

SECTION 12 – SUBDIVISION AND DEVELOPMENT

AUTHOR: TAUNU MANIHERA

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INTRODUCTION

Section 12 of the District Plan includes provisions for subdivision and development which largely apply District-wide. There are also a number of more specific provisions which apply only to particular locations, zones, or structure plans.

A proposed set of updated Structure Plans and Infrastructure Schedules for the Ōmokoroa and Te Puke urban areas are included within Appendix 7 – Structure Plans. These depict critical stormwater, wastewater, water, roading and cycle/walkway related infrastructure items, which are needed to support coordinated development of these areas as part of the requirement to enabling housing under the Amendment Act.

A change to the District Plan rule framework is necessary to support the Structure Plans. A number of new rules, or rule changes, are proposed for Ōmokoroa and Te Puke relating to specific requirements for the provision of stormwater, wastewater and roading.

A number of submissions have been received which request changes to, or clarification on, the proposed rules. A majority of the submissions are rule/provision based and this report has been structured into topics that correlate with the rule or grouped where rules are related. The topics also follow the numerical order of Section 12. A number of submissions are also responded to within other parts of the Section 42A Report. These are referenced where relevant.

The issue of stormwater management generates plenty of discussion within Topics 1, 3 and 11 below. A large proportion of the discussion links to submissions from the Bay of Plenty Regional Council who highlight the importance of the District Plan appropriately responding to the directives from the National Policy Statement for Freshwater Management. An appropriate response in the submitter’s view is ensuring that the stormwater provisions of the District Plan enable the implementation of Catchment Management Plans, which are also important in the context of Comprehensive Stormwater Consents (CSC) issued by the Bay of Plenty Regional Council.

For the purposes of this report (and condensing of it), it is helpful to explain in the introduction what is meant by the terms *Comprehensive Stormwater Discharge Consent*, *Catchment Management Plans*, and also *Stormwater Management Plans*. This is because through the course of direct discussions with the submitter, the terms have been confused at times and will also assist with understanding the recommended responses to submissions. These are as follows:

- **“Comprehensive Stormwater Discharge Consent (CSC)”** is an approval from the Bay of Plenty Regional Council to undertake any stormwater related activities for an entire urban

stormwater catchment or a group of urban stormwater catchments for which the application was made.

- **“Catchment Management Plan (CMP)”** refers to a document which outlines objectives, methods and options relating to stormwater management for the urban stormwater catchment/s and includes those catchment management plans prepared in accordance with the conditions of a Comprehensive Stormwater Discharge Consent issued by the Bay of Plenty Regional Council and/or catchment management plans which Council has otherwise adopted. The document may be reviewed periodically as required by the Comprehensive Stormwater Discharge Consent or at other times if Council chooses to.
- **“Stormwater Management Plan (SMP)”** refers to a report that details stormwater management for a proposed subdivision and/or development area and includes sufficient detail to satisfy the stormwater information requirements and stormwater provision under Section 12 of the District Plan, including proposed Rule 12.4.5.17. The development is likely to fall within one of the stormwater sub-catchments covered by the Catchment Management Plan.

The terms outline a hierarchy of information, consents and management plans which are important to the context of recommended changes to objectives, policies and rules. Readers are encouraged to refer back to the above explanations when considering the discussions within Topics 1, 3 and 11.

Overall there are 24 topics within this report and these are listed below

Topic 1 – Objectives, Policies and Matters of Discretion

Topic 2 – Rule 12.3.7 – Information Requirements – Subdivision Plan

Topic 3 – Rule 12.3.8 – Information Requirements – Supporting Information

Topic 4 – Rule 12.3.10.1(b) – Information Requirements – Detail Contour Plan

Topic 5 – Rule 12.4.1(g) – Site Suitability – Connecting to Reticulated Water, Wastewater, Stormwater and formed/sealed roads

Topic 6 – Rule 12.4.1(j) – Site Suitability – Controlled Earthworks in Ōmokoroa

Topic 7 – Rule 12.4.3.2 and 12.4.3.3 – Extension of Services

Topic 8 – TOPIC 8 – Rules 12.4.4.2 (TABLE 1) and 12.4.4.4(E)(V) – Road reserve and pavement widths for privateways

Topic 9 – Rule 12.4.4.4(C) – access onto Ōmokoroa road and prole road

Topic 10 – Rules 12.4.5.1 and 12.4.5.3 – stormwater systems to be provided and extended

Topic 11 – Rule 12.4.5.17 – Stormwater In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones

Topic 12 – Rule 12.4.6.3 – wastewater

Topic 13 – Rules 12.4.7.1 and 12.4.7.2 – Water supply

Topic 14 – Rule 12.4.11.2 – Ōmokoroa Structure Plan – Streetscape

Topic 15 – Rule 12.4.11.5(B) – Ōmokoroa Structure Plan – Roading

Topic 16 – Rule 12.4.11.5(C) – Ōmokoroa Structure Plan – Activity Status for Non-Compliance

Topic 17 – Rule 12.4.11.6(A) – Ōmokoroa structure plan – reimbursement for provision of infrastructure

Topic 18 – Rule 12.4.11 – Ōmokoroa Structure Plan – request for New rule to ensure compliance with the Ōmokoroa Stage 3 Catchment Management Plan

Topic 19 – Rule 12.4.11 – Ōmokoroa Structure Plan – request for new rule for integrated management for stormwater, earthworks and subdivision

Topic 20 – Ōmokoroa Structure Plan – request for new rule to protect railway infrastructure from stability and flooding

Topic 21 – Ōmokoroa structure plan – Recommended new rule for Francis road industrial zone

Topic 22 – Rule 12.4.14 and 12.4.14.1 – Te Puke Structure Plan

Topic 23 – Rule 12.4.14.2 – Te Puke Structure plan – streetscape

Topic 24 – Te puke structure plan – provision of infrastructure in general proximity of the locations shown on the structure plan

TOPIC 1 – 12.2.1 OBJECTIVES, 12.2.2 – POLICIES AND 12.3.5 – MATTERS OF DISCRETION

BACKGROUND

Plan Change 92 does not make any changes to the existing objectives, policies and matters of discretion within Section 12 of the District Plan. Submission points below are potentially out of scope, as explained further below.

SUBMISSION POINTS

Four submission points were received. One further submission point was received. The submission points on this topic are summarised as follows:

Pete Linde (19.2, 19.21, 19.22) and Classic Group (26.6) request changes to the District Plan so it takes a more positive stance by using the terms “support”, “encourage” and “promote” when drafting District Plan objectives, policies and matters of discretion. They note that in recent times there is recognition by Government and councils that we need to be doing better to ensure towns and cities in New Zealand are well-functioning urban environments that will meet the changing needs of our diverse communities. The submitters consider that there are more opportunities to draft important District Plan provisions in a more positive manner that support, encourage and promote better environmental outcomes.

Jace Investments (FS 62.25) support Pete Linde (19.2) and request a revised explanatory statement on the purpose of the Natural Open Space Zone.

Bay of Plenty Regional Council (25.14) requests additional rules (including changes to Rule 12.4.11) which require subdivision within the Ōmokoroa Stage 3 Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan, to achieve an integrated management approach.

Bay of Plenty Regional Council (25.15) requests changes to Rule 12.3.8 so that the rules require subdivision and development applications (particularly within the Ōmokoroa Stage 3 Structure

Plan) to include information which demonstrates consistency with the relevant catchment management plan.

Bay of Plenty Regional Council (25.43) requests a change to policy 14A.2.2.7 to make explicit reference to water sensitive urban design.

OPTIONS

Option 1 – No changes to the existing objectives, policies and matters of discretion.

Option 2 – Change the existing objectives, policies and matters of discretion to take a more positive stance by using the terms “support”, “encourage” and “promote”.

Option 3 – Change the existing objectives and policies in response to recommended changes to proposed Rule 12.4.5.17 (stormwater in Ōmokoroa and Te Puke urban zones) to better provide for the implementation of Catchment Management Plan objectives, methods and options as part of subdivision and development.

DISCUSSION

Changes to objectives and policies to take a more positive stance

The submissions requesting changes to objectives and policies are general in nature and have not provided specific detail on how the existing objectives, policies and matters of discretion are obstructive and restrictive. Further, the submissions do not include details of specific relief sought.

Council have therefore reviewed the objectives and policies and queried whether they are overly restrictive or obstructive. What has been found is that in most circumstances, the objectives, policies and matters of discretion within Section 12 outline the positive aspirations of the District Plan, without constraining ingenuity or being overly prescriptive on how an outcome is achieved. This is demonstrated by the use of the words “provide”, “minimum standard”, “improved”, “takes into account”, “efficient and equitable” and “minimize”. In contrast the provisions would be seen as restrictive if the words “avoid”, “prohibit” or “constrain” were often used. That is not the case.

The intent of the submission points are supported; however, the Reporting Team consider that no changes to the existing objectives and policies within Section 12 are required to meet the request of the submitters.

In terms of submission FS62.25, which requests changes to the Natural Open Spaces Zone explanatory statement, this submission point is addressed within the Report for Section 24 – Natural Open Space.

Rule 12.4.5.17 related objective and policy changes

Topic 11 below relates to recommended changes to proposed Rule 12.4.5.17, which is a key rule for the management of stormwater within the Te Puke and Ōmokoroa Medium Density Residential, Commercial and Industrial Zones. The discussion within Topic 11 explains the importance of Catchment Management Plans in determining appropriate stormwater management outcomes, and the importance of this document to Western Bay of Plenty District Council’s response to the National Policy Statement for Freshwater Management (NPS-FM).

Topic 11 has recommended changes to proposed Rule 12.4.5.17, which better provides for the implementation of Catchment Management Plan objectives, methods and options, during subdivision and development. Changes to Rule 12.4.5.17 have been proposed following discussions with the Bay of Plenty Regional Council where general agreement has been reached, but there

remains some difference in opinion around the extent of changes. This is further explained in Topic 11 below.

In response, Bay of Plenty Regional Council indicated that submission points 25.14 and 25.15 provide scope. While those submission points related to Rules 12.3.8 and 12.4.11, the submission does seek to require that subdivision within the Stage 3 area demonstrates consistency with the relevant stormwater management approach:

*“Further provision(s) are sought to **require that subdivision** within Stage 3 of the Ōmokoroa Structure Plan **demonstrates consistency** with the stormwater management approach in the relevant catchment management documents and the ‘Stormwater Management Concept: Ōmokoroa Stage 3’, in Appendix 7 (Structure Plans) with regards to water quantity, volume reduction and water quality”*

The Reporting Team supports changes to objective 12.2.1.6 and 12.2.2.7, as part of the response to changes that have been recommended for Rule 12.4.5.17. The proposed changes are outlined in the recommendation below, and where appropriate we have used positive language as requested by the submissions received from Pete Linde and Classic Group.

For clarity, the recommended change to objective 12.2.1.6 is led by the directives of the NPS-FM which requires Territorial Authorities (TA) to include objective, policies and methods within the District Plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

The recommended change to policy 12.2.2.7 is to recognise that the management of stormwater and associated discharge is important to urban development and landuse. There are key expectations around outcomes of stormwater management in current practice, and these matters are expressed through Catchment Management Plans and CSCs. We consider it helpful for policy 12.2.2.7 to articulate those expectations in light of changes to Rule 12.4.5.17. We also consider it important for the policy to reference catchment management plans because these are instrumental in Council’s response to the directives of the NPS-FM.

The above policy change also responds to submission 25.43 (Bay of Plenty Regional Council) which had requested changes to the objectives and policies of Section 14A.2.2 so that they refer to water sensitive urban design options. The Reporting Team considered that this change best sits within Section 12 of the District Plan.

Retirement Villages Association (FS 76.22) and Ryman Healthcare (FS 77.22) oppose the additional policy wording as it does not provide for the benefits of retirement villages or recognise their functional and operational needs. There does not appear to be an effects based reason for applying a different stormwater management outcomes for retirement villages, which will generate the same effects to general subdivision and development.

RECOMMENDATION

That Option 3 be accepted.

Change the existing objectives and policies in response to recommended changes to proposed Rule 12.4.5.17 (Stormwater in Ōmokoroa and Te Puke urban zones) to better provide for the implementation of Catchment Management Plan objectives, methods and options as part of subdivision and development.

This requires that the District Plan be amended as follows:

Amend Objective 12.2.1.6 to include the following new text:

6. Subdivision and development that minimises the effects from stormwater ~~run-off~~ discharge, including adverse flooding, erosion, scour and water quality effects and any resulting effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments.

Amend Policy 12.2.2.7 to include the following changes:

7. Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater ~~run-off~~ discharge, including practices which:
- Avoid increased flooding effects on the receiving environment including people, property and buildings;
 - Incorporate water sensitive urban design and water quality;
 - Avoid, remedy or mitigate further erosion and scour effects.
 - Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
19	2	Pete Linde
19	21	Pete Linde
19	22	Pete Linde
26	6	Classic Group
25	14	Bay of Plenty Regional Council
25	15	Bay of Plenty Regional Council
25	43	Bay of Plenty Regional Council

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 Objective 12.2.1.6 and Policy 12.2.2.7 as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Change the existing objectives and policies in response to recommended changes to proposed Rule 12.4.5.17 (stormwater in Ōmokoroa and Te Puke urban zones) to better provide for the implementation of Catchment
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	Management Plan objectives, methods and options as part of subdivision and development.
<p>Costs</p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</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>Environmental</p> <p>No environmental costs are anticipated because the existing objectives and policies required stormwater effects resulting from subdivision and development to be managed. The recommended changes only provide for additional clarity on relevant matters and the most up to date approach to stormwater management.</p> <p>Economic</p> <p>No economic costs are anticipated because the existing objectives and policies required stormwater effects resulting from subdivision and development to be managed. The recommended changes only provide for additional clarity on relevant matters and the most up to date approach to stormwater management.</p> <p>Social</p> <p>No social costs are anticipated as the proposed objectives and policy changes will enable better stormwater management outcomes.</p> <p>Cultural</p> <p>No economic costs are anticipated</p>
<p>Benefits</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>Environmental</p> <p>The proposed changes to objective 12.2.1.6 and policy 12.2.1.7 will support implementation of objectives, methods and options for stormwater management which are intended to support the NPS-FM directive to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p> <p>It is intended that the objective and policy changes will lead to the better protection of our rivers, streams, lakes and wetlands.</p> <ul style="list-style-type: none"> • stop further degradation of our freshwater • support improvements to water quality • support the reversal of past damage to bring our waterways and ecosystems to a healthy state within a generation. <p>There is an environmental benefit as a result.</p>

	<p>Economic</p> <p>The proposed changes to objective 12.2.1.6 and policy 12.2.1.7 will encourage decisions which support objectives, methods and options for the management of stormwater discharges which could exacerbate existing flooding, erosion, and scour effects. Such approaches are aimed at reducing risk for health, injury and property damage, which would in turn reduce remediation costs. There is an economic benefit.</p> <p>Social</p> <p>The proposed changes to objective 12.2.1.6 and policy 12.2.1.7 will encourage decisions which support objectives, methods and options for the management of stormwater discharges which could exacerbate existing flooding, erosion, and scour effects. Such approaches are aimed at reducing risk for health, injury and property damage. There is a social benefit as a result of reducing risk.</p> <p>The NPS-FM also recognises the vital importance of water. It expresses the special connection that New Zealanders have with freshwater. Changes to objectives and policies are intended to give effect to the NPS-FM and support protecting the health of freshwater, which in turn protects the health and well-being of people and our ecosystems. There is a social benefit as a result.</p> <p>Cultural</p> <p>The proposed changes to objective 12.2.1.6 and policy 12.2.1.7 will support implementation of objectives, methods and options for stormwater management which are intended to support the NPS-FM directive to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. Maintaining or enhancing the freshwater resource and receiving environment will avoid further degradation of our freshwater and promote a path which reverses past damage to bring our waterways and ecosystems to a healthy state within a generation. Restoration of health, may be seen as a restoration of “mauri” for water bodies which is a positive cultural outcome.</p>
Quantification	Not practicable to quantify.
Risks of Acting/	Sufficient and certain information is available.

Not Acting if there is uncertain or insufficient information about the subject matter	
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TOPIC 2 – RULE 12.3.7 – INFORMATION REQUIREMENTS – SUBDIVISION PLAN

BACKGROUND

Subdivision applications must be accompanied by a subdivision plan complying with a number of requirements including showing lot boundaries, buildable areas, private ways, vehicle entrances, roads and other relevant features. The only proposed change in Plan Change 92 was to add specific requirements for buildable areas within the Ōmokoroa and Te Puke Medium Density Residential Zones in recognition that the RMA Amendment Act does not allow any minimum size requirements for subdivisions for the purpose of residential units.

SUBMISSION POINTS

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.17) requests the addition of new clause (r) to Rule 12.3.7, which specifies information requirements to be included within a subdivision plan.

r. The indicative or approved locations of all stormwater infrastructure (at source and subdivision-wide) within the subdivision area in Te Puke Structure Plan and Ōmokoroa Structure Plan for Stage 3.

The submitter also requested any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.

OPTIONS

Option 1 – Retain the information requirements for subdivision plans in Rule 12.3.7 as notified.

Option 2 – Amend the information requirements for subdivision plans in Rule 12.3.7 by adding a new clause (r) to require a plan to show “The indicative or approved locations of all stormwater infrastructure (at source and subdivision-wide) within the subdivision area in Te Puke Structure Plan and Ōmokoroa Structure Plan for Stage 3”.

DISCUSSION

Council’s view is that the submitter has interpreted this rule incorrectly. The intent of the rule is to outline the information required to be shown on a plan of subdivision for a particular site. The submitter’s proposed rule requests information beyond the legal boundaries of a property, this being information for a whole structure plan area or sub-catchment. The requested text is not within context of the rule.

Council have however considered whether wider structure plan information is actually needed for the assessment of stormwater management. The Reporting Team’s view is that this information is not necessary because it is expected that stormwater for both Te Puke and Ōmokoroa is managed at source from both a quality and quantity perspective.

Beyond Rule 12.3.7, the District Plan does include rules which specify further reporting requirements to be provided with subdivision and development, including the information that this submission point requests. The preference is to not create duplication. Examples include:

Rule 12.3.8(j) which requires the provision of a subdivision application report which addresses *“the subjects of access, roading, water supply, wastewater and stormwater reticulation, treatment and disposal are to be addressed in accordance with Section 12.4 and Council’s Development Code. A detailed description shall be given of how these are to be provided for as appropriate.*

Rule 12.3.8(k) which requires the provision of a subdivision application report which addresses *“Aspects such as source of supply, discharge points, quantities likely, consents required and the location of any waterways, wetlands and ponding areas.*

Of note, if at source management is not proposed, then that subdivision or development will take a different consenting pathway as the proposal is unlikely to comply with all of the performance standards within Section 12. As part of the resource consent process, Council is able to require provision of information to satisfy any stormwater related questions. This would include details of any off-site stormwater management and the information request is supported by the above rules.

RECOMMENDATION

That Option 1 be accepted.

Retain the information requirements for subdivision plans in Rule 12.3.7 as notified. The following submission is therefore:

REJECTED

Submission	Point Number	Name
25	17	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 3 – RULE 12.3.8 – INFORMATION REQUIREMENTS – SUBDIVISION PLAN – REQUEST FOR NEW RULE REGARDING ŌMOKOROA STAGE 3 CATCHMENT MANAGEMENT PLAN

BACKGROUND

Applications for subdivision are also required to include information relating to various matters such as natural hazards, significant features, private ways, development works, traffic safety, infrastructure and services. No additional requirements were proposed by Plan Change 92.

SUBMISSION POINTS

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.15) requests changes to Rule 12.3.8 so that the rules require subdivision and development applications (particularly within the Ōmokoroa Stage 3 Structure Plan) to include information which demonstrates consistency with the relevant catchment management plan.

OPTIONS

Option 1 – No changes to the existing information requirements for subdivision applications in Rule 12.3.8.

Option 2 – Change the existing information requirements for subdivision applications in Rule 12.3.8 by adding a new requirement to demonstrate consistency with the relevant stormwater catchment management plan for the Ōmokoroa Stage 3 Structure Plan.

DISCUSSION

There is a current CSC for Te Puke which was issued in November 2022. It is understood that due to the recent issue of the discharge consent, Bay of Plenty Regional Council have not made stormwater related submissions for the Te Puke urban area. The Te Puke CSC conditions require the catchment management plan for Te Puke (issued in December 2018) to be reviewed at 6 year intervals.

The Ōmokoroa CSC expired in May 2023. Western Bay of Plenty District Council have applied for a new Ōmokoroa CSC (lodged in 2022). Included with the application is a DRAFT Ōmokoroa Stage 3 Catchment Management Plan¹.

Bay of Plenty Regional Council had not approved the CSC application at the time of this report. Therefore Bay of Plenty Regional Council have predominantly made submissions, seeking changes to the proposed rules which are specific to the Ōmokoroa Stage 3 Structure Plan.

Of importance to Bay of Plenty Regional Council is the suitability of the DRAFT Ōmokoroa Stage 3 Catchment Management Plan and how proposed Plan Change 92 enables its implementation. This is of particular importance to the Bay of Plenty Regional Council where no CSC exists for Ōmokoroa. The matters of importance include changes to landform and discharges resulting from subdivision and development, and any resulting impacts on water bodies, freshwater ecosystems and the receiving environment.

Bay of Plenty Regional Council considered that an appropriate response is to directly include part of the Catchment Management Plan in the Appendix 7 structure plan documents that apply to Ōmokoroa. This being the Ōmokoroa Stage 3 Stormwater Management Concept Plan. The merits of this approach are discussed within Topic 6 of the Section 42A Report for Appendix 7 – Structure Plans.

In addition, the submission has requested the inclusion of a new clause within Rule 12.3.8 (Information Requirements – Application Report) which enables Council to require information relating to stormwater management. The submission is not specific on the changes to Rule 12.3.8.

Nevertheless, Rule 12.3.8 has been reviewed and the Reporting Team consider that the existing text requires a high level of information relating to natural hazard and stormwater matters, to enable an appropriate assessment to be undertaken. No changes are considered necessary.

¹ Ōmokoroa Stage 3 – Stormwater Catchment Management Plan dated August 2022

Relevant sub-clauses from 12.3.8 include:

- Rule 12.3.8(a) – The rule requires an application to describe any natural hazards or other physical constraints affecting the land to be subdivided and how these constraints are to be addressed.
- Rule 12.3.8(b) – The rule requires an application to describe ecological features or other features of value to the community on the land proposed to be subdivided.
- Rule 12.3.8(j) – The rule requires an application to address the subjects of Access, Roading, Water Supply, Wastewater, Stormwater reticulation, treatment and disposal.
- Rule 12.3.8(k) – The rule requires an application to address aspects such as source of supply, discharge points, quantities, consents required and location of waterways, wetlands and ponding areas.

What the Reporting Team however agree with is that the rule framework can be improved to better link subdivision and development with the objectives, methods and options of the Catchment Management Plan. Therefore to support the implementation of Catchment Management Plans, a change to Rule 12.4.5.17 is recommended. The changes to this rule are discussed under Topic 11 of this report.

RECOMMENDATION

That Option 1 be accepted.

No changes to the existing information requirements for subdivision applications in Rule 12.3.8.

The following submission is therefore:

ACCEPTED IN PART

Submission	Point Number	Name
25	15	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 4 – RULE 12.3.10.1(B) – INFORMATION REQUIREMENTS – DETAILED CONTOUR PLAN

BACKGROUND

Plan Change 92 included a proposed addition to Rule 12.3.10.1(b) which requires a detailed contour plan to be provided with applications for the Ōmokoroa and Te Puke Medium Density Residential Zones to show existing ground level and proposed new contours. This is to demonstrate compliance with proposed performance standards in Section 14A – Ōmokoroa and Te Puke Medium Density Residential limiting earthworks to a maximum increase and/or decrease of 1m.

SUBMISSION POINTS

Four submission points were received. No further submission points were received. The submission points on this topic are summarised as follows:

Classic Group (26.9), Urban Taskforce for Tauranga (39.5), Vercoe Holdings (40.4), Brian Goldstone (42.3) – The submission points oppose the additional earthwork Rule on the basis that the requirement is unnecessary due to existing Rule 12.4.1(i), which requires the same information

OPTIONS

Option 1 – Retain the requirement for a detailed contour plan in Rule 12.3.10.1(b) as notified.

Option 2 – Delete the requirement for a detailed contour plan from Rule 12.3.10.1(b).

DISCUSSION

Rule 12.3.10.1(b) was proposed in order to support proposed Rule 14A.4.2(g) which is a performance standard that seeks to limit cut and fill earthworks to a maximum height of 1m. That rule is now recommended to be deleted in the Section 42A Report for Section 14A – Part 2 – Ōmokoroa and Te Puke Medium Density Residential. The requirement for a contour plan is also a duplication of Rule 12.4.1(i) and it is further noted by the Reporting Team that Rule 12.3.7(m) requires this information.

RECOMMENDATION

That Option 2 be accepted.

Delete the requirement for a detailed contour plan from Rule 12.3.10.1(b).

b. Engineering documents are to include

i. Proposed *earthworks* designs

~~For the Ōmokoroa and Te Puke Medium Density Residential Zones, the proposal must include a detailed contour plan. This must show the existing ground level and proposed new contours to demonstrate compliance with the earthworks performance standards in Section 14A.~~

ii. Programme of works

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
26	9	Classic Group
39	5	Urban Taskforce for Tauranga
40	4	Vercoe Holdings Limited
42	3	Brian Goldstone

SECTION 32AA ANALYSIS

The changes proposed are minor as they remove a requirement for a contour plan that is associated with proposed Rule 14A.4.2(g) which is now recommended to be deleted in the part of the Section 42A Report for Section 14A – Ōmokoroa and Te Puke Medium Density Residential. The

requirement for a contour plan is also a duplication of an existing rule so it not needed. Accordingly, no s32AA analysis is required.

TOPIC 5 – RULE 12.4.1(G) – SITE SUITABILITY – CONNECTING TO RETICULATED WATER, WASTEWATER AND STORMWATER INFRASTRUCTURE AND FORMED AND SEALED ROADING

BACKGROUND

Rule 12.4.1(g) requires lots in Residential, Commercial and Industrial Zones to be capable of being connected to reticulated water supply, wastewater and stormwater infrastructure of adequate capacity, and served by a formed and sealed road in accordance with Council’s Development Code. As a result of the introduction of a new Medium Density Residential Zone, Plan Change 92 proposed a consequential amendment to confirm that this rule also applied to the Medium Density Residential Zone.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Fire and Emergency New Zealand (18.6) supports inclusion of the Medium Density Residential Zone within Rule 12.4.1(g), and further supports the rule which requires each lot to be capable of connecting to the reticulated water supply infrastructure and served by formed and sealed road. The submitter requests that the rule is retained as proposed.

OPTIONS

Option 1 – Retain the addition of Medium Density Residential Zones to Rule 12.4.1(g) as notified.

DISCUSSION

Rule 12.4.1(g) is an existing rule, with the only change being the cross reference to the Medium Density Residential Zone. No other changes are proposed, nor does the submitter seek changes. The rule is therefore retained without amendment.

It is noted that the submitter has other points related to water supply and roading requirements. A discussion on these points is captured against the particular provision in other topics below.

RECOMMENDATION

That Option 1 be accepted.

Retain the addition of Medium Density Residential Zones to Rule 12.4.1(g) as notified.

The following submission is therefore:

ACCEPTED

Submission	Point Number	Name
18	6	Fire and Emergency New Zealand

SECTION 32AA ANALYSIS

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

TOPIC 6 – RULE 12.4.1(J) – SITE SUITABILITY – CONTROLLED EARTHWORKS IN THE ŌMOKOROA STAGE 2 AND 3 STRUCTURE PLAN AREAS

BACKGROUND

Rule 12.4.1(j) prescribes a controlled activity status to earthworks that exceed 300m² in the Ōmokoroa Stage 2 Structure Plan Area. A consequential change to this rule was proposed to update the reference to include both the Ōmokoroa Stage 2 and 3 Structure Plan Areas. This is because Stage 2 has now been divided in Stages 2 and 3 but is still the exact same geographic area (the land south of the railway). This rule has been in place since the introduction of the Ōmokoroa Structure Plan more than a decade ago and is to protect sites of cultural significance. There are associated earthworks procedures in Appendix 7 – Structure Plans for this same area which requires consultation with Pirirakau.

SUBMISSION POINTS

Three submission points were received. Six further submission points were received. The submission points on this topic are summarised as follows:

Classic Group (26.10), Urban Taskforce for Tauranga (39.6) and Vercoe Holdings Limited (40.5) oppose the performance standard in its entirety as in their view, it conflicts with the Regional Plan and will result in unnecessary process requirements, delays and costs. The provisions are unnecessary and inefficient.

The submission seeks deletion of the rule.

Further submission points from Retirement Villages Association (FS 76.6 – 76.8) and Ryman Healthcare (FS 77.6 – 77.8) support the submission.

OPTIONS

Option 1 – Retain Rule 12.4.1(j) to confirm it applies to Ōmokoroa Stages 2 and 3 as notified.

Option 2 – Delete Rule 12.4.1(j).

DISCUSSION

Rule 12.4.1(j) is an existing rule which is included in the District Plan for the purpose of managing “cultural effects” associated with earthworks in Ōmokoroa. This rule has been in place since the introduction of the Ōmokoroa Structure Plan more than a decade ago and is intended to manage sites of cultural significance. The rule recognises the dense archaeological landscape of Ōmokoroa and has been updated to reference both the Ōmokoroa Stage 2 and 3 Structure Plan Areas. The Rule was included within the District Plan as earthworks within Ōmokoroa (whether the scale is minor or large) may reveal sites of cultural significance, or result in other adverse cultural effects.

The Regional Plan is focused on bulk earthworks (generally over 5000m³) and the resulting discharge of stormwater and dust. Cultural effects are considered when a resource consent is required for bulk earthworks, however there is no control through the regional planning framework

for permitted earthworks. The Regional planning framework is quite different to the intent of Rule 12.4.1(j) and does not control all instances.

Neither deletion nor amendment of the rule is supported with regard to the above.

It is noted however that the rule was also proposed to be updated to reference proposed earthworks performance standards in Section 14A – Ōmokoroa and Te Puke Medium Density Residential, however these are now recommended to be deleted and as a consequential amendment the references would also be removed.

RECOMMENDATION

That Option 1 be accepted.

Retain Rule 12.4.1(j) to confirm it applies to Ōmokoroa Stages 2 and 3 as notified.

The following submissions are therefore:

REJECTED

Submission	Point Number	Name
26	10	Classic Group
39	6	Urban Taskforce for Tauranga
40	5	Vercoe Holdings
FS 76	6	Retirement Villages Association
FS 76	7	Retirement Villages Association
FS 76	8	Retirement Villages Association
FS 77	6	Ryman Healthcare
FS 77	7	Ryman Healthcare
FS 77	8	Ryman Healthcare

SECTION 32AA ANALYSIS

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

TOPIC 7 – RULES 12.4.3.2 AND 12.4.3.3 – EXTENSION OF SERVICES

BACKGROUND

Rule 12.4.3.2 requires existing utility services to be extended into Residential, Commercial and Industrial Zones. As a consequential amendment of introducing a new Medium Density Residential Zone, the Medium Density Residential Zone was included in this rule to confirm that the same requirements apply. Rule 12.4.3.3 requires utility services to be extended into Rural, Lifestyle and Rural-Residential Zones when they are within 100m of an existing Council service. It is proposed to apply this same requirement to the proposed Natural Open Space Zone.

SUBMISSION POINTS

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

Fire and Emergency New Zealand (18.7) supports Rule 12.4.3.2 to the extent it requires utility services to be extended into new developments. In order to ensure that the cumulative effects on the water supply network are adequately managed, Fire and Emergency request that Council require developers to demonstrate and provide evidence that their development can be adequately serviced in accordance with SNZ PAS 4509:2008.

Fire and Emergency New Zealand (18.8) also supports Rule 12.4.3.3 to the extent it requires water supply to the Natural Open Space Zone. No particular relief is sought.

OPTIONS

Option 1 – Retain Rules 12.4.3.2 and 12.4.3.3 as notified to add the Medium Density Residential and Natural Open Space Zones to the requirements for extension of services.

DISCUSSION

A consequential change to Rule 12.4.3.2 proposes to include reference to the Medium Density Residential Zone within the heading of the rule. The purpose of this performance standard is to ensure sufficient water supply to the proposed development, without compromising water capacity for existing and future users. We consider that the current planning framework provides the relief sought by the submission via Rule 12.3.8(j) and 12.4.7.2(b). Rule 12.3.8(j) of the District Plan requires a report to be submitted with subdivision and development, that addresses many subjects including water supply and how this complies with the Development Code. Rule 12.4.7.2(b) of the District Plan² provides a pathway for the assessment of appropriate water capacity for fire-fighting purposes.

SNZ PAS 4509:2008, is a voluntary Code of Practice, however Council is committed to (and has been) applying the Code as mandatory practice for its water supply network and development within the District. This is done by requiring developers to demonstrate in their designing of proposed developments (meeting Development Code requirements) that fire fighting levels of service will be achieved. This includes the developer carrying out pressure testing of the existing network where the development will connect to. Developers are required under the Development Code to include engineering drawings and detail showing the installation of, and calculations demonstrating that, fire hydrants will deliver the required flows and residual pressures in the mains.

Council also carry out hydrant flow tests and pressure checks throughout the networks, to ensure system performances meet the levels of service, both for fire fighting and supply pressures to its customers.

Council has developed hydraulic water network models to use for network analysis for improvements of capacity verification under a variety of scenarios including growth. This tool

² Rule 12.4.7.2(b) – *A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice*

allows Council to monitor system performance, determine where network improvements need to be made, or where Council need to upgrade infrastructure, and how these changes will improve the delivery for inclusion in Asset Management Planning. Council includes funding in its Long Term Plan (LTP) to periodically calibrate the models. The calibration process includes on-site testing of hydrants and pressure trends data logging which feeds back into the model accuracy. The LTP also includes strategic key infrastructure in its structure plan projects to provide for growth areas in the district.

No particular relief is sought by the submission with respect to Rule 12.4.3.3 therefore no changes are required.

RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.3.2 and 12.4.3.3 as notified to add the Medium Density Residential and Natural Open Space Zones to the requirements for extension of services.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
18	8	Fire and Emergency New Zealand

REJECTED

Submission	Point Number	Name
18	7	Fire and Emergency New Zealand

SECTION 32AA ANALYSIS

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

TOPIC 8 – RULES 12.4.4.2 (TABLE 1) AND 12.4.4.4(E)(V) – ROAD RESERVE AND PAVEMENT WIDTHS FOR PRIVATEWAYS

BACKGROUND

In Residential, Rural-Residential, Commercial and Industrial Zones, minimum widths for privateways (road reserves and carriageways) are in Rule 12.4.4.2 (Table 1: Urban Roads). For privateways serving 1-2 units, the road reserve is 2.7m and the carriageway is 2.5m. For privateways serving 3-6 units, the road reserve is 5m and the carriageway is 3.5m. Rule 12.4.4.4(e)(v) then allows the reserve and pavement widths to be reduced where the number of lots dependant on access defaults to the next lower standard on the tables. As a consequential amendment to introducing the Medium Density Residential Zone, Plan Change 92 proposes to add Medium Density Residential Zones to these rules to confirm that these same standards apply.

SUBMISSION POINTS

Two submission points were received. Six further submission points were received. The submission points on this topic are summarised as follows:

Fire and Emergency New Zealand (18.9) opposes Rule 12.4.4.2 (Table 1) which sets out the road reserve and pavement widths and maximum grades based on road function for urban roads, to ensure that the standard provides sufficient provision for fire appliances to access a property during an emergency. The submitter requests changes to the Rule 12.4.4.2 (Table 1) and the Development Code to reflect the access requirements for fire appliances, which in the submitter's view are as follows:

- Minimum roading and carriageway widths should not be less than 4m. This width is required for firefighters to efficiently work around the fire appliance to access hoses and pumps. The relief sought is a minimum road reserve width of 5m and carriageway width of 4m.
- Clear vehicle crossing of no less than 3.5m wide should be provided at site entrances, internal entrances and between buildings.
- Maximum negotiable gradient shall be 1:5, and the roading gradient should not exceed 16%.
- Carriageways need to be wide enough to allow fire and emergency vehicles to get through them easily and to allow Fire and Emergency to carry out emergency operations, including provision of a hardstand mind point passing bay.

Jace Investments (FS 69.1), Retirement Villages Association (FS 76.10), Ryman Healthcare (FS 77.10) and The North Twelve Limited Partnership (FS 78.12) oppose the submission. The key points of opposition are:

- The submitter's requested private way grades are too restrictive
- The Building Act provides the framework for considering access to sites for fire fighting purposes
- Adequate provision for emergency services is necessary but is better addressed through subdivision design to ensure sufficient water capacity and fire hydrant location.
- Widening accessways will reduce extent of residential intensification

Fire and Emergency New Zealand (18.10) opposes sub-clause (a) of Rule 12.4.4.4(e)(v) because it would allow for an accessway which is narrower than 4m, noting that their submission point 18.9 has requested a 4m minimum width for any accessway. The submitter requests that the rule be deleted.

Retirement Villages Association (FS 76.9) and Ryman Healthcare (FS 77.9) oppose the submission as the consent process allows a case by case assessment of design and the provisions should not conflict with the Building Code.

OPTIONS

Option 1 – Retain proposed changes to Rule 12.4.4.2 (Table 1: Urban Roads) and Rule 12.4.4.4(e)(v) to confirm that the existing private way widths and reductions for urban zones apply to the Medium Density Residential Zone.

Option 2 – Change Rule 12.4.4.2 (Table 1: Urban Roads) and Rule 12.4.4.4(e)(v) by increasing the minimum privateways widths for the Medium Density Residential Zone to be 5m (road reserve) and 4m (carriageway).

DISCUSSION

The proposed amendments to Rule 12.4.4.2 (Table 1) are limited to the consequential change to include a new reference to the Medium Density Residential Zone. The submitter requests changes to Table 1 (Urban Roadway) in Rule 12.4.4.2 for privateways serving 1-2 units and 3-6 units.

Table 1 prescribes minimum road reserve widths and minimum carriageway widths. The standards differ between privateways serving 1 - 2 dwellings and privateways serving 3 - 6 dwellings. Where more than 6 dwellings are being served, the standard defaults to private or public roads.

For a privateway serving 1 – 2 dwellings:

The submitter requests a road reserve width increase from 2.7m to 5.0m. A road reserve width of 2.7m is however deemed appropriate for up to two dwellings. This is because most of these types of ROWs are created by infill subdivision. A landowner subdividing an existing residential sized property into two lots has a number of constraints to manage due to existing site features and the 'retrofitting' nature of infills. Increasing the ROW road reserve width requirement would be less enabling and could force many infill subdivisions into being non-complying. Developers are in any case routinely designing for a 3.0m road reserve width or slightly more as they recognise the constraints of a 2.7m wide vehicle access leg. This provides additional width for emergency services personnel and access to a rear property. It is also important to note that these ROWs are limited to a maximum 35m in length, meaning that fire appliances can park on the road or berm and provide suitable hose coverage to a rear dwelling.

The submitter also requests an increase to the carriageway width from 2.5m to 4m. However, Council do not see the benefit of providing an additional width of carriageway formation when the width of the road reserve is what provides for sufficient access to a rear site.

The submission also requests the maximum gradient for 1-2 units be reduced. While the easing of the grade (from 20% to 16% as per the submission) has merit, again the maximum privateway length of 35m is a benefit in that an appliance can stop on the road or berm and still provide personnel and hose access to a rear site.

For a privateway serving 3 – 6 dwellings:

The road reserve width in this case is already at 5.0m which achieves the request of the submitter. The submitter is therefore only requesting that the carriageway width increase from 3.5 to 4m for a privateway serving 3 - 6 dwellings. While the Reporting Team agree that the increase in pavement width has some merit, the 5m road reserve width currently provides for sufficient access width, formation space and access around an emergency vehicle. Providing an additional 0.5m of hardstand for the carriageway adds no further benefit than the 5m road reserve in terms of access for a fire appliance and movement of personnel.

For the suggestion of hardstand at the mid-point passing area, Council's requirements as part of the design/construction process for a mid point passing bay would be for this area to be hard surfaced as required in the Development Code and therefore the Reporting Team do not see the need to add to table 1 under Rule 12.4.4.2.

The submission also seeks clarification that private way passing bays be in hard stand and that the length is measured from the road frontage. For the suggested additional wording to define the 70m length starting point "from the road frontage", in practice this is where council already require measurement from and the Reporting Team do not see the need to include this wording in the table.

Rule 12.4.4.4(e)(v) – sub-clause (a), is an existing rule that allows the width of a private way to reduce as the number of users reduce. Any narrowing is required to comply with the private way standards prescribed with Rule 12.4.4.2, Table 1 and Table 2 (which relates to Rural and Lifestyle Zones). A change to the rule is proposed but is limited to the inclusion of a new reference to the Medium Density Residential Zone only. While deletion of the rule is beyond the scope of the plan change, it is considered unnecessary because minimum access standards are maintained.

The Reporting Teams view is that the rule has a broader application beyond urban areas, as it also applies to Rural and Lifestyle Zones. These zones provide for larger allotments and longer accessways. The intent of the Rule is to ensure accessways are designed to meet minimum width standards, but also allows for narrowing as the number of users reduces. This provides a balance between access, land use and cost efficiency/practicalities, and is particularly important for the non-urban zones.

RECOMMENDATION

That Option 1 be accepted.

Retain proposed changes to Rule 12.4.4.2 (Table 1: Urban Roads) and Rule 12.4.4.4(e)(v) to confirm that the existing private way widths and reductions for urban zones apply to the Medium Density Residential Zone.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
FS 69	1	Jace Investments
FS 76	9	Retirement Villages Association
FS 76	10	Retirement Villages Association
FS 77	9	Ryman Healthcare
FS 77	10	Ryman Healthcare
FS 78	12	The North Twelve Limited Partnership

REJECTED

Submission	Point Number	Name
18	12	Fire and Emergency New Zealand
18	9	Fire and Emergency New Zealand

SECTION 32AA ANALYSIS

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

TOPIC 9 – RULE 12.4.4.4(C) – ACCESS ONTO ŌMOKOROA ROAD AND PROLE ROAD

BACKGROUND

Rule 12.4.4.4(c) requires the number or potential number of dwellings or other activities gaining access to Ōmokoroa Road to not be increased. Plan Change 92 proposed for this same restriction to apply to Prole Road (in the Ōmokoroa Stage 3 Structure Plan Area). It is also proposed that existing accesses onto Prole Road shall be closed and relocated.

SUBMISSION POINTS

Four submission points were received. Two further submission points were received. The submission points on this topic are summarised as follows:

Jace Investments and Kiwi Green New Zealand Limited (58.11) opposes the rule because it may result in inconsistencies with the Approved Ōmokoroa Town Centre Masterplan. The submitter therefore requests changes to the rule to ensure this does not occur, and to enable a simpler consent pathway for direct access to Ōmokoroa Road from the Ōmokoroa town centre.

Elles Pearse-Danker (11.2) supports the rule however requests a change to sub-clause (i) to clarify that existing access only need to be closed, once alternative access has been provided.

Kāinga Ora (29.12) opposes the rule insofar as it requires Prole Road accesses to be closed and relocated. This is because the rule results in properties being reliant on road access being provided by others to complete transport connections (or otherwise seek a non-complying resource consent). This may restrict the unlocking of land development. The concern is also extended to Ōmokoroa Road and non-provision for dwellings and activities to have direct access. The relief sought is a restricted discretionary activity pathway if no alternative access (as per the structure plan) is available.

Classic Group (FS 68.29) and Ōmokoroa Country Club (FS 74.12) oppose Kāinga Ora (29.12) and support the rule as proposed. This is because both Classic Group and Ōmokoroa Country Club consider the rule is important for avoiding uncoordinated access points, and this is not in the interest of the Structure Plan.

Robert Hicks (4.1) submits in relation to the proposed Industrial Zone which is accessed from Francis Road. In the context of this rule, the submission is concerned with the interface with the Medium Density Residential Zone on the opposite side of Francis Road and the inability for a landscape buffer to be established if industrial activities have direct access to Francis Road.

OPTIONS

Option 1 – Retain Rule 12.4.4.4(c) as notified.

Option 2 – Make changes to Rule 12.4.4.4(c) in response to supported submissions, to the effect that it:

- Clarifies access points to Ōmokoroa Road shown on the Approved Ōmokoroa Town Centre Masterplan are appropriate. The proposed rules resulted in the approved access points

potentially requiring resource consent for a non-complying activity. The change to the rule would allow a permitted or controlled activity status to be applied.

- Clarifies that existing access to Prole Road and Francis Road only needs to be closed where alternative legal and physical access has been provided. The proposed rule was silent on when existing access needed to be closed, with submitters interpreting it meant access could be closed without alternative solutions.
- Includes Francis Road and restricts direct access from residential and industrial activities, to promote an acceptable interface between the land use activities.
- Includes additional notes to guide decisions on activities which require temporary or permanent access to Ōmokoroa, Prole or Francis Road. The notes also identify a change in activity status if written approval is not obtained from the Western Bay of Plenty District Council.

DISCUSSION

Submission 58.11 (Jace Investments and Kiwi Green New Zealand Limited) is concerned that this rule, alongside Rule 12.4.11.5(b), assigns a non-complying activity status to activities within the Ōmokoroa town centre, which require direct access to Ōmokoroa Road. This activity status applies even though the Ōmokoroa Town Centre Masterplan has been approved and is included within Appendix 7 - Structures Plans of the District Plan. We have reviewed this rule and confirm that this is not the intent for the town centre. We therefore recommend changes which allow direct access to Ōmokoroa Road from the town centre to be treated as a controlled activity, but only where the access is identified by a structure plan (inclusive of the Ōmokoroa Town Centre Masterplan which forms part of the structure plan). This provides certainty that access will always be available.

Council also received submissions raising concerns about the non-complying activity status in relation to other subdivision and development activities which seek direct access to Ōmokoroa Road or Prole Road. The concern is raised because the submitters consider there are instances where subdivision, development or construction activities require access of a "temporary nature". The temporary nature arises because of the limited life of the activity (construction), or, because an owner wants to develop land and realise the lands development potential, prior to structure plan transport connections within other properties being established.

The Reporting Team consider that it is reasonable for the planning framework to provide for temporary access. But it is also considered by the Reporting Team that there may be other circumstances where direct and permanent access is necessary and appropriate. Therefore, changes to Rule 12.4.4.4(c) are recommended. The changes would allow a restricted discretionary activity status to be assigned to activities requiring access to Prole Road, Francis Road or Ōmokoroa Road. This is on the proviso that prior written approval for the direct access is obtained from Western Bay of Plenty District Council. Where this is not obtained, a non-complying activity status would apply.

Written approval would be refused where the access is considered inappropriate because it is not located in a safe position, or would result in damage to Council assets or would compromise the efficient operation of the road network. This approach would ensure the rule is consistent with FS 68.9 and FS 74.12.

This written approval approach also works in tandem with Rule 4B.3.4 of the District Plan. This Rule assigns a non-complying activity status to new vehicle crossings, or the increased use of vehicle

crossings, to strategic roads, where written approval from Western Bay of Plenty District Council is not obtained.

Submission 11.2 is concerned that the rule requires existing accesses to be immediately closed on adoption of Plan Change 92, and without alternative access being provided. We recommend a change to Rule 12.4.4.4(c) to provide clarification that this is not the intent of the rule, but rather it is expected that existing access points are only required to be closed once the alternative legal and physical access is provided.

Robert Hicks does not directly comment on Rule 12.4.4.4(c), however, the submission has requested that the Ōmokoroa Structure Plan be amended to avoid multiple vehicle crossing points onto Francis Road, to enable a continuous planted buffer strip to be established, and to provide separation between the proposed Medium Density Residential and Industrial Zones. Council agrees that this is a helpful outcome and supports a harmonious interface between two conflicting zones and accordingly the Reporting Team have recommended that Francis Road be included within Rule 12.4.4.4(c). By doing so, resource consent will be required and an opportunity to assess the appropriateness of any proposed direct access, is provided.

Council's view is that widening the current 20m wide Francis Road transportation corridor is necessary to achieve an outcome which manages the interface between the two zones. This is a notable shift from what was proposed but is considered to be an optimal outcome in response to Robert Hicks.

Rule 12.4.4.4(c) is a performance standard which manages direct access for particular roads and therefore it makes sense to make changes to this rule to manage direct access to Francis Road. By including Francis Road, a resource consent will be required for any activity seeking direct access to Francis Road and the resource consent process would allow Council to assess the effect of direct access on the maintenance of a continuous landscape buffer between the proposed Medium Density Residential and Industrial Zones, and the impact this may have on maintaining an acceptable interface.

To ensure consistent decisions on whether access is appropriate, wider changes to the rule are proposed which then direct decision makers to relevant matters including the need for direct access, the location and duration of direct access, its effect on the road network, landscape buffer outcomes and any need to reinstate public assets.

Of importance to the above activity status changes for Rule 12.4.4.4(c), are also key changes to Rule 12.11.5(b). This is discussed under Topic 15 of this report however in short, the Reporting Team have proposed to delete Rule 12.11.5(b), sub-clauses (iii) and (iv), because they either are a duplicate of Rule 12.4.4.4(c) and their retention would result in a conflict with the above approach.

RECOMMENDATION

That Option 2 be accepted.

Make changes to Rule 12.4.4.4(c) in response to supported submissions, to the effect that it:

- Clarifies access points to Ōmokoroa Road shown on the Approved Ōmokoroa Town Centre Masterplan are appropriate.
- Clarifies that existing access to Prole Road and Francis Road only needs to be closed where alternative access has been provided.

- Includes Francis Road and restricts direct access from residential and industrial activities, to promote an acceptable interface between the land use activities.
- Includes additional notes to guide decisions on activities which require temporary or permanent access to Ōmokoroa, Prole or Francis Road. The notes also identify a change in activity status if written approval is not obtained from the Western Bay of Plenty District Council.

The recommended changes to Rule 12.4.4.4(c) are as follows

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).

- 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.
- 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.
- 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:

- 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);~~
- 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.
- Activities requiring access (permanent or temporary) will need to demonstrate that the efficient and safe operation of the road network will be maintained.
- 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.
- 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.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name

4	1	Robert Hicks
11	2	Elles Pearse-Danker
29	12	Kāinga Ora
58	11	Jace Investments and Kiwi Green New Zealand

ACCEPTED IN PART

Submission	Point Number	Name
FS 68	29	Classic Group
FS 74	12	Ōmokoroa Country Club

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 to Rule 12.4.4.4(c) in the further s32AA analysis provided below.

Efficiency & Effectiveness in Achieving the Objectives	Make changes to Rule 12.4.4.4(c) in response to supported submissions
<p>Costs</p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</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>Environmental</p> <p>No economic costs are anticipated.</p> <p>Economic</p> <p>Downgrading the activity status for direct access to Ōmokoroa and Prole Roads from non-complying to restricted discretionary could be perceived as creating risk for unintended transport outcomes which reduce the ability to deliver an efficient transport network. A slow and congested transport network could impact productivity, and comprise safety, resulting in economic costs. The Reporting Team consider that the changes to Rule 12.4.4.4(c) will not create any additional risk to the transport network because the revised rule allows Council to assess whether the direct access is appropriate, having regard to important matters including safety, design and network efficiency. No significant economic effects are anticipated.</p> <p>Social</p> <p>No social costs are anticipated.</p> <p>Cultural</p> <p>No cultural costs are anticipated.</p>
Benefits	Environmental

<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>No environmental benefits are anticipated.</p> <p>Economic</p> <p>The recommended change recognises that the Ōmokoroa town centre has pre-approved access points, and that there may be legitimate needs to directly access Prole Road and Ōmokoroa Road, including the need for temporary access to support construction or the early development of land within the Ōmokoroa urban area. There is an economic benefit by simplifying the consenting process, but there is also assurance that a fair and reasonable assessment is conducted to ensure subdivision and development continue to meet expected transport outcomes.</p> <p>The change in the rule would provide a simpler resource consent pathway for activities which require direct access to Francis Road, Ōmokoroa Road or Prole Road and enable subdivision and development to occur ahead of prescribed transport corridors being delivered by others. This would support realisation of the development potential for urban land in a timely manner, which may in turn generate employment and economic growth.</p> <p>Social</p> <p>Restricting access to Francis Road has a social benefit by improving the opportunity to provide a controlled interface between industrial and residential activities, and creating better residential and amenity outcomes at this location.</p> <p>Cultural</p> <p>No cultural benefits are anticipated.</p>
Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 10 – RULES 12.4.5.1 AND 12.4.5.3 – STORMWATER SYSTEMS TO BE PROVIDED AND EXTENDED

BACKGROUND

In all zones, Rule 12.4.5.1 requires that stormwater systems be provided or extended and reticulation be provided for subdivision to enable each lot to be connected to the Council system. However, for Ōmokoroa and Te Puke in Medium Density Residential, Commercial and Industrial Zones, Plan Change 92 proposes an exemption to allow the use of alternative options.

Rule 12.4.5.3 then requires each new or existing site to be individually connected to the reticulated stormwater system in accordance with the Council's Development Code. However, for Ōmokoroa and Te Puke in Medium Density Residential, Commercial and Industrial Zones, Plan Change 92 again proposes an exemption to allow the use of alternative options.

SUBMISSION POINTS

Four submission points were received. Two further submission points were received. The submission points on this topic are summarised as follows:

Classic Group (26.11 and 26.12) and Urban Taskforce for Tauranga (39.7 and 39.8) support the rules because they provide for alternative stormwater solutions, which do not involve connection to the reticulated network. The submissions request that the rule be retained as proposed.

Bay of Plenty Regional Council (FS 67.2 and FS 67.3) support the above submission points in part and support any plan provision that encourages/requires water sensitive design. The submission cautions the view that alternative solutions will avoid the need for connection to reticulated networks. This is on the basis that the alternative solution may not cater for the design storm event, and non-connection is likely to fall outside of a CSC and specific resource consent may be required.

OPTIONS

Option 1 – Retain Rules 12.4.5.1 and 12.4.5.3 as proposed.

DISCUSSION

Rules 12.4.5.1 and Rule 12.4.5.3 acknowledge that alternative stormwater solutions are appropriate at times, and that connection to a reticulated networks is not necessary. It is however important that any alternative solutions continue to meet appropriate stormwater management outcomes, such as safeguarding people from injury and illness, protecting property, and meeting the expectations of catchment management plans. The existing rule framework includes provisions to allow such matters to be assessed.

No changes are deemed necessary in response to these submissions, or any other submission. The rules are retained as proposed.

The cautionary note of Bay of Plenty Regional Council is acknowledged. Council officer's consider that the District Plan rule framework overall, will ensure that subdivision and development will need to demonstrate adequate stormwater management. For example:

- Rule 12.4.1(g) requires each lot to be capable of connecting to reticulated stormwater management infrastructure of adequate capacity.
- Rule 12.4.5 requires stormwater management to be provided in a manner which amongst other things, is adequate to safeguard people from injury or illness, protect property, includes primary and secondary systems, complies with Catchment Management Plans.

RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.5.1 and 12.4.5.3 as proposed.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
26	11	Classic Group
39	7	Urban Taskforce for Tauranga
FS 67	2	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 11 – RULE 12.4.5.17 – STORMWATER IN ŌMOKOROĀ AND TE PUKE IN THE MEDIUM DENSITY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES**BACKGROUND**

Rule 12.4.5.17 proposes specific new requirements for stormwater management in both the Ōmokoroā and Te Puke Medium Density Residential, Commercial and Industrial Zones.

The rule in summary requires the following:

- a) Attenuation of the 50% and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no downstream flooding effects.
- b) All works to be in accordance with the Ōmokoroā and Te Puke Stormwater Management Plans including water sensitive urban design practices.
- c) The use of inert exterior building materials unless additional treatment is provided to ensure no off-site adverse effects.
- d) Providing the Regional Council with any construction plans for instream works to receive their confirmation that it complies with stormwater discharge consents.
- e) Providing the Regional Council with an erosion and sedimentation plan for instream works to receive their confirmation that it complies with the latest guidelines for erosion and sediment control for earthworks.

There is also a note in (f) explaining that stormwater management reserves at Ōmokoroā are shown on the planning maps and in the relevant Stormwater Management Plan.

SUBMISSION POINTS

18 submission points and ten further submission points were received. The submission and further submission point references are grouped under each sub-clause of Rule 12.4.5.17 and are summarised under the following headings.

12.4.5.17(a) – Attenuation of flood events

Submission and further submission points on Rule 12.4.5.17(a) generally oppose the rule and the points are summarised as follows:

Kāinga Ora (29.13) identify that the rule only refers to subdivision. The submitter therefore requests that the rule is amended so it intends to apply to both subdivision and development. This is

supported by Bay of Plenty Regional Council (67.3) and is supported by Jace Investments (FS 69.2).

Submissions 47.5 (The North Twelve Limited Partnership), 25.8 (Bay of Plenty Regional Council), 26.13 (Classic Group), 39.9 (Urban Taskforce for Tauranga), 40.6 (Vercoe Holdings Limited) and 42.4 (Brian Goldstone) oppose the rule because it is unclear by referring to two storm design events, and it is also at odds with the differing attenuation requirements anticipated for Ōmokoroa and Te Puke. Supporting further submissions from Bay of Plenty Regional Council (FS67.4, FS67.5, FS67.7, FS67.8 and FS67.9) have been received.

Jace Investments and Kiwi Green New Zealand Limited (58.14) oppose the rule on the basis that it is inconsistent with existing infrastructure (namely the Kaimai View stormwater pond) and it is unnecessary to specify the attenuation requirements as these are normally set out in comprehensive discharge consents. Bay of Plenty Regional Council (FS 67.6) oppose this point because upgrades to existing stormwater infrastructure may be required in the future to meet consent conditions.

Rule 12.4.5.17(b) – Works to be in accordance with stormwater management plans

Supporting and opposing submissions were received on Rule 12.4.5.17(b) and the points are summarised as follows:

Kāinga Ora (29.13) request that the rule include the full reference of the specific Stormwater Management Plan and request deletion of references to water sensitive design and practices because such detail is likely to be included within the relevant stormwater management plan itself. Further submissions have been received which oppose the deletion of this detail.

Submission 47.6 (The North Twelve Partnership Limited) oppose the rule in relation to the Te Puke Stormwater Management Plan, until clarity is provided in the details of this document and its application. Further submission FS67.10 (Bay of Plenty Regional Council) supports this submission point as Rule 12.4.5.17(a) is also at odds with the differing attenuation requirements anticipated or approved for Ōmokoroa and Te Puke.

Submissions 25.9, 25.11 and 25.12 (Bay of Plenty Regional Council) support the intent of the rule to rely on existing and future catchment management documents for attenuation and water quality, particularly where it gives effect to the NPS-FM, RPS and is consistent with regional planning documents. The submitter also requests strengthening of the rule to clearly link subdivision and development to the relevant CSC and the relevant catchment management plan. It is further requested that the rule be amended so that it aligns more closely with wider stormwater management objectives for an urban area, as outlined in the catchment management documents and that the rule uses consistent terminology when referring to catchment or stormwater management plans.

Rule 12.4.5.17(c) – Inert exterior building materials

Supporting and opposing submission points were received in relation to Rule 12.4.5.17(c) and the points are summarised as follows:

Kāinga Ora (29.13) opposes the rule due to the readability of it (rather than its intent), and the submission seeks that the rule be re-written to make it clearer that exterior building materials are required to be inert.

Submission 25.16 (Bay of Plenty Regional Council) supports the rule on the basis that the rule contributes to the management of water quality outcomes.

Rule 12.4.5.17(d) – Providing construction plans to Regional Council

Opposing submission points on Rule 12.4.5.17(d) were received and the points are summarised as follows:

Kāinga Ora (29.13) does not support the rule and request that it be deleted because it refers to stormwater discharge consents and it is not necessary to have a rule which requires compliance with the conditions of a resource consent. Further submission FS67.3 (Bay of Plenty Regional Council) opposes deletion because the rule requires construction plans, which support comprehensive and integrated management of water quality effects, and are therefore needed to meet comprehensive consent requirements.

Submission 47.7 (The North Twelve Limited Partnership) oppose the rule in relation to the Te Puke Stormwater Management Plan, until clarity is provided in the details of this document and its application.

Rule 12.4.5.17(e) – Providing erosion and sediment control plans to Regional Council

Opposing submission points on Rule 12.4.5.17(e) were received and the points are summarised as follows:

Kāinga Ora (29.13) oppose the rule and requested that it be deleted because it requires a third party approval, refers to stormwater discharge consents and it is not necessary to have a rule which requires compliance with the conditions of a resource consent. Further submission FS67.3 (Bay of Plenty Regional Council) opposes deletion because the rule requires erosion and sediment control plans, which support comprehensive and integrated management of water quality effects, and are therefore needed to meet comprehensive consent requirements.

Submission 47.8 (The North Twelve Limited Partnership) oppose the rule in relation to the Te Puke Stormwater Management Plan, until clarity is provided in the details of this document and its application.

Rule 12.4.5.17(f) – Location of stormwater management reserves in Ōmokoroa

Opposing submission points on Rule 12.4.5.17(f) were received and the points are summarised as follows:

Bay of Plenty Regional Council (25.6), Kāinga Ora(29.13), Classic Group (26.14) and Urban Taskforce for Tauranga (39.10) oppose the rule as it is more advisory, than an actual rule. It is preferred by them that the rule be deleted, or retained as an advice note, or deletion is sought as it infers specific details of the reserve is included in the District Plan. Jace Investments and Kiwi Green New Zealand Limited (FS 69.3) supports the request for the rule to be retained as an advice note.

OPTIONS

Option 1 – Retain Rule 12.4.5.17 as notified.

Option 2 – Amend proposed Rule 12.4.5.17 so that it:

- Requires subdivision and development to comply with the relevant *Catchment Management Plans* for Ōmokoroa and Te Puke and demonstrate compliance through a site-specific *Stormwater Management Plan*.

- Announces key expectations relating to stormwater management methodology.
- Includes an update to the design storm events which require management and to the attenuation requirement.
- Clarifies the terms *Catchment Management Plan* and *Stormwater Management Plan*.

DISCUSSION

General

Proposed Rule 12.4.5.17 includes six sub-clauses, being (a) to (f). To assist with understanding Council's response to submissions background context to the rule is provided as follows:

- The management of stormwater is vital to the delivery of the proposed Ōmokoroa and Te Puke urban areas and structure planning is required to demonstrate how stormwater is managed in accordance with method 18 of the Bay of Plenty Regional Policy Statement (requirement to prepare structure plans for land use changes).
- In the context of today's planning framework, stormwater management includes the effects of flooding and by courtesy of the National Policy Statement for Freshwater Management³ (NPS-FM) it also includes the effects of land use and development on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments⁴.
- This planning framework is important in the processing of the CSC applications, where the same matters are required to be addressed. Accordingly, the stormwater management methods and supporting District Plan rules adopted through Plan Change 92, need to enable outcomes adopted through any CSC.
- We understand that currently, CSC are issued with conditions that require the consent holder (Western Bay of Plenty District Council in this context) to adopt a *Catchment Management Plan* and the conditions require a 6 yearly review of this document. As discussed earlier in this report, the *Catchment Management Plan* outlines objectives, methods and options relating to stormwater management and is therefore an essential tool to the management of stormwater effects.

In considering the above context, the general response to submissions is that it is important for subdivision and development to manage stormwater effects in accordance with the relevant *Catchment Management Plan* which sets out the stormwater management framework for the Te Puke or Ōmokoroa urban areas. It is therefore a critical tool in the management of stormwater effects.

It is anticipated that there will be changes to this document over time⁵ and therefore it is equally important for the District Plan rules to be enduring and allow the most up to date information to apply. Accordingly, direct inclusion of a particular *Catchment Management Plan* into the District

³ Refers to Objective 2.1 & 3.5 of the NPS-FM alongside policy 2.2 of the NPS-FM

⁴ Section 74 and 75 of the Resource Management Act 1991 requires a territorial authority to prepare and change its district plan as directed by a National Policy Statement and where required, give effect to the National Policy Statement

⁵ Due to a review of conditions, variation in methodology, emerging issues, national guidance or technology

Plan, by reference, is not supported. If this did occur, any changes would need to follow a plan change process, which has time and cost inefficiencies.

It is acknowledged that the *Catchment Management Plans* are integral to *CSCs* and activities will mostly fall under the jurisdiction of the comprehensive consent. However, there may be instances where stormwater discharge is carried out by private landowners in a manner which is beyond the scope of the comprehensive consent. It is therefore possible that subdivision and development could avoid compliance with the *Catchment Management Plan* if Council were to solely rely on the *CSCs*. This could result in poor outcomes. We therefore recognise that the rule framework must enable the requirements of the relevant *Catchment Management Plan* to be implemented in all circumstances and include sufficient detail to guide decisions.

Noting that the *CSCs* may not apply to all subdivision and development, it is also important to the District Plan to retain attenuation standards, rather than rely on the *CSCs*. It is also important for the District Plan to be consistent with the *Catchment Management Plan*.

The Reporting Team consider that proposed Rule 12.4.5.17 is relevant, however the Reporting Team agree with the broader view of submission that proposed Rule 12.4.5.17 is not clear. There are a number of reasons as has been raised through submissions, and therefore a full re-draft of the rule has been recommended in line with Option 2 above.

Bay of Plenty Regional Council Engagement

The Reporting Team has had a number of discussions with the Bay of Plenty Regional Council on the re-drafting of the rule, particularly around technical requirements and how best to incorporate *Catchment Management Plans*. General agreement between the Reporting Team and Regional Council has been reached.

The areas where agreement has not been reached are those requested changes to parts of Rule 12.4.5.17 so that the provisions are only Ōmokoroa specific. The Bay of Plenty Regional Council suggestions of this nature are related to the scope of their submissions, which are focused on Ōmokoroa. As discussed in Topic 3 the focus on Ōmokoroa (vs both Te Puke and Ōmokoroa) is related to the recent issue of the *Comprehensive Stormwater Discharge Consent* for Te Puke.

Whilst the Reporting Team appreciate the reason for the Bay of Plenty Regional Council's focus on Ōmokoroa, the Reporting Team don't consider changes to Rule 12.4.5.17 need to be constrained to Ōmokoroa for this reason. This is because Rule 12.4.5.17 had always intended to provide one set of rules that applied to the existing and proposed Medium Density Residential, Commercial and Industrial Zones of Te Puke and Ōmokoroa. The rules had never distinguished any difference in approach between the two urban settlements.

We also have reservations around the requested Ōmokoroa specific rules. This is because these either seek outcomes the District Plan expects to be met on a District wide basis (such as at source control, minimising stormwater run-off, protecting and enhancing stream corridors, avoiding increases in flooding, erosion and scour effects) or because the changes introduce un-defined terms (such as treatment train and integrated management).

Catchment Management Plan related objectives and policies

Topic 1 explains that the Reporting Team agree with the Bay of Plenty Regional Council on the merits of the District Plan including new objectives and policies related to the recommended changes to proposed Rule 12.4.5.17. The changes are discussed in Topic 1 however there remains a question of scope for making such changes as no submitter has requested any objective and policy changes to this effect. Readers are directed to Topic 1 for further information.

12.4.5.17(a) – Attenuation of flood events

Submissions have raised questions on whether the rule intended to refer to two different design storm events. We have confirmed that this is the intention of the rule and it is normal practice for a single engineered stormwater device to be designed to cater for the different storm events. This is normally achieved through the size of the stormwater device, and provision for discharge outlets for various stormwater events. The height and size of the outlets are set in response to the modelled volume of water during a 10%, 2% and 1% AEP storm event. Therefore, the Reporting Team consider it is appropriate for the rule to refer to various storm events and attenuation requirements.

However, as pointed out within submissions and further submission, the rule is inconsistent with the expected attenuation requirements for both Te Puke and Ōmokoroa that would be set through the CSC process. Changes are recommended to the rule to improve consistency.

Further submission FS 67.2 takes a view that existing infrastructure vested in Western Bay of Plenty District Council may require upgrading in the future to provide an acceptable stormwater management solution for future subdivision and/or development. The request to exclude existing infrastructure from the rule, so that no future upgrades are required, is not supported.

Rule 12.4.5.17(b) – Works to be in accordance with stormwater management plans

Key questions raised through submissions include whether it is necessary for the rule to include the full reference of the specific Stormwater Management Plan, whether the rule should refer to water sensitive design and practices (because this detail is within the Stormwater Management Plan), whether the rule framework provides a strong link between subdivision, development and the relevant *Catchment Management Plan*, whether rules use consistent terminology when referring to catchment or stormwater management plans.

Firstly, the Reporting Team acknowledged that *Catchment Management Plans* are an integral tool to the management of stormwater effects associated within subdivision and development, and that it is also integral to Council giving effect to the NPS-FM through this plan change. The Reporting Team consider it is necessary for the rule framework to enable the implementation of *Catchment Management Plan*.

The *Catchment Management Plans* are also integral to CSCs, however not all stormwater discharge falls under the control of the discharge consent. Therefore the District Plan rules also need to enable implementation of the *Catchment Management Plans* for subdivision and development which fall within, and beyond, the scope of the CSCs.

Periodic changes to *Catchment Management Plans* will occur over time. The rule framework therefore needs to be enduring and enable subdivision and development to be guided by the most up to date version of a *Catchment Management Plan*.

Noting the importance of the *Catchment Management Plans* and the periodic changes that may occur, our preference is to avoid specific referencing of the *Catchment Management Plans* in the rules because it would then be included in the District Plan by reference, (Schedule 1, Part 3 of the RMA). This would make the planning framework inflexible because a Plan Change would need to be enacted before any changes to the *Catchment Management Plan* could be implemented. Therefore our recommended approach is to refer more generally to *Catchment Management Plans* in the rules.

In review of proposed Rule 12.4.5.17(b), the Reporting Team consider that the linkage between subdivision and development and the relevant *Catchment Management Plan* was confusing. This

is because the rule had referred to the Ōmokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan, which have requirements which differed to current or pending management plans (such as the DRAFT Ōmokoroa Stage 3 Catchment Management Plan).

Referring to stormwater management plans in this context also created inconsistencies around terminology. Adopting consistent terminology will strengthen the rule by providing a better understanding for District Plan users. Changes to the rule with the goal of consistent terms is recommended.

Including key principles from the *Catchment Management Plan* within the rule is considered to be helpful to District Plan users as it will raise awareness of important stormwater management objectives. Relying on users being able to interpret the *Catchment Management Plan* could result in key objectives being overlooked. Changes to the rule have therefore been recommended to strengthen the link between District Plan users (ultimately subdivision and development) and the *Catchment Management Plans*.

We believe the recommended changes to the rule provide an improved planning response through making the rule more useable. The changes also ensure that there are equal stormwater management expectations for both Te Puke and Ōmokoroa.

The North Twelve Limited Partnership opposed the rule as it applies to Te Puke and seek its deletion, subject to clarification being provided on the details of the stormwater management plan. As discussed above, *Catchment Management Plans* are an integral tool for the management of stormwater, therefore deletion of the rule is not supported. We do confirm a copy of the relevant Te Puke catchment management plan⁶ has been provided to the submitter following a request for this document, after the close of the submission period. This catchment management plan was adopted in 2018 and remains current at this time. Plan change 92 does not change the content of this catchment management plan.

Rule 12.4.5.17(c) – Inert exterior building materials

Submissions on Rule 12.4.5.17(c) do not oppose the intent of requiring the use of inert exterior building materials to avoid soluble metals entering into stormwater, however, suggest a re-write to improve its readability. The rule is recommended to be retained with changes made to improve readability as requested. These changes make it more clear that exterior building materials shall be inert.

Rule 12.4.5.17(d) – Providing construction plans to Regional Council

We agree with the submissions seeking deletion of Rule 12.4.5.17(d). The Reporting Team's view is that it is incorrect for a rule to require approvals from a third party and to require compliance with the conditions of a resource consent. Deletion of the rule is supported on this point.

Further, our view is that the rule actually relates to stormwater capital projects which Western Bay of Plenty District Council will be responsible for, and which are likely to require a specific resource consent under the Regional Plan. The rule is not general to all subdivision and development as it may have appeared to read. Deletion of the rule is therefore supported on this point also.

Rule 12.4.5.17(e) – Providing erosion and sediment control plans to Regional Council

⁶ Eastern Catchments – Catchment Management Plan December 2018

The Reporting Team agree with the submissions seeking deletion of Rule 12.4.5.17(e). the Reporting Team's view is that it is inappropriate for a rule to require approvals from a third party and a require compliance with the conditions of a resource consent. Deletion of the rule is supported on this point.

Further, our view is that the rule actually relates to stormwater capital projects which Western Bay of Plenty District Council will be responsible for, and which are likely to require a specific resource consent under the Regional Plan. The rule is not general to all subdivision and development as it may have appeared to read. Deletion of the rule is therefore supported on this point also.

Rule 12.4.5.17(f) – Location of stormwater management reserves in Ōmokoroa

The Reporting Team agree Rule 12.4.5.17(f) is advisory, rather than a rule to be complied with. The Reporting Team therefore support deletion of this rule as there is already sufficient wording in the District Plan which directs users to the planning maps, structure plans and catchment management plans where they can see the location of stormwater management reserves.

The key points of the above discussion are summarised below:

Current practice means stormwater management devices are designed to manage different design storm events. Therefore, it is considered appropriate for Rule 12.4.5.17(a) (with amendments) to refer to the current design storm events and attenuation expectations for the Te Puke and Ōmokoroa urban settlements.

The Council cannot wholly rely on a CSC for implementing attenuation requirements as there will be times subdivision and development fall outside the scope of this consent. It is therefore necessary for the District Plan to include a rule relating to attenuation.

Catchment Management Plans are an integral tool for the management of stormwater effects for both the existing and proposed Te Puke and Ōmokoroa urban areas. It is therefore essential for the District Plan to enable the implementation of Catchment Management Plans through subdivision and development. Amendments to Rule 12.4.5.17 are supported to achieve this purpose.

Catchment Management Plans are expected to evolve over time. A rule framework that is dynamic and responsive to any changes to a Catchment Management Plan is preferred. Including Catchment Management Plans within the District Plan (directly or by reference) does not achieve this because a plan change process would be required to implement changes. Amendments to Rule 12.4.5.17 are intended to not directly reference a particular Catchment Management Plan for this reason.

A change to Rule 12.4.5.17(c) is supported on the basis that it will improve readability, without changing the intent of the rule.

Rules 12.4.5.17(d) and (e) required approvals from a third party and related to stormwater capital projects which Western Bay of Plenty District Council will be responsible for. The capital projects are likely to require a specific resource consent under the Regional Plan, but are not intended to generally apply to all subdivision and development as it may have appeared to read. Deletion of the rule is therefore supported

Rule 12.4.5.17(f) was an advisory. It is unnecessary to retain this as a rule. Deletion is supported.

RECOMMENDATION

That Option 2 be accepted.

Amend proposed Rule 12.4.5.17 so that it:

- Requires subdivision and development to comply with the relevant *Catchment Management Plan* for Ōmokoroa or Te Puke and demonstrate compliance through a site-specific *Stormwater Management Plan*.
- Announces key expectations relating to stormwater management methodology.
- Includes an update to the design storm events which require management, and the attenuation requirement.
- Clarifies the terms *Catchment Management Plan* and *Stormwater Management Plan* for clarity.

Changes to Rule 12.4.5.17 are shown below:

~~In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met:~~

- ~~a. All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment.~~
- ~~b. All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan and shall incorporate water sensitive urban design practices (such as swales, wetlands and pervious pavement) as far as practicable to maintain and/or enhance pre-development hydrology and quality.~~
- ~~c. Inert exterior building materials only shall be used (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to ensure no off-site adverse effects.~~
- ~~d. The construction plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.~~
- ~~e. An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan, and stormwater discharge consent, shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.~~
- ~~f. The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.~~

~~For subdivision and development in the Ōmokoroa and Te Puke Medium Density Residential, Commercial and Industrial Zones, all stormwater systems shall:~~

- a. Be designed for attenuation of the 50% and 10% AEP critical storm events to pre-development peak stormwater discharge and the 1% AEP critical storm event to 80% of the pre-development peak discharge except where it can be demonstrated that there will be no increased adverse flood effects on the receiving environment. All stormwater attenuation shall be designed to take into account up to date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity.
- b. Be designed in accordance with the objectives, methods and options of the relevant Catchment Management Plan and:
- I. Prioritise options which avoid degradation and the loss of extent and value of natural water bodies, freshwater ecosystems and the receiving environment by modification or discharges;
 - II. Identify and incorporate best practicable options for water sensitive urban design identified in the relevant Catchment Management Plan to manage the effects on pre-development hydrology and water quality;
 - III. Exterior building materials shall be inert (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to avoid off-site effects;
 - IV. Include details of the proposed stormwater management system such as:
 - Methods and options to minimise stormwater runoff and contaminants.
 - Location, sizing and design of the proposed stormwater systems.
 - Details of construction including the management of effects on the receiving environment.
 - Maintenance and operational requirements for the stormwater system.

The information required in (a) and (b) above shall be provided in the form of a Stormwater Management Plan (SMP).

For the purpose of this rule:

“Catchment Management Plan” refers to a document which outlines objectives, methods and options relating to stormwater management for a catchment (including its sub-catchments) and includes catchment management plans prepared in accordance with the conditions of a Comprehensive Stormwater Discharge Consent issued by the Bay of Plenty Regional Council and/or catchment management plans which Council has otherwise adopted.

“Stormwater Management Plan” refers to a report that details stormwater management for a proposed subdivision and/or development area and includes sufficient detail to satisfy the stormwater information requirements and stormwater provision under Section 12 of the District Plan, including Rule 12.4.5.17.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
25	6	Bay of Plenty Regional Council

25	8	Bay of Plenty Regional Council
25	16	Bay of Plenty Regional Council
26	13	Classic Group
26	14	Classic Group
39	9	Urban Taskforce for Tauranga
39	10	Urban Taskforce for Tauranga
40	6	Vercoe Holdings Limited
42	4	Brian Goldstone
47	5	The North Twelve Partnership
FS67	4	Bay of Plenty Regional Council
FS67	5	Bay of Plenty Regional Council
FS67	6	Bay of Plenty Regional Council
FS67	7	Bay of Plenty Regional Council
FS67	8	Bay of Plenty Regional Council
FS67	9	Bay of Plenty Regional Council
FS67	10	Bay of Plenty Regional Council
FS69	3	Jace Investments and Kiwi Green New Zealand Limited
FS69	2	Jace Investments and Kiwi Green New Zealand Limited

ACCEPTED IN PART

Submission	Point Number	Name
25	9	Bay of Plenty Regional Council
25	11	Bay of Plenty Regional Council
25	12	Bay of Plenty Regional Council
25	15	Bay of Plenty Regional Council
29	13	Kāinga Ora
47	6	The North Twelve Limited Partnership
47	7	The North Twelve Limited Partnership
47	8	The North Twelve Limited Partnership
FS67	3	Bay of Plenty Regional Council

REJECTED

Submission	Point Number	Name
58	14	JACE Investments and Kiwi Green New Zealand Limited

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 to Rule 12.4.5.17 as a result of submissions in the further s32AA analysis provided below.

Efficiency & Effectiveness in Achieving the Objectives	Amend proposed Rule 12.4.5.17
<p>Costs</p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</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>Environmental</p> <p>No environmental costs are anticipated.</p> <p>Economic</p> <p>District Plan users may consider that the amended rules require a higher degree of compliance, and a higher degree of stormwater management, therefore creating further cost. However, the changes to Rule 12.4.5.17 do not deviate from the original intent.</p> <p>The changes do not require additional information beyond the expectations of the proposed plan provisions, to be provided with subdivision and development applications, and do not require a higher standard of stormwater management beyond what was intended by the proposed plan change provisions.</p> <p>Changes have been recommended because the proposed rule was unclear on its expectations. Due to this, it is likely that the rule would have created administrative challenges when trying to assess subdivision and development. The changes have been made for readability, and to assist District Plan users in interpreting the rules, and assessing whether subdivision and development complies. This should create a more efficient process and avoid time inefficiencies in relation to this rule. Any economic costs are not considered to be significant.</p> <p>Social</p> <p>No social costs are anticipated.</p> <p>Cultural</p> <p>No economic costs are anticipated.</p>
<p>Benefits</p> <p>Environmental</p> <p>Economic</p> <p>Social</p>	<p>Environmental</p> <p>The changes will support implementation of objectives, methods and options for stormwater management. These are intended to support the NPS-FM directive to promote positive effects, and avoid, remedy, or mitigate adverse effects</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>(including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p> <p>It is intended that the rule changes will lead to the better protection of our rivers, streams, lakes and wetlands with the goal of stopping further degradation of our freshwater, support improvements to water quality, and support the reversal of past damage to bring our waterways and ecosystems to a healthy state</p> <p>The changes will also ensure that the design storm events for stormwater management are consistent with CSC and will also ensuring flooding effects are appropriately managed.</p> <p>Economic</p> <p>The changes will encourage decisions which support objectives, methods and options for the management of stormwater discharges which could avoid exacerbating existing flooding, erosion, and scour effects. Such approaches are aimed at reducing risk for health, injury and property damage. There is an economic benefit.</p> <p>The changes also clarify the intent of the rule and will assist administration of the District Plan. This will support a more efficient decision making process and potentially reduce consenting costs and time inefficiencies.</p> <p>Social</p> <p>The changes will encourage decisions which support objectives, methods and options for the management of stormwater discharges which could avoid exacerbating existing flooding, erosion, and scour effects. Such approaches are aimed at reducing risk for health, injury and property damage. There is a social benefit as a result of reducing risk.</p> <p>The NPS-FM also recognises the vital importance of water. It expresses the special connection that New Zealanders have with freshwater. The changes are intended to give effect to the NPS-FM and support protecting the health of freshwater, which in turn protects the health and well-being of people and our ecosystems. There is a social benefit as a result.</p> <p>Cultural</p> <p>The changes will support implementation of objectives, methods and options for stormwater management. These are intended to support the NPS-FM directive to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the</p>
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	<p>health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p> <p>Maintaining or enhancing the freshwater resource and receiving environment will avoid further degradation of the freshwater resource and promote the restoration of waterways and ecosystems to a healthy state. Restoration of health may be seen as a restoration of “mauri” for water bodies which is a positive cultural outcome.</p>
Quantification	Not practicable to quantify.
Risks of Acting/Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 12 – RULE 12.4.6.3 – WASTEWATER

BACKGROUND

Rule 12.4.6.3 proposes that a completely sealed wastewater system shall be required for all development in Ōmokoroa Stage 3. It must be designed to ensure consistency with the Structure Plan, compatibility with the existing network, utilisation of underground pipes and pump stations, ventilation to minimise foul gases, and minimal inflow and infiltration into the networks. It is also required to be pre-approved by Council.

SUBMISSION POINTS

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

Kāinga Ora (29.14) opposes the rule and seeks clarification of its intent including:

- Whether the ‘completely sealed wastewater system’ needs to be in place before any Stage 3 development can occur.
- Whether this rule can be applied ‘per development.
- The impact this rule may have on realising the development capacity available within the Stage 3 Structure Plan, if the intent is that development is unable to take place until such time as a ‘completely sealed wastewater system’ has been established for the area.
- Deletion of the rule, and the intent be reviewed to clarify the above matters.

Elles Pearse Danker (11.3) supports the requirement to consider upstream properties and retention of the Rule as proposed.

OPTIONS

Option 1 – Retain Rule 12.4.6.3 as proposed.

Option 2 – Delete Rule 12.4.6.3.

DISCUSSION

The Ōmokoroa peninsula is currently serviced with a reticulated network north of the railway line that discharges to a common storage chamber/pump on Council owned land adjacent to the railway line. The collected wastewater is discharged via a 16km transfer pipeline to Tauranga City Council wastewater network in Bethlehem. As development takes place in Ōmokoroa, new reticulated infrastructure will feed into this existing pump station and pipeline.

The pumpstation and pipeline have limited capacity, and therefore it is highly important to avoid infiltration of other water sources (such as stormwater) into the wastewater network. Should infiltration occur, the capacity of existing wastewater infrastructure will reduce because of unplanned water source. The reduced capacity may also occur before the development capacity of Ōmokoroa is realised, and therefore reduced overall yield for the urban settlement.

It is not expected that that network be in place before development within Ōmokoroa Stage 3. The intent of the rule is to require any new wastewater infrastructure to be designed such that it is completely sealed, but in addition, it requires any new network to include capacity that maybe required for up stream properties.

The deletion of the rule could reduce the capacity of the wastewater network, which would then lead to the development capacity within Ōmokoroa being unfulfilled.

Deletion of the rule may also comprise the development potential of upstream properties by allowing downstream subdivision and development to occur, which has not considered the servicing requirements of other upstream properties. Retention of the rule is therefore necessary.

RECOMMENDATION

That Option 1 be accepted.

Retain Rule 12.4.6.3 as proposed

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
11	3	Elles Pearse-Danker

REJECTED

Submission	Point Number	Name
29	14	Kāinga Ora

SECTION 32AA ANALYSIS

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

TOPIC 13 – RULES 12.4.7.1 AND 12.4.7.2 – WATER SUPPLY

BACKGROUND

In all zones, Rule 12.4.7.1 requires water supply systems to be provided or extended and reticulation to be provided for subdivision as to enable each lot to be connected to the Council system. Rule 12.4.7.2 contains specific requirements for Residential, Industrial and Commercial Zones and as a consequential amendment of introducing the Medium Density Residential Zone, that zone was included in the rule. This rule includes a requirement to provide a reticulation system which is compliant for fire fighting purposes and for estimate domestic, commercial and industrial consumption.

SUBMISSION POINTS

Two submission points were received. No further submission points were received. The submission point on this topic is summarised as follows:

Fire and Emergency (18.11) supports Rule 12.4.7.1 insofar that new or existing sites are required to be connected to the reticulated water supply system in accordance with Council's Development Code. The submitter considers it will be important that Council enforce the requirements of the Development Code which includes compliance with SNZ PAS 4509:2008.

Fire and Emergency (18.12) also supports the amendment made to 12.4.7.2 to include Residential and Medium Density Zones, with particular regard given to sub-clause(b). The submitter considers that it is important for Council to ensure that each new water connection is able to achieve sufficient capacity and pressure in accordance with SNZ PAS 4509:2008. Fire and Emergency request that, where the reticulated network already exists, that developers are required to demonstrate by way of evidence that the reticulated water supply system will be able to adequately service their sites prior to resource consent being granted. This will be particularly important for intensification developments which will likely be connecting to the existing network. Where compliance cannot be achieved with 12.4.7.2(b), it is requested that these applications require resource consent as a discretionary activity. The submitter seeks a new advice note as follows.

Advice note:

1. To demonstrate compliance, applicants must provide evidence to Council (i.e. hydrant testing data) to confirm that the water supply network is able to service their site/s in accordance with SNZ PAS 4509:2008.

OPTIONS

Option 1 – Retain Rules 12.4.7.1 and 12.4.7.2 as notified.

Option 2 – Retain Rule 12.4.7.1 as notified and add an advice note to Rule 12.4.7.2 to inform plan users of a need to demonstrate compliance with SNZ PAS 4509:2008.

DISCUSSION

No changes to Rule 12.4.7.1 are proposed by Plan Change 92 and the submission does not seek any specific relief. No change to the rule is required.

The changes to Rule 12.4.7.2 are limited to adding reference to the Medium Density Residential Zone to confirm that these requirements apply. No other changes are proposed.

SNZ PAS 4509:2008, is a voluntary Code of Practice, however Council is committed to (and has been) applying the Code as mandatory practice for its water supply network and development within the District. This is done by requiring developers to demonstrate in their designing of proposed developments (meeting Development Code requirements) that fire fighting levels of service will be achieved. This includes the developer carrying out pressure testing of the existing network where the development will connect to. Developers are required under the Development Code to include engineering drawings and detail showing the installation of, and calculations demonstrating that, fire hydrants will deliver the required flows and residual pressures in the mains.

Council also carry out hydrant flow tests and pressure checks throughout the networks, to ensure system performances meet the levels of service, both for fire fighting and supply pressures to its customers.

Council has developed hydraulic water network models to use for network analysis for improvements of capacity verification under a variety of scenarios including growth. This tool allows Council to monitor system performance, determine where network improvements need to be made, or where Council need to upgrade infrastructure, and how these changes will improve the delivery for inclusion in Asset Management Planning. Council includes funding in its Long Term Plan (LTP) to periodically calibrate the models. The calibration process includes on-site testing of hydrants and pressure trends data logging which feeds back into the model accuracy. The LTP also includes strategic key infrastructure in its structure plan projects to provide for growth areas in the district.

RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.7.1 and 12.4.7.2 as notified.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
18	11	Fire and Emergency New Zealand

REJECTED

Submission	Point Number	Name
18	12	Fire and Emergency New Zealand

SECTION 32AA ANALYSIS

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

TOPIC 14 – RULE 12.4.11.2 – ŌMOKOROA STRUCTURE PLAN – STREETScape

BACKGROUND

Rule 12.4.11.2(a) is proposed to be changed to ensure that residential roads within the Ōmokoroa Stage 3 Structure Plan provide canopy street trees at a practical location and with a tree spacing of between 10m and 30m. Rule 12.4.11.2(c) is proposed to require Ōmokoroa Road to be planted in maple trees within a spacing of 40m.

SUBMISSION POINTS

Three submission points were received. Three further submission points were received. The submission points on this topic are summarised as follows:

Kāinga Ora (29.15) opposes the rule and seeks clarification that sub-clause(a) relates to new roads only and deletion of sub-clause(c) which requires the planting of maple trees on Ōmokoroa Road.

Retirement Villages Association (FS 76.11) and Ryman Healthcare (FS 77.11) support submission 29.15.

Bay of Plenty Regional Council (25.19) suggests sub-clause (c) be amended to refer to native or evergreen species, on the basis that deciduous trees block stormwater infrastructure and can increase maintenance costs.

Jace Investments and Kiwi Green New Zealand (58.15) supports the rule in part but requests that the rule does not apply to the adjacent Ōmokoroa Town Centre as Pirirākau have expressed a preference for native trees.

Bay of Plenty Regional Council (FS 67.11) supports submission 58.15

OPTIONS

Option 1 – Retain Rule 12.4.11.2 as proposed.

Option 2 – Amend Rule 12.4.11.2 by:

- Clarifying that Rule 12.4.11(a) which requires planting of canopy trees applies only to new (not existing) roads.
- Adding a new sub-clause (iii) to Rule 12.4.11.2(b) in order to require subdivision and development to plant maple trees within Ōmokoroa Road, if planting is proposed as part of a resource consent
- Deleting Rule 12.4.11.2(c) to remove the general rule requirement for maple trees to be planted on Ōmokoroa Road as this is now replaced with a new sub-clause (iii).

DISCUSSION

Sub-clause (a) which requires the planting of canopy trees between 10m and 30m spacings is intended to apply to new roads only. Submission 29.15 is therefore supported, and the Reporting Team have recommended that the rule is amended as requested by the submitter. Sub-clause (c) relates to an earlier Council decision circa 2018 to replace Titoki Trees along Ōmokoroa Road with Maple Trees during the urbanisation of Ōmokoroa Road. The change was made in response to requests from the Ōmokoroa Community Board. The dropping of leaves during autumn was considered at the time of the Council decision. Because the specie type has been confirmed by

this Council decision, submission 25.19 which requests that this requirement instead be changed to native trees is not supported.

Sub-clause (c) has however been reviewed in terms of when the requirement to plant Maple trees would apply and whether it should be retained. The view is that for most subdivision and development proposals by private landowners the rule would not apply because it is expected that Western Bay of Plenty District Council are responsible for the urbanisation of Ōmokoroa Road. This includes replacement of the Titoki Trees as per the Council decision. It is also noted that urbanisation of the Ōmokoroa Road corridor is largely complete, therefore a rule to require that this work be undertaken is not necessary anymore.

However, there is a possible scenario where resource consent applications from private landowners could include a proposal to undertake the urbanization work or to add landscaping within the Ōmokoroa Road reserve. In those circumstances, the requirement for maple trees would still be relevant. For that reason, the requirement for maple trees is retained but shifted to sub-clause (b) which is specifically for when resource consents propose tree-planting.

Submission 58.15 correctly identifies that the Ōmokoroa town centre masterplan has been approved on the basis of native tree species. It is not intended that the rule overrides any allowances made within the Ōmokoroa town centre resource consent, which the consent holder is able to implement as that consent has not lapsed. No changes to the rule are recommended in support of submission 58.15.

RECOMMENDATION

That Option 2 be accepted.

Option 2 – Amend Rule 12.4.11.2 by:

- Clarifying that Rule 12.4.11(a) which requires planting of canopy trees applies only to new (not existing) roads.
- Adding a new sub-clause (iii) to Rule 12.4.11.2(b) in order to require subdivision and development to plant maple trees within Ōmokoroa Road, if planting is proposed as part of a resource consent
- Deleting Rule 12.4.11.2(c) to remove the general rule requirement for maple trees to be planted on Ōmokoroa Road as this is now replaced with a new sub-clause (iii).

The recommended changes are shown below:

12.4.11.2 Ōmokoroa Streetscape Design Code

- a. ~~Within the Ōmokoroa Stage 1 and 2 Structure Plan areas, residential~~ **New residential Residential** roadways (local and *collector roads*) shall ~~conform~~ **provide canopy street trees at a practical location and with the following design code a tree spacing of between 10m and 30m (centres).**
 - i. ~~On-site parking may be provided by way of rear lanes to the back of properties; and~~
 - ii. ~~Canopy street trees shall be provided at no less than 16m centres.~~
- b. ~~Council shall require that Ōmokoroa Road/Hamurana Road be planted in Oaks (Quercus) Red, Turkey and English – (apart from Pinoaks) or similar species. For secondary roads, a mixture of Elms, Ash (not Claret) and Gleditsias is preferred. The final determination on species and spacing on Ōmokoroa and Hamurana Roads chosen will provide for the~~

~~minimizing of negative impacts on views following consultation with affected landowners. The tree spacing will be approximately 40m (centres). Where a resource consent application proposes the planting of trees and/or other landscaping within the road reserve, the application shall include at least the following:~~

- ~~i. The proposed species of street trees and other streetscape plants and their proposed locations.~~
 - ~~ii. The size, specifications and planting material to be used for tree pits and other gardens.~~
 - ~~iii. For any planting within the Ōmokoroa Road road reserve (excluding any planting associated with the Ōmokoroa town centre), Council shall require Maple - Acer Palmatum 'Osakazuki' to be planted with a tree spacing of approximately 40m (centres)~~
- ~~e. Council shall require that Ōmokoroa Road be planted in Maple - Acer Palmatum 'Osakazuki' with a tree spacing of approximately 40m (centres)~~

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
29	15	Kāinga Ora
58	15	Jace Investments and Kiwi Green New Zealand
FS 76	11	Retirement Villages Association
FS 77	11	Ryman Healthcare
FS 67	11	Bay of Plenty Regional Council

REJECTED

Submission	Point Number	Name
25	19	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

The changes proposed are minor to Rule 12.4.11.2. Accordingly, no s32AA analysis is required.

TOPIC 15 – RULE 12.4.11.5(B) – ŌMOKOROA STRUCTURE PLAN – ROADING

BACKGROUND

Rule 12.4.11.5(b) is a proposed new rule that sets out the roading requirements for the Ōmokoroa Structure Plan. It includes four subclauses as follows:

i. Roading, except for roads funded via financial contributions, shall be developed as required prior to the issuing of a Section 224 certificate for any subdivision consent and located in accordance with the Structure Plan.

ii. All roads, including indicative roads labelled "Future" and local roads not identified within the Structure Plan shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.

iii. No subdivision or development shall utilise Prole Road for direct vehicular property access.

iv. There shall be no additional access to Ōmokoroa Road except as identified on the Structure Plan.

Sub-clauses (i) and (ii) ensure new roads provide for future roading access and the needs of undeveloped adjoining land.

Sub-clauses (iii) and (iv) are provisions which restrict subdivision or development utilising Prole Road for direct vehicular property access and seeks to avoid additional access to Ōmokoroa Road except as shown on the Ōmokoroa Structure Plan.

SUBMISSION POINTS

Five submission point were received. Three further submission points were received. The submission points on this topic are summarised as follows:

Waka Kotahi (41.3) supports the re-zoning of the Ōmokoroa Stage 3 Structure Plan area at a high level, however on the basis that:

- An integrated transport assessment is required to assess capacity of the interim Ōmokoroa / SH2 roundabout using SIDRA modelling.
- Non-complying activity status is afforded to subdivision/development within the Stage 3 structure plan area prior to the interim roundabout becoming operational.
- Non-complying activity status is afforded to subdivision/development within the Stage 3 structure plan area post the capacity of the interim roundabout being exceeded and prior to a future grade separated interchange becoming operational.
- Supporting objectives and policies are added.
- Intersection improvements are added as a qualifying matter.

Jace Investments (FS 69.5), Kāinga Ora (FS 70.25), Ōmokoroa Country Club (FS 74.33) oppose the submission.

Kāinga Ora (29.16) opposes sub-clauses (iii) and (iv) as both rules appears to duplicate Rule 12.4.4.4(c). Kāinga Ora seek deletion of the Rule for the same reasons.

Jace Orchards and Kiwi Green New Zealand (59.3) opposes sub-clause (iv) because a non-complying activity status would apply if final road alignment does not align with a structure plan, and because the District Plan does not include provision for temporary access to Prole Road.

Elles Pearse-Danker (11.4) supports sub-clause (ii) as it will ensure undeveloped adjoining land is provided roading connectivity. The submission seeks retention of the Rule.

Pete Linde (19.7) supports the rule in part but seeks provision for pre-agreed temporary access points within Appendix 7 – Structure Plans to avoid the need for resource consent. The submitters

believe this is important to manage construction effects. Further submission FS69.6 supports this submission.

OPTIONS

Option 1 – Retain Rule 12.4.11.5(b) as proposed, including sub-clauses (iii) and (iv) which restrict direct access to Prole and Ōmokoroa Road.

Option 2 – Makes changes to Rule 12.4.11.5(b) by deleting sub-clauses (iii) and (iv) which restrict direct access to Prole and Ōmokoroa Road.

DISCUSSION

Council officers have engaged with Waka Kotahi on their submission point 41.3. Waka Kotahi have since clarified that this point is now only being pursued to the extent that a restriction is required on the number of residential units in the Medium Density Residential Zone of Ōmokoroa Stage 3 and only once an interim roundabout is constructed and reaches capacity. This means that their suggested rule is now only being considered for this particular zone of Stage 3. This point has therefore been addressed within the part of the Section 42A Report for Section 14A – Ōmokoroa and Te Puke Medium Density Residential. For clarity, no changes to Rule 12.4.11.5(b) are required in response to this submission.

Rules 12.4.11.5(b)(i) and 12.4.11.5(b)(ii) are retained as proposed because the rules ensure appropriate transport connections are delivered at the time of subdivision and development. This includes transport connections for the site subject to subdivision and development, and also adjoining properties.

With respect to the Kāinga Ora submission, the Reporting Team agree that sub-clauses (iii) and (iv) are a duplicate Rule 12.4.4.4(c). The Reporting Team are therefore recommending deletion of both sub-clauses (iii) and (iv) in conjunction with the recommended changes to Rule 12.4.4.4(c) (refer to Topic 9), which seek to

- Clarify that access points to Ōmokoroa Road shown on the Approved Ōmokoroa Town Centre Masterplan are appropriate. The proposed rules resulted in the approved access points potentially requiring resource consent for a non-complying activity. The change to the rule would allow a permitted or controlled activity status to be applied.
- Clarifies that existing access to Prole Road and Francis Road only needs to be closed where alternative access has been provided. The proposed rule was silent on when existing access needed to be closed, with submitters interpreting it meant access could be closed without alternative solutions.
- Includes Francis Road and restricts direct access from residential and industrial activities, to promote an acceptable interface between the land use activities.
- Includes additional notes to guide decisions on activities which require temporary or permanent access to Ōmokoroa, Prole or Francis Road. The notes also identify a change in activity status if written approval is not obtained from the Western Bay of Plenty District Council.

Jace investments highlight that 12.4.11.5(b)(iv) when read with Rule 12.4.11.5(c) assigns a non-complying activity status where roads connecting with Ōmokoroa Road do not align with a Structure Plan Road. The Reporting Team agree with this interpretation of the rules.

Rule 12.4.11.5(b)(iv) is proposed to be deleted and replaced by the proposed changes to Rule 12.4.4.4(c) (Topic 9) and Rule 12.4.11.5(c) (Topic 16). The changes would at worst, provide for a discretionary activity status to changes in a Structure Plan Road alignment if this is considered appropriate by Council. This should provide some relief to the submitter.

The recommended deletions from Rule 12.4.11.5(b) together with the recommended changes to Rule 12.4.4.4(c) are made with the intention of providing a simpler consenting pathway (restricted discretionary activity) for temporary access to both Ōmokoroa Road and Prole Road. The Reporting Team consider those changes support the relief sought by submission 59.3.

The recommended changes do not go as far to support the relief sought by Pete Linde (19.7). This submission requests a permitted activity status for temporary access. The Reporting Team consider a restricted discretionary activity status to be the most appropriate status because it is necessary to assess a number of specific matters such as whether the duration and location of the temporary access is appropriate, and whether the extent of any works required to re-instate public assets is required. Any actions in relation to these matters will need to be enforced by conditions of a resource consent. Any inappropriate duration, location or damage to public assets may need to be refused. Submission 19.7 and FS69.6 are therefore not supported.

RECOMMENDATION

That Option 2 be accepted.

Makes changes to Rule 12.4.11.5(b) by deleting sub-clauses (iii) and (iv) which restrict direct access to Prole and Ōmokoroa Road.

The recommended changes are shown below

b. Roading

- i. Roading, except for roads funded via financial contributions, shall be developed as required prior to the issuing of a Section 224 certificate for any subdivision consent and located in accordance with the Structure Plan.
- ii. All roads, including indicative roads labelled "Future" and local roads not identified within the Structure Plan shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.
- ~~iii. No subdivision or development shall utilise Prole Road for direct vehicular property access.~~
- ~~iv. There shall be no additional access to Ōmokoroa Road except as identified on the Structure Plan.~~

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
11	4	Elles Pearse-Danker
29	16	Kāinga Ora
59	3	Jace Investments and Kiwi Green New Zealand
FS 69	5	Jace Investments

FS 70	25	Kāinga Ora
FS 74	33	Ōmokoroa Country Club

REJECTED

Submission	Point Number	Name
19	7	Pete Linde
41	3	Waka Kotahi
FS 69	9	Jace Investments

SECTION 32AA ANALYSIS

The changes proposed to Rule 12.4.11.5(b) are minor as they remove rules which duplicate other requirements which are being retained in Rule 12.4.4.4(c). Accordingly, no s32AA analysis is required.

TOPIC 16 – RULE 12.4.11.5(C) – ŌMOKOROA STRUCTURE PLAN – ACTIVITY STATUS FOR NON-COMPLIANCE

BACKGROUND

Failure to comply with the Ōmokoroa Structure Plan defaults to a non-complying activity status under Rule 12.4.11.5(c). This is an existing provision.

SUBMISSION POINTS

Five submission points were received. Seven further submission points were received. The submission points on this topic are summarised as follows:

Bay of Plenty Regional Council (25.2) supports the rule, in particular where there are deviations relating to Structure Plan stormwater requirements. Jace Investments (FS 69.7) opposes the submission point and seeks that it be rejected.

Kāinga Ora (29.17), Classic Group (26.15), Jace Investments and Kiwi Green New Zealand (58.16), Pete Linde (19.14) oppose the rule. The opposing submissions seek a restricted discretionary activity status for non-compliances with the Structure Plan on the basis that a structure plan is high level and indicative, a subjective determination is required for when a development complies/does not comply, and that the non-complying activity status is too strict.

There are a number of supporting and opposing further submissions from Bay of Plenty Regional Council (FS 67.12 – 67.15) and Jace Investments (FS 69.8 and 69.9).

Fire and Emergency New Zealand Limited (18.13) supports the use of Structure Plans as a mechanism to ensure comprehensive and integrated development of a growth area. It is important to the submitter that a non-complying activity status continues to apply to non-compliances with a Structure Plan, so that adequate water supply and roading infrastructure is delivered to the required standard. No particular relief is sought.

OPTIONS

Option 1 – Retain Rule 12.4.11.5(c) as proposed which assigns a non-complying activity status to subdivision and development which does not comply with the Ōmokoroa Structure Plan.

Option 2 – Amend Rule 12.4.11.5(c) so it assigns a restricted discretionary activity status to subdivision and development which does not comply with the Ōmokoroa Structure Plan.

Option 3 – Amend Rule 12.4.11.5(c) so it assigns a discretionary activity status to subdivision and development which does not comply with the Ōmokoroa Structure Plan.

DISCUSSION

Proposed Rule 12.4.11.5 includes three sub-clauses, being (a), (b) and (c). No submissions were received on sub-clause (a). Submissions were received on sub-clauses (b) and (c).

In a general sense, submissions received expressed a view that a non-complying activity status sends a signal that changes to the structure plan are either not expected or will not be allowed. This creates uncertainty, a more complicated process and represents increased costs. Council's view in terms of current practice is that this is not the case as generally consent has been obtainable for activities which do not comply with a structure plan. However, given the current practice, the Reporting Team considered that the activity status may be more stringent than needed.

Council officers indicated to the submitters during discussions that it would only support a change to a discretionary activity status as a means to create more certainty for applicants. Full discretionary status would also ensure that Council's discretion is not unintentionally narrowed when assessing structure plan non-compliances and will provide a better standing to ensure structure plan outcomes are achieved.

Submitters re-confirmed their preference for a restricted discretionary activity status during discussions, on the basis that they consider it were possible to prepare suitable matters of discretion which did not narrow Council scope. Submitters did not supply further information to Council to support this view despite some requesting the opportunity to do so.

In that same process, Bay of Plenty Regional Council expressed their continued preference of a non-complying activity status for structure plan requirements relating to stormwater and freshwater matters.

The overall structure plan includes a breadth of requirements relating to infrastructure items which are critical for the delivery of a coordinated urban growth area and the integrated management of effects. Non adherence to the structure plan could have unintended consequences. The Reporting Team consider the possible consequences of concern include but would not be limited to:

- inappropriate stormwater management;
- changing of catchment hydrology through earthworks resulting in adverse freshwater effects;
- water supply and capacity for emergency services;
- unsafe and inefficient road networks;
- inadequate wastewater capacity due to infiltration of the Ōmokoroa wastewater network by stormwater; and
- out of sequence development.

These matters may affect the realisation of the urban development capacity for Ōmokoroa and Te Puke.

Stormwater is a sensitive issue, having regard to flooding, freshwater and ecological impacts. The importance of the correct outcomes in this space is highlighted by the National Policy Statement for Freshwater Management.

A suitable transport network is important to avoid significant efficiency effects which can hinder urban environments. Also of importance is the ability for essential services to move through urban areas, including emergency response vehicles and waste management. Such matters have health and safety implications for communities.

Appropriate water supply is essential to health and well-being. Management of wastewater is important to realisation of urban capacity, and efficient use of the urban land resource.

For the reasons above, Council consider that there is a need to allow the broad outcomes of a structure plan to be secured by a process that allows a robust assessment of any differences. Council is concerned that a restricted discretionary activity status may not allow this because discretion could be too narrow and if any particular matters of concern were not listed they could not be assessed. The alternative would be a wide list of matters, however there is a risk these are so broad that it is more sensible to apply a discretionary activity status and list a few matters to guide assessments. Accordingly, submissions seeking a restricted discretionary activity status are not supported.

However, Council's view is that a non-complying activity status is not necessary to achieve structure plan outcomes. In comparison, non-compliance with the Te Puke structure plan only attracts a discretionary activity status under Rule 12.4.9.4, and therefore the District Plan shows it can rely on a discretionary activity status. Amendments to Rule 12.4.11.5(c) to allow a discretionary activity status to apply are therefore recommended.

Submitters have raised concerns that the District Plan does not support outcomes which differ to the structure plan. The District Plan is clear that the structure plans are an indicative document, and that refinement may occur during detailed design. The District Plan further acknowledges under Rule 12.4.9.4 that more substantial changes to the structure plan may create better outcomes, and therefore supports an applicant using the consent process to demonstrate this. The Reporting Team considers that the District Plan provides for variations to the structure plan particularly where the change results in improved outcomes.

RECOMMENDATION

That Option 3 be accepted.

Amend Rule 12.4.11.5(c) so it assigns a discretionary activity status to subdivision and development which does not comply with the Ōmokoroa structure plan.

The recommended change to Rule 12.4.11.5(c) are shown below:

c. Non-compliance

~~Non-compliance with the Ōmokoroa Structure Plans will require a resource consent for a non-complying activity, except that non-compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity. Non-compliance with the Ōmokoroa Structure Plans will require a resource consent for a discretionary activity.~~

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
FS 67	12	Bay of Plenty Regional Council
FS 67	13	Bay of Plenty Regional Council
FS 67	14	Bay of Plenty Regional Council
FS 67	15	Bay of Plenty Regional Council
FS 69	7	Jace Investments

REJECTED

Submission	Point Number	Name
18	13	Fire and Emergency New Zealand
19	14	Pete Linde
25	2	Bay of Plenty Regional Council
26	15	Classic Group
29	17	Kāinga Ora
58	16	Jace Investments and Kiwi Green New Zealand
FS 69	8	Jace Investments
FS 69	9	Jace Investments

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change 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 Rule 12.4.11.5(c) as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Amend Rule 12.4.11.5(c) so it assigns a discretionary activity status to subdivision and development which does not comply with the Ōmokoroa Structure Plan.
Costs Environmental effects Economic effects Social effects Cultural effects Including opportunities for:	Environmental A structure plan signals critical infrastructure required for a structure plan area. Downgrading the activity status from non-complying to discretionary for activities which do not comply with the structure plan, could be viewed as creating risk for unintended environmental effects. The Reporting Team consider that downgrading from non-complying to a discretionary activity status will not create any additional risk because it continues to provide Council broad discretion to

<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>govern all matters relevant to a structure plan non-compliance. No environmental effects are anticipated.</p> <p>Economic</p> <p>Downgrading the activity status from non-complying to discretionary may still be viewed by submitters as an economic cost because it does not simplify the resource consent process as much as they seek (restricted discretionary).</p> <p>There is only a marginal difference in the processing of a restricted discretionary and a discretionary resource consent, particularly where structure plan non-compliances continue to meet expected outcomes. The economic effect to applicants is not expected to be significant.</p> <p>However, there could be a significant economic cost if a restricted discretionary activity status were applied, and where discretion is narrowed to the extent that Council’s control over key matters is reduced. The economic costs could be associated with resource consent processing (such as cost to process, further information requests, delay in resource consent issue and enabling development) and fall to both the applicant and Council, or the costs to remediated poor outcomes outside of the resource consent process which would be borne by Council and/or ratepayers.</p> <p>Social</p> <p>No social costs are anticipated as a discretionary activity status would provide the same broad discretion, that a non-complying activity status provides, in consideration of social effects.</p> <p>Cultural</p> <p>No cultural costs are anticipated as a discretionary activity status would provide the same broad discretion, that a non-complying activity status provides, in consideration of cultural effects.</p>
<p>Benefits</p> <p>Environmental</p> <p>Economic</p> <p>Social</p> <p>Cultural</p> <p>Including opportunities for:</p>	<p>Environmental</p> <p>A structure plan signals critical infrastructure required for a structure plan area. Downgrading the activity status from non-complying to discretionary for activities which do not comply with the structure plan will provide a planning framework that allows broad discretion to apply when assessing structure plan non-compliance. This will provide the best avenue for Council to manage subdivision and</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>development and with the goal of achieving positive environmental outcomes.</p> <p>Economic</p> <p>Downgrading the activity status from non-complying to discretionary is expected to simplify the resource consent process for structure plan non-compliances which are still allows Council to robustly consider significant deviations from what was intended by the structure plan. It will also ensure that subdivision and development continue to meet expected outcomes. This will have an economic benefit to landowners who are wanting to undertake subdivision and development in a timely manner. This may in turn generate employment and economic growth opportunities by supporting construction business, and supporting population to support the local economy.</p> <p>Social</p> <p>Enabling a more efficient resource consent process, would enable the realisation of urban development capacity which supports housing or employment sectors. There are resulting social benefits through establishment of such resources.</p> <p>Cultural</p> <p>No cultural benefits are anticipated as a discretionary activity status would provide the same broad discretion, that a non-complying activity status provides, in consideration of cultural effects.</p>
<p>Quantification</p>	<p>Not practicable to quantify.</p>
<p>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</p>	<p>Sufficient and certain information is available.</p>

TOPIC 17 – RULE 12.4.11.6(A) – ŌMOKOROĀ STRUCTURE PLAN – REIMBURSEMENT FOR PROVISION OF INFRASTRUCTURE

BACKGROUND

Developers who provide completed infrastructure in accordance with the Ōmokoroa Structure Plan will be reimbursed as provided for in Rule 12.4.11.6. Reimbursement will be determined by an agreed estimate at the time of design and paid in accordance with Council’s Long Term Plan except that it can occur earlier if negotiated with Council.

SUBMISSION POINTS

Five submission points were received. No further submission points were received. The submission points on this topic are summarised as follows:

Classic Group (26.16 and 26.17), Pete Linde (19.8 and 19.13) and Jace Investments and Kiwi Green New Zealand Limited (58.17) support the rule subject to a change to reflect the possible Council acquisition of land zoned Natural Open Space as this land will also provide for infrastructure outcomes.

The change requested is as follows:

12.4.11.6 Reimbursement for Provision of Infrastructure

a. Council shall reimburse developers for the costs of providing completed infrastructure (and Natural Open Space Zoned land to be vested with Council) as identified in the Ōmokoroa Structure Plan Infrastructure Schedule. For the purpose of this rule “completed” shall mean infrastructure that is constructed, approved by Council and vested in Council.

OPTIONS

Option 1 – Retain Rule 12.4.11.6 (a) as notified which only allows developers to be reimbursed for the costs of providing completed infrastructure shown on the Ōmokoroa Structure Plan.

Option 2 – Amend Rule 12.4.11.6 (a) to allow developers to be reimbursed for Natural Open Space Zoned land to be vested in Council.

DISCUSSION

Rule 12.4.11.6(a) provides for reimbursement of costs incurred by a developer for the provisions of completed **infrastructure as shown in the Ōmokoroa Structure Plan infrastructure schedule**. This means infrastructure this constructed, approved by Council and vested and includes transport, cycleway/walkway, water, wastewater and stormwater infrastructure which has a benefit broader than the subject subdivision and development site.

The submissions request reimbursement for Natural Open Space Zoned **land** which is vested in Council. Land in the Natural Open Spaces Zone is not structure plan infrastructure nor is it listed within the Ōmokoroa Structure Plan infrastructure schedule, but rather is simply land that has been re-zoned and may not necessarily be acquired by Council. Acquisition of land is quite different to reimbursing a person for the cost of infrastructure.

In circumstances where Council is acquiring land, reimbursement is not the correct process because this implies land is to be acquired at “cost”. The appropriate process would be for landowners to be compensated if land is acquired by Council. This would allow land to be acquired based on “market value”. It is therefore assessed that the submissions are beyond the intent of the rule, and the requested change is not what the submission seek.

It is confirmed however that compensation is payable for any Natural Open Space Zoned land Council acquires. There are various scenarios in which Council may acquire land and what legislation applies. The applicable legislation will then determine how compensation is assessed. The available acquisition options include direct acquisition via the Public Works Act (by agreement or by compulsion), direct acquisition via a standard sale and purchase agreement, acquisition via a developer’s agreement, or acquisition by vesting through a subdivision/development consent process.

RECOMMENDATION

That Option 1 be accepted.

Retain Rule 12.4.11.6 (a) as notified which only allows developers to be reimbursed for the costs of providing completed infrastructure shown on the Ōmokoroa Structure Plan.

The following submissions are therefore:

REJECTED

Submission	Point Number	Name
19	8	Pete Linde
19	13	Pete Linde
26	16	Classic Group
26	17	Classic Group
58	17	Jace Investments and Kiwi Green New Zealand

SECTION 32AA ANALYSIS

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

TOPIC 18 – RULE 12.4.11 – ŌMOKOROA STRUCTURE PLAN – REQUEST FOR NEW RULE TO ENSURE COMPLIANCE WITH THE ŌMOKOROA STAGE 3 CATCHMENT MANAGEMENT PLAN

BACKGROUND

The Ōmokoroa Stage 3 Catchment Management Plan is introduced earlier in Topic 3 above. Plan Change 92 as proposed does not directly require compliance with this document.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.14) requests additional rules (including to Rule 12.4.11) which require subdivision within Stage 3 of the Ōmokoroa Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan, so to achieve an integrated management approach.

OPTIONS

Option 1 – Do not add new rules in 12.4.11 to require subdivision within Stage 3 of the Ōmokoroa Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan.

Option 2 – Add new rules in 12.4.11 to require subdivision within Stage 3 of the Ōmokoroa Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan.

DISCUSSION

The Reporting Team agree that it is essential for subdivision and development to meet the stormwater outcomes envisaged by a Catchment Management Plan. Amendments to Rule 12.4.5.17 (earlier in Topic 11 above) are recommended in response to submissions received on stormwater requirements for Ōmokoroa’s Medium Density Residential, Commercial and Industrial Zones. The changes are recommended to provide clarity on this rule, including the key intent of requiring both subdivision and development to demonstrate compliance with the relevant catchment management plan.

Recommended Rule 12.4.5.17 is intended to include both the existing and proposed urban areas of Te Puke and Ōmokoroa (rather than Ōmokoroa specific) in accordance with the original intent of the proposed rule. Any differences in stormwater management methodology will be detailed within the relevant catchment management plan. No changes are needed to Rule 12.4.11 because the proposed changes to Rule 12.4.5.17 supports the intent of the submission.

RECOMMENDATION

That Option 1 be accepted.

Do not add new rules in 12.4.11 to require subdivision within Stage 3 of the Ōmokoroa Structure Plan to demonstrate compliance with the relevant draft Ōmokoroa catchment management plan.

The following submission is therefore:

ACCEPTED

Submission	Point Number	Name
25	14	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

Changes to satisfy this submission point are recommended within Topic 11, which also includes the relevant s32AA evaluation. No specific s32AA evaluation is therefore necessary for Topic 18.

TOPIC 19 – RULE 12.4.11 – ŌMOKOROA STRUCTURE PLAN – REQUEST FOR NEW RULE FOR INTEGRATED MANAGEMENT FOR STORMWATER, EARTHWORKS AND SUBDIVISION

BACKGROUND

The management of stormwater is vital to the delivery of the Ōmokoroa and Te Puke urban areas proposed through Plan Change 92 and in accordance with Method 18 of the RPS, structure planning must demonstrate how increased stormwater is managed.

In the discussion of stormwater, the National Policy Statement for Freshwater Management (“NPS-FM”) is relevant. Key provisions with the NPS-FM that are relevant are summarised as follows:

- **Objective 2.1** – Ensures that natural and physical resources are managed in a way that prioritises natural freshwater waters/ecosystems first, the health needs of people second and the community’s needs third.
- **Policies in 2.2** These provide directions on outcomes, including integrated management of development based on a whole catchment approach (policy 3), and no further loss of natural inland wetlands or rivers and their values (policy 6 & 7).
- **Part 3.5** – Extends on the policies in 2.2 and sets out requirements for how to adopt an integrated management approach to the management of effects.

The RMA (via Sections 31, 74 and 75) instructs Council to give effect to the NPS-FM in Plan Change 92. Integral to this discussion is the NPS-FM directives on prioritising freshwater over other matters, and the directive on ensuring a management approach is in place.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.13) supports Plan Change 92 in part and requests that stormwater management, landform and subdivision are considered in an integrated manner at subdivision stage by Including new provisions and information requirements that:

- (i) Recognise the necessity for considering subdivision applications in parallel with discharge and earthworks consents for Ōmokoroa Stage 3; and
- (ii) Recognise and give effect to the integrated management direction in the NPS-FM 3.5 and Method 3, Method 18 and IR 5B of the RPS, including by providing stormwater management plans as a method for Stage 3 only of the Ōmokoroa Structure Plan to ensure stormwater management, landform and subdivision are considered in an integrated manner at subdivision stage.

The submission further requests any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.

OPTIONS

Option 1 – Do not make changes to the proposed rules for the purpose of requiring integrated management by way of joint regional and district resource consent applications for subdivision, development, stormwater discharge and earthworks.

Option 2 – Make changes to the proposed rules for the purpose of requiring integrated management by way of joint regional and district resource consent applications for subdivision, development, stormwater discharge and earthworks.

DISCUSSION

Section 31 of the RMA outlines the functions of Territorial Authorities. This includes:

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”.

The NPS-FM objectives and policies are consistent with the Section 31 RMA functions and provide further direction to local authorities on how to adopt an integrated approach to the management of water and land and prioritisation of freshwater outcomes over other matters.

MfE Fact Sheet 25 is considered helpful in understanding the expectations of the NPS-FM in terms of integrated management. The following text is copied from the fact sheet:

Integrated management

Te Mana o te Wai requires all local authorities (regional councils, unitary authorities and territorial authorities) to adopt an integrated approach to the management of water and land, following the concept of ki uta ki tai, meaning from the mountains to sea. Ki uta ki tai is the recognition and management of the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea. All local authorities must:

- *recognise the interactions between freshwater, land, water bodies, ecosystems, and sensitive receiving environments*
- *manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments*
- *encourage the co-ordination and sequencing of regional or urban growth.*

In order to give effect to the NPS-FM 2020, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on fresh water.

District plans

Territorial authorities must include objectives, policies, and methods in their district plans to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

The NPS-FM 2020 does not provide specific directions about what approaches territorial authorities should use to manage the effects of land use and development on freshwater in district plans. The approach provides flexibility for territorial authorities to determine the objectives, policies, and methods that would best apply in their district.

The Reporting Teams interpretation is that the RMA and NPS-FM require the District Plan (as a standalone planning document) to include provisions which enable Council to duly assess factors that contribute to effects on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments. It would then expect Council to make decisions over matters which it has jurisdiction.

The submission point offers a view that integrated management requires regional earthworks and discharge resource consent applications to be jointly lodged with district land use and subdivision resource consent applications. The Reporting Team consider that view to be inaccurate and a broadening of the NPS-FM directives. This is because the RMA (via Section 91) provides authorities the discretion to require such an approach. A District Plan rule as requested by the submitter would undermine the Council's decision making discretion.

The Reporting Team agree however with the importance for the District Plan to include a range of provisions which lead to an integrated management approach for all matters relating to subdivision and development, as directed by Section 31 of the RMA. This includes not only stormwater management, but also extends to other matters which contribute to a well-functioning urban environment. Integrated management provisions specific to stormwater as requested by the submitter would not capture the full obligation of Council per Section 31 of the Act.

With respect to stormwater, Catchment Management Plans are a key tool in Council's response to the NPS-FM and an integrated management approach for stormwater management. The Reporting Teams view is that the District Plan already includes a full range of provisions requiring the supply of relevant information⁷ for the assessment of stormwater effects along side landform changes and subdivision. The Reporting Team do think however that this can be improved by including additional rules that clearly require the implementation of the Catchment Management Plan at the time of subdivision and development. The recommended changes to Rule 12.4.5.17 (see earlier in Topic 11) achieves this and ensures that the Plan Change is giving effect to the RPS by requiring stormwater management plans to be provided at the time of subdivision and development resource consent applications.

RECOMMENDATION

That Option 1 be accepted.

Do not make changes to the proposed rules for the purpose of requiring integrated management by way of joint regional and district resource consent applications for subdivision, development, stormwater discharge and earthworks

The following submission is therefore:

REJECTED

Submission	Point Number	Name
25	13	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 20 – 12.4.11 – ŌMOKOROĀ STRUCTURE PLAN – REQUEST FOR NEW RULE TO PROTECT RAILWAY INFRASTRUCTURE FROM STABILITY AND FLOODING

BACKGROUND

Plan Change 92 as proposed does not seek to specifically protect railway infrastructure from stability and flooding.

⁷ Refers to various Rules incl. 12.3.7(m), 12.3.8(a), 12.3.8(b), 12.3.8(j), 12.3.8(k), 12.4.1(i), 12.4.5.1, 12.4.5.2, 12.4.5.4 & 12.4.5.6

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.18) raises concern in relation to development in stormwater sub-catchment NI and potential for additional stormwater run-off to create or increase stability and flooding effects on KiwiRail owned land and assets.

The submitter requests the inclusion of new rules which require subdivision contributing to stormwater sub-catchment NI to undertake a detailed hydraulic assessment as part of the design to identify potential effects on the railway infrastructure. They submit that in addition to any specific requirements sought by KiwiRail, the assessment should consider the culvert's capacity to pass increased peak flows and volume of the stormwater resulting from land use changes within the site and whether any upgrade of the culvert and inlet/outlet protection is required.

The submitter also requests any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.

OPTIONS

Option 1 – Do not include a new rule requiring a hydraulic assessment to be provided for any subdivision or development within stormwater sub-catchment NI.

Option 2 – Include a new rule requiring a hydraulic assessment to be provided for any subdivision or development within stormwater sub-catchment NI.

DISCUSSION

More specifically, it is understood that the submission seeks to ensure stormwater generated from subdivision and development within stormwater sub-catchment NI does not create adverse effects of the rail network at the point of discharge. To assess the effects, the submitter requests that a rule be included which requires all subdivision and development contributing to stormwater sub-catchment NI to provide a hydraulic assessment and an assessment of capacity for a culvert which runs through KiwiRail land.

The hydraulic and culvert capacity assessments are attached to the delivery of engineered stormwater wetland NI, which is intended to capture and manage all stormwater from sub-catchment NI prior to discharge through the KiwiRail land via a culvert. It is anticipated this will be the only discharge point from the sub-catchment. Accordingly, it is expected that the hydraulic assessment will be needed for this project only, rather than being required for multiple projects or being required for all subdivision and development within stormwater sub-catchment NI.

Any responsibility in the Reporting Team's view lies with the Western Bay of Plenty District Council because stormwater wetland NI is a capital funded project, to be managed and delivered by Western Bay of Plenty District Council. The need for this information is specified by the DRAFT Ōmokoroa Stage 3 Catchment Management Plan (the requirements of which are able to be enforced through the District Plan rules) and the anticipated conditions of the forthcoming Comprehensive Stormwater Discharge Consent for Ōmokoroa.

Accordingly, a specific rule requiring private landowners to undertake a hydraulic assessment for all subdivision and development is not required. Of note, KiwiRail have not made any submissions on this matter.

RECOMMENDATION

That Option 1 be accepted.

Do not include a new rule requiring a hydraulic assessment to be provided for any subdivision or development within stormwater sub-catchment N1

The following submission is therefore:

REJECTED

Submission	Point Number	Name
25	18	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 21 – ŌMOKOROĀ STRUCTURE PLAN – RECOMMENDED NEW RULE FOR FRANCIS ROAD INDUSTRIAL ZONE

BACKGROUND

The wider discussion on the merits of the proposed rezoning of Future Urban zoned land to Industrial Zone is included in the Section 42 A report on Ōmokoroā Zoning Maps Topic 5 – Proposed Industrial Zone – Including requests to change Industrial Zone boundaries and for alternative zonings.

The recommendations of that report conclude 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 additional controls required and pre-requisites that must be satisfied. As the actual amendments required sit within Section 12 – Subdivision and Development for report decision making purposes the actual proposed amendments are detailed in this report. It can however also be noted that for ease of reference and to provide context the same amendments are recorded in the Ōmokoroā Zoning Maps Topic 5 report.

This topic discusses the recommended new rule.

SUBMISSION POINTS

Eight submission points were received that relate to this matter. These were from Sylvia Oemcke (37.1), David & Diana Bagley (27.1), Ian Yule (45.1), Angela Yule (62.1), Russell Prout (65.2), Christine Prout (54.1), Penny Hicks (16.2) and Susan Phinn (36.1).

The submissions are generally consistent in opposing the rezoning to industrial as being not appropriate adjacent to medium density residential or rural-residential activities with concerns regarding access issues, amenity values, loss of high quality productive land and environmental effects. The submissions are discussed in more detail in the Ōmokoroā Zoning Maps Topic 5 report.

OPTIONS

Option 1 – Do not add a new rule which includes pre-requisites for the development of the Francis Road Industrial Zone.

Option 2 – Add a new rule to Section 12.4.11 Ōmokoroa Structure Plan which includes pre-requisites for the development of the Francis Road Industrial Zone.

DISCUSSION

As discussed in the Ōmokoroa Zoning Maps Topic 5 report to more appropriately provide for the proposed change of zoning to Industrial and Medium Density Residential zones respectively adjacent Francis Road there is a need for a more detailed planning response than currently provided in the proposed plan change. That report discussed the matters that were recommended to be included in the plan change to address the matters of concern.

Section 12 of the District Plan includes specific requirements for structure plans with Section 12.4.11 being for the Ōmokoroa Structure Plan. The recommended changes set pre-requisites for development to ensure that appropriate mitigation is provided through design and controls on timing of development including:

1. 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.
2. 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; and
3. Identifying the location and general parameters for stormwater management.

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. Please refer to 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 Topic 9 above.

RECOMMENDATION

That Option 2 be accepted.

Add a new rule which includes pre-requisites for the development of the Francis Road Industrial Zone.

The proposed new rule is as follows:

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.

The following submissions are therefore:

ACCEPTED IN PART

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

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change 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 Rule 12.4.11 as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Amend Rule 12.4.11. Ōmokoroa Structure Plan to which includes pre-requisites for the development of the Francis Road Industrial Zone
Costs Environmental effects Economic effects Social effects Cultural effects Including opportunities for:	Environmental The new provisions have the potential to generate minor environmental costs by requiring a wider road reserve with associated vegetation clearance, earthworks and potentially retaining walls. Economic Creating a higher quality road reserve with associated works and landscaping will increase the cost of construction and will have increase maintenance costs.

<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>The increase width in road reserve will result in a loss of land potentially for housing and additional costs for land purchase.</p> <p>Social</p> <p>No direct social costs are anticipated as a result of the proposed provisions.</p> <p>Cultural</p> <p>No direct cultural costs are anticipated as a result of the proposed provisions.</p>
<p>Benefits</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>Environmental</p> <p>The proposed new provisions will provide a much-improved interface between industrial and residential activities than what was provided by the proposed plan change as publicly notified. Improved separation of activities, noise mitigation, visual amenity and appropriate provision of infrastructure will provide positive environmental results.</p> <p>Economic</p> <p>By providing explicit parameters for the development of the area this provides more certainty for all parties allowing them to undertake economic decisions with more knowledge. The improved separation of activities will create a better functioning environment than may have occurred without the changes allowing for effective and efficient use of the land. The improved amenity values is likely to have a consequential effect on increasing land values than would be the case if relying only on the proposed plan change as publicly notified.</p> <p>Social</p> <p>The improved separation of activities and the provision of walkways/cycleways and landscaping will provide an enhanced public amenity area facilitating positive community engagement. The improved amenity values is likely to have a consequential effect on a positive social environment.</p> <p>Cultural</p> <p>No direct cultural benefits. The appropriate provision of infrastructure may be considered to provide positive cultural effects in regard to positive environmental management.</p>

Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available.

TOPIC 22 – RULE 12.4.14 AND 12.4.14.1 – TE PUKE STRUCTURE PLAN

BACKGROUND

Specific requirements for the Te Puke Structure Plan are contained in Rule 12.4.14. This includes rules relating to stormwater, streetscape, and the provision of infrastructure in accordance with the locations shown on the structure plan.

SUBMISSION POINTS

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

The North Twelve Limited Partnership (47.9) generally supports the changes to Rule 12.4.14 and seek it be retained as notified, subject to the submitter's concerns on stormwater and the structure plan submissions being addressed.

The Bay of Plenty Regional Council (25.27) supports the Te Puke Structure Plan in part however has requested changes to Rule 12.4.14.1 because the Seddon Street part of the structure plan area sits outside of the areas captured by the Te Puke CSC. However, the changes are only requested if a Bay of Plenty Regional Council resource consent for earthworks and discharge consent for Seddon Street has not been granted prior to decisions on the Plan Change. The requested changes to Rule 12.4.14.1 are below and are sought to ensure attenuation requirements for Seddon Street are achieved so to manage cumulative stormwater effects:

- (i) All subdivision shall be designed to ensure that displacement effects on the storage capacity can be appropriately managed within the development site to ensure that the post development peak discharge for the 100-year return period storm for a new development be limited to 80% of the predevelopment peak discharge; and

Advice note: All subdivision shall be undertaken in accordance with relevant water quality guidelines of the BOPRC Stormwater Management Guidelines (2012, updated 2015).

OPTIONS

Option 1 – Retain Rules 12.4.14 and 12.4.14.1 as notified.

DISCUSSION

The broader submission of The North Twelve Limited Partnership raises a number of questions relating to the Te Puke Structure Plan. A number of responses are included within the part of the Section 42A Report for Appendix 7 – Structure Plans. The submitter has clarified that they supported the deletion of stormwater pond SW8 on the Te Puke Structure Plan, however, this support was based on the inclusion of funding for an extension to stormwater pond SW9, which the submitter considers to have benefit to the structure plan.

Council is yet to confirm this is the case, however, as an interim reply, funding has been retained in Appendix 7 – Structure Plans (refer to schedule named Te Puke: New Stormwater Area 3). Availability of funding is subject to further investigation on the benefits of the SW9 extension.

Bay of Plenty Regional Council refers to resource consent applications being made for earthworks and the discharge of stormwater from the Seddon Street part of the structure plan. The submission also advises that if the resource consents are granted, the submission point will be satisfied as the attenuation requirements for this location (and the avoidance of cumulative effects) will be managed through the resource consent conditions. The Regional Council issued resource consents (RM22-0510 granted 14 March 2023) and that provides for the permanent discharge of stormwater from the site with post development flows being 80% of pre-development run off for the 1% AEP. As resource consents have been issued for Seddon Street, the changes as requested by the submitter are not required.

RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.14 and 12.4.14.1 as notified.

The following submission is therefore:

ACCEPTED IN PART

Submission	Point Number	Name
47	9	The North Twelve Limited Partnership

Rejected

Submission	Point Number	Name
25	27	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

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

TOPIC 23 – RULE 12.4.14 AND 12.4.14.1 – TE PUKE STRUCTURE PLAN

BACKGROUND

Specific requirements for the Te Puke Structure Plan are contained in Rule 12.4.14. This includes rules relating to stormwater, streetscape, and the provision of infrastructure in accordance with the locations shown on the structure plan.

SUBMISSION POINTS

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

The North Twelve Limited Partnership (47.9) generally supports the changes to Rule 12.4.14 and seek it be retained as notified, subject to the submitter's concerns on stormwater and the structure plan submissions being addressed.

The Bay of Plenty Regional Council (25.27) supports the Te Puke Structure Plan in part however has requested changes to Rule 12.4.14.1 because the Seddon Street part of the structure plan area sits outside of the areas captured by the Te Puke CSC. However, the changes are only requested if a Bay of Plenty Regional Council resource consent for earthworks and discharge consent for Seddon Street has not been granted prior to decisions on the Plan Change. The requested changes to Rule 12.4.14.1 are below and are sought to ensure attenuation requirements for Seddon Street are achieved so to manage cumulative stormwater effects:

- (i) All subdivision shall be designed to ensure that displacement effects on the storage capacity can be appropriately managed within the development site to ensure that the post development peak discharge for the 100-year return period storm for a new development be limited to 80% of the predevelopment peak discharge; and

Advice note: All subdivision shall be undertaken in accordance with relevant water quality guidelines of the BOPRC Stormwater Management Guidelines (2012, updated 2015).

Bay of Plenty Regional Council (

OPTIONS

Option 1 – Retain Rules 12.4.14 and 12.4.14.1 as notified.

DISCUSSION

The broader submission of The North Twelve Limited Partnership raises a number of questions relating to the Te Puke Structure Plan. A number of responses are included within the part of the Section 42A Report for Appendix 7 – Structure Plans. Readers are directed to this report for further information. The submitter has clarified that they supported the deletion of stormwater pond SW8 on the Te Puke Structure Plan, however, this support was based on the inclusion of funding for an extension to stormwater pond SW9, which the submitter considers to have benefit to the structure plan.

Council is yet to confirm this is the case, however, as an interim reply, funding has been retained in Appendix 7 – Structure Plans (refer to schedule named Te Puke: New Stormwater Area 3). Availability of funding is subject to further investigation on the benefits of the SW9 extension.

Bay of Plenty Regional Council refers to resource consent applications being made for earthworks and the discharge of stormwater from the Seddon Street part of the structure plan. The submission also advises that if the resource consents are granted, the submission point will be satisfied as the attenuation requirements for this location (and the avoidance of cumulative effects) will be managed through the resource consent conditions. We understand that the Regional Council has issued resource consents (RM22-0510 granted 14 March 2023) and that these provide for the permanent discharge of stormwater from the site with post development flows being 80% of pre-development run off for the 1% AEP. As resource consents have been issued for Seddon Street, the changes as requested by the submitter are not required.

RECOMMENDATION

That Option 1 be accepted.

Retain Rules 12.4.14 and 12.4.14.1 as notified.

The following submission is therefore:

ACCEPTED IN PART

Submission	Point Number	Name
47	9	The North Twelve Limited Partnership

SECTION 32AA ANALYSIS

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

TOPIC 24 – RULE 12.4.14.2 – TE PUKE STRUCTURE PLAN – STREETSCAPE

BACKGROUND

Rule 12.4.14.2 (a) is proposed to ensure that residential roads within the Te Puke Structure Plan provide canopy street trees at a practical location and within a tree spacing of between 10m and 30m.

SUBMISSION POINTS

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Kāinga Ora (29.18) opposes Rule 12.4.14.2 and seeks changes to clarify that the rule only applies to new residential roadways.

OPTIONS

Option 1 – Retain proposed Rule 12.4.14.2 as notified so that canopy street trees are required for all roads.

Option 2 – Make a minor change to proposed Rule 12.4.14.2 to clarify that the requirement for canopy street trees only applies to new roads.

DISCUSSION

Rule 12.4.12.2(a) which requires residential roads within the Te Puke Structure Plan to be provided with canopy street trees, is intended to apply to new roads. Kāinga Ora 's submission is therefore supported to clarify this as requested.

RECOMMENDATION

That Option 2 be accepted.

The recommended change to Rule 12.4.14.2 is as follows:

- a. New residential Residential roadways (local and collector roads) shall provide canopy street trees at a practical location and with a tree spacing of between 10m and 30m (centres).
- b. Where a resource consent application proposes the planting of trees and/or other landscaping within the road reserve, the application shall include at least the following:
 - i. The proposed species of street trees and other streetscape plants and their proposed locations.
 - ii. The size, specifications and planting material to be used for tree pits and other gardens

The following submission is therefore:

ACCEPTED

Submission	Point Number	Name
29	18	Kāinga Ora

SECTION 32AA ANALYSIS

The changes proposed to Rule 12.4.14.2 are minor as the rule was only ever intended to apply to new roads. Accordingly, no s32AA analysis is required.

TOPIC 25 – RULE 12.4.14.3 – TE PUKE STRUCTURE PLAN – PROVISION OF INFRASTRUCTURE IN GENERAL PROXIMITY OF THE LOCATIONS SHOWN ON THE STRUCTURE PLAN

BACKGROUND

Rule 12.4.14.3 requires subdivision, use and development to provide stormwater management reserves, road and road widening, public reserves, walkways/cycleways, green buffer areas, ecological features and water and wastewater areas in general proximity of the locations shown on the Te Puke Structure Plan.

SUBMISSION POINTS

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

Kāinga Ora (29.19) opposes the change and seeks clarification of the broad reference to “subdivision, use and development” within this rule.

Kāinga Ora do not consider it is appropriate for land use consents relating to ‘activities’ (e.g., for a change of use within a building) or small-scale development to be required to provide “stormwater management reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, green buffer areas, ecological areas and water and sewage areas,” but rather consider that any such requirement should be targeted towards more comprehensive, multi-unit/lot proposals. Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters.

Fire and Emergency New Zealand Limited (18.14) supports the rule and the use of structure plans as a mechanism to ensure comprehensive and integrated development of a growth area.

OPTIONS

Option 1 – Retain Rule 12.4.14.3 as notified.

Option 2 – Change proposed Rule 12.4.14.3 to exclude subdivision and development (such as change of use or small-scale development which may not need to comply with the structure plan.

DISCUSSION

Fire and Emergency New Zealand’s point is acknowledged and the Reporting Team agree that structure plans are important to the delivery of a well functioning urban environment. The submission point is therefore supported.

Council officer’s agree with Kāinga Ora that a change in use of an existing building is a situation where compliance with a structure plan is irrelevant. The Reporting Team do not agree however that ‘small scale’ development be excluded as a whole from compliance with a structure plan. This is because individually or cumulatively, small scale development may still be reliant on the delivery of structure plan infrastructure or may be located on a site where structure plan infrastructure is also located. If this is the case, ‘small scale’ development still generates the same effects on the environment, as more comprehensive developments. Such effects still need to be managed cohesively.

A change to the rule could occur which excludes certain subdivision or development, however, the Reporting Team are not certain that an exhaustive and accurate list of exclusions can be prepared. We are however satisfied that the proposed rule already allows a degree of flexibility in decision making, by using the words “where applicable”. The use of such words provides decision makers the ability to determine if structure plan infrastructure is necessary for a particular subdivision, use or development, and assess whether compliance is essential.

Changes to the rule are not considered necessary and the submission is not supported.

RECOMMENDATION

That Option 1 be accepted.

No changes to proposed Rule 12.4.14.3.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
18	14	Fire and Emergency New Zealand

REJECTED

Submission	Point Number	Name
29	19	Kāinga Ora

SECTION 32AA ANALYSIS

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