

## ŌMOKOROA ZONING MAPS

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### INTRODUCTION

The Plan Change includes the rezoning of most of the Ōmokoroa Peninsula. Under the Operative District Plan the subject area is predominantly zoned Residential north of the railway line and predominantly Future Urban to the south. Other existing zones applicable to the area are Medium-Density Residential, Rural-Residential, Commercial and Industrial.

The area has been labelled for planning purposes Existing Village, Stage 1, Stage 2 and Stage 3. The Existing Village and Stage 1 areas are to the north of the railway line. The “Existing Village” incorporates the original residential development area at Ōmokoroa Point with Stage 1 being the next part of urbanisation. This urban expansion was supported by the sewerage reticulation of the urban area. This area is for the most part fully developed with most of the area zoned Residential. It also includes an existing Commercial Zone (and developed) area and two areas of Rural-Residential Zone land.

The area to the south of the railway line has been the subject of previous plan changes immediately south of the railway and to the east of Ōmokoroa Road), and areas as Commercial Zone and Industrial Zone.

In addition, through the Housing Affordability and Special Housing Area Act process, an area that had been identified for largely commercial and light industrial activities was approved and developed for residential development (Kaimai Views).

The remaining area is zoned Future Urban Zone under the Operative District Plan. This area is generally referred to now as Stage 3 but also now incorporates some areas formerly identified as Stage 2. Stage 2 is generally fully developed while the Stage 3 is a greenfield development area.

The requirements of the MDRS have meant that the existing Residential Zoned areas have been rezoned Medium Density Residential in addition to the new greenfield Medium Density Residential

Zone areas. In the Ōmokoroa context the MDRS are supported by the wider Ōmokoroa urbanisation project which, in addition to providing for residential expansion also encompasses necessary supporting zoning and related activities. Accordingly, the Plan Change includes new or modified Commercial, Industrial, Rural-Residential and Natural Open Space zones to support the introduction of the MDRS and enabling housing supply in Ōmokoroa.

The following map identifies the proposed zoning as publicly notified.

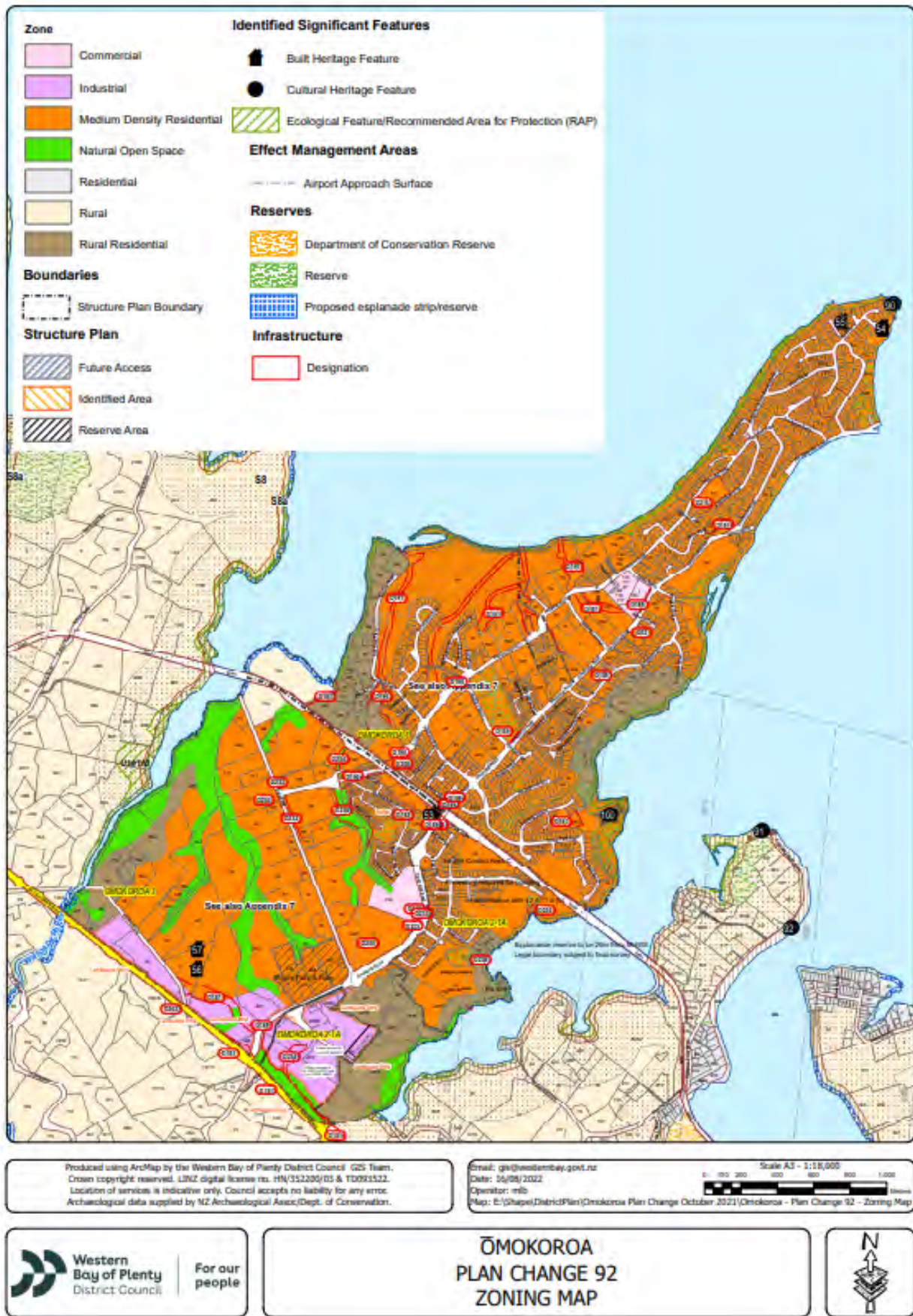


Figure 1: Proposed zoning in Ōmokoroa as notified.

## TOPIC 1 - PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE - INCLUDING REQUESTS FOR ALTERNATIVE ZONINGS

### BACKGROUND

The Plan Change introduces further Medium Density Residential Zone areas in addition to those which already exist in Ōmokoroa. This is the main new zonings for the Ōmokoroa Peninsula. This zoning replaces the Residential Zone and large areas of the Future Urban Zone. Within the new proposed zone are Area Specific Overlays which have a direct link to minimum yield requirements.

To assist with understanding this topic, the following map shows the proposed Medium Density Residential Zone in Ōmokoroa Stage 3 and highlights the specific properties mentioned in submissions.

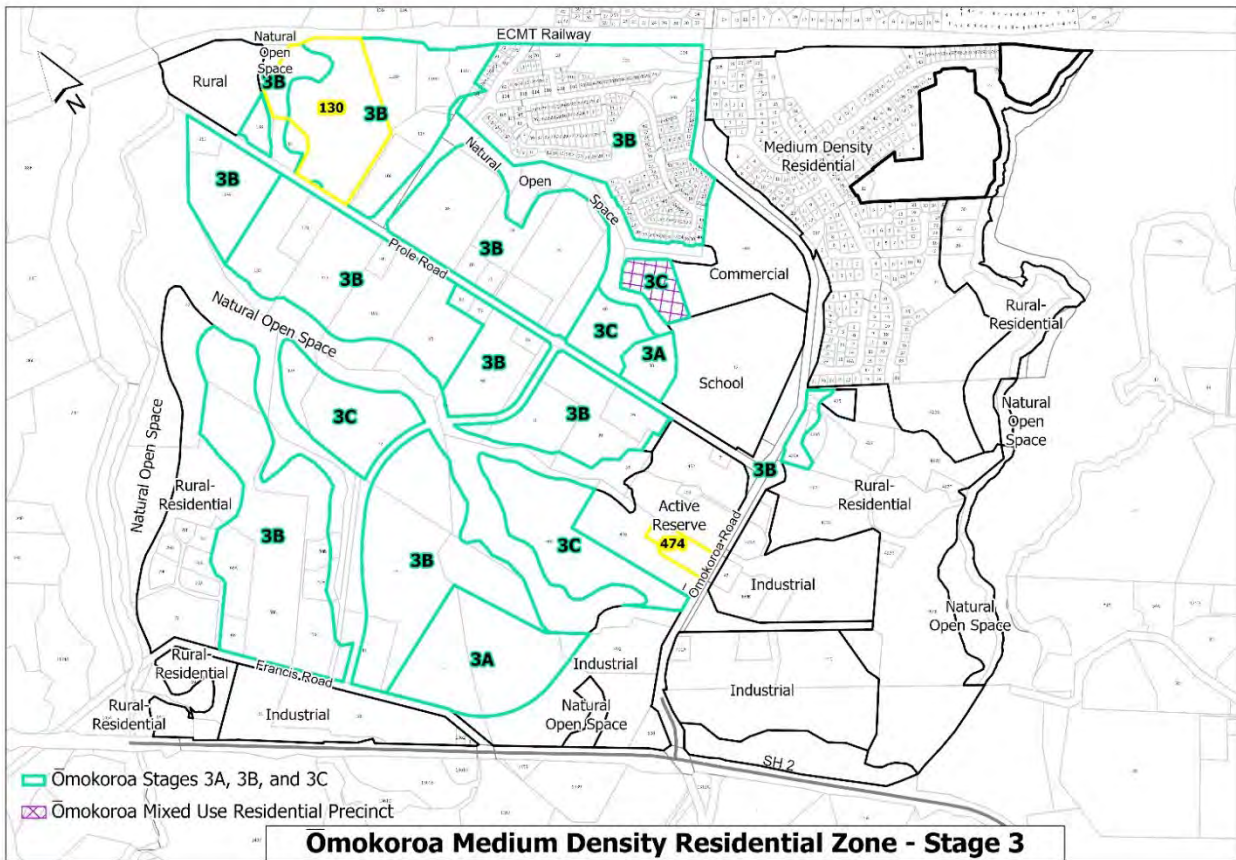


Figure 2: Ōmokoroa Stage 3, submitters properties highlighted in yellow.

### SUBMISSION POINTS

Seven submission points were received. No further submissions were received. The submissions are summarised as follows:

Submissions varied from site specific requests to wider submissions either supporting or opposing the zone. In addition, there are submissions on general matters associated with the change of zoning. The submissions are summarised as follows.

TDD Limited (38.1) (474 Ōmokoroa Road) and Brian Goldstone (42.1) (130 Prole Road) support the rezoning of their land respectively to the Medium Density Residential Zone.

Richard Hewison (1.1), Penny Hicks (16.1), Robert Hicks (4.4 - 4.6) support in part the rezoning of land in Ōmokoroa to Medium Density Residential, and Ian Yule (45.2), Angela Yule (62.2), David & Diana Bagley (27.2) and Susan Phinn (36.2) oppose the rezoning of land in Ōmokoroa to Medium Density Residential. Although not explicit in the submissions opposing it is understood that the submissions are not actually seeking the removal of the entire zone but are seeking a different zoning for specific localities within the Stage 3 Ōmokoroa area. This should be confirmed by the individual submitters. A zoning of Rural-Residential is stated in some submissions as being the preferred alternative.

The submissions supporting generally note that additional land will provide for the efficient use of land for residential and stormwater purposes and will enable the delivery of further residential intensification in an area where there is high demand for residential housing.

Those supporting in part the rezoning of land in Ōmokoroa to Medium Density Residential raise specific issues including timing and zone demarcation issues.

Those opposing identify issues such as adverse ecological effects, adverse amenity effects, potential erosion issues, proximity to proposed Industrial Zone, loss of high quality agricultural/horticultural land, and transportation issues including safety.

Some of these same submitters also made submissions in regard to the Industrial Zone in the Francis Road area.

Penny Hicks (16.1, 16.3) also raised matters concerning the heritage buildings on her property and the impact on rates.

## OPTIONS

Option 1 – Retain proposed Medium Density Residential Zone as notified.

Option 2 – Rezone the entire proposed Medium Density Residential Zone to an alternative zoning.

Option 3 – Rezone parts of the proposed Medium Density Residential Zone to an alternative zoning.

## DISCUSSION

Section 14A – Ōmokoroa and Te Puke Medium Density Residential is a new set of provisions in direct response to the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 which introduced the compulsory requirement for Medium Density Residential Standards (MDRS) to apply. The Amendment Act required that “every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone” (Section 77G (1)). By virtue of applying the MDRS it follows that the zone label should reflect the same.

Ōmokoroa has been recognised as one of the main growth areas in the western Bay of Plenty sub-region for some time with a significant area being zoned Future Urban for more than decade. The Council in consultation with the community has been developing a structure plan for the new growth area and related provisions to provide the framework for the urbanisation of this area.

The Council had progressed a proposed plan change for the area known as Stage 3 Ōmokoroa ready for public notification however due to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, it was necessary to redraft the plan change including significant changes to give effect to the MDRS.

To a large extent for the Ōmokoroa Stage 3 area the proposed Medium Density Residential Zone areas in Plan Change 92 remained largely unchanged from the version that the Council was intending to publicly notify although it is noted that there has been a number of variants over the years. The Amendment Act however required the MDRS to apply across all existing residential zones and accordingly the applicability has greatly expanded to encompass most of the Ōmokoroa Peninsula.

The Amendment Act is intended to improve housing supply in New Zealand's tier 1 urban authorities (which include the WBOPDC area) by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD).

In conjunction with the NPS-UD, the Amendment Act requires that specific less restrictive planning rules be included in district plans for Tier 1 urban authority areas. This is to allow more houses to be built more easily in a shorter timeframe, and to enable intensification to occur in close proximity to community facilities, transportation, employment opportunities and other infrastructure.

As noted in the submissions in support of the rezoning to Medium Density Residential this will provide for the efficient use of land for residential purposes and will enable the delivery of further residential intensification in an area where there is high demand for residential housing. Supported by other zoning and an overall structure plan for the Ōmokoroa Stage 3 area the proposed rezoning is identified as contributing to a well functioning urban environment.

The submissions in part or full opposition raise important issues such as potential for adverse effects on amenity values, ecology, land stability (erosion) and concerns regarding the transportation network including capacity and safety issues in regard to the intersection and connection to Tauranga.

Most of the new medium density residential development is expected to be within the Ōmokoroa Stage 3 area which as discussed above has been the subject of a structure plan process and supported by numerous technical assessments. This has resulted in a proposed zoning and related provisions framework that addresses positively the potential for adverse effects noting that for urbanisation to occur this will lead to changes to the environment.

In regard to amenity values the nature of intensification is likely to result in a reduction of 'on-site' amenity values by virtue of providing for higher buildings, less yard setbacks, smaller lots and an increase in overshadowing however as the MDRS are prescribed there is limited additional mitigation that can be provided directly through the District Plan. The zoning and provision of natural open space, future reserves and improved access to high amenity areas e.g. coastline and waterways provides a balance to this. In addition, the increased density supports improved commercial development including shopping and entertainment and should result in a much improved public transport system.

The provision of additional housing also provides the catalyst to obtain Central Government funding and action on the key transportation links required to support urbanisation and densification. The specific aspects of the Ōmokoroa Road / State Highway 2 intersection and related works are discussed in the Section 42A Report for Section 14A – Part 2 – Ōmokoroa and Te Puke Medium Density Residential (Topic 7).

Other key concerns include timing and the loss of high quality agricultural/horticultural land. As discussed previously Ōmokoroa has been identified as an urban growth area for some time and the urbanisation highlighted by the previous rezoning of the area from Rural to Future Urban more than a decade ago. The current process is the next stage of the urbanisation process.

As correctly stated in submissions, the area includes high quality horticultural/agricultural land. The 'roll-out' of urbanisation will be progressive and take 20–30 years to complete. By identifying the urbanised zoning in the current process this clearly identifies the anticipated future land use and provides surety of investment for infrastructure and other development. The increase in density means that less land will be required to provide the same number of houses than previously, representing a more effective and efficient use of the finite land resource. Although good quality agricultural/horticultural land will be lost within the urban growth area this prevents additional urban sprawl. It is noted that for some areas currently used for agriculture and horticulture there will continue to be the opportunity for land to be utilised for productive purposes for some time.

As an alternative to the Medium Density Residential Zoning an increased extent of Rural-Residential Zoning has been mooted by submitters. For the reasons outlined above it is important that land is used effectively and efficiently. For land that has in general good contour, minimal physical constraints and located where access and other infrastructure can be provided it is logical to provide a medium density zoning that maximises the urban development opportunities.

Although it is also important to recognise that some land is of higher sensitivity and more challenging contour, the wider 'roll-out' of a Rural-Residential Zone would be an inefficient use of land in the Stage 3 area, would jeopardise the successful urbanisation of the area and put more pressure on other rural land.

A further matter raised was the risk of potential adverse effects from having a Medium Density Residential Zone in close proximity to an Industrial Zone. This matter is addressed in Topic 5 (Industrial Zone).

Penny Hicks requested further discussion with the Council in regard to two built heritage sites on her land. Council representatives have met with the submitter on site and discussed the heritage sites and relationship with the plan change. These are existing heritage features listed in the Operative District Plan and will continue to have this status. The proposed underlying Medium Density Zone is considered consistent with the adjacent proposed zoning. Council and the submitter will continue to engage with how the sites can be protected and potentially utilised as part of the urban expansion noting that this specific area is a later stage of urban development. The Council is undertaking a review of the Kaimai ward reserves strategy in the next few years which can consider options regarding the subject site.

Penny Hicks also requested clarification on the impact on rates noting that the Francis Road area of Stage 3 will be a later stage of development. The submitter suggests that the zoning changes are delayed, or a rate relief or special rate is given for this area of Stage 3.

When land is rezoned, Council has a policy to ensure there is a rates remission on such land. The main function of this policy is to ensure that the rezoned land rating basis does not change until the property is sold, subdivided or the use changes to that of the new zone. In the situation of areas such as the proposed Medium Density Residential zoned area of Francis Road it is expected that Council will apply the existing rates remission policy. It should be noted that the rates policy sits outside of the District Plan.

## RECOMMENDATION

That Option 1 be accepted.

Retain proposed Medium Density Residential Zone as notified.

The following submissions are therefore:

### ACCEPTED

Submission	Point Number	Name
38	1	TDD Limited
42	1	Brian Goldstone

### ACCEPTED IN PART

Submission	Point Number	Name
1	1	Richard Hewison
16	1	Penny Hicks
4	4	Robert Hicks
4	5	Robert Hicks
4	6	Robert Hicks
16	3	Penny Hicks

### REJECTED

Submission	Point Number	Name
45	2	Ian Yule
62	2	Angela Yule
27	2	David & Diana Bagley
36	2	Susan Phinn

### SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

## TOPIC 2 – PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE – REQUEST FOR AREAS IDENTIFIED AS 3C TO BE CHANGED TO HIGH DENSITY RESIDENTIAL ZONE

### BACKGROUND

The Medium Density Residential Zone includes the identification of areas having specific density requirements. These are identified as an Area Specific Overlay. These range from a minimum yield of 15 residential units per hectare of developable area to a minimum of 30. The latter identifies areas in Ōmokoroa with attributes that supported increased density. This area is labelled as Ōmokoroa 3C.



To assist with understanding this topic, the following map shows the proposed Medium Density Residential Zone areas in Ōmokoroa Stage 3 that have a minimum yield requirement of 30.

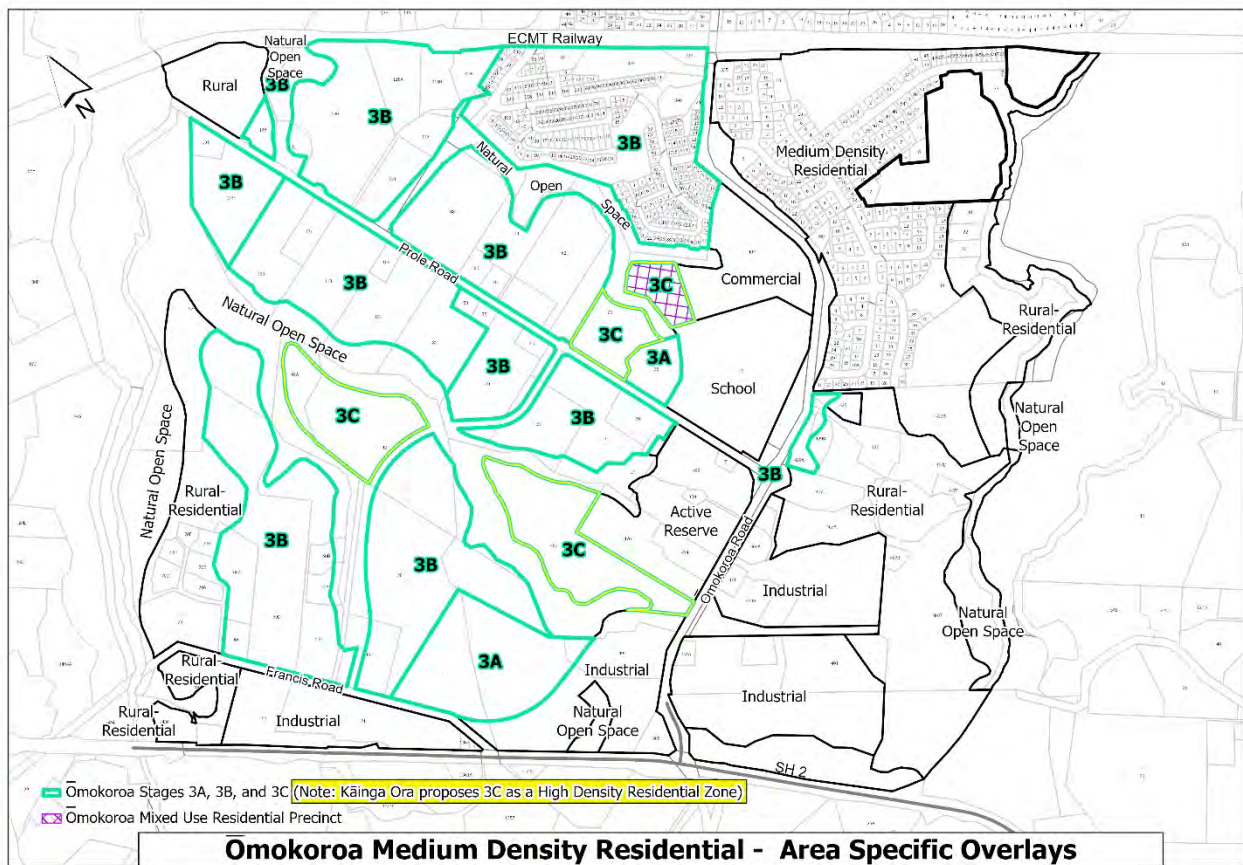


Figure 3: Ōmokoroa Stage 3, Kāinga Ora proposed High Density Zone outlined in light green

### SUBMISSION POINTS

Two submission points were received. Two further submissions were received. The submission points are summarised as follows:

Kāinga Ora (29.5) requested the inclusion of a new High Density Zone applicable to areas within both the Ōmokoroa Plan Change areas. The submission included a whole new part of Section 14 with a set of plan provisions incorporating Purpose, Objectives, Policies, Rules-Activity Status, Development Standards and related plan map zone changes. In the Ōmokoroa context the requested zone changes coincided with the Area Specific Overlay 3C.

A further submission from KiwiRail (FS 71.9) supported this in part to the extent that the submission was consistent with the relief sought in their primary submission. The primary submission can be summarised as supporting the intensification and development of urban environments, including around transport nodes, subject to the interface between effects emitting from significant infrastructure (such as the railway corridor) and urban development being appropriately managed.

Waka Kotahi (41.2) submitted that high-density residential zones within walkable catchments surrounding the town centres of Ōmokoroa and Te Puke will be required to give effect to the intent of the NPS-UD. The submission requested an accessibility study to assess/determine the extent of the walkable catchments surrounding the town centres of Ōmokoroa and Te Puke. If supported

by the accessibility assessment, Waka Kotahi seeks that Plan Change 92 incorporates high-density residential zones within the walkable catchments surrounding these centres.

A further submission from Kāinga Ora (FS 70.24) supported the submission.

## OPTIONS

Option 1 – Retain proposed Medium Density Residential Zone as notified for areas identified as 3C.

Option 2 – Rezone areas identified as 3C from the proposed Medium Density Residential Zone to a High Density Residential Zone.

## DISCUSSION

Council identified areas in Ōmokoroa potentially suitable for higher density residential development (3C) as part of the early structure planning and development of a draft plan change prior to the Amendment Act. This involved engagement with the community and landowners occurring in the development of the previous draft plan change. Through this engagement the Ōmokoroa Mixed Use Residential Precinct (also 3C) was formulated in conjunction with the land owner.

The areas selected were land:

- which is currently greenfield;
- adjoining high amenity areas (once 'developed') such as green belts with walkways/cycleways, reserve/open space areas;
- has (or will have) good connectivity (including walkable catchments);
- is a suitable contour for higher density and/or adjacent to the consented town centre.

Within 3C, the proposed Plan Change assists the enabling of higher housing densities by including provision for buildings to a height of 20m.

The submitters have referred to Policy 3 of the National Policy Statement on Urban Development 2020 which similarly was a key reference point for the Council on this matter.

Policy 3 states the following:

*Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:*

- (a) In city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
- (b) In metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
- (c) Building heights of at least 6 storeys within at least a walkable catchment of the following:*
  - (i) existing and planned rapid transit stops:*
  - (ii) the edge of city centre zones:*

(iii) *the edge of metropolitan centre zones; and*

- (d) *Within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activities and community services.*

In assessing the above, Council concluded:

- Policy 3(a) is not relevant to the Western Bay of Plenty District as there are no city centres located within the district.
- Policy 3(b) is not relevant as there are no metropolitan areas within the district.
- Policy 3(c) is not relevant given that there are no city centres or metropolitan areas and no existing or planned rapid transit stops within the district.
- Policy 3(d) is relevant for Plan Change 92 as there are equivalent town centre zones in Ōmokoroa and Te Puke.

As discussed above Council has developed provisions that are considered appropriate to give effect to Policy 3 in the local context. The proposed plan change provisions provide for higher density residential areas commensurate with the level of commercial activities and community services anticipated.

It is noted that the Kāinga Ora submission generally supports the areas identified for higher density rezoning in Ōmokoroa but seek a specific High Density Zone. The Reporting Team consider that the general intent of both the Kāinga Ora and Waka Kotahi submissions are given effect to by Plan Change 92 and that the methodology applied is appropriate with minimum yield requirements and related amendments to maximum height performance standards in particular influencing the density potential.

## RECOMMENDATION

That Option 1 be accepted,

Retain proposed Medium Density Residential Zone as notified for areas identified as 3C.

The following submissions are therefore:

## REJECTED

Submission	Point Number	Name
29	5	Kāinga Ora - Homes and Communities
FS 71	9	KiwiRail
41	2	Waka Kotahi
FS 70	24	Kāinga Ora - Homes and Communities

## SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

### TOPIC 3 – PROPOSED ŌMOKOROA MIXED USE RESIDENTIAL PRECINCT – REQUEST FOR BOUNDARY CHANGES AND ADDITIONAL AREAS

#### BACKGROUND

The Plan Change includes a specific Ōmokoroa Mixed Use Residential Precinct (OMURP) which is part of the proposed Medium Density Residential Zone. This was developed in conjunction with the developer of the Commercial Zone at 404 Ōmokoroa where there is an approved Town Centre Master Plan. The mixed use area was identified as providing for complementary activities that supported the Town Centre and the urbanisation of Ōmokoroa.

To assist with understanding this topic, the following map shows the proposed Mixed Use Residential Precinct and highlights the specific properties mentioned in submissions.

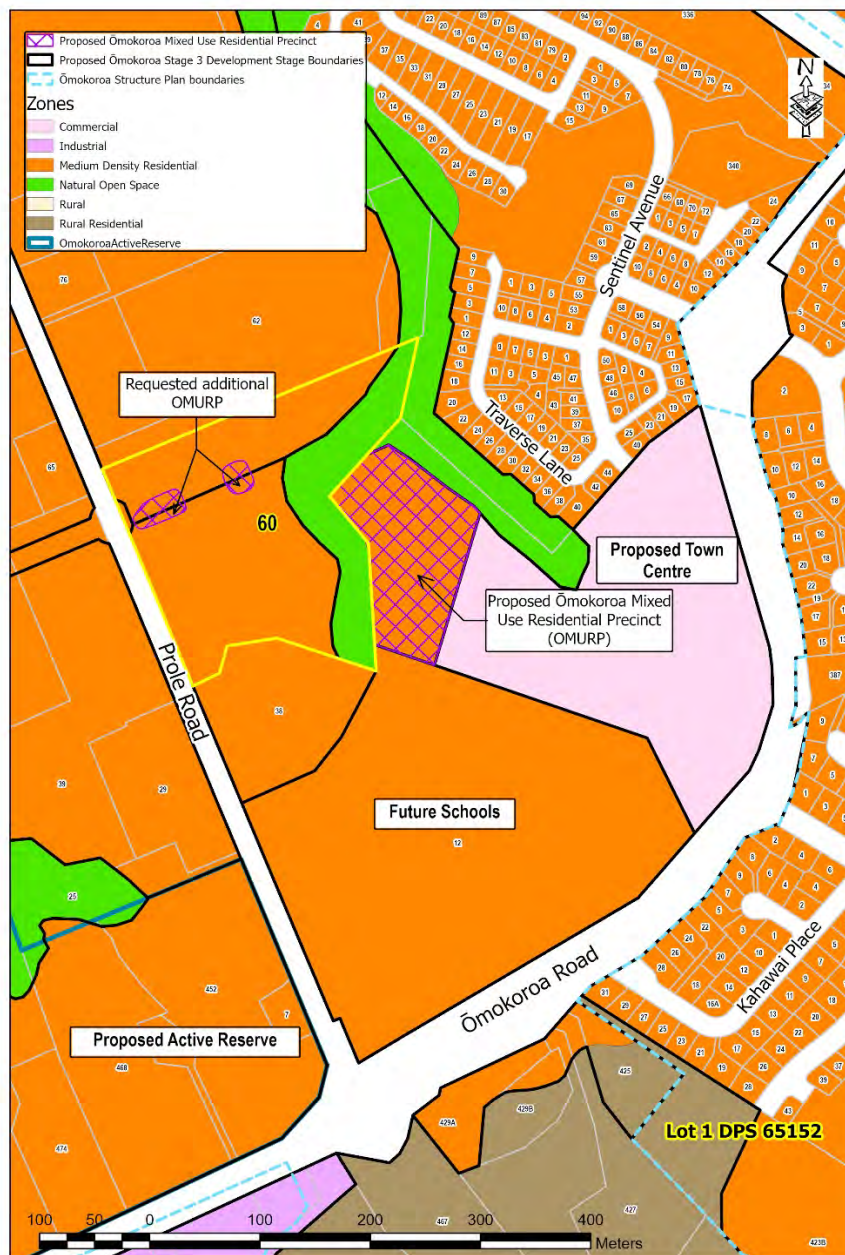


Figure 4: Map showing Ōmokoroa Mixed Use Residential Precinct

## SUBMISSION POINTS

Two submission points were received. No further submission points were received. The submission points are summarised as follows:

Jace Orchards Limited and Kiwi Green New Zealand Limited (59.29) supported the zoning and overlay but sought the modification of the Zone and related overlay boundaries as applied to the proposed Ōmokoroa Mixed Use Residential Precinct (part of 404 Ōmokoroa Road) to better align with planned contours and the private/public.

Pete Linde (19.4) has requested that two areas of 60 Prole Road should also be identified as an OMURP area. The areas are identified on the submission and are identified as being approximately 600m<sup>2</sup> and 950m<sup>2</sup> in area.

## OPTIONS

Option 1 – Retain proposed overlay boundary as notified for Ōmokoroa Mixed Use Residential Precinct.

Option 2 – Include subject areas at 60 Prole Road and 404 Ōmokoroa Road as additions to the Ōmokoroa Mixed Use Residential Precinct.

## DISCUSSION

### 404 Ōmokoroa Road

The OMURP applies over part of this property and shares a boundary with the proposed Natural Open Space Zone. The submitter has requested an extension of the OMURP area (and corresponding reduction in the Natural Open Space Zone extent) to provide for anticipated earthworks. At the time of the initial boundary line identification the areas were covered in vegetation which has now been removed or reduced allowing for an easier visual appraisal. The area is approximately 500m<sup>2</sup>.

This area is considered to form part of the gully and has freshwater and ecological values, future recreation walkway/cycleway connections, and stormwater management functionality.

Insufficient information has been received to date from the submitter to justify moving this boundary. It is noted that it appears to be within the 100 year flood levels. It is acknowledged that the area is the subject of current earthworks and the final landform may influence the logical boundary however until more detailed information is available to support any change the proposed zone boundaries are assessed as being appropriate.

### 60 Prole Road

It is understood that the intent of the submission is to provide the opportunity to establish small scale commercial activities such as a café and/or convenience store to service the immediate walkable catchment as an alternative to people needing to walk further to the town centre.

The OMURP is designed to specifically support the town centre which it adjoins and includes in addition to residential activities as a permitted activity, the establishment of small-scale offices, retailing, restaurants, commercial services, places of assembly and medical facilities where they occupy less than 150m<sup>2</sup> in gross floor area.

While there may be merit in providing for mixed use activities to support specific 'neighbourhoods' within other areas of Stage 3 which may be more remote from the town centre, the specific

location being promoted is considered to be within reasonable proximity to the town centre and the proposed OMURP. Due to this proximity, there is no need for a further OMURP in this area with an additional area likely to have an adverse effect on the viability of the town centre which the precinct is designed to support. The latter proposed OMURP was supported specifically because it is adjacent to and will integrate with the town centre.

To provide for a type of mixed land use it is open for a resource consent application to be lodged. Cafes (a place of assembly) and dairies no greater than 60m<sup>2</sup> are provided for as discretionary activities within the Medium Density Residential Zone. If a proposal was part of an overall comprehensive residentially based development the proposal could be assessed in its whole which would include the ability to assess the potential effects of the proposed 'non-residential' components as part of the whole development. While the land is in one ownership this provides the opportunity for the applicant to effectively give themselves consent for any immediate neighbourhood interface issues which is likely to make the process simpler.

### RECOMMENDATION

That Option 1 be accepted:

Retain overlay as notified for Ōmokoroa Mixed Use Residential Precinct.

The following submissions are therefore:

### REJECTED

Submission	Point Number	Name
19	4	Pete Linde
59	29	Jace Orchards Limited and Kiwi Green New Zealand Limited

### SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

## TOPIC 4 - PROPOSED RURAL-RESIDENTIAL ZONE - REQUESTS FOR ALTERNATIVE ZONINGS

### BACKGROUND

The Plan Change rezoned new areas in Ōmokoroa from Future Urban to Rural-Residential that were not well suited for more intensive residential development due to locational and topographical characteristics. This is in addition to existing Rural-Residential Zones in Ōmokoroa. These areas support the urbanisation of Ōmokoroa.

The existing Explanatory Statement of Section 16 – Rural-Residential of the Operative District Plan states that: *New Rural-Residential Zones are provided as part of the urbanisation of the Ōmokoroa Peninsula. Their purpose is to provide a less intensive interface with the Harbour and to manage areas that have development constraints.*

While “new” was referring to the existing areas that were added more than a decade ago, this same wording would remain valid for the additional areas proposed to be rezoned Rural-

Residential. These proposed new areas differ from those in the proposed Natural Open Space Zone in that these areas still recognise that “residential” development in some form is still appropriate.

The Plan Change introduces new Medium Density Residential Zones as the main new zoning for the Ōmokoroa Peninsula and in some circumstances properties have split zoning with the Rural-Residential Zone.

To assist with understanding this topic, the following map shows the proposed Rural-Residential Zone and highlights the specific properties mentioned in submissions.

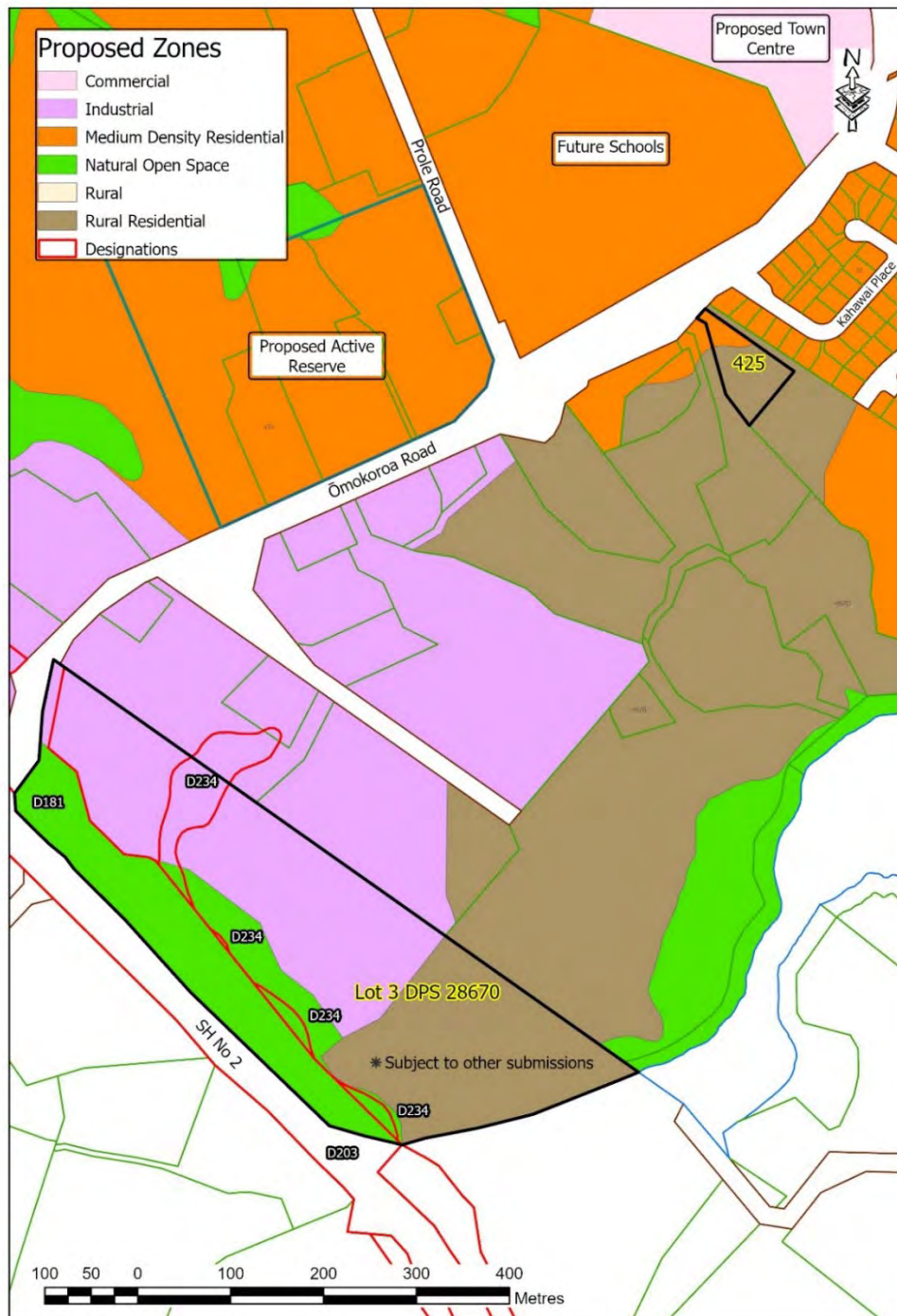


Figure 5: Map showing proposed Rural-Residential Zone

## SUBMISSION POINTS

Two submission points were received. One further submission point was received. The submission points are summarised as follows:

N & M Bruning (31.2) have opposed the Rural-Residential Zone applied to part of their land (Lot 3 DPS 28670 State Highway 2) and have sought that this be replaced with "Residential Zone".

The submission from N & M Bruning stated that a Rural-Residential Zone is an inappropriate zone within an urban area and listed the following reasons for this opinion:

- The zone is not an urban zone.
- The zone will not assist the Council with meeting expected demand for housing and development capacity in the short term, medium term or long term.
- The zone does not achieve the benefits of urban development that are consistent with a well-functioning urban environment.
- The zone will not contribute to meeting the requirements of the NPS-UD and will reduce development capacity, and housing yield that is anticipated to be provided in the urban area.
- Significant funding has been provided for the development of infrastructure at Ōmokoroa by the Government and development capacity must obtain maximum benefits from this investment.

A further submission from Waka Kotahi NZTA (FS 79.3) opposes this in part due to concerns regarding potential reverse sensitivity in relation to the operation of State Highway 2, particularly adverse noise effects.

Mathew Hardy (13.1) has requested that 425 Ōmokoroa Road (Lot 1 DPS 65152) be rezoned Medium Density Residential in its entirety. The site has a proposed split zoning of Medium Density Residential and Rural-Residential. Through further discussion there has been an alternative option provided which maintains the request for the site as a whole to be rezoned Medium Density Residential but suggests an area specific overlay that allows larger lot minimum lot sizes for this site.

Note submissions requesting Rural-Residential zoning for specific areas in Ōmokoroa instead of the proposed Medium-Density Zoning are discussed under Topic 1 (Medium Density Residential Zone).

## OPTIONS

Option 1 – Retain proposed new Rural-Residential zonings as notified.

Option 2 – Delete Rural-Residential Zone within the Ōmokoroa Stage 3 Structure Plan area and rezone to Medium Density Residential.

Option 3 – Retain proposed new Rural-Residential zonings as notified except for 425 Ōmokoroa Road (Lot 1 DPS 65152) rezone entire site to Medium Density Residential with site specific residential development yield standards.



## DISCUSSION

### Rural-Residential Zone – General

As discussed in the “Background” of this topic the Plan Change although having an urban intensification focus includes a variety of different land types not all of which are suitable for ‘urban development’. The new greenfield development area (Ōmokoroa Stage 3) has been the subject of a structure plan assessment which has considered the development options for the area including anticipated densities, timing and associated infrastructure requirements. The vast majority of the greenfield development area has been rezoned for medium density residential development with supporting zones such as Natural Open Space, Commercial and Industrial.

The Rural-Residential Zones have been included in the overall assessment and support the wider medium density residential development of the Peninsula by providing an interface between intensive residential development and sensitive areas such as the Tauranga Harbour coastline and avoiding intensive development on land with topographical constraints.

The Rural-Residential Zone subdivision provisions have been amended to allow a more intensive development than the Operative District Plan provisions and provide a different ‘residential’ housing option than medium density housing. This is considered consistent with the National Policy Statement on Urban Development. Policy 1 of the NPS-UD states:

*Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*(a) have or enable a variety of homes that:*

*(i) meet the needs, in terms of type, price, and location, of different households.....*

The Rural-Residential Zone is an established existing zoning which applies over various areas currently within Ōmokoroa with additional new areas proposed. These provide a supporting role for the wider urban development.

Although not explicitly stated the alternative “residential zone” (requested by the submitter) by default would be the Medium-Density Residential Zone. Such a zoning on the subject land (and also other Rural-Residential Zoned land within Ōmokoroa Stage 3) would require earthworks to create building sites and related accesses, which could significantly change the landscape characteristics of the area. It would also require more intensive stormwater management devices and create intensive residential use in close proximity to sensitive areas. Further, it may lead to reverse sensitivity in regard to the operation of the State Highway which is a matter of concern as outlined in the Waka Kotahi NZTA further submission in opposition.

In regard to the latter Waka Kotahi NZTA under relief sought has suggested that “to ensure that noise reverse sensitivity effects are avoided, an area of influence may be necessary within which noise-sensitive activities require resource consent unless compliance with standard internal noise thresholds is demonstrated.” The proposed Rural-Residential zoning has however avoided the rezoning of this area to a more intensive residential land use. This is considered to have resolved concerns about noise and there is no need for additional planning controls.

As noted in submissions from both N & M Bruning and Waka Kotahi NZTA significant areas of the land owned by the Brunings is subject to a State Highway designation and to rezone this area to Medium Density Residential does not reflect the nature of the land and the designated use.

The areas zoned Rural-Residential are generally at the fringes of the Peninsula making servicing costly and inefficient. The rezoning of these areas Medium-Density could undermine the planned

development infrastructure capabilities and detrimentally affect the residential development of other areas better suited for residential development.

Overall, the Rural-Residential Zone is assessed as being an appropriate zone.

### **425 Ōmokoroa Road**

Subsequent to submissions closing, Council representatives have met with the submitter and his consultants and undertaken a site visit. As a result, the submitter has proposed a variation on what was originally submitted. The variation is that the entire site be rezoned Medium Density Residential with the area that was proposed to be rezoned Rural-Residential having an area specific overlay and linked maximum number of residential units. This provides for a greater density of development than provided for by the Rural-Residential Zone but less than other Medium Density Zone areas.

The proposal is for an overlay stipulating that any subdivision would need to provide a minimum allotment size of 800m<sup>2</sup> gross, while also meeting an average of 1000m<sup>2</sup> gross site area across the development. The proposal was supported by an indicative scheme plan of development. The original submission was also supported by planning, infrastructure and geotechnical assessments.

The site is in very close proximity to the future town centre and proposed schools and active reserve. From a locality perspective increasing density is supported however the site is challenging in some parts due to the topography and is also highly visible. The general outcomes as indicated by the scheme plan are seen as being an appropriate use of the site taking into account the site's specific context and accordingly the intent of the variation requested by the submitter is supported. To ensure that the intent is achieved there is a need to limit the actual number of residential units that can be established as subdivision controls alone do not have this effect.

To achieve this, it is recommended to amend the planning maps to include the entire site as Medium Density Residential Zone with that the part of the site proposed to be zoned Rural-Residential as notified being identified on the area specific overlay map in Section 14A – Ōmokoroa and Te Puke Medium Density Residential.

This overlay would link to provisions in Section 14A changed to ensure that the maximum number of residential units for this area shall be four with a minimum lot size of 800m<sup>2</sup> gross area and an average lot size of no less than 1000m<sup>2</sup> gross.

### **RECOMMENDATION**

That Option 3 be accepted.

Retain proposed new Rural-Residential zonings as notified except for 425 Ōmokoroa Road (Lot 1 DPS 65152) rezone entire site to Medium Density Residential with site specific residential development yield standards.

This requires that the District Plan be amended in the following ways:

Amend the District Plan Maps to show the entirety of 425 Ōmokoroa Road (Lot 1 DPS 65152) as Medium Density Residential as shown at the end of this report and in Attachment 1.

Amend the “Area Specific Overlays” map in the explanatory statement of Section 14A – Ōmokoroa and Te Puke Medium Density Residential to identify Lot 1 DPS 65152 and identify it as 3A as shown at the end of this report and in Attachment 1.

Amend Rule 14A.4.2.a (Residential Unit Yield) and Rule 14A.4.3.c (Subdivision Standards – Yield Requirements) to provide exceptions that the maximum number of residential units and related residential lots for that part of Lot 1 DPS 65152 within Ōmokoroa Stage A shall be four with a minimum lot size of 800m<sup>2</sup> gross area and an average lot size of no less than 1000m<sup>2</sup> gross.

Refer to the Section 42A Report – Section 14A – Part 2 for specific changes to the applicable performance standards.

The following submissions are therefore:

### ACCEPTED IN PART

Submission	Point Number	Name
FS 79	3	Waka Kotahi NZTA
13	1	Mathew Hardy

### REJECTED

Submission	Point Number	Name
31	2	N&M Bruning

### SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes.

<b>Efficiency &amp; Effectiveness in Achieving the Objectives</b>	<b>Retain proposed new Rural-Residential zonings as notified except for 425 Ōmokoroa Road (Lot 1 DPS 65152) rezone entire site to Medium Density Residential with site specific residential development yield standards.</b>
<b>Costs</b> Environmental effects Economic effects Social effects Cultural effects  Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and	<b>Environmental</b> Allowing more residential units and an associated reduction in minimum lot sizes (from what would have been allowed as rural-residential) will reduce the land area available to potentially manage on-site stormwater and will intensify the built environment within a highly visible area.  <b>Economic</b> No direct economic costs.  <b>Social</b> No direct social costs.  <b>Cultural</b>

(ii) employment that are anticipated to be provided or reduced	No direct cultural costs however allowing more residential units and the associated reduction in minimum lot sizes will reduce the land area available to potentially manage on-site stormwater and will intensify the built environment which could be considered to have an adverse effect on the cultural values from both a landscape and water quality perspective if the latter was not managed appropriately.
<p><b>Benefits</b></p> <p>Environmental</p> <p>Economic</p> <p>Social</p> <p>Cultural</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p><b>Environmental</b></p> <p>The more efficient use of the land will assist in reducing the pressure on other land areas to be developed for residential purposes. The larger size of the lots is sufficient to provide for less visual impact and to provide more permeable surface area (reducing stormwater runoff) than a full medium density development.</p> <p><b>Economic</b></p> <p>The landowner will be able to create more lots to either sell or develop. The more efficient use of the land will also assist in reducing development costs while avoiding the need for larger scale earthworks and associated costs.</p> <p><b>Social</b></p> <p>Provides additional housing in close proximity to the town centre and schools providing additional population to support these and related community facilities. Likely to provide an increased range of housing styles/choice to suit the site's topography.</p> <p><b>Cultural</b></p> <p>No direct cultural benefits.</p>
<b>Quantification</b>	Not practicable to quantify.
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	Sufficient and certain information is available.

## TOPIC 5 – PROPOSED INDUSTRIAL ZONE – INCLUDING REQUESTS TO CHANGE INDUSTRIAL ZONE BOUNDARIES AND FOR ALTERNATIVE ZONINGS

### BACKGROUND

To support a well-functioning urban environment, it is necessary to provide a mixture of zoning that supports commercial and industrial activities. There are two existing Industrial zoned areas within Ōmokoroa however one area has largely been redeveloped for residential use through a consent under the Housing Accords and Special Housing Areas Act 2013 and is proposed to be rezoned Medium-Density Residential as part of PC 92 to reflect that use.

The other area located to the east of Ōmokoroa Road towards the State Highway (referenced as Stage 2 Industrial), was initially proposed to be rezoned Industrial in 2007 (Plan Change 81) and was made operative in part in 2010 and in full in 2021 after the resolution of an appeal to the Environment Court.

Plan Change 92 now also includes the rezoning of land from Future Urban to Industrial on the south-western side of Francis Road and some areas on land owned by N&M Bruning (Lot 3 DPS 28670, State Highway 2) adjacent to the existing Industrial Zoned land (Stage 2 Industrial).

Since submissions and further submissions have been received, Council representatives have undertaken site visits and met with a number of submitters.

To assist with understanding this topic, the following map shows the existing Industrial Zone in Ōmokoroa Stage 2 and proposed Industrial Zones in Ōmokoroa Stage 3 and highlights the specific properties mentioned in submissions.

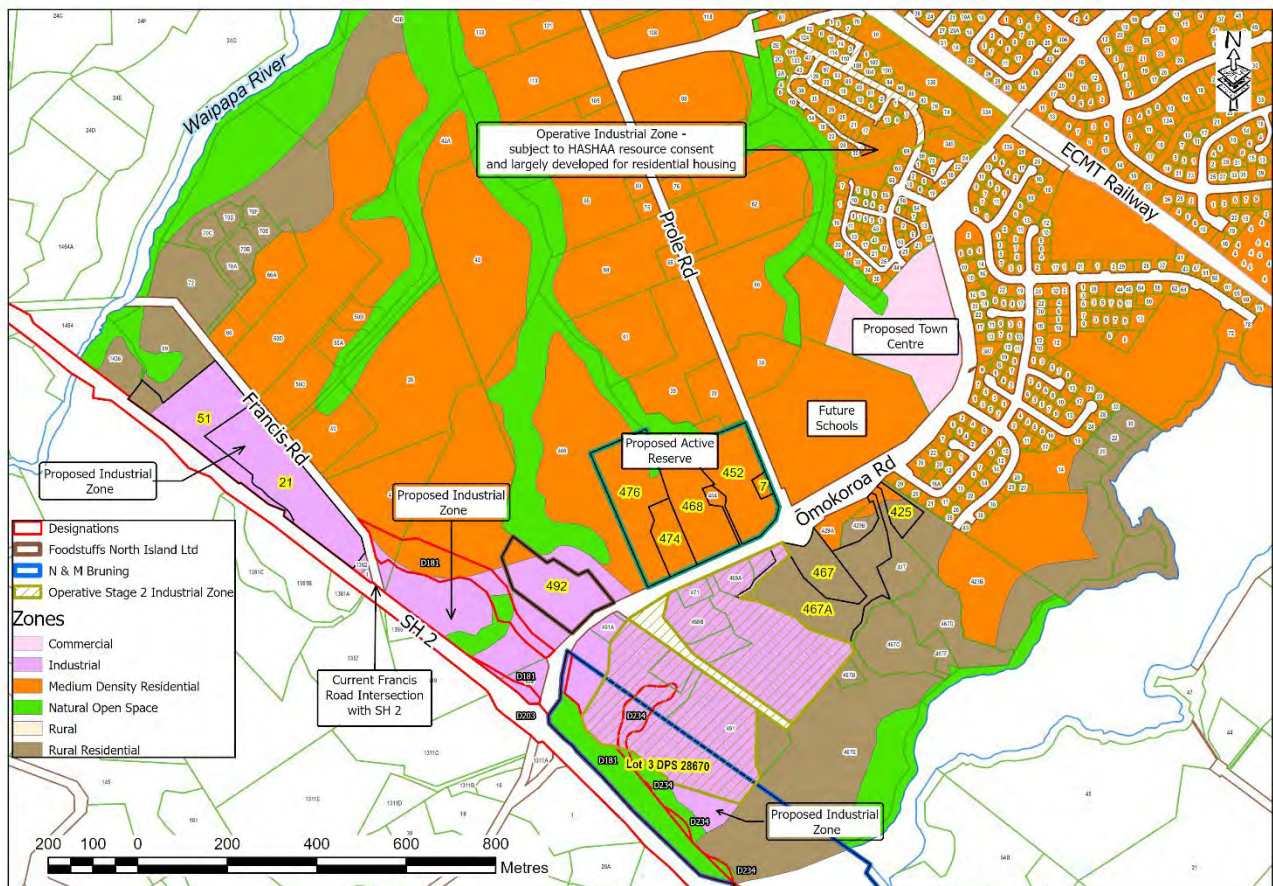


Figure 6: Map showing proposed and existing industrial Zone and relevant submitters

## SUBMISSION POINTS

Ten submission points were received. One further submission point was received. The submission points are summarised as follows:

Foodstuffs North Island Limited (28.1) supports the proposed rezoning to Industrial of land owned by the submitter (492 Ōmokoroa Road).

N & M Bruning (31.1) supports the retention of Industrial zoning of land owned by the submitter (Lot 3 DPS 28670, State Highway 2). Note also refer to N&M Bruning submission requesting removal of Natural Open Space Zone and replacement with Industrial Zoning (31.3) reported in Topic 6 (Natural Open Space Zone).

Sylvia Oemcke (37.1) opposes the extent of the Industrial Zone at the southern side of Francis Road being 21 and 51 Francis Road noting among other matters concerns regarding adverse effects on

ecological and water quality values in proximity to industrial activities. The submitter seeks to have that land rezoned Rural-Residential. As a replacement area she has suggested that new areas at 467, 467A and 425 Ōmokoroa Road be rezoned Industrial.

Bay of Plenty Regional Council (FS 67.36) states support for the above submission however the relief sought varies in requesting all buildings/structures and impervious surfaces to have a setback of at least 10m from the edge of a bank of a permanently flowing river or stream, or a wetland. The latter is considered in reporting on the Industrial Zone (Section 21) provisions. Please refer to Topic 2 of the Section 42A Report – Industrial Zone.

David & Diana Bagley (27.1) opposes the extent of the Industrial Zone on the south-western side of Francis Road. Relief sought is for the additional industrial land to be extended along Ōmokoroa Road instead of Francis Road and references an earlier Structure Plan option. It is not explicitly stated what alternative zoning is being sought along Francis Road if the proposed Industrial Zone there is removed.

Ian Yule (45.1) opposes the proposed additional Industrial Zones within Ōmokoroa. It is not explicitly stated what alternative zoning is being sought.

Angela Yule (62.1) opposes the proposed additional Industrial Zone on the south-western side of Francis Road. Relief sought suggests new alternative areas on Ōmokoroa Road located at 476, 474, 468, 454 and 452 Ōmokoroa Road and 7 Prole Road (extrapolated from map provided in support of the submission). It is not explicitly stated what alternative zoning is being sought for the Industrial Zone at the south-western side of Francis Road.

Russell Prout (65.2) opposes the proposed Industrial Zone on the south-western side of Francis Road. It is not explicitly stated what alternative zoning is being sought.

Christine Prout (54.1) opposes the proposed Industrial Zone on the south-western side of Francis Road. Relief sought is the rezoning to Industrial of new areas on the south east side of Ōmokoroa that is currently “rural land” or additional land on Ōmokoroa Road instead. They also request that the proposed Francis Road Industrial Zone area is changed to “future commercial” and recreational open space.

Penny Hicks (16.2) opposes the proposed Industrial Zone on the south-western side of Francis Road. Relief sought is the relocation of the Zone elsewhere or mitigation of the potential adverse impacts of the zoning and associated anticipated activities. The latter includes suggestions to include a green buffer on the residential side north-east of Francis Road to mitigate the industrial land interface with the adjacent proposed Medium Density Residential Zone as proposed in the Ōmokoroa Gully Reserves Concept Plan (Boffa Miskell, July 2021). Specifically, this identified a “linear park” arrangement with recreation opportunities such as walking or cycling or a strong green belt.

Penny Hicks also seeks a single point of entry at the beginning of the Industrial Zone from the Ōmokoroa Road end which would make the Industrial Zone a contained destination area avoiding multiple access points along Francis Road. The submission also stated that the Industrial Zone should be screened by fencing and planting bordering its length of Francis Road. It is not explicitly stated what alternative zoning is being sought for the Industrial Zone at the southern side of Francis Road if mitigation cannot be provided.

Susan Phinn (36.1) opposes the proposed Industrial Zone on the south-western side of Francis Road. Relief sought is for the additional industrial land to be extended along Ōmokoroa Road instead of Francis Road and references an earlier Structure Plan option. It is not explicitly stated

what alternative zoning is being sought along Francis Road if the proposed Industrial Zone there is removed.

## OPTIONS

Option 1 – Retain proposed Industrial Zone boundaries as notified.

Option 2 – Retain proposed Industrial Zone boundaries as notified except remove the Industrial Zone on the south-western side of the current Francis Road (rezone to an alternative zone).

Option 3 – Retain proposed Industrial Zone boundaries as notified but include more explicit parameters for development along the Francis Road interface with the proposed Medium Density Residential Zone.

Option 4 – Retain proposed Industrial Zone boundaries as notified except remove the Industrial Zone on the south-western side of the current Francis Road (and replace with an alternative zone) and add new Industrial zoning to areas adjacent the east side of Ōmokoroa Road and/or adjacent the existing Industrial Zone currently in rural use.

Option 5 – Remove all proposed new Industrial Zoning.

## DISCUSSION

The locational issues can be divided between three general areas being the proposed Industrial Zones on the:

South-western side of the current Francis Road;

South-western side of the proposed Francis Road extension that links to Ōmokoroa Road;

Bruning land which is an extension of the existing Industrial Zone (Stage 2 Industrial).

In regard to the latter there are no specific submissions opposing this, however this is also linked with submissions supporting and opposing the adjacent area being rezoned Natural Open Space Zone. Part of this land is recommended to be rezoned to Industrial. This is discussed in Topic 5 (Natural Open Space Zone) which follows.

The submission from Mr Yule raises issues regarding the provision of industrial zoned land as a whole which could be deemed to apply to all the proposed Industrial Zone areas. To support a well-functioning urban environment there is a need to provide employment opportunities. As pointed out in submissions and subsequent discussion with submitters, adding new industrial land could also have negative effects on existing employment opportunities provided by orchard operations and existing related commercial/industrial activities. There is however at a sub-regional level a shortfall of industrial land and an increase in land being converted to horticultural use. There is currently a SmartGrowth project which is further assessing the sub-regional industrial land requirements with an aim to identify future industrial areas.

In regard to the proposed Industrial Zone at Francis Road area there is a large degree of opposition to the proposed Industrial Zoning from existing nearby land owners.

A number of submissions have suggested new alternative areas that could be rezoned to industrial. These include areas located on Ōmokoroa Road. One area includes most of the land that is identified as an active reserve and subject to a notice of requirement to designate the area for reserve purposes. Other areas are an extension of the Industrial Zone on the western side of Ōmokoroa Road and additional areas currently used for rural activities adjacent the operative Industrial Zone (Stage 2).

The site identification of the proposed active reserve examined a number of alternative sites with the preferred option being that which is the subject of the notice of requirement. The location of an active reserve needed to be centrally located, highly accessible, linked to the wider reserve network, geotechnically suitable and relatively level (to avoid having to undertake significant earthworks to create suitable sports fields). Ideally an active reserve should provide opportunities for joint use and potential cost sharing with other parties such as schools.

The identified site met all of these parameters. It is noted that there is an industrial activity (storage shed operation) established in the area which is required for the active reserve, however this has a limited resource consent which will expire in 2026. To zone the area industrial would require an alternative location of the active reserve which is not supported.

The area on the western side of Ōmokoroa Road is a relatively small area with difficult contour except for a narrow strip immediately adjacent the road. There would be a need for significant landscape modification for this area to have potential for industrial activity of any scale. If the more useable land was used for industrial activities this would create an extended strip of industrial activity having a direct interface with Ōmokoroa Road but with the proximity to the proposed schools and approved town centre a better use of the land is considered to be for medium density residential development.

The extension of the existing Industrial Zone into other land that is currently rural in nature would affect an area that has recently been through an extended Environment Court process to establish the Zone boundaries and related parameters.

The submitters' other concerns can generally be summarised as being that the proposed Industrial Zone on the south-western side of Francis Road and associated activities are not appropriate adjacent to medium density residential or rural-residential activities.

Issues of concern include:

- Industrial location directly opposite land proposed to be zoned for medium density housing.
- Access being shared with proposed medium density housing access which may affect: the safe movement of people; traffic safety and efficiency (potential conflict between residential and industrial traffic); acoustic and visual amenity.
- Adverse effects on wildlife including birds.
- Other adverse environmental effects associated with industrial activities e.g. discharges.
- Need for a buffer between industrial activities and other activities and features such as streams/wetlands.
- Sediment controls linked to industrial activities.
- Adverse effects on existing residents who are used to a quiet no-exit road generally utilised by local residents.
- Inappropriate use of high quality productive land.
- Loss of jobs and income associated with existing orchard operations.
- Unattractive development and tendency to attract undesirable visitors especially at night time.



The above issues are seen as being significant issues that require a more detailed planning response than currently provided in the proposed Plan Change. The subject area has not been through a detailed design stage for infrastructure. Industrial development in the Francis Road area will be subject to the provision of the required infrastructure, which is being rolled out progressively across Ōmokoroa, with the subject area planned to be the last area to receive the infrastructure needed to allow urban development.

The area is also affected by the current State Highway designation which is expected to be modified later this year and is likely to affect a larger land area. This provides some uncertainty as to the actual area that will be available for industrial activities. The future road layout will include the closing of Francis Road as it currently intersects with the State Highway and the realignment of Francis Road to link with Ōmokoroa Road. The future road design will need to take into account the dual role of Francis Road being to service both industrial and residential activities.

As highlighted in various submissions the location of industrial and residential activities in close proximity to each other and sharing access is not ideal. With Central Government's direction to introduce medium density housing the intensity of the interface increases. Although the District Plan has a number of performance standards that address "streetscene" visual amenity matters these need to be more bespoke for this particular locality.

The Ōmokoroa Gully Reserves Concept Plan (Boffa Miskell, July 2021) included an overall "design structure" that helped inform for the Ōmokoroa Stage 3 Structure Plan area. This included the identification of a "green buffer" along the northern side of Francis Road which was designed to mitigate the industrial land interface with adjacent residential areas. The proposed Plan Change provisions do not adequately address this and accordingly this should be better reflected in the District Plan provisions.

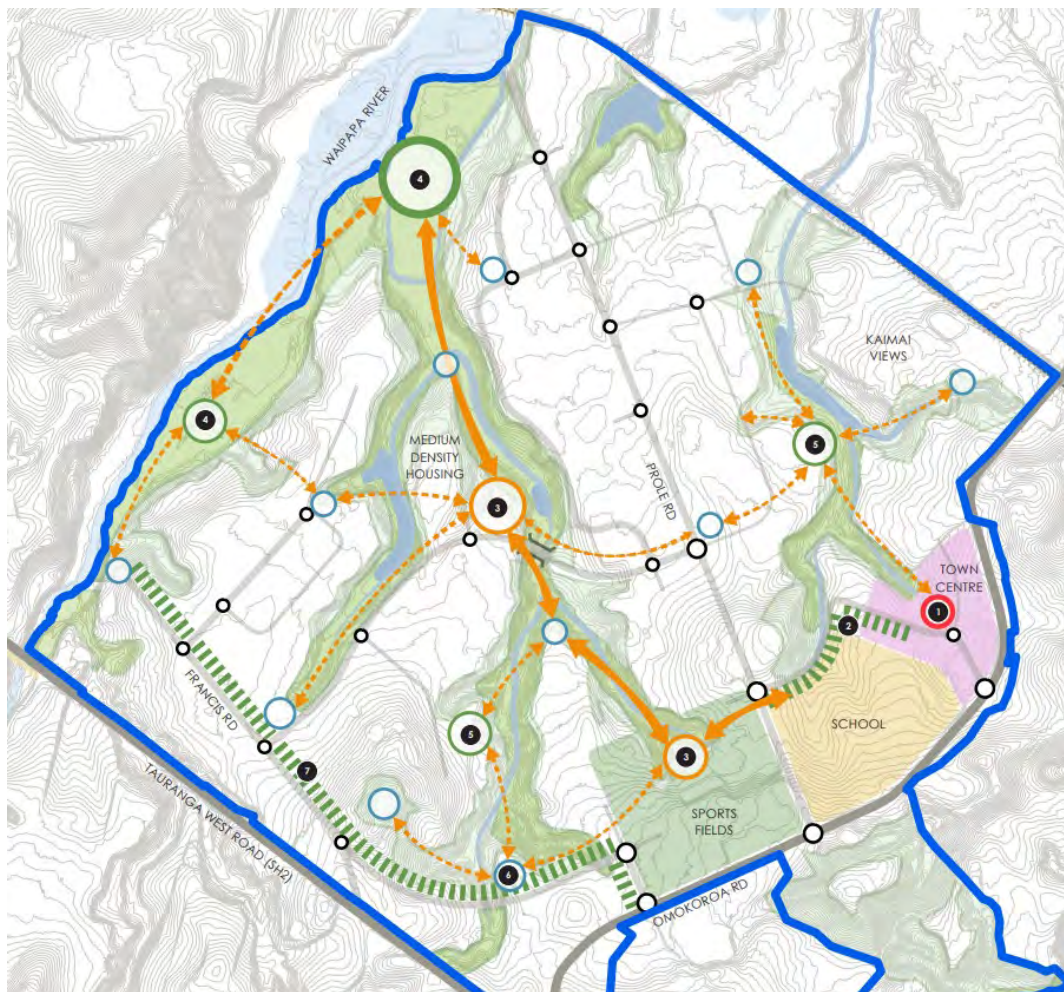


Figure 7: Ōmokoroa Gully Reserves Concept Plan (Boffa Miskell, July 2021)

Prior to any development occurring which is dependent on access from Francis Road there is a need for more detailed planning. This can be provided by a more detailed structure plan for this area which can include associated provisions that have pre-requisites for development. Such controls and pre-requisites could include the following:

1. Landscaping and acoustic treatments to mitigate visual and noise effects from Industrial activities.
2. Minimum setbacks of industrial activities.
3. The closure of the Francis Road intersection with State Highway 2 and the completed construction of the new Francis Road to the area being serviced.
4. The Francis Road design providing for safe movement of people utilising a variety of modes of transport and catering for a range of age groups with modal separation incorporated.
5. Restrictions on the number of access points between the industrial area and Francis Road.
6. A full Integrated Transport Impact Assessment to be provided to the satisfaction of the Council.
7. Identifying the location and general parameters for stormwater management.
8. Provision of buffers from ecologically sensitive areas.

The above provides a means of addressing a number of the issues raised in submissions. Although Francis Road will provide an access point for some medium density residential areas the Ōmokoroa Stage 3 Structure Plan also includes the Prole/Francis Road link which will provide access points to other areas.

As discussed above the area is likely to be affected by the proposed State Highway / Ōmokoroa Road intersection improvements. This will impact upon the area of actually available industrial land. The remaining industrial area will be in close proximity to the State Highway and will also have (once the road works are completed) good connectivity to the state roading network. The proximity of proposed medium density areas to the State Highway may make these areas sensitive to the State Highway's noise and other pollutants which do not suit residential development. The Industrial Zone can however be used to provide a buffer. It is acknowledged that industrial activities similarly can cause such effects, but these can generally be mitigated by performance standards and related controls unlike with a State Highway.

To support the above, a recommended new roading cross section has been developed in consultation with landowners which provides for a 25m road reserve and incorporates an acoustic bund, separated cycle/walkway and associated landscaping. This is included at the end of this report and in Attachment 1. Associated with this is an amendment to the base Ōmokoroa Stage 3 Structure Plan which provides more certainty regarding access and a recommended change to Section 12 – Subdivision and Development by including additional access controls by adding Francis Road to 12.4.4.4(c). Refer to the part of the Section 42A Report for Section 12 – Subdivision and Development (Topic 9).

The proposed Industrial Zone is also recommended to be modified slightly in the south-western Francis Road area to take into account existing ecological values. This is discussed in more detail in Topic 6 (Natural Open Space Zone).

Overall, it is concluded that the proposed Industrial Zone on the south-western side of Francis Road should remain however before any industrial development occurring there are a number of controls to add and pre-requisites that must be satisfied. The specific rule changes to provide for this are recommended within Section 12 – Subdivision and Development and therefore discussed in the part of the Section 42A Report for Section 12 – Subdivision and Development (Topic 21). To provide context for the above discussion however the changes are also recorded below:

Insert new wording as follows:

#### 12.4.4.4 Property Access

- c. **Access on to Ōmokoroa Road (~~Future Urban, Industrial and Residential Zones~~), Prole Road, Francis Road, Athenree Road (between State Highway 2 and Koutunui Road), Steele Road, Emerton Road (excluding the first 500m from Seaforth Road) and Waihi Beach Road (between Wilson Road and Fergus Road).**
  - i. The number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased, except as identified on a structure plan. On subdivision or development, Council may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the Zone. For Prole Road and Francis Road any existing accesses shall be closed and relocated where alternative legal and physical access has been provided.

- ii. The number of new roads intersecting with these roads shall be minimised and the minimum separation distances from other intersections shall be 150m for both same side and alternative side spacing.
- iii. Access to/from Lot 2 DP483735 (and all future lots derived from this parent title) shall only be via the proposed spine road off Ōmokoroa Road as shown on the Structure Plan.

Provided that:

1. For Ōmokoroa Structure Plan Areas ~~Stages 1 and 2~~, the number and location of new street intersections are shown on the *Structure Plans* (inclusive of the Ōmokoroa Town Centre Masterplan);
2. Rule 12.4.4.4(c)(i) also applies to activities requiring temporary access to these roads. In such cases consideration will be given to the location and duration of the access, and reinstatement of Council assets.
3. Activities requiring access (permanent or temporary) will need to demonstrate that the efficient and safe operation of the road network will be maintained.
4. Any direct access to Francis Road that negates the ability to provide or establish a continuous landscape buffer in accordance with the Ōmokoroa Structure Plan, should be avoided.
5. That prior written approval of the Western Bay of Plenty District Council be obtained for any direct access to Francis Road, Prole Road or Ōmokoroa Road otherwise resource consent for a non-complying activity is required.

#### **12.4.11.8 Francis Road Industrial Zone Development Prerequisites**

Prior to granting or Section 224 certification for subdivision, or the commencement of any industrial or business activity in the Francis Road industrial Area, the following is required:

- a. The closure of the Francis Road intersection with State Highway 2 shall be completed.
- b. The link between Ōmokoroa Road and Francis Road shall be completed in general accordance with the Francis Road Structure Plan Area Typical 25m Cross-section. [The Francis Road design shall provide for safe movement of people utilising a variety of modes of transport and catering for a range of age groups with modal separation incorporated and shall include appropriate acoustic mitigation].
- c. The site shall be fully serviced by sewerage, water and stormwater infrastructure.

#### **RECOMMENDATION**

That Option 3 be accepted.

Option 3 - Retain proposed Industrial Zone boundaries but include more explicit parameters for development along the Francis Road interface with the proposed Medium Density Residential Zone.

The following submissions are therefore:

#### **ACCEPTED**

Submission	Point Number	Name
31	1	N&M Bruning

**ACCEPTED IN PART**

Submission	Point Number	Name
28	1	Foodstuffs North Island Limited

**REJECTED**

Submission	Point Number	Name
37	1	Sylvia Oemcke
27	1	David & Diana Bagley
45	1	Ian Yule
62	1	Angela Yule
65	2	Russell Prout
54	1	Christine Prout
16	2	Penny Hicks
36	1	Susan Phinn

**SECTION 32AA ANALYSIS**

As no changes are recommended to the proposed Industrial Zone boundaries, no s32AA evaluation is necessary in this regard. However, see the part of the Section 42A Report for Section 12 – Subdivision and Development (Topic 21) which provides s32AA analysis for the addition of new provisions which provide explicit parameters for development along the Francis Road interface with the proposed Medium Density Residential Zone.

**TOPIC 6 – PROPOSED NATURAL OPEN SPACE ZONE – INCLUDING REQUESTS FOR BOUNDARY CHANGES AND ALTERNATIVE ZONINGS****BACKGROUND**

The Natural Open Space Zone is a proposed new zone in Ōmokoroa that has been applied generally over (and to replace) some areas that are zoned Future Urban in the Operative District Plan. The zone provides for areas of constrained land that support the urbanisation of the area primarily through having a stormwater management function, coastal interface role and potential public recreation capabilities.

A more detailed explanation of the purpose of the Zone is included in the part of the Section 42A Report for Section 24 – Natural Open Space Zone. This deals with wider Natural Open Space Zone matters.

The Zone boundaries were established through a combination of site visits, aerial photography and reference to other reports such as the Ōmokoroa Gully Reserves Concept Plan (Boffa Miskell, July 2021) and Ōmokoroa Stage 3 – Natural Hazards Risk Assessment (Tonkin+Taylor – June 2020). The former provides a high level concept for the gully network. The analysis included slope, flooding, land use patterns and cultural and heritage features. The latter provided a natural hazards risk assessment of the Stage 3 area which identified areas where urban development was unsuitable.

Following the submission process, Council representatives have undertaken additional site visits. The outcome of the additional site visits is the proposed modification of a number of the proposed Zone areas.

To assist with understanding this topic, the following map shows the proposed Natural Open Space Zone in Ōmokoroa Stage 3 and highlights the specific properties mentioned in submissions.

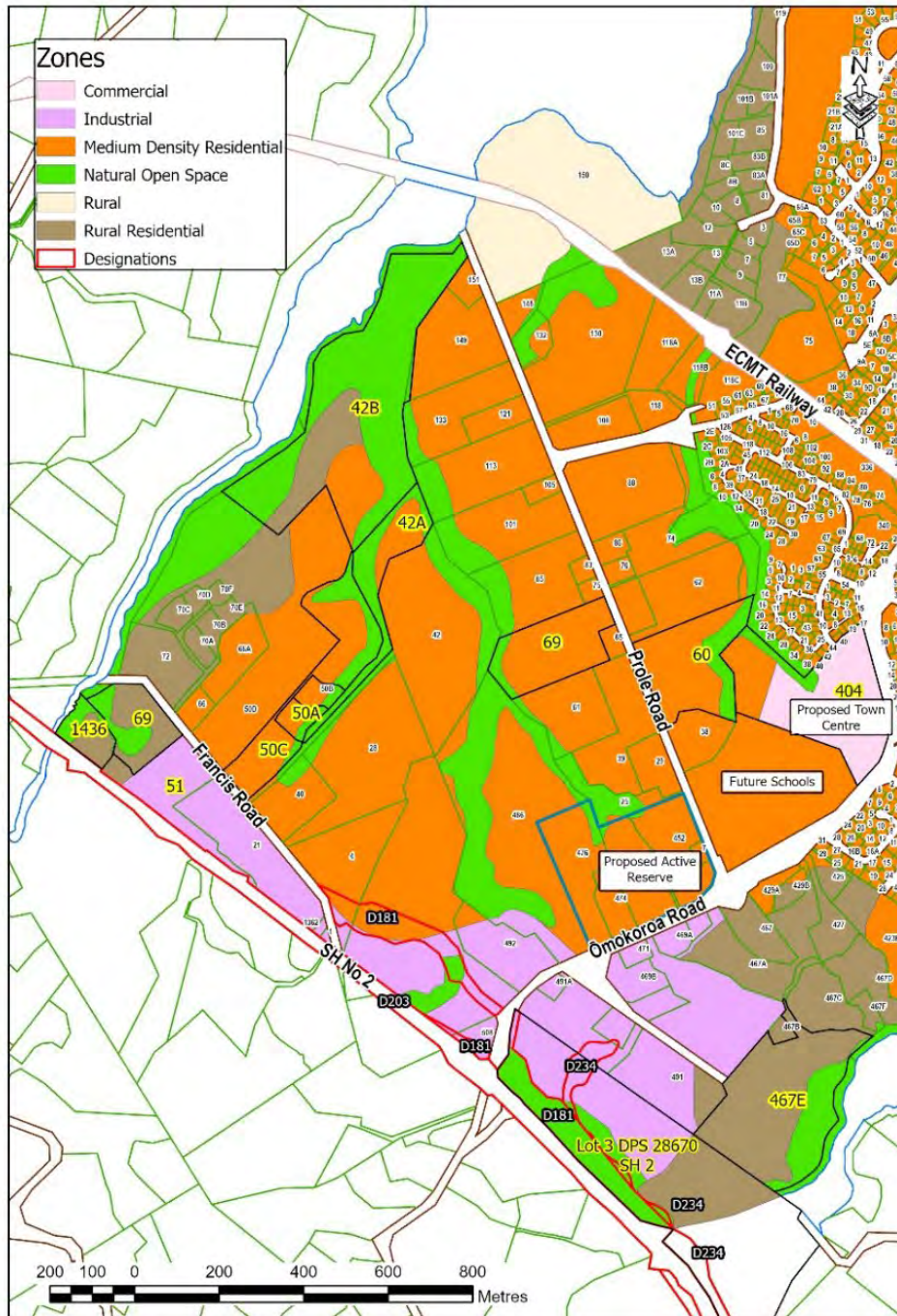


Figure 8: Map showing proposed Natural Open Space Zone and relevant submitters

**SUBMISSION POINTS**

Nine submissions were received. Two further submissions were received. The submission points are summarised as follows:

The majority of submissions requested changes to the Zone boundary to better align with site characteristics and related requests for parts of the Zone to be changed to alternative zonings. Others sought the removal of the Zone over their areas of interest and replacement with alternative zonings.

The further submissions were all from submitters who had also made primary submissions. The further submissions both supported and opposed the requested changes to boundaries and related zones.

N & M Bruning (31.3) oppose the proposed zoning as a whole as applied over parts of their property (Lot 3 DPS 28670, State Highway 2) and seek the area be rezoned Industrial in its entirety or rezoned to “residential”.

Waka Kotahi (FS 79.1) states support of the above submission however the actual relief sought requests a Rural zoning rather than Industrial.

Bay of Plenty Regional Council (FS 67.37) opposed the relief sought on the grounds that the Natural Open Space Zone is the most appropriate method to protect the extent of streams, wetlands and freshwater ecosystems for the purposes of this Plan Change and as required under the NPS-FM.

Bay of Plenty Regional Council (25.2) in their primary submission supported the Zone for the same reasons as stated in the above further submission.

Waka Kotahi (41.5) opposed the zoning as applied to areas within the footprint of designation D181 (Road purposes – State Highway 2 (Four Laning)) and sought this be removed and replaced with “the existing Rural zoning”.

Jace Orchards Limited and Kiwi Green New Zealand Limited (59.2) requested the modification of the Zone boundaries as applied to 69 Prole Road to more properly align with the existing land form or contour.

Jace Orchards Limited and Kiwi Green New Zealand Limited (58.7) supported the zoning in regard to 404 Ōmokoroa Road but requested the modification of the Zone boundaries as applied to the adjacent town centre and Mixed Use Residential Precinct (note the latter is also included as part of submission 59.29 which is assessed in the report Topic 2 – Mixed Use Residential Precinct ). It was submitted that the location of the zone doesn’t follow a consistent contour and includes part of the consented marketplace area, which was proposed to be a multifunctional space.

Pete Linde (19.28) sought the modification of the Zone boundaries as applied to 60 Prole Road to more properly align with practical boundaries.

Bay of Plenty Regional Council (FS 67.38) opposed the relief sought on the grounds that the submitter did not provide sufficient reasoning as to why the boundaries should be amended.

Paul and Maria van Veen of 42A Francis Road (61.4) requested amendments to the boundaries of the Natural Open Space Zone and identified areas where the green ‘natural open space’ areas appear to be drawn arbitrarily.

Penny Hicks (16.5) supported the proposed Zone but identified additional areas in the vicinity of State Highway 2 that had been previously identified but were not under the Proposed Plan Change as notified. She requested that once the roading routes (Waka Kotahi interchange for Takitimu North Link Stage 2 and the Francis Road extension to Ōmokoroa Road) are finalised the remaining gullies in the area should get included in the Natural Open Space Zone with a link provided from the Francis Road extension into the gully walkways.

Bay of Plenty Regional Council sought the waterbodies at 51 Francis Road, 42 Francis Road and the gully system above and below the area for proposed stormwater wetland EI to be included in the Zone. The submission noted potential conflicts with the indicative locations of stormwater wetlands EI and NIa and areas that potentially contain water bodies that benefit from protection and management under the NPS-FM. To resolve any conflict detailed mapping was sought.



Robert Hicks (4.1) sought amendments to the boundaries of the Natural Open Space Zone in various locations to be more practical and better align with existing features. The submission noted that the Natural Open Space Zone boundaries as defined on the District Plan maps are drawn somewhat arbitrarily and are not always following logical lines such as contour. The submission further notes that in parts the 'natural open space' line is utilising land that is flat or gently sloping and better suited to residential development. The submission states that this is evident in part of the gully system at 42, 50a and 50d Francis Road but possibly elsewhere within the Stage 3 area also.

Mike & Sandra Smith (50.7) requested amendments to the Zone boundaries so not to impinge on the man-made farm ponds (467B and E Ōmokoroa Road). They have also submitted (50.3) to amend the boundary of the ecological feature (U14/135) so it aligns with the covenanted area of approximately 1.3ha.

## OPTIONS

Option 1 – Retain proposed Natural Open Space Zone boundaries as notified.

Option 2 – Retain proposed Natural Open Space Zone but modify boundaries to better reflect specific area characteristics and in response to other specific requests for parts of the Natural Open Space Zone to be changed to alternative zonings.

Option 3 – Remove whole of the proposed Natural Open Space Zone and replace with alternatives (Industrial, Residential or Rural).

## DISCUSSION

### Natural Open Space Zone – Merits of Zone

Both N & M Bruning and Waka Kotahi are opposing the Natural Open Space Zone over the Bruning land (Lot 3 DPS 28670, State Highway 2) while the Bay of Plenty Regional Council are supporting the maintaining (and extension) of the zoning. Waka Kotahi is also opposing the Natural Open Space Zone as it applies over the area that is designated for State Highway purposes which includes some of the Bruning land but also other areas.

The areas specifically in question by the submissions opposing the Zone are located in the southern part of the Ōmokoroa Plan Change area in close proximity to State Highway 2 and includes land that is subject to a State Highway roading designation.

The N & M Bruning submission stated that the proposed zoning conflicts with the existing Waka Kotahi (NZTA) designation (D181) and noted that much of the land affected by the proposed zoning has been identified as required for roading and State Highway purposes and not reserve or open space.

Other reasoning includes that the Natural Open Space Zone should only relate to land that is Council reserve or has been designated under the RMA for reserve purposes. It is argued that it is inappropriate to apply this zone to and over private land for a public purpose and in particular, it is inappropriate to apply this zone and its provisions to the subject land as the land is currently zoned Future Urban under the Operative District Plan and is farmland. The submission states that the land has no history of use or policy identification or designation as natural or recreational open space/public reserve. The submission requests deletion of the Natural Open Space Zone and replacement with either the adjacent industrial zone or "with the residential zone".

Waka Kotahi further submitted in support of the Bruning submission and also submitted as a primary submitter opposing the zoning as applied to areas within the footprint of designation D181 and sought this be removed and replaced with “the existing Rural zoning”. The submission notes that the Natural Open Space Zone is designed for land that is generally unsuitable for urban development and that this underlying zoning is incompatible with the urban infrastructure of a grade-separated interchange and may hinder Waka Kotahi in its ability to construct the intersection.

As the relief sought by Waka Kotahi is different than that of the primary submitter and different than that as notified, the relief sought is considered to be out of scope in regard to this specific matter. It is however noted that there is a primary submission by Waka Kotahi that does seek a Rural zoning across all land affected by the designation.

The Bay of Plenty Regional Council (25.2, FS67.37) supported the proposed Natural Open Space Zone stating that it was the most appropriate method to protect the extent of streams, wetlands and freshwater ecosystems for the purposes of this Plan Change and in the interim period until such time as full effect is given to the National Policy Statement for Freshwater Management (2020) (NPS-FM).

The two primary matters of contention are:

1. Is it appropriate to zone the subject land Natural Open Space Zone at a general level?
2. Is it appropriate to apply a Natural Open Space Zone over land that is already designated for State Highway roading purposes, and if not, what zone should be applied?

As explained in the Explanatory Statement of the Natural Open Space Zone, the Zone applies to land within Ōmokoroa Stage 3 that is generally unsuitable for urban development due to contour and natural hazards. It also often has ecological values. The Zone has stormwater and/or coastal inundation management functions as it contains the generally natural drainage systems (including gullies) directing overland run-off towards Tauranga Harbour. As noted in the “Background” the boundaries of the Zone have been adjusted based on submissions from a number of parties and subsequent reinspection. This includes adjustments to the Bruning property.

The Zone provides for open space, maintenance and restoration of natural character, green corridor links and visual separation between areas that are planned to be fully urbanized. It also contains ecological, cultural, recreational and amenity values.

The Zone is currently largely in private ownership but due to natural constraints has very limited development potential. The Zone provisions allow for activities that are compatible with the Zone’s values and attributes including activities required for reserve purposes and the management of the stormwater network. As appropriate, areas may be obtained by Council for stormwater management, walkways and cycleways, other recreational purposes or to provide for the maintenance and enhancement of natural and cultural values.

The Zone in this locality replaces the Future Urban Zone which was applied across the whole of Stage 3 as a holding zone until a fully formed plan change could be implemented. A key difference between the zones is that the Natural Open Space zone does not provide for dwellings and other activities such as education and accommodation facilities that require buildings for their operation. This reflects the nature of the land being generally unsuitable for this type of development. The base activity that reflects actual land use opportunities being “farming” is the

same being a permitted activity under both zones. This recognizes that in some areas the actual urbanization will not occur for some time.

As demonstrated by the permitted activities this provides for a range of activities including farming and accordingly the zoning is not zoning land exclusively for a public purpose. The zoning provides a framework for this to occur as may be appropriate at some point in time but provides other land use opportunities. It can be noted that there are also recommended amendments to the Natural Open Space Zone provisions which provide greater clarity as to what activities are provided for. Please refer to the part of the Section 42A Report for Section 24 – Natural Open Space.

The alternative zoning proposed by N & M Bruning for their land being Industrial or “Residential” are not considered appropriate for the area. The zone boundaries are however recommended to be adjusted on the Bruning land to better reflect the nature of the land. This results in some land that was proposed to be zoned Natural Open Space being recommended to be zoned Industrial for the most part with a small area of Rural-Residential Zone. This is seen as being consistent with adjacent zoning and reflects the interface/proximity with the State Highway. An area of the Bruning land is also however being recommended to be rezoned from Rural-Residential to Natural Open Space Zone. The rationale for Residential zoning has not been provided by the submitter and it is unclear whether this refers to Medium Density Residential or Rural-Residential.

As discussed, although their further submission is out of scope Waka Kotahi’s primary submission had already requested all the land that has a State Highway related designation should be zoned Rural. This seems to be based on an understanding that this represented the current zoning. As discussed above the current zoning is Future Urban. There is no Rural Zone proposed as part of this Plan Change. To apply a bespoke Rural Zone just over these areas would be inconsistent with the Plan Change. The relevant merits of whether it is appropriate to apply a Natural Open Space Zone over land that is already designated for State highway roading purposes is discussed next.

The areas in question vary from other proposed Natural Open Space Zone areas in that they have a number of designations over them.

The current designations held by Waka Kotahi NZ Transport Agency are:

- D181 – Designated Purpose: Road purposes – State Highway 2 (Four Laning). It is noted that there are also designations held by Western Bay of Plenty District Council in the general vicinity (including over the Bruning land).
- D234 – Designated Purpose: Road purposes – Ōmokoroa Stormwater Management Reserves.

Designated land that is to be used for any activity other than provided for by the designated purpose may only be used in accordance with the underlying zoning for the land.

It is expected that an Alteration to D181 will be lodged in the second half of this year. It was expected to be lodged earlier to enable confirmation of Structure Plan elements however until an Alteration is lodged it is only possible to deal with the current designations in this regard.

The overall zoning basis is linked to land form, site characteristics, infrastructure and recreational and other community requirements. To prescribe a zoning to areas subject to a designation, the fairest method is to take the approach of what would apply if the designation did not exist. This is what would happen if for some reason designations were withdrawn so is the only logical methodology. In the current situation the amended zoning reflects this by being based on the particular attributes of the land.

The Waka Kotahi submission notes that the Natural Open Space Zone is designed for land that is generally unsuitable for urban development and that this underlying zoning is incompatible with the urban infrastructure of a grade-separated interchange. Waka Kotahi consider that this may hinder their ability to construct the intersection.

Although the Zone is generally applied to land that is unsuitable for urban development this does not mean that the land cannot be utilised for a designated purpose. It correctly identifies that there is an area of land that has these limitations and other values and accordingly these should be taken into due consideration in any designs linked to the designation. These areas also contain areas that are subject to the National Policy Statement for Freshwater Management and the related National Environmental Standard and design solutions will be required.

In summary it is recommended that the Natural Open Space Zone should be confirmed noting that there are also recommended changes to the extent of the Zone.

### **Retain proposed Natural Open Space Zone but modify boundaries**

As discussed in the "Background" of this topic, since the closing of submissions, Council representatives have undertaken additional site visits in conjunction with the affected landowners and/or their representatives. The result of these site visits and discussions are recommendations to amend various zone boundaries.

The site visits on most occasions led to a general agreement on how the boundary lines should be amended. The scale of the Planning Maps causes some issues in clear boundary delineation.

Jace Orchards Limited and Kiwi Green New Zealand Limited (58.29 & 58.29) sought the alteration of two areas that were proposed to be zoned Natural Open Space Zone. These areas are adjacent the proposed Town Centre and proposed Mixed Use Residential Precinct (404 Ōmokoroa Road).

At the time of the initial boundary line identification before notification the areas were covered in vegetation which has now been removed or reduced allowing for an easier visual appraisal. Council staff are in agreement that a 940m<sup>2</sup> area should not be zoned Natural Open Space Zone and that a Commercial zoning is appropriate instead.

The other area of 500m<sup>2</sup>, which is adjacent the OMURP is considered to form part of the gully system in this location and insufficient information has been received to date to justify moving this boundary. It is noted that it appears to be within the 100 year flood levels. It is acknowledged that the general area is the subject of current earthworks and the final landform may influence the logical boundary however unless there is substantiated justification to alter the boundary the proposed boundary is considered appropriate.

Pete Linde (19.28) on behalf of the Blackridge Construction Holdings Ltd requested changes that relate to 60 Prole Road. This is part of the same gully system as the above submission however on the other side of the gully opposite the OMURP. The submitter has helpfully provided an indicative cross section of the area which identifies how a walkway and cycleway could be accommodated within the area. Council staff have recommended amending the boundary of the Zone but not to the extent requested by the submitter. The Regional Council opposed any alteration to boundaries based on the lack of justification for the change. As noted above Council staff are satisfied that the changes do not compromise the values of the area.

The submission from Jace Orchards Limited and Kiwi Green New Zealand Limited (59.2) relates to an orchard located at 69 Prole Road. The gully in this area falls quite steeply and to provide for

walkway/cycleway connections in this vicinity an area of flatter land is required. The proposed zone boundaries have been amended to avoid as appropriate intrusion into the orchard area, however not to the extent sought.

Paul and Maria van Veen (61.4) sought amendments to the boundaries of the Natural Open Space Zone to better reflect logical boundaries and to ensure that the privacy of their property was not unduly compromised by the location of access tracks in close proximity to their house property boundary. One of the issues of concern was the lack of precision of the planning maps especially at the scale available on the Council website. As a result of the site visit in response to the concerns of the submitter the zone boundaries have been altered to retain a large buffer between the house and likely track access while still ensuring the feasibility of providing a future public walkway. As part of the on-site discussions the submitter agreed to extending the Natural Open Space Zone in one area which will assist in the longer term maintenance of that area.

Robert Hicks (4.1) similarly requested more logical boundaries in regard to a number of properties. As a result of site visits and discussion, the boundaries have been amended to better reflect topography and existing features. Similar to the above example this has also led to one of extended Natural Open Space Zone being added with agreement from the landowner area (42B Francis Road).

Both Penny Hicks (16.5) and the Bay of Plenty Regional Council (25.4) sought additional areas to be included in the Natural Open Space Zone. There was a common area in question which relates to an area in close proximity to the State Highway (identified as 51 Francis Road in the Regional Council submission). As a result of a site visit and further discussion with the Regional Council it is recommended to amend the Plan Change to include the drainage system that links to the Waipapa River and to amend the proposed zone boundary to better reflect actual land form. The amendments add some areas and remove others to provide a better overall rationalisation of the Zone area. This affects 51 Francis Road, 69 Francis Road & 1436 State Highway 2.

The Regional Council has also sought consideration of additional areas at 42B Francis Road and vicinity to provide an improved buffer with an existing watercourse. The nature of this particular interface makes it difficult to achieve a practical additional buffer area noting for example that a property driveway is located in this area. In addition, the current boundaries have a better alignment with legal property boundaries.

An alternative to providing a buffer by way of zoning is to create a larger building setback within the Medium Density Residential Zone when adjacent the Natural Open Space Zone. In most cases these areas have logical requirements for building setbacks such as being in an area potentially susceptible to flooding or having geotechnical constraints. This matter is assessed further in the part of this Section 42A Report for Section 14A – Ōmokoroa and Te Puke Medium Density Residential noting that it affects the Medium Density Residential Zone. Accordingly, the Proposed Planning Map has not been amended to provide for this.

The Regional Council also sought the extension of the Natural Open Space Zone in regard to an area that is also subject to the submissions from N & M Bruning and Waka Kotahi. The subject site forms part of a farming property owned by N & M Bruning. Although there is an extensive area of land proposed to be zoned Natural Open Space Zone there is an additional area that links this area to the ecological area (U14/135 - Mangawhai Bay Inlet).

The Regional Council have identified this area as having similar characteristics to the adjacent Natural Open Space Zone and consider that it would provide an improved ecological corridor by including this area. N & M Bruning and Waka Kotahi have both objected to having any Natural

Open Space Zone over the property as discussed under “Natural Open Space Zone – Merits of Zone”.

The areas that generally fit the description of the Natural Open Space Zone are constrained land that support the urbanisation of the wider area primarily through having a stormwater management function and which are generally well recognizable and largely fenced off from farming activity. There are however existing farm access roads that run through these areas. The additional area sought by the Regional Council to be zoned Natural Open Space Zone is proposed to be zoned Rural-Residential as publicly notified.

In recognition of the similar characteristics and ecological and connectivity benefits of having a contiguous Natural Open Space Zone area it is recommended that the zone boundaries be altered to reflect this.

The Regional Council have requested that, in response to draft amended zoning maps in response to submissions and subsequent site reinspection, an additional area be rezoned Natural Open Space Zone. This connects to the operative Industrial Zone (Stage 2) and includes an area currently designated for stormwater management reserve purposes by the District Council. The Regional Council consider that their submission 25.2 provides sufficient scope for this matter to be considered. The submission stated the following as the relief sought:

“Ensure that the Natural Open Space Zone is applied to waterbodies and freshwater ecosystems that require management and protection under the NPSFM, including the consideration of including waterbodies at 51 Francis Road, 42 Francis Road and the gully system above and below the area for proposed stormwater wetland EI.”

As reported above the specific sites that were identified have been reassessed. The area in question is largely within the operative Industrial Zone which has been the subject of an extensive Environment Court case (Plan Change 81) which has relatively recently been settled. This area has been largely unchanged as part of Plan Change 92 because the zoning and related provisions are considered appropriate and are linked with various development projects and associated funding that have commenced. The design of the Stage 2 Industrial area incorporates stormwater management provisions which includes most of the area in question. The extension of the Natural Open Space Zone into this area would fragment the Industrial zoning complicating the development of the area. There are no other Natural Open Space zoned areas to the north where a linkage could be considered to have some value. The Natural Open Space Zone is not intended to capture every waterbody/wetland within the Plan Change area.

Considering the above and the lack of clear identification of what properties might be affected by the Regional Council’s submission to allow other parties to have further submissions, it is assessed that additional changes to this area are not appropriate.

The Natural Open Space Zone as notified also included an area on the Bruning property that extended to Ōmokoroa Road. The nature of this western end of the property does not meet the general characteristics of land to be considered natural open space being mainly pasture and it is recommended that this area is therefore proposed to be rezoned Industrial which is consistent with adjacent zoning.

The overall result for the Bruning property is that there is a reduction in the area zoned Natural Open Space Zone that abuts the Industrial Zone and extension of the Natural Open Space Zone into the Rural-Residential Zone utilising for the main part existing fence lines for demarcation. The extended Industrial Zone area has some development constraints however the landscaping strip that is part of the Operative District Plan can be incorporated within these areas.

Mike & Sandra Smith (50.7) sought amendments to the Natural Open Space Zone boundaries so not to impinge on the man-made farm ponds. At the site visit the extent of the ecological feature was discussed and its relationship to the proposed zone boundary. The subject area is also subject to an existing ecological feature identified as U14/135 Mangawhai Bay Inlet on the Operative District Planning Maps. There are associated provisions in Section 5 - Natural Environment of the Operative District Plan which apply to this area.

As mapped the ecological feature varies in part from the proposed Natural Open Space Zone. Mike & Sandra Smith has also sought the reduction of this area to be in accordance with the covenanted area. The Ecological feature assessment is included in the part of the Section 42A Report for Ecological and Landscape Features. This recommends minor changes to the ecological boundary but still recommends the inclusion of the ponds referenced in the submission. As the ponds are included within the ecological feature it follows that they should also remain within the Natural Open Space Zone.

For the most part the Reporting Team recommends that the submissions are accepted in part. This is based on boundaries being changed but not entirely in accordance with the submissions received. In some situations, such as submissions by N & M Bruning and Waka Kotahi the relief sought was an entire change of zoning however the recommendations give effect in part by rezoning parts of the 'affected land'.

## RECOMMENDATION

That Option 2 be accepted.

Option 2 – Retain proposed Natural Open Space Zone but modify boundaries to better reflect specific area characteristics and in response to other specific requests for parts of the Natural Open Space Zone to be changed to alternative zonings.

These alternative zonings include Medium Density Residential, Rural-Residential, Commercial and Industrial.

This requires that the District Plan maps be amended as shown in full in Attachment 1.

The following submissions are therefore:

## ACCEPTED

Submission	Point Number	Name
FS67	37	Bay of Plenty Regional Council
61	4	Paul and Maria van Veen

## ACCEPTED IN PART

Submission	Point Number	Name
31	3	N & M Bruning

59	2	Jace Orchards Limited and Kiwi Green New Zealand Limited
58	7, 28 & 29	Jace Investments and Kiwi Green New Zealand Limited
19	28	Pete Linde
16	5	Penny Hicks
4	1	Robert Hicks
25	2	Bay of Plenty Regional Council
25	4	Bay of Plenty Regional Council
FS67	38	Bay of Plenty Regional Council

### REJECTED

Submission	Point Number	Name
50	7	Mike & Sandra Smith
41	5	Waka Kotahi The New Zealand Transport Agency
FS79	1	Waka Kotahi The New Zealand Transport Agency
31	3	N&M Bruning








### SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a significant change is recommended to Natural Open Space Zone boundaries including changing some areas to alternative zonings as a result of submissions a further s32AA analysis is provided below.




<b>Efficiency &amp; Effectiveness in Achieving the Objectives</b>	Retain proposed Natural Open Space Zone but modify boundaries to better reflect specific area characteristics and in response to specific requests for parts of the Natural Open Space to be changed to alternative zonings.
<b>Costs</b> Environmental effects Economic effects Social effects Cultural effects	<b>Environmental</b> Reductions in areas previously proposed to be zoned Natural Open Space Zone will mean that this land could be developed for other purposes such as housing, commercial or industrial. This may reduce the ability to manage any potential adverse effects arising from adjacent urban development such as water quality and provision of open space.







<p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p><b>Economic</b></p> <p>Including additional areas as Natural Open Space Zone may result in reduced 'developable' land and increased costs through requiring resource consents for some activities.</p> <p><b>Social</b></p> <p>Reductions in areas previously proposed to be zoned Natural Open Space Zone will reduce the amount of land that may be utilised for wider community benefit e.g. walkways and ecological areas.</p> <p><b>Cultural</b></p> <p>Reductions in areas previously proposed to be zoned Natural Open Space Zone may result in the loss of ecological values which may be considered adverse cultural effects.</p>
<p><b>Benefits</b></p> <p>Environmental</p> <p>Economic</p> <p>Social</p> <p>Cultural</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p><b>Environmental</b></p> <p>The proposed changes better capture the areas that have environmental and related values. This includes better connected ecological corridors. The additional ground truthing has resulted in a more robust identification of zone boundaries.</p> <p><b>Economic</b></p> <p>The proposed changes better capture the areas that have potential to be utilised for economic activity e.g. increased area of residential rural-residential, commercial and industrial land.</p> <p><b>Social</b></p> <p>The changes in areas proposed to be zoned Natural Open Space Zone better reflect the areas that potentially may be utilised for wider community benefit e.g. walkways and ecological areas.</p> <p><b>Cultural</b></p> <p>The changes in areas proposed to be zoned Natural Open Space Zone better reflect the areas that potentially have cultural importance by providing significant 'green' areas with associated ecological and water quality benefits.</p>
<p><b>Quantification</b></p>	<p>Not practicable to quantify.</p>
<p><b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b></p>	<p>Sufficient and certain information is available.</p>




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

- Boundaries**
-  Structure Plan Boundary

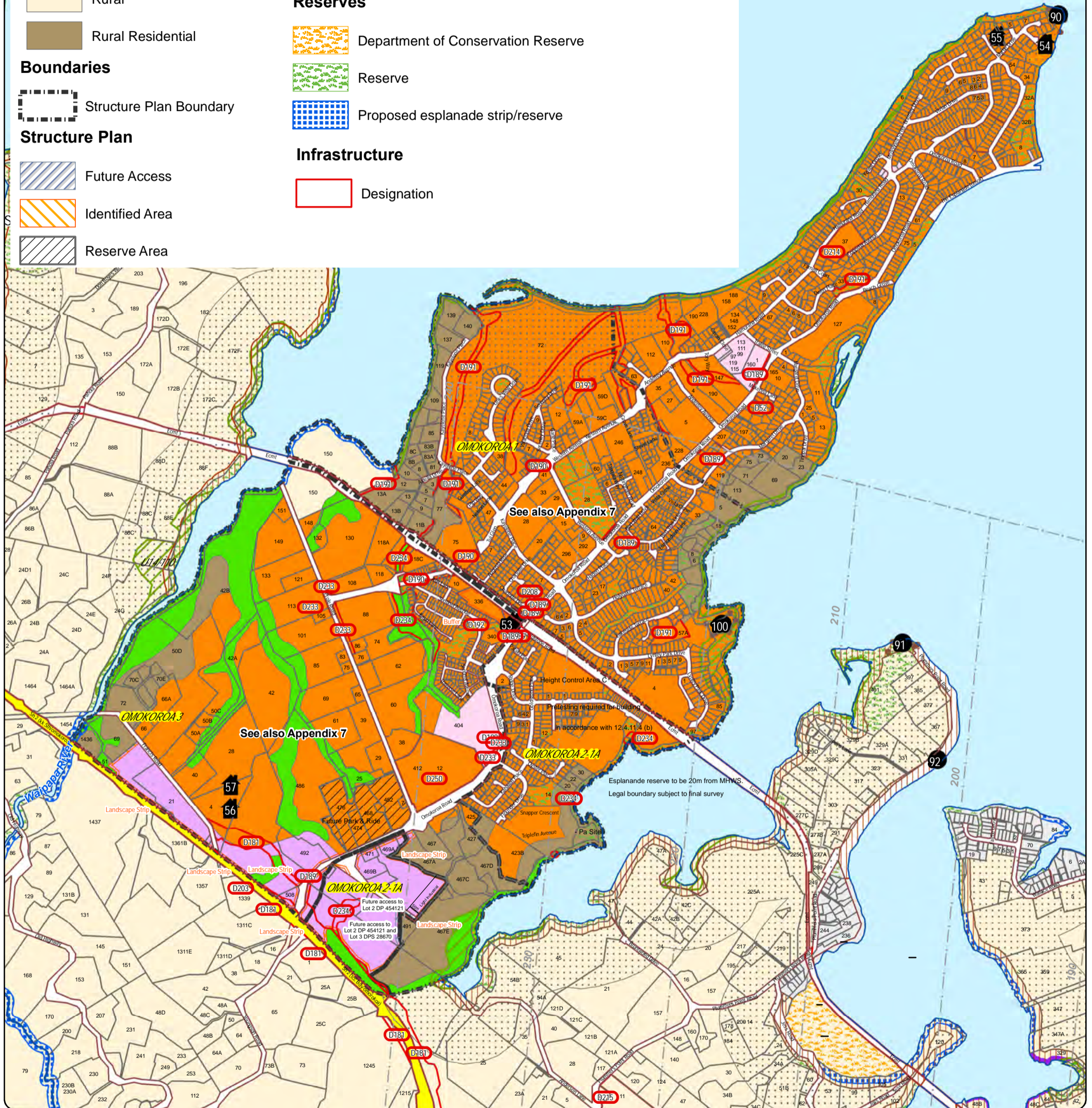
- Structure Plan**
-  Future Access
  -  Identified Area
  -  Reserve Area

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

- Effect Management Areas**
-  Airport Approach Surface

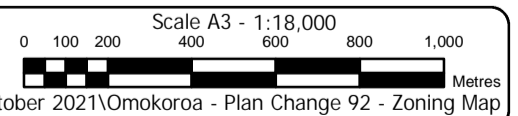
- Reserves**
-  Department of Conservation Reserve
  -  Reserve
  -  Proposed esplanade strip/reserve

- Infrastructure**
-  Designation

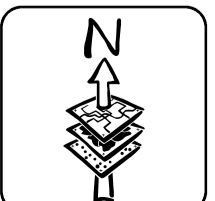


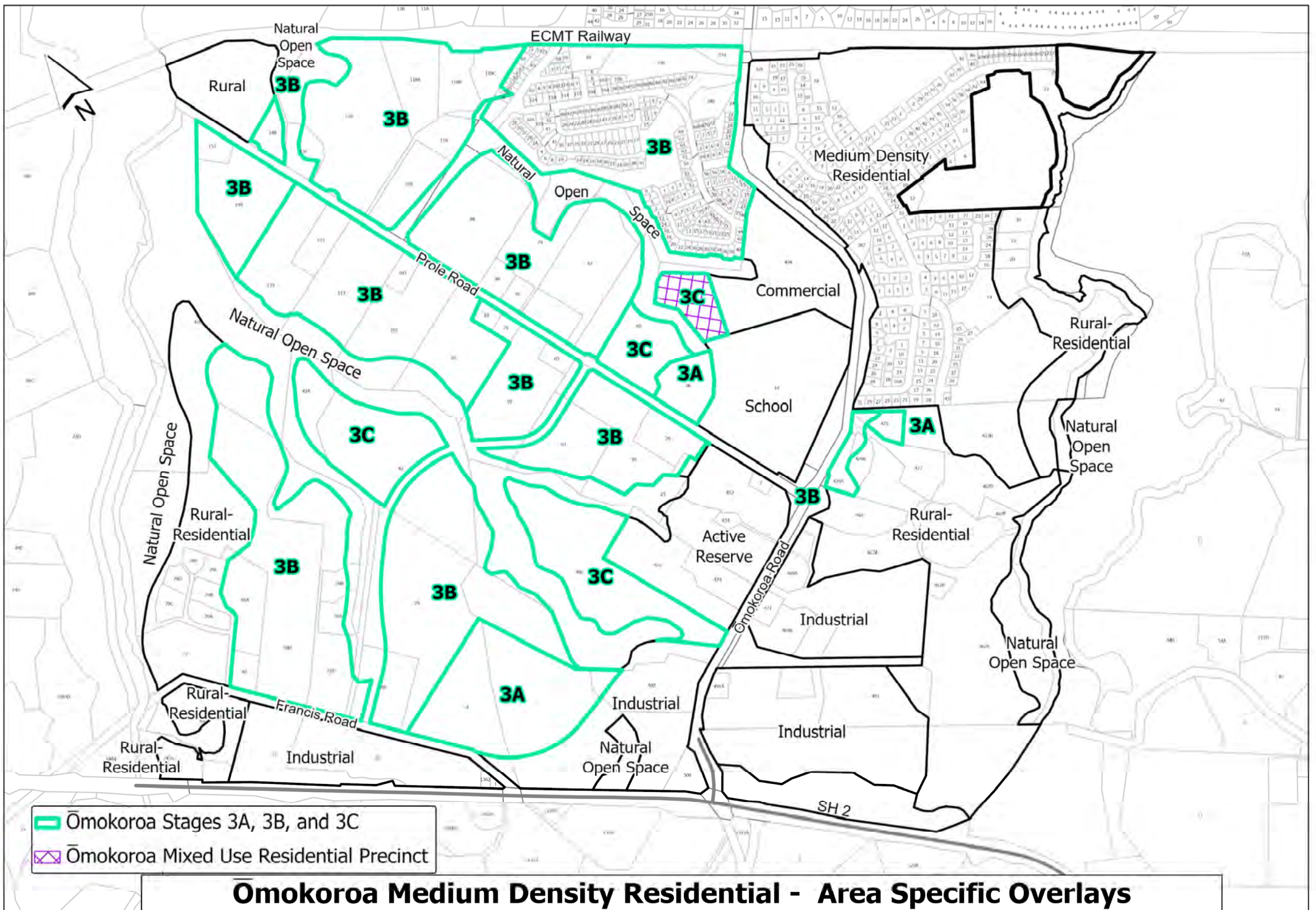
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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 8/08/2023  
 Operator: mlb  
 Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Plan Change 92 - Zoning Map



ŌMOKOROA  
 PLAN CHANGE 92  
 PROPOSED ZONING MAP - 11 AUGUST 2023

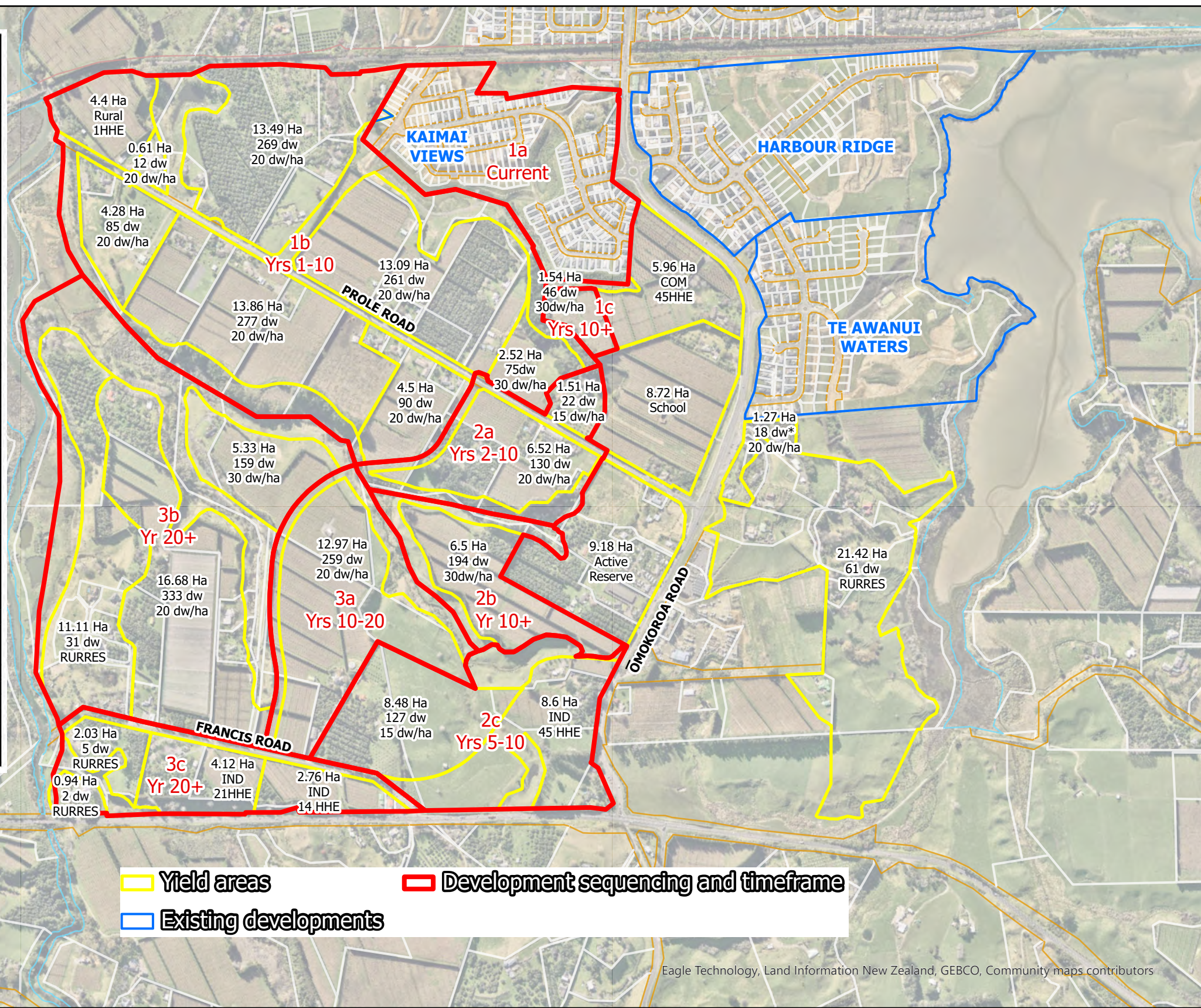




**Omokoroa Medium Density Residential - Area Specific Overlays**

Development Sequence	Area (Ha)	Zone	Dwell/Ha	Dwellings or HHE
1b	4.4	Rural	0	1
	0.61	Medium Density Residential	20	12
	13.49	Medium Density Residential	20	269
	13.09	Medium Density Residential	20	261
	2.52	Medium Density Residential	30	75
	4.28	Medium Density Residential	20	85
	13.86	Medium Density Residential	20	277
	4.5	Medium Density Residential	20	90
1c	1.54	Medium Density Residential	30	46
	8.72			School
1d	5.96	Commercial		45
2a	1.51	Medium Density Residential	15	22
	6.52	Medium Density Residential	20	130
	9.18			Active Reserve
2b	6.5	Medium Density Residential	30	194
2c	8.6	Industrial		45
	8.48	Medium Density Residential	15	127
3a	12.97	Medium Density Residential	20	259
3b	16.68	Medium Density Residential	20	333
	5.33	Medium Density Residential	30	159
	11.11	Rural-Residential		31
3c	2.76	Industrial		14
	4.12	Industrial		21
	2.03	Rural-Residential		5
	0.94	Rural-Residential		2
Omokoroa Road East	1.27	Medium Density Residential	20	18*
	21.42	Rural-Residential		61
Dwelling Totals		Medium Density Residential		2357
		Rural-Residential		99
		Com/Ind		80
		Rural		1
		<b>Total HHE</b>		<b>2537</b>
Kaimai Views				230
Harbour Ridge				317
Te Awanui Waters				192
<b>TOTAL</b>				<b>3276</b>

HHE = Household equivalent  
 \* = Lot 1 DPS 65152 restricted to 4 lots maximum

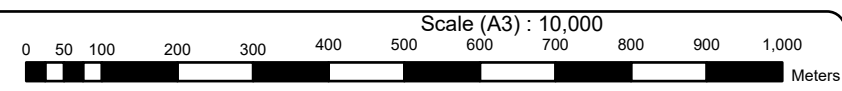


Yield areas     
 Development sequencing and timeframe  
Existing developments

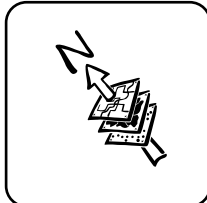
Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 11/08/2023  
 Operator: mlb  
 Map: E:\Shape\MLB\Map\Structure Plans\Omokoroa Stage 3 - Yield and Development Stages.aprx

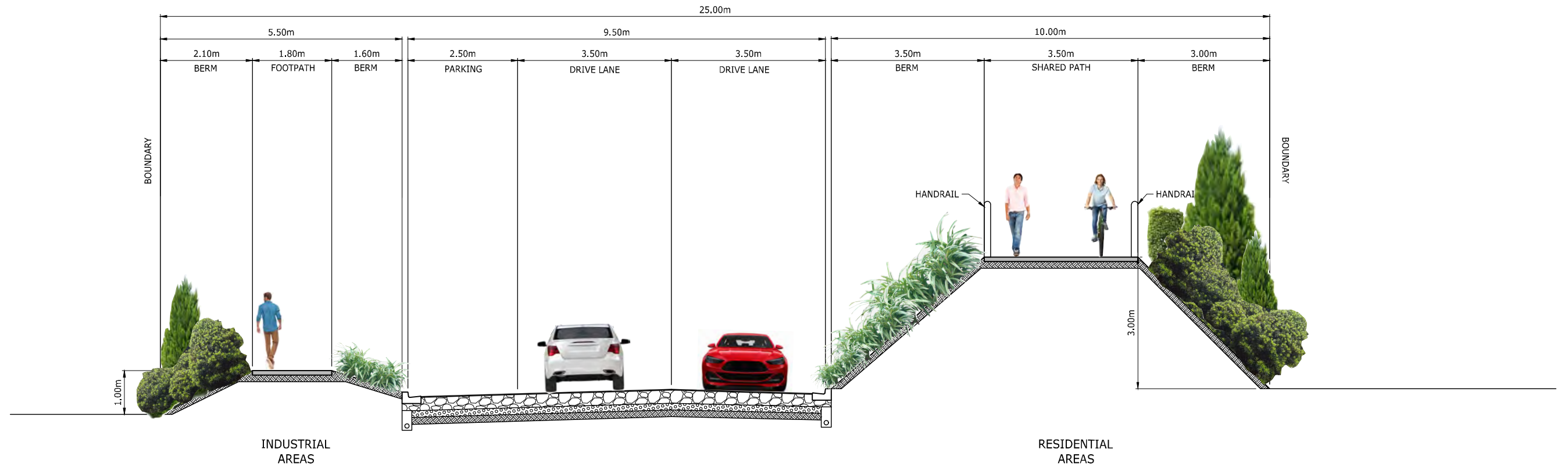


## ŌMOKOROA STAGE 3 DEVELOPMENT SEQUENCING, INDICATIVE TIMEFRAMES, AND YIELD AREAS



**NOTES:**

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



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

**INDICATIVE**

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

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

TITLE: **TYPICAL ROADING CROSS SECTIONS SHEET 2**

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