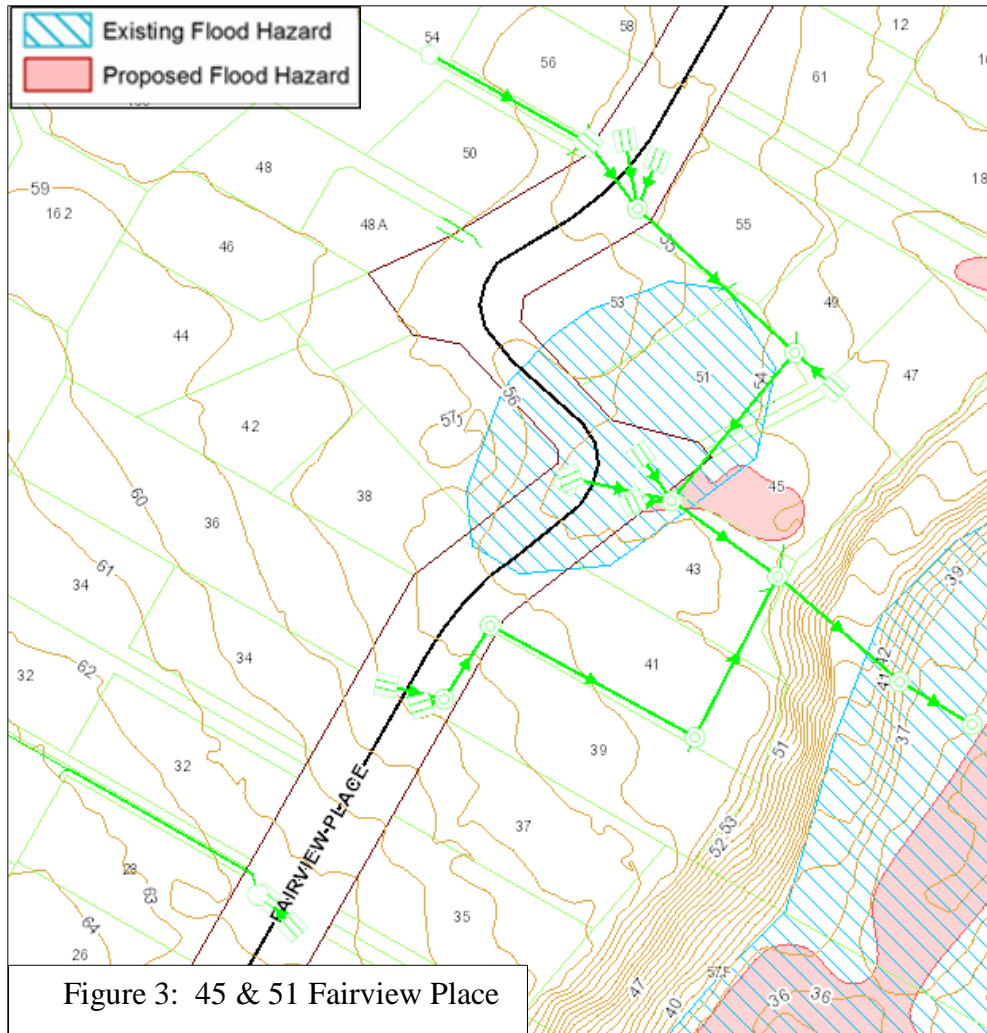
- a) The proposed Flood Hazard notation is only a refinement of the operative notation (which is currently included in the District Plan) to align better with the contours.
- b) The notation is along an overland flow path, between Ben Keys Street and Station Road, which is approximately two to four metres lower than Seddon Street.
- c) Two stormwater catch pits are in front of 1 Station Road. These catch pits are linked to a 225mm stormwater pipe (which follows the eastern boundary of 1 Station Road) and discharge the stormwater into the overland flow path that are covered by both the operative and proposed notations.
- d) There is no piped stormwater network along any of the roads within this residential area. As a result all of the stormwater within the area (from both roofs and roads) is managed with soak holes and drains along the overland flow path.
- e) Onsite meetings were held with the land owner at 23 Seddon Street in November 2015 and May 2016. During the meeting a walkover of the property was undertaken. The walkover identified a clear low point at the bottom/back of the property where the storm water would flow over land.
- f) Having the flood hazard overlay in the District Plan is the only way Council can ensure that overland flow is kept open by controlling structures, such as close board fences and retaining walls that will impact on the overland flow.
- g) It is also important to note that redevelopment and densification are starting to happen in the residential area. Approximately 60% of the residential properties are larger than 800m<sup>2</sup> and can still be subdivided. This will increase the percentage of hardstand in the area and as a result increase stormwater runoff.

## **2.4 45 and 51 Fairview Place**

### **2.4.1 Submission Points and Discussion**

One submission and one further submission were received on the floodable area included in figure 3.

Submitter 12 and further submission 28 are of the opinion that the three stormwater catch pits and piped system are managing the stormwater from Fairview Place and surrounding properties successfully and as a result the proposed flood hazard notation is not required.



As mentioned in paragraph 2.1, the proposed and operative notations are based on a one in fifty year storm event and as a result the existing stormwater infrastructure will not be able to manage the stormwater from such an event.

The model indicates there is potential for water to pond at the end of Fairview Place and at 45 Fairview Place up to depth of 120mm before flowing overland through 45 Fairview place towards 57a Fairview Place. An extract from the model is shown below. The arrows indicate the direction of flow (smaller arrows indicate less velocity and therefore water ponding). The model indicates the potential for water to pond and flow over land at 47, 49 and 51 Fairview Place, however the depth is less than 100mm therefore it is not shown on the proposed flood hazard maps.



## 2.4.2 Recommendation

That:

1. The proposed notation be retained as notified.

The following submissions are therefore:

### Rejected

Submission	Point Number	Name
12	1	G Brann
FS28	1	D Edkins

## 2.4.3 Reason

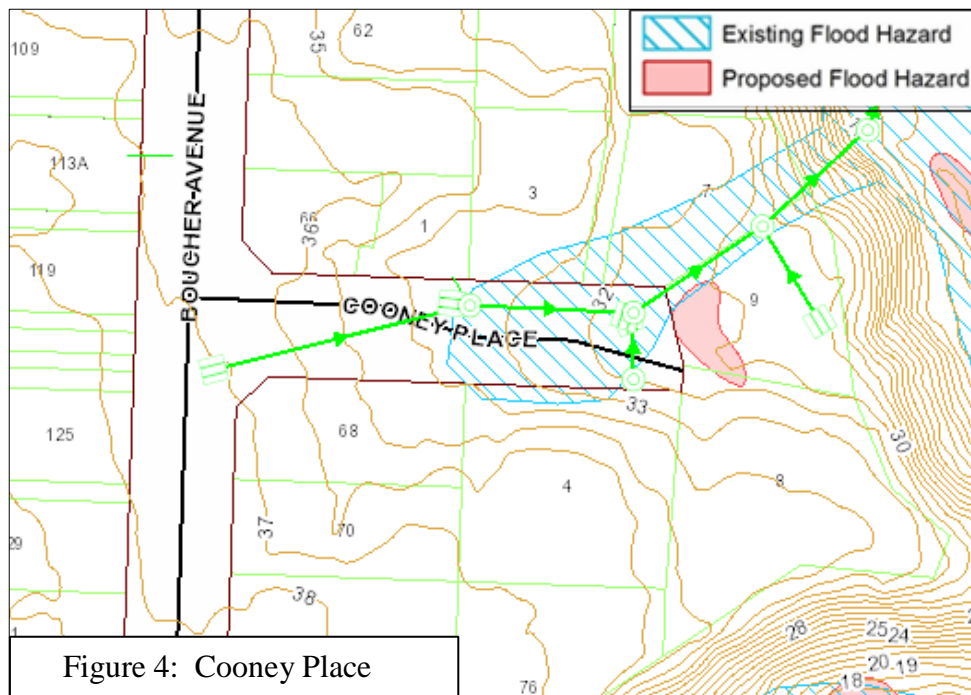
- a) The proposed and operative notations are based on a one in fifty year storm event and as a result the existing stormwater infrastructure will not be able to manage the stormwater from such an event.
- b) The model indicates there is potential for water to pond at the end of Fairview Road and at 45 Fairview Place up to depth of 120mm before flowing overland through 45 Fairview Place towards 57a Fairview Place. An extract from the model is shown below. The arrows indicate the direction of flow (smaller arrows indicate less velocity and therefore water ponding). The model indicates the potential for water to pond and flow over land at 47, 49 and 51 Fairview Place, however the depth is less than 100mm therefore it is not shown on the proposed flood hazard maps.



## 2.5 End of Cooney Place

### 2.5.1 Submission Points and Discussions

The proposed notation included in figure 4 is opposed by Submitter 6.



As per Submission Point 6.2, Submitter 6 is of the opinion that the proposed notation is incorrect. According to Submitter 6, the overland flow is along the northern boundary of 9 Cooney Place (between 7 and 9 Cooney Place). According to Submitter 7 Cooney Place is slightly higher than 9 Cooney Place and should not be included in the notation. The notation should cover the overland flow path, which is along the stormwater pipe on 9 Cooney Place to the edge of the bank. The proposed notation is along the driveway of 9 Cooney Place.

Council engineers visited the site and reviewed the model. It was clear from the site walkover that there is an overland flow path running through 9 Cooney Place. The property at 7 Cooney Place is higher than 9 Cooney place confining the flow path to 9 Cooney Place only. This information is then further supported by the stormwater model. The model indicates the overland flow path will reach a depth of 60-90mm along the northern boundary. As Council only notates ponding or overland flow paths greater than 100mm the strip along the northern boundary has not been included in the proposed notation. However, there is a slight depression in front of the dwelling at 9 Cooney Place where the water will pond greater than 100mm, which has been captured by the proposed notation. The aerial photo below is an extract from the model. The blue squares represent the area where flood water will exceed 100mm, which corresponds with the proposed notation.



## 2.5.2 Recommendation

That:

1. The proposed notation be retained as notified.

The following submissions are therefore:

### Accepted in Part

Submission	Point Number	Name
6	2	W MacNeil

### 2.5.3 Reason

- a) Council engineers visited the site and reviewed the model. It was clear from the site walkover that there is an overland flow path running through 9 Cooney Place. The property at 7 Cooney Place is higher than 9 Cooney place confining the flow path to 9 Cooney Place only. This information is then further supported by the stormwater model. The model indicates the overland flow path will reach a depth of 60-90mm along the northern boundary. As Council only notates ponding or overland flow paths greater than 100mm the strip along the northern boundary has not been included in the proposed notation. However, there is a slight depression in front of the dwelling at 9 Cooney Place where the water will pond greater than 100mm, which has been captured by the proposed notation. The aerial photo below is an extract from the model. The blue squares represent the area where flood water will exceed 100mm, which corresponds with the proposed notation.

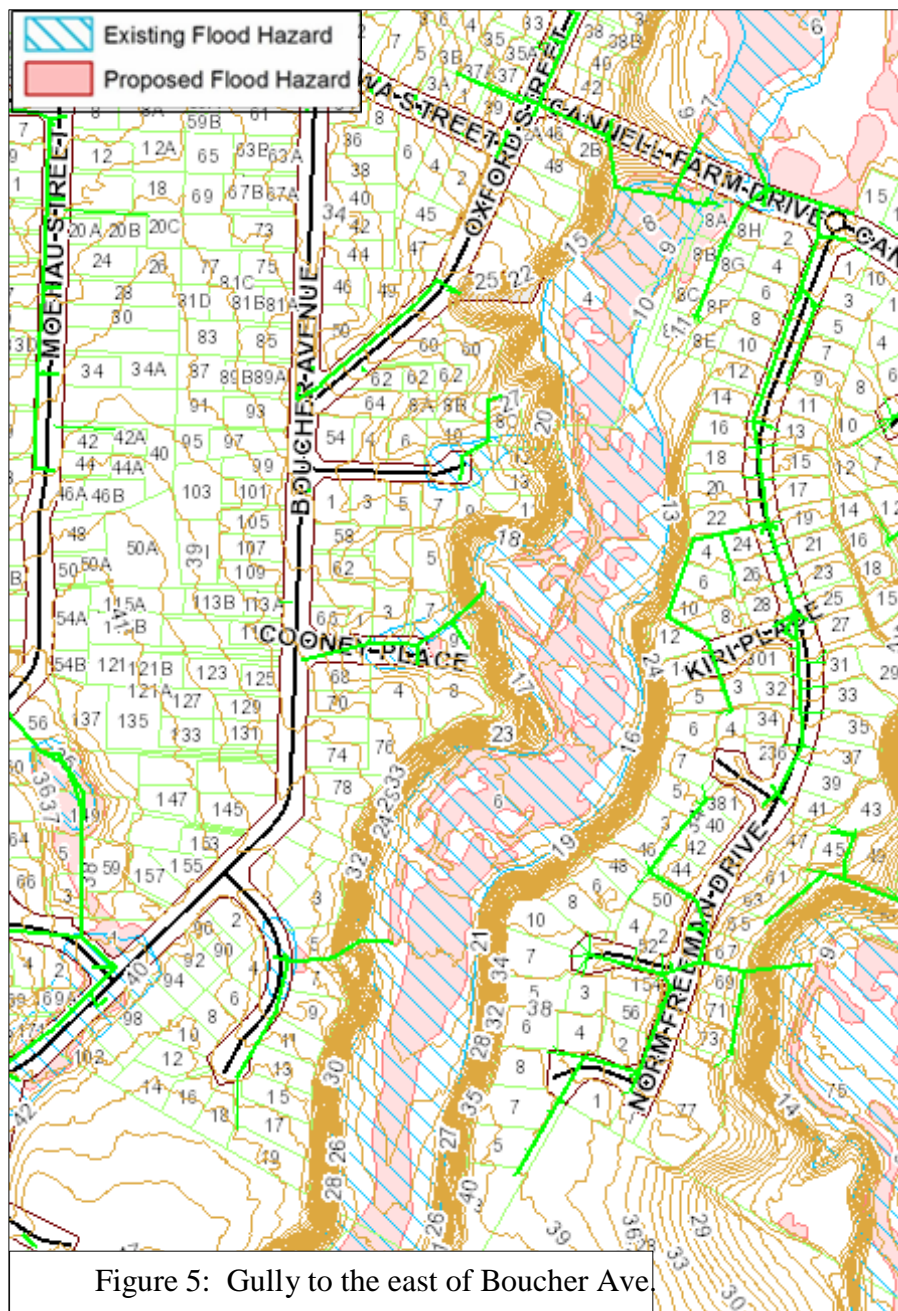


## 2.6 Main Gully on the eastern side of Boucher Avenue and south of Cannell Farm Drive

### 2.6.1 Submission Points and Discussion

Submitter 6 provided photos to support the argument that the operative notation along the gully south of Cannell Farm Drive should be retained and therefore opposed the proposed 'reduced' notation.

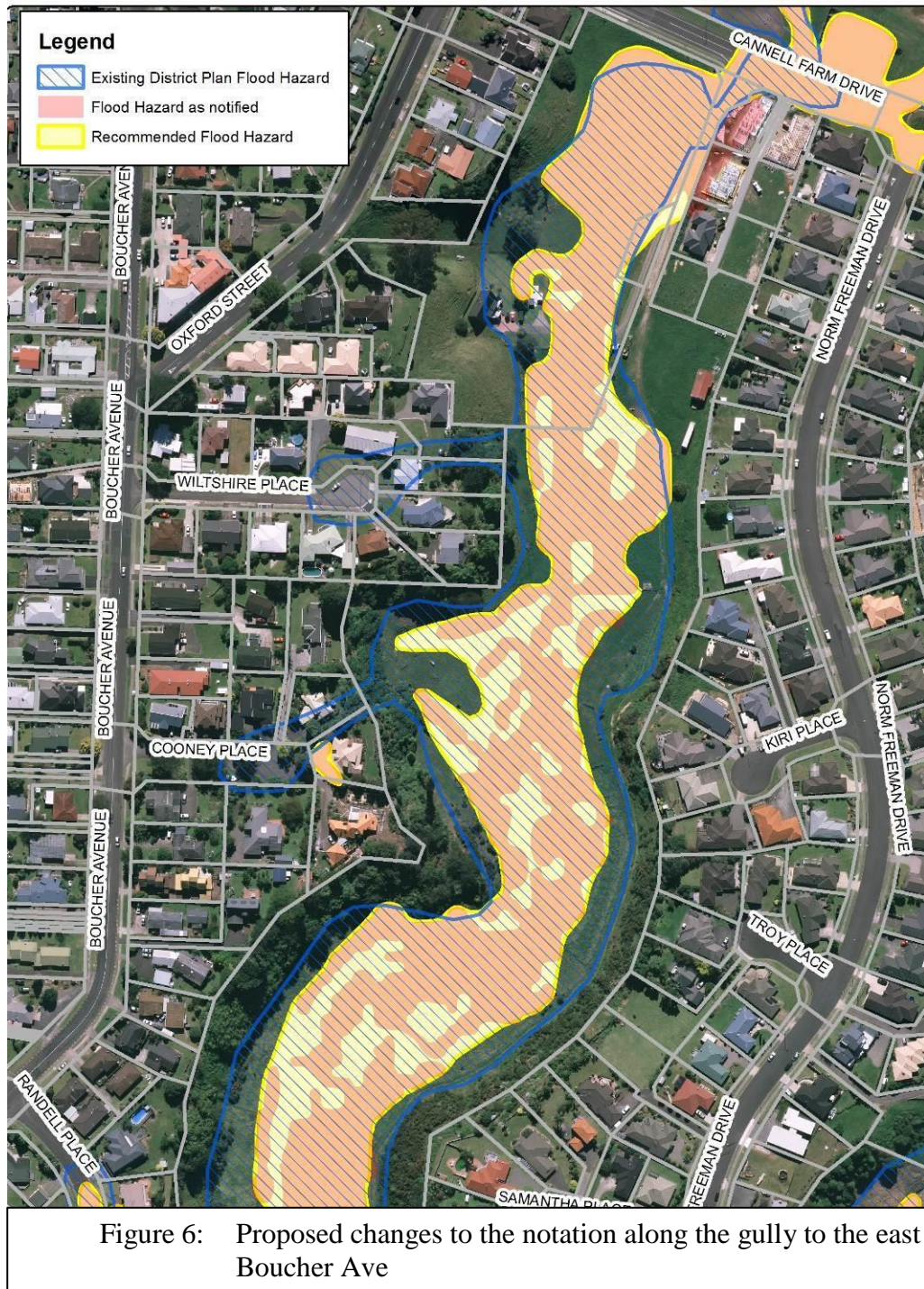
Council staff reviewed the model and proposed notation and agree with the comments of Submitter 6. There appears to be local 'highspots' within the gully at which point the water will flow over/around during a flood situation. However, it is impractical to exclude these from the flood hazard notation. The amended notation is included in 2.6.2 Recommendation.



## 2.6.2 Recommendation

That

1. The proposed notation be amended as per Figure 6 below.



The following submissions are therefore:

**Accepted**

Submission	Point Number	Name
6	1	W MacNeil



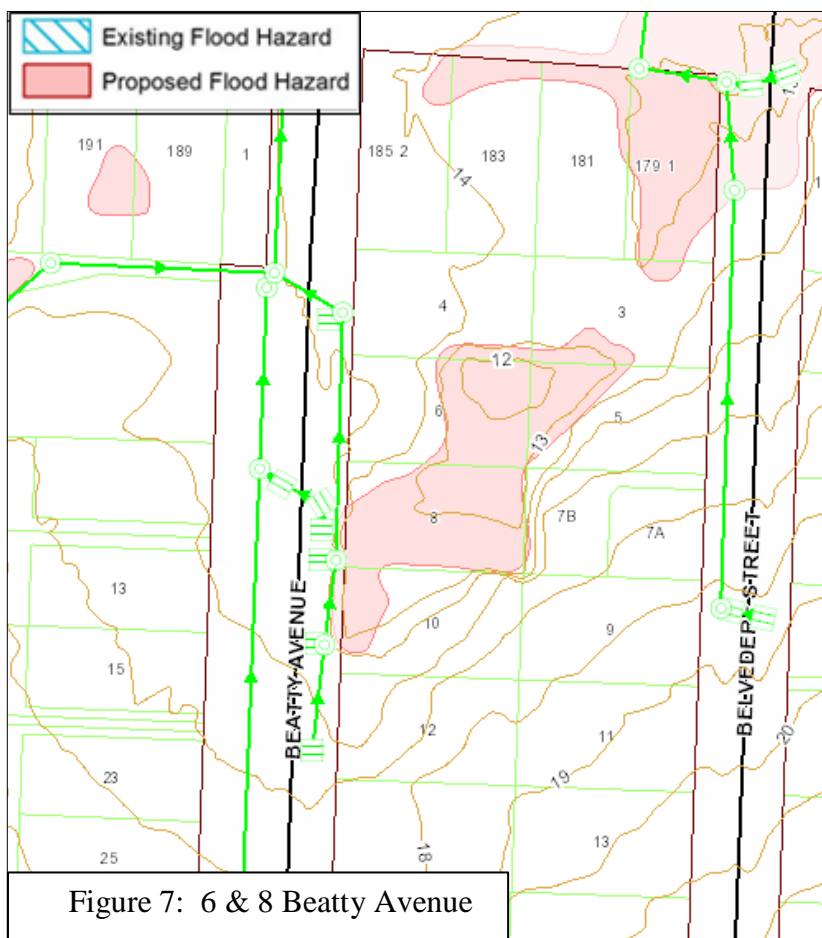
### 2.6.3 Reason

Council staff reviewed the model and proposed notation and agree with the comments of Submitter 6. There appears to be local 'highspots' within the gully at which point the water will flow over/around during a flood situation. However, it is impractical to exclude these from the flood hazard notation.

## 2.7 6 and 8 Beatty Ave

### 2.7.1 Submission Points and Discussion

The proposed notation shown in Figure 7 is opposed by Submitters 13 and Further Submission 31.



It will be noted from the contours included in Figure 7 that 6 and 8 Beatty Avenue are in a 'localised' depression.

Submitter 13 and Further Submitter 31 believe that flooding can be avoided if Council cleans the catch pits on a regular basis. As a result they advocate that the proposed notation be removed from their properties and Council increase the level of catch pit cleaning service along Beatty Avenue.

There is no operative notation at 6 and 8 Beatty Avenue.

As mentioned in paragraph 2.1, the proposed and operative notations are based on a one in fifty year storm event and as a result the existing stormwater infrastructure will not be able to manage the stormwater from such an event.

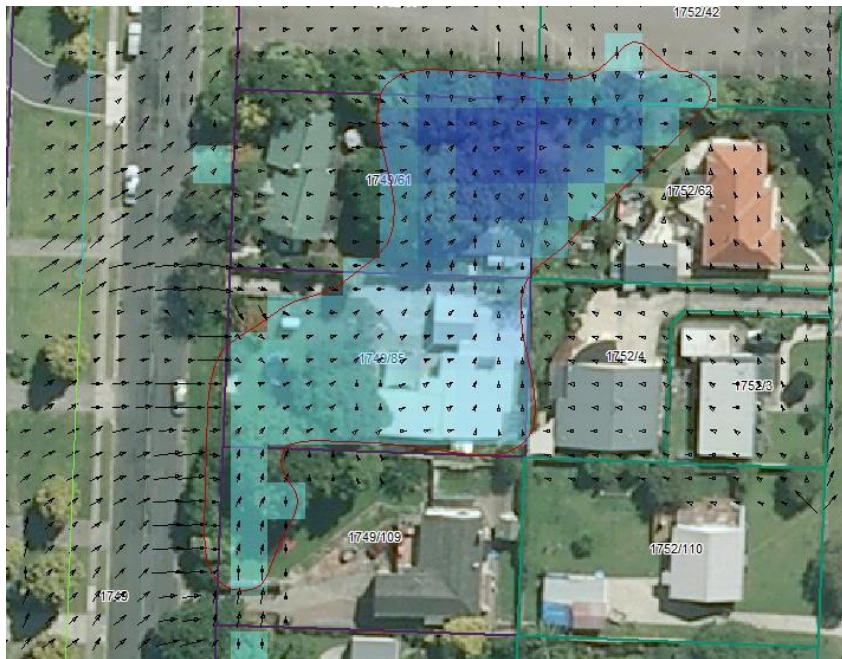
Submitter 13 mentioned that Council did not include any information regarding the proposed flooding in their LIM report. Staff looked into this matter. The LIM report dated 7 July 2015 and addressed to Submitter 13 stated on page 15 that Council is reviewing the Te Puke floodable areas (see copy of statement included in the LIM below).

<b>Other</b>
<b>Te Puke - Future Floodable Areas</b>
<b>Statement for LIMs - 2015</b>
<p>Council is currently reviewing the floodable areas throughout the residential zone of Te Puke. It is anticipated that the mapping exercise which will identify properties potentially susceptible to flooding will be completed by mid 2015.</p> <p>This statement is included in this LIM as the property may be related to one of the properties identified in the mapping exercise. The project will go through a consultation phase with affected landowners in order to ensure the information is as accurate as possible. Copies of letters sent to landowners will be contained on Council's Property File for each affected property.</p> <p>Council will then notify a Plan Change in response to this new information. As a result, a number of properties will be added to the floodable areas on the District Plan Maps, and some will be taken off. Council is aiming to have a "Te Puke Floodable Areas" Plan Change notified before the end of 2015.</p> <p>Background information on the project can be found on Council's website at: <a href="http://www.westernbay.govt.nz/our-services/district-plan-resource-consents/district-plan/plan-changes/te-puke-floodable-areas/Pages/default.aspx">http://www.westernbay.govt.nz/our-services/district-plan-resource-consents/district-plan/plan-changes/te-puke-floodable-areas/Pages/default.aspx</a></p> <p><u>If you have any queries about this information, please contact Phillip Martelli (Resource Management Manager, 07 571 8008).</u></p>

Only OBSO

Staff met with both Submitter 13 and Further Submitter 31. Further Submitter 31 confirmed that the garage at the back of their property has been flooded in the past. The flooding experienced during Easter 2014 is consistent with the outputs from the stormwater model.

The screenshot below shows an extract from the model. The areas highlighted in blue illustrate flooding deeper than 100mm (the darker the blue means the deeper the flooding).



The extent of the flooding might be alleviated by undertaking certain actions, e.g. cleaning the catchpits more regularly, changing the profile on the vehicle crossing at 8 Beatty Ave or installing an additional stormwater pipe from the northern boundary of 6 Beatty Ave to Council infrastructure in either Beatty Ave or Belvedere Street. Council's Utilities Team will include these investigations in their work programme. However, these investigations will be done outside of this project.

### 2.7.2 Recommendation

That

1. The proposed notation be retained as notified.

The following submissions are therefore:

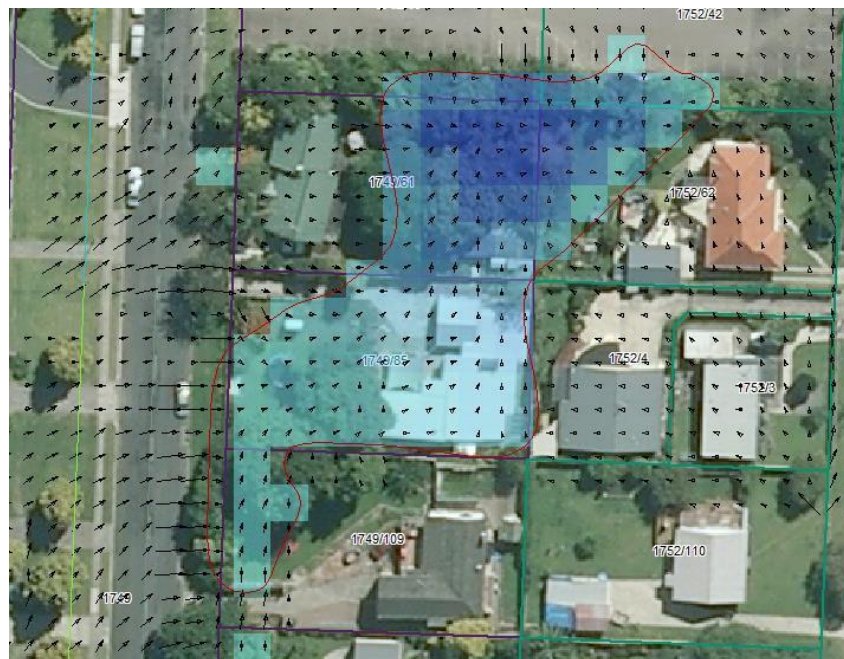
#### Rejected

Submission	Point Number	Name
13	1	K Mortensen
FS31	1	L Robertson

### 2.7.3 Reason

- a) Most of 8 Beatty Ave and the back portion of 6 Beatty Ave are in a 'localised' depression which gets flooded during a significant storm.
- b) The proposed notation is based on a one in fifty year storm event and as a result the existing stormwater infrastructure will not be able to manage the stormwater from such an event.

- c) The screenshot below shows an extract from the model. The areas highlighted in blue illustrate flooding deeper than 100mm (the darker the blue means the deeper the flooding).



- d) The extent of the flooding might be alleviated by undertaking certain actions, e.g. cleaning the catchpits more regularly or changing the profile on the vehicle crossing at 8 Beatty Ave. Council's Utilities team will include these investigations in their work programme. However, these investigations will be done outside of this project. The notation needs to be retained until the work has been completed and the extent of flooding reviewed.

## 2.8 34 Oxford Street

### 2.8.1 Submission Points and Discussion

Submitter 3 mentioned that flooding occurred at 34 Oxford Street in 2014. He is of the opinion that the flooding occurred mainly due to the engineering design of the footpath, road crossing and undersized stormwater infrastructure. However, actions have been taken to alleviate the problem by upgrading the stormwater catch pit and making modifications to a security gate. The submitter is of the opinion that Council has to ensure that stormwater from the road does not enter the property. There is no operative notation at 34 Oxford Street.

The road crossing and driveway were designed and constructed with the dwelling in the early eighties and were done in a way that increased the risk of flood water entering the property via the driveway. Even though measures were taken to reduce the risk (e.g. catch pit upgrades), it has to be assumed that these measures will not prevent floodwater entering the driveway of 34 Oxford Street.

The Utilities team and Council’s Transportation Operations Manager will continue to work with the landowner to explore additional practical options to reduce the flooding risk.



Figure 8: 34 Oxford Street

### 2.8.2 Recommendation

That:

1. The proposed notation be retained as notified.

The following submissions are therefore:

#### Rejected

Submission	Point Number	Name
3	1	D Mends

### 2.8.4 Reason

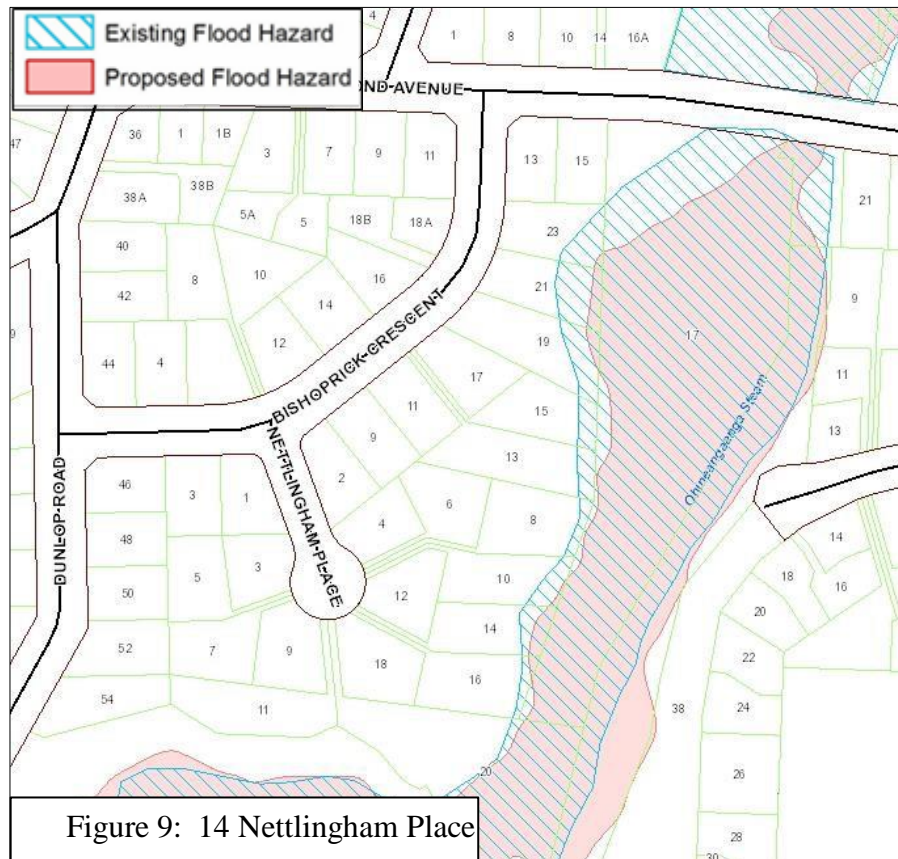
- a) The road crossing and driveway were constructed in a way that allows stormwater from Oxford street to enter the property easily during a storm event and will flood the garage and downstairs component of the dwelling.
- b) The risk of flooding can be reduced by the submitter by changing the profiling of the vehicle crossing. Council’s Utilities Team and Transportation Operations Manager will assist with the design. The notation needs to be retained until the work has been completed.

## 2.9 14 Nettlingham Place

### 2.9.1 Submission Points and Discussion

Submitter 4 supports the proposed notation, but has noted the flooding only occurs when debris blocks the pipe under the Raymond Avenue bridge. The submitter requested that the design of the bridge be investigated.

The proposed notation is approximately the same as the operative notation.



As mentioned in paragraph 2.1, the notation is based on a one in fifty year storm event and the primary stormwater path would not be able to manage such a storm. Submitter 4 is thus correct in saying that the Raymond Avenue bridge is not designed to deal with a storm event of that nature. This is the reason for including the notation in the District Plan. To upgrade stormwater infrastructure to manage the one in fifty year storm event as a primary system will be unaffordable and is not standard engineering practice in New Zealand.

However, a project is included on Council's 2017/18 work programme to investigate options to reduce erosion and debris coming down the Ohineangaanga Stream.

## 2.9.2 Recommendation

That:

1. The proposed notation be retained as notified

The following submissions are therefore:

### Accepted in Part

Submission	Point Number	Name
4	1	L Mischewski

## 2.9.3 Reason

- a) The notation is based on a one in fifty year storm event and on the assumption that debris may block the primary stormwater path. The submitter is thus correct in saying that the Raymond Avenue bridge is not designed to deal with a storm event of that extent. That is the reason for including the notation in the District Plan. To upgrade stormwater infrastructure to manage the one in fifty year storm event as a primary system will be unaffordable and is not standard engineering practice in New Zealand.
- b) A project is included on Council's 2017/18 work programme to investigate options to reduce erosion and debris coming down the Ohineangaanga Stream.

## 2.10 25 Donovan Street

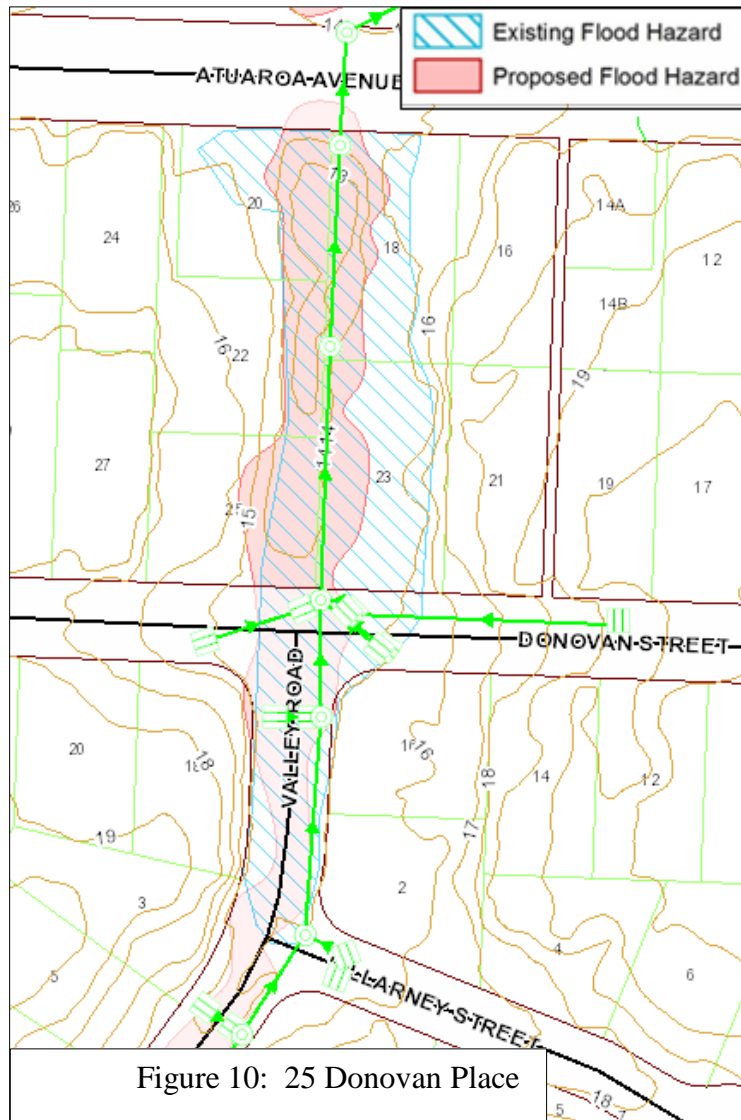
### 2.10.1 Submission Points and Discussion

Submitter 1 is of the opinion that the stormwater enters 25 Donovan Street due to stormwater infrastructure that is undersized and needs to be upgraded.

Valley Road is an overland flow path with a 450 diameter stormwater pipe. There are a number of catch pits within the Valley Road / Donovan Place intersection that collect stormwater from both roads. The diameter of the stormwater pipe is thereafter increased to 750 and this pipe runs through 23 Donovan Place and 18 Atuaroa Avenue and opens up into an open drain through Centennial Park. This is a significant overland flow path and needs to be retained and managed through the District Plan.

Staff met with the landowner in February 2017 and he agreed that part of his property will flood and that the proposed notation is correct. However, he mentioned that the risk of flooding can be reduced if small improvements are

to be done to the existing infrastructure. No dwellings are affected by the proposed notation.



### 2.10.2 Recommendation

That:

1. The proposed notation be retained as notified

The following submissions are therefore:

#### Rejected

Submission	Point Number	Name
1	1	D Healy



## 2.10.4 Reason

- a) The notation is based on a one in fifty year storm event. The lower lying area between Donovan Street and Atuaroa Avenue, which includes 25 Donovan Street as an important overland flow path needed to manage stormwater during a storm event greater than a one in five year event.

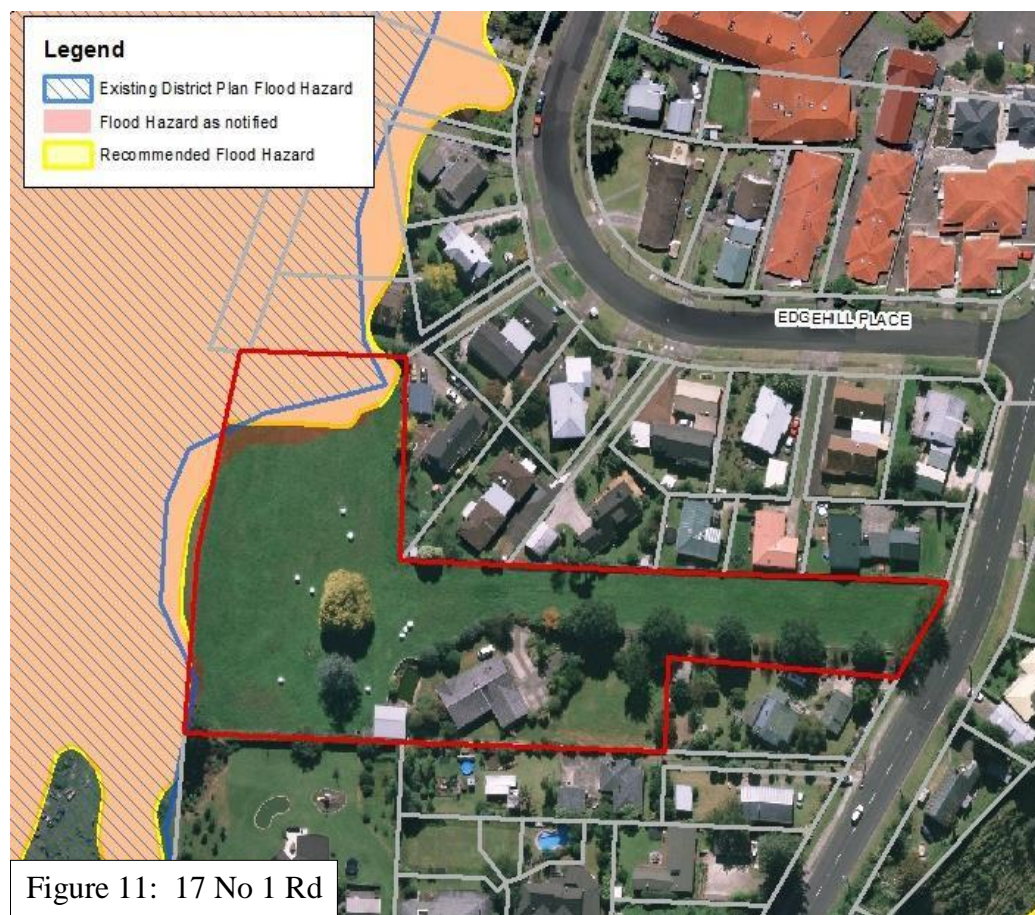
## 2.11 17 No 1 Road

### 2.11.1 Submission Points and Discussion

Submitter 23 opposed the proposed notation as notified.

A subdivision consent and engineering drawings have been granted for the subdivision of 17 No 1 Road. The submitter pointed out that the earthworks will be completed by December 2016 as per the consent and requested that the notation be amended as per the approved engineering drawings.

Staff assessed the engineering drawings and resource consent and agree with the submitter. The existing, notified and recommended notations are shown in Figure 11.



### 2.11.2 Recommendation

That:

1. The proposed notation be amended as per Figure 11, which is based on the approved engineering drawings and resource consent.



The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
23	1	Lomay Properties Ltd

### 2.11.3 Reason

- a) The earthworks and retaining wall for the subdivision of 17 No 1 Road have been consented and completed as per Figure 11.

## **3. Topic 2: Te Puke Area 3 Structure Plan Map.**

### **3.1 Background**

The Operative Structure Plan was notified in August 2004 (Plan Change 25) and became operative in 2010. The Structure Plan comprises three areas; known as:

- Area 3 (between Macloughlin Dr and Whitehead Ave) - 583 dwellings
- Area 4 (extension of Tynan St to Dudley Vercoe Dr) - 90 dwellings
- Area 5 (extension of Cannell Farm Dr to No 1 Rd) - 80 dwellings

This Plan Change only focuses on Area 3 (see the Section 32 Report for more details on Area 3).

The Operative Te Puke Structure Plan was developed to accommodate the growth projections included in the 2006 Long Term Plan (LTP). The 2006 LTP projected that Te Puke will have 2,610 additional households by 2046 (both infill development and new development in Structure Plan areas).

The growth projections were reviewed with the development of the 2015 LTP, taking the 2013 census data into consideration. According to the review, 643 additional dwellings will be required by 2046, which is significantly less than the 2006 projections.

Apart from the 583 dwellings, Area 3 Structure Plan makes provision for the following (Attachment B):

- A proposed active reserve (19ha), which is twice the size of Centennial Park (the current active reserve).
- Structure plan roads linking No. 3 Rd with Dunlop Rd and MacLoughlin Dr to ensure that the proposed active reserve is well connected with surrounding residential areas.
- Medium density residential zones to ensure that an overall density of 15 dwellings/ha can be achieved.
- Stormwater ponds and lines, including two 1200mm pipelines to divert stormwater to the Raparapahoe Stream.

Even though the growth projections included in the 2015 LTP are much lower than the projections included in the 2006 LTP, it is not the intention to review the operative Structure Plan boundaries as part of this Plan Change. The review of the Structure Plan boundaries will be reviewed as a separate project in conjunction with the Bay of Plenty Regional Council as part of a review of the urban limits included in the Regional Policy Statement.

## **3.2 Issue 1: Relinquish the Active Reserve and rezone the area from Residential to Future Urban**

### **3.2.1 Submission Points and Discussion**

Five submissions and five further submissions were received on this issue. Submitters 16, 17, 18, 22 and Further Submitter 30 were in support of removing the reserve status from the area, but were not in support of rezoning it from Residential to Future Urban. No reasons were included.

Submitter 19 opposes the removal of the active reserve. The submitter is of the opinion that the proposed change is premature and more research is required. This submission point is opposed by further submissions 34, 35, 36 and 37.

The Section 32 Report pointed out that the need for the future 19ha active reserve was based on the population projection included in the 2006 Long Term Plan (2,610 additional households). With the reduced 2015 projection of 643 additional households by 2046, a future active reserve of 19ha will not be required.

It is also important to note that more active sport facilities have been developed in Centennial Park than what were originally planned for in 2006. The underlying zoning of the future active reserve is Residential. The question is therefore whether the land will be needed for residential purposes within the next 30 years?

The structure plan areas in Te Puke (Area 3 (as per Structure Plan 75), Area 4 and Area 5) can accommodate more than 600 lots. There are also a number of large residential lots within the existing town that can be subdivided into at least 81 additional lots.

One of the challenges of developing Area 3 is the management of stormwater and to ensure that the additional hardstand will not have downstream effects on the existing residential area and stormwater network that is at capacity. This is the reason why the Operative Structure Plan proposed that approximately 75% of the stormwater from Area 3 be transferred via a 1200 diameter stormwater pipe to the Raparapahoe Stream.

The cost and timing of the stormwater pipe (because it is needed during the early stages of development) have resulted in very high financial contributions for Te Puke, which impact on the financial viability of any subdivision and development in Te Puke. The reduction of financial contributions for Te Puke was one of the main drivers for the Area 3 Structure Plan review.

Future residential subdivision in the area currently earmarked for an active reserve may have a significant effect on the down stream stormwater network. No submission points deal with this issue and because it was never the intention to allow residential subdivision in the area, the Section 32 Report didn't cover this option. Therefore more investigations will be required if the Residential zoning is retained.

The proposed rezoning is also in line with Council's policy to limit the impact of residential growth on land currently under kiwifruit.

### 3.2.2 Recommendation

That:

1. The relinquishing of the proposed Active Reserve be retained as notified.
2. The area be rezoned to Future Urban as notified.

The following submissions are therefore:

#### Rejected

Submission	Point Number	Name
16	2 & 3	Puketaha Limited
17	1 & 2	G S Eynon
18	2 & 3	M Montgomery
19	3	Dorr Bell Limited
22	1 & 2	C & M Eynon
FS30	1	A J Lee
FS34	1	G. S. Eynon
FS35	1	Puketaha Limited
FS36	1	Michael Montgomery
FS37	1	C & M. Eynon

### 3.2.3 Reason

- a) The operative structure plan was developed on the assumption that 2,610 additional dwellings will be required by 2046. As per the 2015 population projections (based in the 2013 census) only 643 additional dwellings will be required by 2046.
- b) Due to the reduced growth projections, an active reserve, which is more than twice the size of Centennial Park (the current active reserve), will not be required. Te Puke also has adequate Residential zoned land to accommodate the projected growth.
- c) It is also important to note that more facilities have been developed in Centennial Park than what was originally planned for in 2006.
- d) Even though the underlying zoning of the future active reserve (as per the operative plan) is Residential, it was never the intention to use it for residential purposes.

- e) As per the current growth projections, the land earmarked for the future active reserve is also not required for residential purposes.
- f) If the proposed Future Urban area is to be used for residential purposes, it will increase the stormwater runoff within a catchment, which already has capacity issues. As it was never the intention to undertake a residential subdivision within this area, no potential stormwater calculations has been done for such development. The potential impact on the catchment and existing infrastructure is therefore unknown and also not addressed by any of the submissions.
- g) The zoning of the area for residential purposes will require detailed investigations regarding stormwater effects and future infrastructure requirements, which has to be done through a structure plan process.
- h) The proposed rezoning is also in line with Council's policy to limit the impact of residential growth on land currently under kiwifruit.

### **3.3. Issue 2: Rezoning of land from Medium Density Residential to Residential**

#### **3.3.1 Submission Points and Discussion**

Seven submissions and four further submissions were received on this issue. All of the submitters opposed the rezoning of land from Medium Density Residential to Residential.

No reasons were included by Submitters 16, 17, 18 and 22 for opposing the proposed rezoning.

Submitter 19 (submission point 19.4) is of the opinion that the Section 32 does not address the removal of the medium density zone directly north of the proposed active reserve and not the portion on their land zoned Medium Density Residential. According to the submitter, the proposed rezoning will affect their ability to provide a range of residential housing types and lot sizes.

Submission Point 15.2 argues that any proposal to establish Medium density housing on 20 MacLoughlin Drive under the provisions of the Residential Zone (rule 13.3.3 (a)) as proposed by the Plan Change will be more restrictive than under the provisions of the Medium Density Residential zone. This is because it is unlikely the land owned by the submitter will meet any of the criteria defined in District Plan rule 13.3.3 (a) (ii) which enables medium density residential development in certain circumstances in areas zoned Residential.

According to Submitter 15, this change effectively 'down zones' the site and provides less certainty going forward with respect to the development options for the site. To provide flexibility while still managing development in accordance with established Plan provisions, Submitter 15 proposes that rule 13.3.3(a) (i) - (iv) be deleted and replaced with an amended rule which allows development in accordance with the existing Medium Density Residential

controls as a restricted discretionary activity within the Residential zone. This is considered a superior option in terms of retaining consistency throughout the Plan in terms of the outcomes sought by the Plan Change, rather than either retaining the Medium Density Residential zoning on Submitter 15's land, or creating some form of 'spot zoning' for the site.

The main reason for including the Medium Density Residential zones in Area 3 was to ensure that the density as required by the Regional Policy Statement could be achieved. At that time it was 15 dwellings/ha, but has since been revised to 12 dwellings/ha. A maximum average lot size (as per paragraph 5.2.4 (c) of the Section 32) and the changes to financial contributions (Plan Change 73) will ensure that the required density will be achieved within the Residential Zone.

Over the last few years a number of land owners and property developers pointed out to Council that although the average lot size in Te Puke is reducing, the market is not ready for medium density residential. Medium Density Residential has a maximum average of one dwelling per 250m<sup>2</sup>. To achieve a good development outcome on such small lots, the dwellings have to be designed and constructed as a package.

Another driver for the Medium Density Residential zoning was the future active reserve, which provides open space for recreation. By removing the active reserve, the higher density residential development may lack open space, which will have a negative impact on the built environment. A medium density residential development on the edge of a town and not within walking distance of any shops, amenities or other social infrastructure is, in principle, not good planning practice.

Included in the proposed structure plan are a number of stormwater ponds. The operative Residential Zone rules enable the development of Medium Density Residential around these ponds. The reason being that the ponds can be integrated with a residential development (with relatively small lots) to create more open space within the development. It is therefore still possible to have Medium Density Residential in Area 3.

Operative District Plan Rule 13.3.3 (a) states that medium density residential can only be undertaken as a Restricted Discretionary Activity if the stormwater pond or local purpose reserve is at least 30x30m or 1,000m<sup>2</sup>. Submission Point 15.2 states that these criteria are too restrictive as most of the structure plan ponds on their land are less than 1,000m<sup>2</sup>. It is important to keep in mind that the size of the stormwater ponds, as included in the structure plan, are only indicative and based on a density of 12 dwellings per hectare. If a developer would like to undertake a medium density residential development (which will result in more hardstand), the size of the proposed pond most likely has to be increased. As a result the pond will most probably meet the criteria included in 13.3.3(a). Managing stormwater in a medium density residential development can be a complicated issue, especially in Area 3 which is located in the upper stormwater catchment. It is therefore best to deal with such applications on an individual basis through the resource consent process.

### 3.3.2 Recommendation

That:

1. Rezoning of land from Medium Density Residential to Residential be retained as notified.

The following submissions and further submissions are therefore:

#### Rejected

Submission	Point Number	Name
15	2	Orchard Trust
16	1	Puketaha Limited
17	3	G Eynon
18	1	M Montgomery
19	4	Dorr Bell Limited
22	3	C & M Eynon
24	1	S McKinstry & G Rodger
FS34	2, 3 & 5	G. S. Eynon
FS35	2, 3 & 5	Puketaha Limited
FS36	2, 3 & 5	Michael Montgomery
FS37	2, 3 & 5	C & M. Eynon

### 3.3.3 Reasons

- a) The main reason for including the Medium Density Residential zones in Area 3 was to ensure that the density as required by the Regional Policy Statement could be achieved. At that time it was 15 dwellings/ha, but has since be revised to 12 dwellings/ha. A maximum average lot size (as per paragraph 5.2.4 (c) of the Section 32) and the changes to financial contributions (Plan Change 73) will ensure that the required density will be achieved within the Residential Zone.
- b) All stormwater calculations for Area 3 are based on a density of 12 dwellings per hectare. Retaining the operative Medium Density Residential zone will increase the density (and hardstand), which may in turn increase the stormwater effects. It is important to keep in mind that the Area 3 stormwater catchment has limited capacity.
- c) Over the last few years a number of land owners and property developers pointed out to Council that although the average lot size in Te Puke is reducing, the market is not ready for medium density residential. Medium Density Residential has a maximum average of one dwelling per 250m<sup>2</sup>. To achieve a good development outcome on such small lots, the dwellings have to be designed and constructed as a package.



- d) The Medium Density Residential adjoins the future active reserve, which provides open space for recreation within the area. By removing the active reserve the medium density residential area may lack open space, which has a negative impact on the quality of the built environment.
- e) In principle, a medium density residential development on the edge of a town and not within walking distance of any shops, amenities or other social infrastructure is not good planning practice.
- f) However, a number of stormwater ponds are included in the Structure Plan. The operative Residential Zone rules allow for the development of medium density residential around these, provided that a number of activity performance standards are met to ensure that the development will be well integrated with the open space.

### **3.4 Issue 3: Structure plan roads, walkways and utilities (water, wastewater & stormwater)**

#### **3.4.1 Submission Points and Discussion**

Three submissions and five further submissions were received on Issue 3.

Dorr Bell Limited (submission point 19.1) opposes the location of proposed road RD1-1 (including WS-4). Submitter 19 requested that RD1-1 be shifted further north to enable a more efficient subdivision of their property. This submission point is opposed by Further Submitter 29.

Proposed road RD1-1 (including WS-4) is located on the common boundary between Lot 1 DPS 22590 and Lot 2 DPS 53855 to enable the subdivision of Lot 2 DPS 53855, which is currently land locked. It is not the intention to urbanise No 3 Road, which has a 70km/h speed limit. As a result, the number of intersections and vehicle crossings has to be limited. If RD1-1 is shifted away from the common boundary, an additional intersection on No 3 Road will be required.

Submitter 7 opposed proposed walkway WW2 (over 66 MacLoughlin Drive), linking RD3-2 with MacLoughlin Drive.

Proposed walkway WW2 has been included on 66 MacLoughlin Drive to improve walking and cycling connectivity within Area 3. WW2 will only be created when the owner of 66 MacLoughlin Drive subdivides the property and can be accommodated within a public or private road reserve.

Dorr Bell Limited (19.2) opposes the portion of proposed stormwater pond SW Pond 1 along the common boundary between his property and No. 3 Road. The submitter pointed out that the proposed pond will intersect with residential sections that are planned for the area. It is the intention to re-contour as part of the subdivision and redirect the stormwater to the north-eastern side of the property. The submitter is also of the opinion that the

proposed ponds are poor urban design and will result in a poor safety outcome.

The location and capacity of the proposed stormwater ponds are based on the current contours. It is possible to re-contour certain areas and as a result change the current stormwater catchment boundaries. During meetings between Council staff and Dorr Bell Limited (in 2011/12), the submitter mentioned that it is the intention to re-contour their property to drain stormwater to the northern boundary. However, no detailed engineering reports (to be undertaken by the submitter/developer) were available at that time. Standard practice is to resolve these issues through a subdivision consent process where both developer and Council are working together towards a consent specific outcome with more detailed data available (e.g. finished contour levels, lot sizes and percentage of hard stand). In the absence of a subdivision consent, Council cannot assume that the property will be re-contoured and that the ponding area along No 3 Road will not be required.

Submission point 8.1 opposes the proposed new stormwater pond (SW Pond 4) on his property, 67 MacLoughlin Drive.

The operative structure plan shows a stormwater pond (SW Pond 3) on 72 MacLoughlin Drive. However, the soil in this area and parts of the stormwater gully on 66 MacLoughlin Drive are contaminated due to two old rubbish dumps. As a result SW Pond 3 has been replaced by proposed ponds SW Ponds 4, 8 and 9. Submitter 8, who owns 67 MacLoughlin Drive on which proposed SW Pond 4 is located, opposes SW Pond 4 due to a lack of information available at this point in time. As per a study undertaken by Tonkin & Taylor, a storage area of at least 14,000m<sup>3</sup> will be required within this catchment. Options for storage upstream are limited and as a result proposed stormwater ponds 4, 8 and 9 will be required to manage stormwater from this catchment once fully developed (excluding the proposed future urban zone).

Staff met with the owner of 67 MacLoughlin Drive once and limited information was available at that time. It is therefore important to continue with the discussions to obtain the land required for SW4. Including SW4 in the structure plan means that Council only needs to obtain (purchase) the land at the time when 67 MacLoughlin Drive is subdivided. However, this property has limited subdivision potential and as a result Council might have to designate the area which will start the Public Works Act process to acquire the land.

Submitter 15 (15.1) recognises the responsibility of both Council and land developers to provide sufficient stormwater infrastructure to cater for new development and as appropriate avoid, remedy and/or mitigate effects from stormwater, particularly on downstream properties and the downstream network. Submitter 15 seeks that there be flexibility in how the stormwater infrastructure is provided and where it is located. They also ask that once stormwater solutions are provided (i.e. subdivision development is undertaken and appropriate stormwater infrastructure built and vested) that the stormwater pond areas on the planning maps are removed/amended to best

reflect the location of the actual stormwater infrastructure. A particular outcome of this proposed amendment is to avoid situations where residential development locates in areas currently shown as being proposed for stormwater management, but are no longer required following specific design and development.

Submission point 15.1 seeks that the following wording be added to sections 12.4.10 and 13.4.2 of the District Plan to enable the following:

*Specific design of stormwater management infrastructure may result in 'Stormwater Pond' areas as identified on the Planning Maps not accurately defining actual stormwater ponds when subdivision development is completed. As part of any subdivision design, specific assessment and detailed design may demonstrate that a Stormwater Pond area can be reduced/amended in size or deleted in its entirety. Therefore, the Stormwater Pond areas on the Planning Maps will be amended to accurately define actual stormwater ponds once development is completed and new titles for that development are issued.*

With regard to Submission Point 15.1; it is standard practice to update the structure plan utilities, roading and walkway data as per the completed subdivision. However, there is no rule or note in the District Plan to clarify this. Staff agree that a note (not a rule as requested by the submitter) could be included in the Plan. Staff are also of the opinion that the note should not only refer to stormwater, but to all the structure plan utilities, walkways and roading and as a result be included at the end of 12.4.9. Structure Plan – General that reads as follow:

*More detailed/specific investigations, calculations and design will be undertaken during a specific subdivision or land use consent. This may demonstrate that a better outcome can be achieved than what is included in the structure plan. As a result, the infrastructure included in the structure plan will be updated to reflect the actual infrastructure after the issuing of S224 certificate or code of compliance certificate.*

### **3.4.2 Recommendation**

That:

1. The following wording be included at the end of 12.4.9. Structure Plan – General:

*More detailed/specific investigations, calculations and design will be undertaken during a specific subdivision or land use consent. This may demonstrate that a better outcome can be achieved than what is included in the structure plan. As a result, the infrastructure included in the structure plan will be updated to reflect the actual infrastructure after the issuing of S224 certificate or code of compliance certificate.*

2. Stormwater pond SW4 be retained as notified.
3. Except for the specific changes included in 1 and 2 above, the structure plan roads and utilities as per Attachment C of the Section 32 report be retained as notified.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
FS29	1	Redwood Trust

### Accepted in Part

Submission	Point Number	Name
15	1	Orchard Trust
FS34	4	G. S. Eynon
FS35	4	Puketaha Limited
FS36	4	Michael Montgomery
FS37	4	C & M. Eynon

### Rejected

Submission	Point Number	Name
19	1 & 2	Dorr Bell Limited
7	1	A Lee

### 3.4.4 Reasons

- a) The location and capacity of the proposed stormwater ponds are based on the current contours. It is possible to re-contour certain areas and as a result change the current stormwater catchment boundaries. Standard practice is to resolve these issues during a subdivision consent. At the time of the consent, detailed consent specific information is available (e.g. finished contour levels, lot sizes and percentage of hard stand). In the absence of a subdivision consent, Council cannot assume that the property will be re-contoured and the ponding area along No 3 Road will not be required.
- b) Stormwater pond SW4 will be required in future due to limited suitable storage capacity upstream. Staff to continue with the discussions to purchase the land required for SW4.
- c) The proposed note to be included at the end of 12.4.9 will provide clarity regarding the updating of the structure plan utilities, roading and walkway data after the completion of a subdivision.

### 3.5 Structure Plan Rules

#### 3.5.1 Submission Points and Discussion

Submitter 19 (submission point 19.5) opposed the inclusion of a maximum average net lot size of 650m<sup>2</sup>. The submitter says that it will reduce the ability to provide a range of lot sizes and has been justified based on development at Omokoroa rather than Te Puke. The submitter also mentioned that the Te Puke market is different to Omokoroa and a range of lot sizes is desirable in so long as the yield targets of the Regional Policy Statement are met.

As mentioned in the Section 32 Report, the reason for introducing a maximum average lot size is to provide more flexibility to developers whereby a range of lot sizes can be provided as long as the required yield, as per the Regional Policy Statement, is achieved. Submission point 19.5 pointed out that flexibility is required and that it is important to meet the yield requirements. However, the submitter argues that within the current market, a maximum average rule is not required. Staff agree that within the current market, a maximum average is probably not required. However, the market may change and as a result Council might not have the ability to meet the required yield. It is important to note that it is a maximum average and not an average, which gives considerable flexibility to provide a range of lot sizes.

As discussed in 3.3.1, the operative District Plan rules enable medium density residential, or subdivision of lots smaller than 350m<sup>2</sup> around stormwater pond reserves, provided that it is well integrated with the reserve.

Submission points 15.3 and 19.6 support the deletion of Rule 12.4.14.2 for the reasons outlined in the Section 32 Report.

#### 3.5.3 Recommendation

That:

1. The changes to the District Plan rules that relates to the structure plan be retained as notified.

The following submissions are therefore:

##### Accepted

Submission	Point Number	Name
15	3	Orchard Trust
19	6	Dorr Bell Limited

##### Rejected

Submission	Point Number	Name
19	5	Dorr Bell Limited

### 3.5.4 Reason

- a) The reason for introducing a maximum average lot size (as opposed to an average lot size) is to provide developers with more flexibility as long as the required yield, as per the Regional Policy Statement, is achieved.
  - b) The operative District Plan rules enable medium density residential, or subdivision of lots smaller than 350m<sup>2</sup> around stormwater pond reserves, provided that it is well integrated with the reserve.
-