

Planners Report 19A

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Lifestyle Section – Subdivision Activity Performance Standards Minden Staging Requirements

1.0 Background

- 1.1** This report replaces Planners Report 19 which provided the initial response to submissions made to the Minden Staging Requirements.
- 1.2** This replacement report is necessary as the result of further traffic modeling carried out following the Hearings on March 14 and 16 using revised landuse data and estimates. This has presented an opportunity to set staging requirements that match the capacity and functioning of the strategic roading network as specified in Policy 1.
- 1.3** The notified staging requirements put a restriction on the number of new lots (total 97) that can be created in the Minden Lifestyle Zone, until necessary upgrades are made to the strategic roading network. These upgrades include to existing connections to State Highway 2 and the construction of the Tauranga Northern Link (TNL).
- 1.4** The 97 lots for Stage 1 are distributed between four areas; Minden (1A), Ainsworth (1B), Munro/Quarry (1C) and Wairoa (2).
- 1.5** As proposed, the limit of 97 is to be reviewed on an ongoing basis as upgrades occur, and will need to undergo the same public submission and hearings process as is occurring now. However, the further information which is now available from the traffic modeling allows a review to occur at this time in response to submissions.
- 1.6** The results of traffic modeling indicate that the notified limit of 97 can be increased to 256 (see discussion for explanation). The options below have been revised from the previous Planners Report 19 to take into account this updated and more relevant information.
- 1.7** NZTA has advised that to safely and efficiently manage the high volume of through traffic on the State Highway they will need to provide some intervention measures. This is expected to occur before the effect of the additional lots occurs. The traffic modeling shows that the 256 new lots can be accommodated, without any additional mitigation measures from the development.

2.0 Issues

- 2.1** A total of seven submission points were received on the staging requirements for the Minden Lifestyle Zone. Of these, three submission points were received in opposition to these provisions and four were received in support. Two further submission points were received.
- 2.2** The main issues raised by submitters can be summarised as follows:
 - 2.2.1** NZTA and one other submitter supported the limitation on the number of lots that can be created in order to balance development against the available road capacity.
 - 2.2.2** Two of the submitters opposed the staging requirements. One was due to the lack of a Section 32 analysis on the proposed 1670ha to give justification to the staging requirements. The other was opposed to the restriction on the number of allotments due to the likelihood that the Tauranga Northern Link (TNL) may not be constructed for 10-15 years.
 - 2.2.3** Submission points from the WBOPDC and one other submitter raised the issue of the allocation of this limited pool of subdivision entitlements and that a fair and equitable way of allocating them needed to be considered.
 - 2.2.4** The final submission point focused on the need to upgrade the intersection of State Highway 2 and Minden Road plus that it is a responsibility of NZTA to maintain a safe and efficient network. They considered that minimal funds may be required to upgrade this already deficient intersection to provide for both existing issues and the future development of the Minden Lifestyle Zone.

3.0 Options

- 3.1 Option 1**
 - 3.1.1** Retain Rule 16A.4.2(c) as notified (limit of 97 new lots).
- 3.2 Option 2**
 - 3.2.1** Amend Rule 16A.4.2(c) so that there is a limit of 256 new lots.
- 3.3 Option 3**
 - 3.3.1** Delete Rule 16A.4.2(c) in its entirety (no limit on new lots).
- 3.4 Option 4A**
 - 3.4.1** Amend Rule 16A.4.2(c) to limit the uptake of new lots in Areas 1A, 1B and 1C by giving priority to smaller subdivisions of 1 or 2 lots per title only.

3.5 Option 4B

- 3.5.1** Amend Rule 16A.4.2(c) to limit the uptake of new lots in Area 2 by giving priority to smaller subdivisions of 1 or 2 lots per title only.

4.0 Advantages and Disadvantages

4.1 Option 1: Retain Rule 16A.4.2(c) as notified (limit of 97 new lots).	
Advantages	Disadvantages
<ul style="list-style-type: none"> Limits extra traffic onto the strategic roading network. 	<ul style="list-style-type: none"> Further traffic modeling has shown that this limit of 97 can be lifted to 256 without significantly impacting the safety and functioning of the existing strategic roading network. Withholds subdivision opportunities and prevents the zone from developing. Limited number of transferable subdivision entitlements can be used. It is uncertain when this cap of 97 lots will be lifted. It will depend on "suitable connections" being provided to the strategic roading network; however, it is not clearly explained in the wording what this means. There are issues in trying to allocate a small number of opportunities.

4.2 Option 2: Amend Rule 16A.4.2(c) so that there is a limit of 256 new lots.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Traffic modeling indicates 256 new lots can be created before mitigation by the development is required to the strategic roading network at individual intersections. This limit can be accommodated within the capacity and functioning of the network (giving effect to Policy 1). Allows the zone to develop, including full development in Areas 1B and 1C and twice the level of development in Area 1A. Removes allocation issues from Areas 1B and 1C and reduces the likelihood of allocation issues in Area 1A. 	<ul style="list-style-type: none"> None

4.3 Option 3: Delete Rule 16A.4.2(c) in its entirety (no limit on new lots).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Subdivision can occur without a tight restriction on new lots and the zone can therefore begin to develop. • Greater number of transferable subdivision entitlements can be used. • There are no issues with allocating subdivision opportunities. 	<ul style="list-style-type: none"> • Traffic modeling has shown that unrestricted subdivision will lead to traffic volumes over and above the capacity of the State Highway and compromise the safety of the Minden and Wairoa intersections with the State Highway.

4.4 Option 4A: Amend Rule 16A.4.2(c) to limit the uptake of new lots in Areas 1A, 1B and 1C by giving priority to smaller subdivisions of 1 or 2 lots per title only.

Advantages	Disadvantages
<ul style="list-style-type: none"> • For Area 1A, which still cannot be fully developed, slowing down the uptake of lots reduces the confusion over how many lots have already been granted and whether to make an application or not. 	<ul style="list-style-type: none"> • Would now be unnecessary within Areas 1B (Ainsworth) and 1C (Munro/Quarry) as traffic modeling has shown that full development can occur within these areas. • May not be necessary within Area 1C (Minden) as traffic modeling has shown that twice the number of new lots can be created.

4.5 Option 4B: Amend Rule 16A.4.2(c) to limit the uptake of new lots in Area 2 by giving priority to smaller subdivisions of 1 or 2 lots per title only.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Removes the uncertainty presented by the current rule which does not specify how lots are to be allocated. • Prevents larger landholders taking the majority of these opportunities in a small number of subdivisions. • Is more equitable in that it gives equal opportunity to all landowners to uptake these limited opportunities • Slowing down the uptake of lots reduces the confusion over how many lots have already been granted and whether to make an application or not. 	<ul style="list-style-type: none"> • Disadvantages those who can undertake more comprehensive subdivisions. • Makes it difficult to plan for the subdivision of an entire site when it can only be subdivided in stages. • Will add to landowner expenses having to subdivide in stages.

5.0 Technical Discussion

5.1 Traffic Modeling Results and Impact on Stage 1 Lots

- 5.1.1** The notified limit of 97 new lots (Stage 1) was agreed between Council and NZTA based upon the limited traffic modeling data that was available during the preparation of the Structure Plan.
- 5.1.2** Subsequent and more comprehensive traffic modeling has now been undertaken since the Hearings on March 14 and 16 using revised landuse data and estimates for each of the four Structure Plan Areas. For the purpose of the traffic modeling, the boundaries of these Structure Plan Areas were revised to align with Traffic Assignment Zones.
- 5.1.3** The landuse data and estimates can be found within "Table A" and "Table B" which are attached to this Planning Report to assist with understanding the discussion. The revised Structure Plan Area boundaries are shown on the attached map titled "Minden Structure Plan Staging Areas and Assignment Zone Boundaries".
- 5.1.4** The results of this traffic modeling are contained within the technical report titled 'Minden Structure Plan – Traffic Modeling and Safety Analysis'. The full technical report is available upon request from Western Bay of Plenty District Council.
- 5.1.5** These results have been analysed by Council staff which has now led to a change in the staff recommendation on how many new lots could be allowed for within the Minden Lifestyle Zone (Stage 1) without having a significant adverse effect on the State Highway or having to provide upgrades to the existing State Highway network (in addition to what NZTA would have done anyway). This recommendation is to increase the number of new lots allowed within Stage 1 from 97 to 256.
- 5.1.6** Table 1 below shows how these 256 new lots would be distributed between the Structure Plan Areas in comparison with the notified 97 lots.

5.1.7 Table 1: Revised Stage 1 Lots

Area	Stage 1 Notified	Stage 1 (revised) Recommended
Minden (1A)	47	94
Ainsworth (1B)	10	29
Munro/Quarry (1C)	10	103
Wairoa (2)	30	30
	97	256

5.2 Summary of Traffic Modeling Tests

5.2.1 The traffic modeling was undertaken utilising the following tests on individual intersections (Minden, Ainsworth, Munro, Quarry and Wairoa). The tests are set at varying levels of development at either 2021 or 2031 and with or without TNL.

- Test 1A – 2021 - Baseline housing and no TNL
- Test 1B – 2021 – Stage 1 housing and no TNL
- Test 1C – 2021 – Stage 2 housing and no TNL
- Test 2A – 2031 – Stage 1 housing with TNL
- Test 2B – 2031 – Stage 2 housing with TNL
- Test 2C – 2031 – Full Structure Plan housing with TNL

5.2.2 Note: The “levels of development” referred to are Stage 1, Stage 2 and Full Structure Plan. See attached “Table B” for a full explanation.

5.2.3 In summary, Stage 1 is the total number of lots at the completion of Stage 1 (notified as 97 new lots). Stage 2 is the total number of lots at the completion of a nominal stage halfway between Stage 1 and Full Structure Plan. Full Structure Plan is the total number of lots when the Minden Lifestyle Zone is fully subdivided. The later is not expected to occur by 2031 however 2031 is used because this is as far as the model projects.

5.3 Traffic Volumes on State Highway 2

5.3.1 The traffic modeling projected the following traffic volumes on State Highway 2 at 2021 and 2031 respectively as shown in Table 2 below.

5.3.2 Table 2: Traffic Volumes 2021 and 2031

Section of SH2	2021	2031
West of Munro Rd	23,000	33,000
West of Minden Rd	23,000	33,000
West of Te Puna Station Rd	26,000	10,000 *
Wairoa Bridge	29,000	13,000 *
* Traffic volumes assuming TNL is constructed		

5.3.3 Council’s general understanding with NZTA was that at these 2031 pre TNL volumes, the State Highway would be significantly

over capacity and that NZTA would have undertaken mitigation prior to this time. The mitigation could be in the form of the TNL, capacity and safety improvements on State Highway 2, or other improvements that may be determined by NZTA in the future.

5.3.4 Possible intersection and corridor improvements have been discussed and it is expected that Council and NZTA will collaborate on improvements that are satisfactory for the period up to completion of the TNL and other improvements on the State Highway.

5.4 Stage 1 Analysis

5.4.1 The analysis for Stage 1 focused on two key factors;

- The effect of the increased traffic from the Plan Variation on State Highway 2 flows.
- The safety of the individual intersections.

5.4.2 The revised Stage 1 lots were set at a level where there was a minimal effect on those key factors.

5.4.3 Individual intersection analysis was used to determine the effect of the various levels of development. Test 1B - Stage 1 housing and no TNL (the notified 97 new lots) was used as the base test on which to compare the other levels of development and scenarios under Tests 1C, 2A, 2B and 2C.

5.4.4 Essentially, the Stage 1 (revised) lot numbers for each area equate to what would be an acceptable level of development in that area before requiring mitigation by the development (refer 5.3.3 for mitigation options).

5.4.5 Table 4 below shows the total number of lots for each area and what this equates to in terms of the level of development which is being recommended. "Total lots" are taken from the attachment "Table A" (references to columns and rows are shown e.g. J3).

5.4.6 Table 4: Recommended levels of development

Area	New Lots	Total Lots	Table A Ref	Level of Development Equivalent
1A	94	359	(J3)	Stage 2
1B	29	47	(K5)	Full Structure Plan
1C	103	206	(K7)	Full Structure Plan
2	30	216	(H9)	Stage 1

6.0 Options Discussion

6.1 Option 1 - 97 new lots

6.1.1 At time of notification, the limit of 97 new lots for Stage 1 was considered appropriate based upon initial traffic modeling that suggested this was the upper limit to what the existing strategic roading network could safely accommodate in terms of added traffic movements. This view has now changed in light of the above traffic modeling results.

6.1.2 Retaining this limit of 97 new lots would unnecessarily constrain the development of the Minden Lifestyle Zone and lifestyle subdivision within the District in general. It would also be inconsistent with Policy 1 to match the level of development with the capacity and function of the strategic roading network. This limit also creates an issue with how to allocate this small number of opportunities.

6.2 Option 2 - 256 new lots

6.2.1 Traffic modeling has shown that a total of 256 new lots can be allowed for within Stage 1 before mitigation by the development would be required to either individual intersections and/or to the strategic roading network. This limit equates to full development within Areas 1B (Ainsworth) and 1C (Munro/Quarry) and twice the level of development within Area 1A (Minden) to what was notified but does not allow for any further new lots within Area 2 (Wairoa) to what was notified.

6.2.2 This option allows a much larger number of lifestyle opportunities within the zone than first notified under Stage 1 and is consistent with Policy 1. It also removes the allocation issues from Areas 1B and 1C and partly within Area 1A.

6.3 Option 3 – Delete Staging Requirements (no limit on new lots)

6.3.1 Deleting the staging requirements would allow for full development of the Minden Structure Plan Area. While this would open a large number of lifestyle opportunities within the District as intended by the introduction of this zone, and remove all allocation issues, traffic modeling has shown that only Areas 1B (Ainsworth) and 1B (Munro/Quarry) are suitable to be fully developed at this time unless additional mitigation is required.

6.4 Option 4A – Limiting lot uptakes to 1 or 2 lots per subdivision in Areas 1A, 1B and 1C.

6.4.1 Limiting the uptake of new lots to 1 or 2 per subdivision was an option put forward in the WBOPDC submission as a way of allocating the notified 97 lots amongst a relatively large number of landowners; something which had not been addressed by the

staging requirement rule. Following the recent traffic modeling though, this approach needs re-thinking.

6.4.2 For example, there would no longer be a need to limit the uptake of lots within Areas 1B and 1C as these areas can fully develop. There would also be less of a need to limit uptake in Area 1A as it increases from 47 to 94 new lots.

6.4.3 Although the anticipated rate of uptake in Area 1A is uncertain, those who wish to subdivide should have reasonable time to do so as there is less of a risk that a small number of larger landowners will take all the opportunities. There would still be an administrative issue however with determining when the Area 1A limit of 94 lots has been reached but through record keeping and communication it can be managed.

6.5 Option 4B – Limiting lot uptakes to 1 or 2 lots per subdivision in Area 2.

6.5.1 Area 2, with an allowance for only 30 new lots would still require a limit on the number of new lots created per subdivision.

6.5.2 The solution of 1 or 2 lots per subdivision will prevent (for the purpose of an example) two landholders each making applications for 15 lot subdivisions within Area 2 which only has allowances for 30 new lots in total. It will as an outcome provide landowners with a more equal chance to make an application.

6.5.3 This solution cannot however resolve the “first in first served” scenario which obviously cannot be avoided when a limit is in place.

6.5.4 In discussing this solution with staff, it became apparent that giving priority to one and two lot subdivisions would create another issue that it awarded priority to smaller landowners and made it inefficient for larger landowners to begin subdividing. For example, a landowner with a lot capable of realising 20 additional lots would be disadvantaged by making application for a 2 lot subdivision in the meantime. It would require follow-up applications and does not allow for a comprehensive survey plan to be prepared.

6.5.5 This resulted in the re-drafting of rules (see recommendations) allowing subdivision applications to be made for more than two lots, however with a limitation on the number of lots which can actually be “given effect to” under the Act before a “suitable connection” is made to the Strategic Roding Network for that particular area.

6.5.6 Because resource consents for new lots lapse after 5 years if not “given effect to”, Council needs in this instance to extend the lapse periods on the resource consent decisions when granted

for each new lot over and above the two initially allowed otherwise there is a likelihood they will lapse during this upgrade period.

6.5.7 It was also noted that it would be unreasonable to require the purchase of all Transferable Subdivision Entitlements initially and so there is a provision that only two are obtained at first and the remainder shall be obtained before a subdivision's Section 224 certificate is issued.

6.5.8 This solution is felt to be the fairest and most efficient for all landowners. Whether landowners wish to apply for subdivisions of more than two lots becomes their choice, but it is at least provided for in the recommended wording.

6.6 Consequential Changes to Planning Maps

6.6.1 The revised Stage 1 lot numbers have been distributed in accordance with the revised Structure Plan Area boundaries. To ensure that these lot numbers are distributed as planned, the notified area boundaries need to be deleted from the Planning Maps and replaced with the revised area boundaries.

7.0 Recommendation

7.1 That Options 2 and 4B are accepted and the Minden Staging Requirements in Rule 16A.4.2 (c) are amended as shown in Attachment A.

7.2 That the Planning Maps are amended by deleting the notified area boundaries and replacing them with the revised area boundaries as shown on the attached map titled "Minden Structure Plan Staging Areas and Assignment Zone Boundaries".

7.3 The following submissions are therefore:

7.4 Accepted in Part

Submission	Point Number	Name
15	1	Christopher Ward
22	6	Hugh Gardiner
23	5	HDW & SA Sparks Family Trust
FS 89	14	NZ Transport Agency Supports 23.5
38	17	Gravit, Jo
FS 88	11	Hatton, GW & M Supports 38.17
40	2	Western Bay of Plenty District Council
49	33	Surveying Services
58	10	NZ Transport Agency

8.0 Reasons

8.1 Options 1, 2 and 3

8.1.1 Option 1 is recommended because traffic modeling has shown that a total of 256 new lots can be allowed for within Stage 1 before upgrades would be required by the development to the strategic roading network.

8.1.2 This option allows a much larger number of lifestyle opportunities within the zone than first notified under Stage 1 and is consistent with Policy 1.

8.1.3 It also removes the allocation issues from Areas 1B and 1C and largely within Area 1A.

8.2 Option 4A

8.2.1 A limit on the uptake of new lots to 1 or 2 per subdivision in Areas 1A, 1B and 1C is no longer necessary because traffic modeling indicates these areas are now suitable for a higher number of new lots.

8.3 Option 4B

8.3.1 Changes to the staging requirement rules were needed to address how the 30 new lots within Area 2 would be allocated.

8.3.2 The recommended wording ensures the following:

- The allocated lots are not exhausted by a small group of landowners who have lots capable of realising larger numbers of new lots.
- Larger subdivisions can still be planned for; however, there will still be a restriction of two new lots that can be given effect to.
- The remaining new lots (over and above the first two) will not lapse after 5 years, which would have been the case without extending the lapsing period under Section 125 of the Act. This provides certainty to landowners.
- Transferable Subdivision Entitlements are only required for the first two lots that initially can be given effect to. Requiring these entitlements to be purchased for all subsequent new lots would have prevented subdivision from occurring due to costs.

8.4 Consequential Changes to Planning Maps

8.4.1 The revised Stage 1 lot numbers have been distributed in accordance with the revised Structure Plan Area boundaries. Deleting the notified area boundaries from the Planning Maps and replacing them with the revised area boundaries ensures that these lot numbers are distributed as planned.

Attachment A

(c) Minden Lifestyle Structure Plan Staging Requirements

- (i) Subdivision within the Minden Lifestyle Structure Plan area shall be staged in accordance with the requirements in the table Rules 16A.4.2 (c) (ii) – (iv) below.

For the purpose of these rules;

- New lots shall be defined as those approved by way of subdivision consent for which an application was lodged on or after the date of 25 September 2010.
- Existing lots shall be defined as those approved by way of subdivision consent for which an application was lodged before the date of 25 September 2010.

- (ii) The total number of new lots allowed is shown in the table below;

<u>AREA</u>	<u>NUMBER OF NEW LOTS ALLOWED</u>
<u>1a</u>	<u>47 94</u>
<u>1b</u>	<u>10 29</u>
<u>1c</u>	<u>10 103</u>
<u>2</u>	<u>30</u>

Note: Any lots more than that specified in the table above will be dependant upon a suitable connection being provided to the strategic roading network that will cater for the expected number of additional lots. This will be subject to a future Plan change and/or designation.

Note: Allowance for any new lots more than that specified in the table above will be subject to a future Plan Change and/or designation. The number of new lots allowed for (including the location and the distribution in each area) will be dependent upon an analysis of potential effects on the strategic roading network.

This will include consideration of the existing State Highway 2 function, efficiency and safety as well as the construction, timing and linkages of the Tauranga Northern Link. It will also include ensuring that a suitable connection can be provided to the existing and planned strategic roading network to cater for the expected number of additional lots.

- (iii) In respect to Area 2 in the table above, no more than two new lots shall be created from any one existing lot and no new lot shall be created from any other new lot.
- (iv) Subdivision applications for more than two new lots in Area 2 can be submitted where an existing lot is able to produce more

than two new lots in accordance with Rules 16A.4.2 (a) and (b) subject to the following;

1. The number of new lots that can be given effect to shall be no more than two.
2. The third and subsequent new lots can be given effect to at the time when the abovementioned Plan Change in Rule 16A.4.2 (c) (ii) provides for these new lots.
3. To prevent the third and subsequent lots from lapsing during this period, Council will provide a 10 year lapse period for these lots in accordance with Section 125 of the RMA and will consider applications under Section 125 to further extend this 10 year lapse period if the abovementioned Plan Change in Rule 16A.4.2 (c) has not occurred.
4. Transferable Subdivision Entitlements shall only need to be obtained initially for the first two lots than can be given effect to.
5. Further Transferable Subdivision Entitlements are required to be obtained for the remainder of the new lots prior to Council issuing a certificate pursuant to Section 224 of the RMA.