

Before Independent Hearing Commissioners in Tauranga

In the Matter of of the Resource Mangement Act 1991

and

In the Matter of **Plan Change 92 to the Western Bay of Plenty DsitRICT
Plan**

and

Submission By Jace Investments Ltd and Kiwi Green NZ Ltd

Statement of Evidence of

Richard Newton Coles

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Qualifications and Experience

1. My full name is Richard Newton Coles. I am a Director and Planner for Momentum Planning and Design Limited, a company I established in January 2016.
2. I have held a number of planning roles for various District and City Councils including Western Bay of Plenty District Council. I have also worked for a wide range of private and public sector clients since commencing work as a planning consultant in 2000. I have experience as a resource management consultant/planner for 29 years, primarily in the Bay of Plenty, and also across a number of different regions including Auckland, Waikato and Central North Island.
3. I have been involved in the design and consenting of several large-scale developments at Omokoroa including the Omokoroa Town Centre, the Omokoroa Village commercial area adjacent to Fresh Choice, the Kaimai Views subdivision and the Puna Rua subdivision on Prole Road. All these developments have required consents from both the District and Regional Council.
4. I hold a degree of Bachelor of Resource and Environmental Planning from Massey University 1993 and I am a full member of the New Zealand Planning Institute (NZPI).

Code of Conduct

5. I have read the Code of Conduct for Expert Witnesses issued by the Environment Court in 2014. I confirm that my evidence and professional engagement and involvement with this resource consent application is in accordance with the Code of Conduct and my duties and obligations as a professional witness. With specific regard to my evidence, the matters which I address are within my area of expertise and I have not omitted any material facts that might alter or detract from the professional opinions that I express.

Format of evidence

6. I have formatted this evidence as best I can to the S42A report format titles so you can identify the reporting planner's recommendation, the submission points and discussion in each of the S42A report chapters.

S42A Report - Omokoroa Zoning Maps

Topic 3 - Proposed Omokoroa Mixed Use Residential Precinct - Request for Boundary Changes and Additional Areas

7. Support the adjustment to Commercial Zone boundary, establishment of MDRS with Mixed Use Precinct as per Page 12 of S42A Report. The submission request was that the Open Space Zone boundary reflect the design contours of the earthworks, which will slightly increase the extent of the Mixed Use Precinct as per the MPAD drawing below. This will help enable the development of the Mixed-Use Precinct finished landform area and appropriately manage activities within the gully and gully slope without unnecessarily restricting future mixed use developments, as earthworks will be permitted. This is discussed further under Topic 6 below.
8. Submission point 19.4 by Peter Linde seeks the inclusion of two OMURP areas within 60 Prole Road. The reporting planner has considered the scale of this new mixed use zone area and considered its proximity to the town centre and adjacent Mixed-Use Zone, which will be a short walk from the development at 60 Prole Road via future pedestrian linkages. The reporting planner has identified that small scale commercial activities can establish within the Medium Density Residential Zone and that further expansion of the mixed-use zone is not necessary. The recommendation of the reporting planner is to reject this submission request.
9. Jace do not support a mixed-use zone being established at 60 Prole Road as it could detract from the viability and vibrancy of the Omokoroa Town Centre and adjacent OMURP. The town centre resource consent was supported by an economic assessment that considered the population and demand for retail shops confirming that the extent of the town centre is appropriate. The planner's recommendation to reject the Pete Linde submission is supported.



Figure 4: Map showing Ōmokoroa Mixed Use Residential Precinct

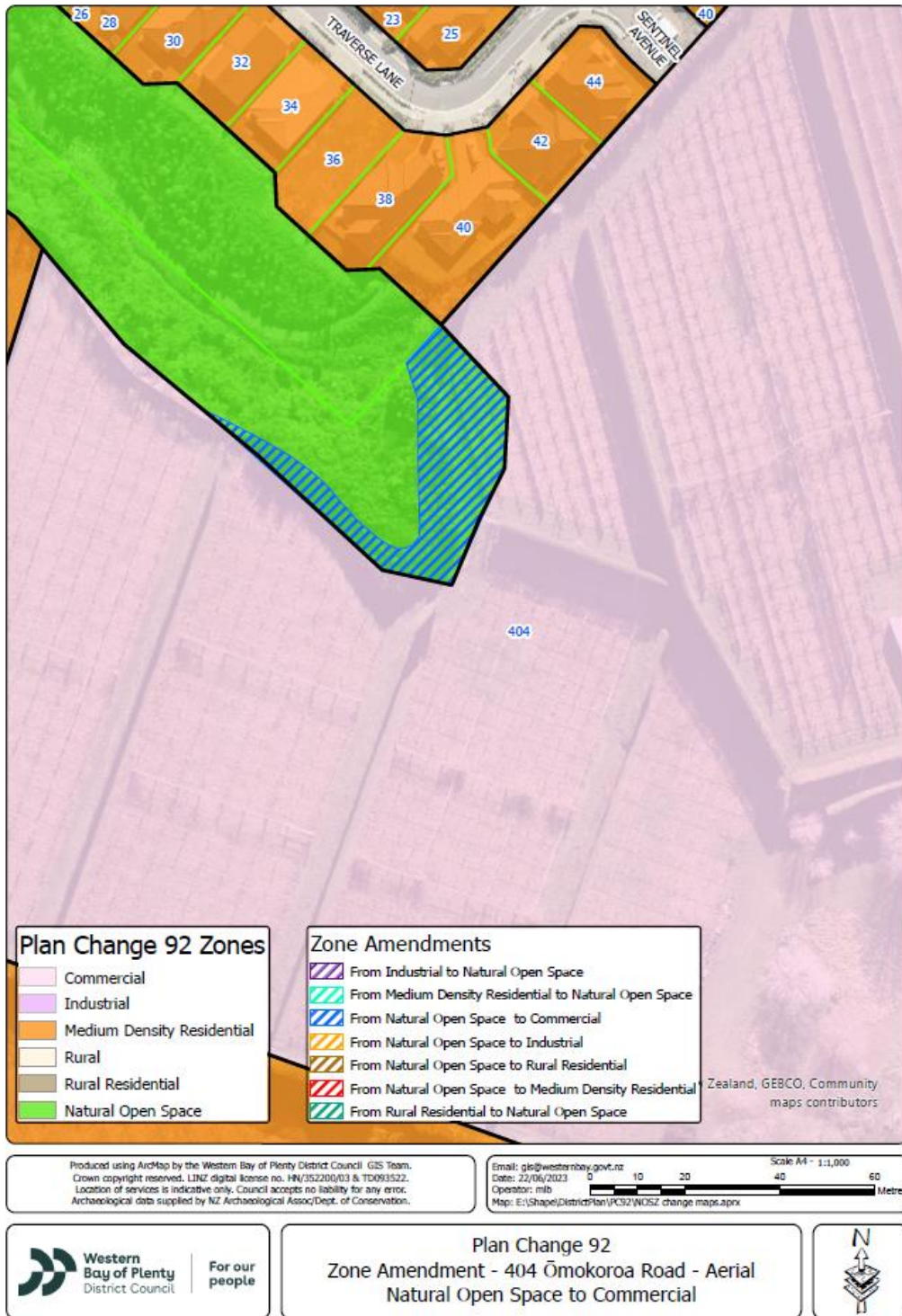


Figure 1 - WBOPDC suggested Map change (Excluded land adjacent to OMURP boundary adjustment)

Topic 6 - Proposed Natural Open Space Zone – including requests for Boundary Changes and Alternative Zonings

10. Support adjustments to the extent of the open space zone as recommended next to the gully and town centre.
11. With respect to the Open Space Zone boundary adjacent to the OMURP the following plan shows the extent of the OMURP and the Open Space Zone boundary sought. The reasons behind the request for this zone boundary location is because large scale earthworks for the town centre site and OMURP area are underway and will establish a finished landform within the next 8 months. This includes creating an appropriate grade across the site for the establishment of roads, accessible footpath, infrastructure, building development sites etc. Jace's intentions are to establish a well-designed, integrated and accessible town centre and mixed-use area to create a vibrant focal point for the community. The MPAD plan below shows the planned cut area extent which I think would be a good boundary between the Natural Open Space and OMURP zones. This is approximately at the RL18m contour and well above the gully bottom at RL13m.

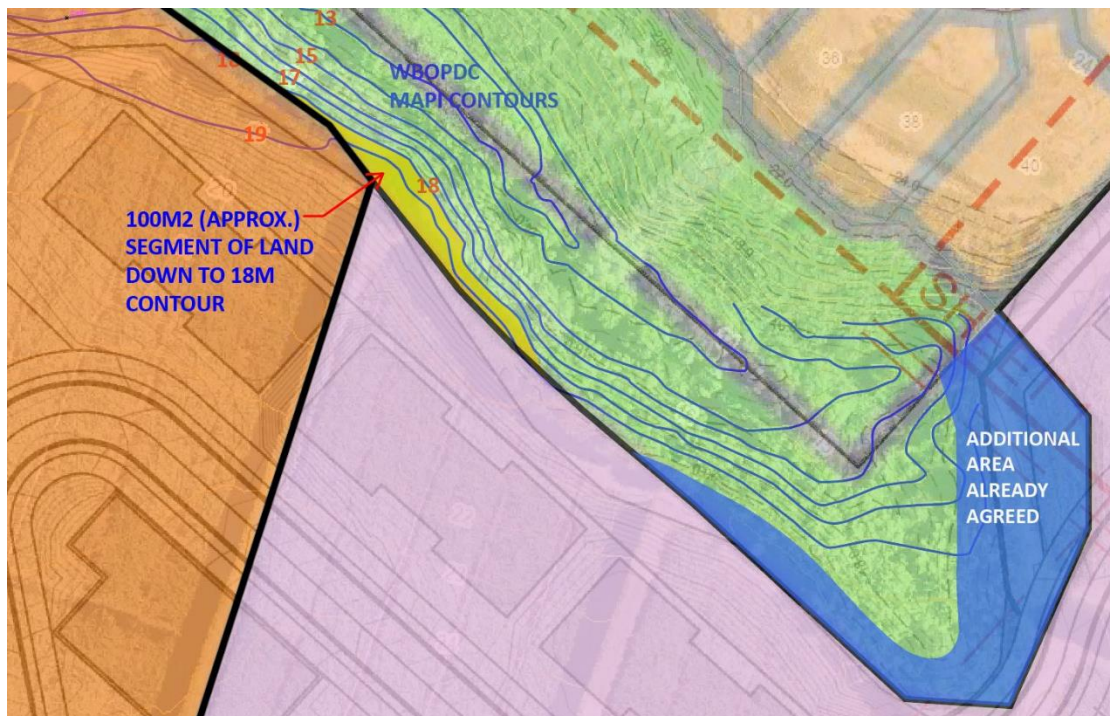


Figure 2 - Additional zone boundary change sought – yellow area approximately 100m2

S42A Report – Section 14A – Omokoroa and Te Puke Part 1

Policy 14A.2.2.13 is proposed to be amended as follows.

~~Ensure~~ Encourage subdivision and development ~~is~~ to be designed to utilise the existing natural landform where practicable to limit the need for earthworks and retaining walls.

12. The Omokoroa Town Centre site is currently consented and being earth worked to establish a finished landform suitable for the establishment of a town centre. The earthworks are necessary to create suitable grades for infrastructure, pedestrian and vehicle accessibility and also integrating with the surrounding environment. The above policy provides some recognition that various design standards need to be applied to urban areas that influence landform changes. The wording recommended above is supported.

Policy 14A.2.2.16 is proposed to be amended as follows.

The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated ~~through economic impact assessment~~ that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

13. The purpose of this policy is to ensure that the town centre remains the commercial focal point for Omokoroa and to ensure its vibrancy and ongoing economic viability is protected. It is recognised that commercial activities may establish within the OMURP, but these would be of a lesser scale than the commercial activities within the OMURP. The changes to the policy wording retain this intent and are therefore appropriate. The wording is supported.

Policy 14A.2.2.17 is proposed to be amended as follows.

Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and natural features ~~holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces~~ and provide a density of development to promote of use of land to deliver the planned character of a vibrant, complementary mixed-use destination that complements and supports adjacent to the town centre.

The wording proposed is more concise and clearer than the notified policy wording and for this reason it is supported.

14. Amendments proposed to **Objective 14A.2.1.8** (Page 19) are also considered appropriate, although the objective wording as notified recognised and provided direction on potential reverse sensitivity effects at nighttime.

15. **Policy 14A.2.2.18** is proposed to be retained as non-residential activities need to operate and be located in appropriate buildings avoiding reverse sensitivity effects that may reduce residential amenity within the precinct. This policy along with performance standards provides guidance that these effects need to be managed appropriately. The Council recommendation to retain the policy as it is, is supported.

S42A Report – Section 14A – Omokoroa and Te Puke Part 2

Topic 7 - Request for non-complying activity status for subdivision and development to manage effects on the Ōmokoroa Road / State Highway 2 intersection.

16. Funding has been secured for the Omokoroa Road/State Highway temporary roundabout from KO and construction is planned to commence October 2023 (as stated in the planning report). Jace support the recommendation to change the activity classification to discretionary, being Option 2. Jace support this decision as residential growth at Omokoroa will enable the progressive development of the town centre, as demand for services and facilities increase proportionate to the growth in the Omokoroa Peninsula resident population.

TOPIC 10 – RULE 14A.4.1(B) – DENSITY STANDARDS - BUILDING AND STRUCTURE HEIGHT

17. The town centre and OMURP require larger scale buildings so the town centre and higher density mixed use precinct are a legible and vibrant focal point for the community. The height bonus rule provides an incentive to promote underground and/or under-croft car parking so the town centre and OMURP are not dominated by expansive at-grade car parking areas. The recommended decision to retain these height bonus rules is supported.

TOPIC 19 - RULE 14A.4.2(A) - OTHER STANDARDS – RESIDENTIAL UNIT YIELD

18. Jace are supportive of minimum residential density standards as a higher residential unit density around the town centre will help it be vibrant, safe and economically successful. The KO submission requesting a minimum density standard of 50 residential units per hectare is however considered too onerous as a minimum standard and may inhibit rather than promote urban development due to the economics associated with multistorey development.

This development risk should be managed by incentives such as the height bonus and the developers own risk assessment and due diligence.

Topic 120 - RULE 14A.4.2(A) - OTHER STANDARDS – RESIDENTIAL UNIT TYPOLOGY

19. The requirement for 50% of housing to be attached is too restrictive. The density rules already promote different housing typologies to achieve the development yield. The market should determine this development risk. The removal of Rule 14A.4.2(b) is supported.

TOPIC 26 – RULE 14A.4.2(J) - OTHER STANDARDS – ACCOMMODATION FACILITIES

20. Accommodation facilities need cooking facilities to meet the demand of accommodation trends for tourists and temporary workers. I am uncertain what environmental effects are avoided or mitigated by excluding kitchens from accommodation facilities. The KO submission is valid and Rule 14A.4.2(j) should be amended to provide for kitchens within accommodation facilities.

TOPIC 30 – RULE 14A.4.3 - SUBDIVISION STANDARDS

21. The decision recommendation to amend the minimum shape factor for residential houses to align with TCC's District Plan is supported.

S42A Report - SECTION 14A - ŌMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL, PART 3 – MATTERS OF CONTROL AND MATTERS OF DISCRETION

TOPIC 17 - RULE 14A.7.16 - NON-COMPLIANCE WITH EARTHWORKS

22. Jace submitted requesting that earthwork's should be an RDA, but as the earthworks rules are recommended to be deleted the deletion of Rule 14A.7.16 regarding matters of discretion is supported.

S42A Report - SECTION 08 - NATURAL HAZARDS AND PLANNING MAPS

TOPIC 4 – LIQUEFACTION PROVISIONS - ŌMOKOROA AND TE PUKE

23. Support recommendation to delete liquefaction hazard provisions.

S42A Report - SECTION 12 - SUBDIVISION AND DEVELOPMENT

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

24. The Jace submission regarding Rule 12.4.5.17 was to recognise that the stormwater treatment and attenuation for the sub catchment has been built and addresses both to treatment of stormwater and attenuation, during a climate adjusted 1% storm event. It is recognised that the CSC recently granted for Omokoroa creates a new stormwater management philosophy, but to apply these new standards to sub-catchments where the infrastructure has recently been established does not align with prudent fiscal expenditure. Therefore, within this sub catchment the focus should be on treatment, primary reticulation systems, and the protection of secondary flow paths, rather than establishing duplicate attenuation devices that are not required. There needs to be specific recognition of existing sub catchment stormwater assets including the the large scale attenuation ponds. I therefore do not support Council's recommended rule wording. A solution would be to recognise proposed and existing stormwater assets within a subcatchment. This could be inserted into 12.4.7.17(b)IV.

TOPIC 14 – RULE 12.4.11.2 – ŌMOKOROA STRUCTURE PLAN – STREETScape

25. The Jace submission point requests that the rule be amended to enable native trees to be planted within the town centre as has been requested by Pirirakau. The reporting planner's recommendation is to support this request.

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

26. This relates to temporary access to strategic roads in Omokoroa including Prole Road and Francis Road, where Jace have property interests. The planner's recommendation is to provide a pathway for temporary access to be

established subject to the continued safe operation of the road network. The proposed rule wording and activity classification is supported.

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

27. The reporting planner has assessed the submission point and considered it in the wider context of other changes to the District Plan resulting from PC92. The extract below explains these changes.

Jace investments highlight that 12.4.11.5(b)(iv) when read with Rule 12.4.11.5(c) assigns a noncomplying 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.

28. The submitter has property on Prole that will have structure plan road that is required to be developed over other land. The intent of the request is that there is a consenting pathway for a temporary access solution to Prole Road to enable progressive development of Omokoroa and avoid landlocked development sites. So, the relief sought includes the mentioned changes referenced in Topics 9 and 16.

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

29. The topic relates to non-compliance with the Structure Plan and the planner's recommendation is to amend the activity classification to discretionary. This recommendation is supported, being a less onerous activity classification than non-complying.

S42A Report - SECTIONS 19 AND 20 – COMMERCIAL AND COMMERCIAL TRANSITION

TOPIC 4 – RULE 19.4.1(A)(III) – ACTIVITY PERFORMANCE STANDARDS – BUILDING HEIGHT IN THE COMMERCIAL ZONE

The recommendation proposed a new rule to identify when the height bonus would apply.

The maximum building/structure height in the Ōmokoroa Stage 3 Structure Plan area shall be 20m, except where buildings provide for parking enclosed below ground level in an area which is equal to the gross floor area of the above ground building, in which case the maximum height shall be 23m. In addition, visitor parking, servicing and loading requirements can be provided on-site at ground level in accordance with Section 4B.

For the purposes of this rule:

- Only the ground floor of the above ground building shall be included in the calculation of gross floor area; and
- The area for parking enclosed below ground level is inclusive of any areas required for manoeuvring, storage, stairwells, access and ramps

30. The purpose of the rule was to create a height bonus to offset the additional cost of under-croft or underground car park construction.
31. The proposed revised rule is generally supported but the town centre design uses the natural slope across the site to best advantage locating car parking beneath buildings. Some of the car parks may be under-croft and largely enclosed but not completely enclosed. Undercroft car parking has the advantage of low operational costs as it often does not require a forced air ventilation system as the car park can be naturally ventilated.
32. Rather than using the word “enclosed” this word should be removed and reference made to **underground or under-croft car parking**. Other streetscape rules would also apply to screening any partially exposed under-croft car parking area unless it functionally had to be open for car park access.

TOPIC 5 – RULE 19.5 – DEVELOPMENT OF COMMERCIAL AREA MASTER PLAN FOR THE ŌMOKOROA STAGE 3 COMMERCIAL ZONE

33. The recommended rule changing the activity classification if the town centre development exceeds 80% coverage to discretionary is supported as is the additional matter of discretion propose under Rule 19.7.4.

TOPIC 6 – RULE 19.6.2(C) – SUBDIVISION IN THE COMMERCIAL ZONE

34. Support recommendation to change Rule 19.6.2(c) so that subdivision that does not comply with the Omokoroa Stage 3 Structure Plan is classified as a discretionary rather than a non-complying activity.

S42A Report – Section 4B – Transportation, Access, Parking and Loading

TOPIC 1 – RULE 4B.3.4(A)(II) NON-COMPLYING ACTIVITY STATUS FOR VEHICLE CROSSINGS TO ŌMOKOROA ROAD

35. Jace sought an RDA activity classification for access points onto Omokoroa Road from the town centre. This has been addressed in other submission points and inclusion of the approved town centre plan in Appendix 7 of the District Plan. It is agreed that additional access points onto Omokoroa Road need to be carefully planned and designed. We therefore support the reporting planner's recommendation.

S42A Report - APPENDIX 7 - STRUCTURE PLANS

TOPIC 2 – ŌMOKOROA ROADING

36. Jace submitted on the need to retain the Prole Road to Omokoroa Road link via the town centre (Submission point 58.10). The Council reporting planner has stated that the MoE site now has a designation that is located over the link road. MoE do not want the link road as it will consume too much education land, therefore it is recommended to remove the structure plan road linkage. Jace still believe this connection is an important link providing resilience to the road network and reducing pressure on the Prole and Omokoroa Road intersection.

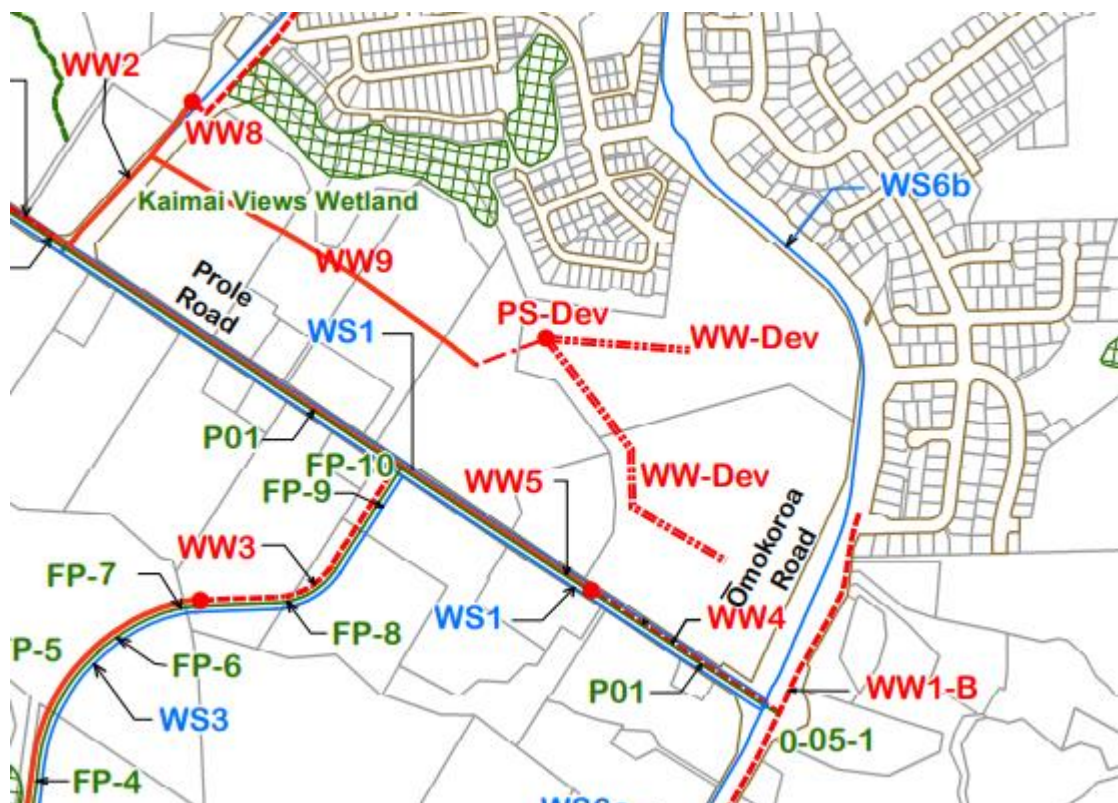
Submission point 58.12 request the town centre access points to Omokoroa Road also be recognised on the structure plan. Council's reporting planner has stated that these connections are approved through the resource consent and Appendix 7 of the District Plan includes the town centre plan, which also includes the linkages to Omokoroa Road. The planner's recommendation is therefore supported.

TOPIC 6 – ŌMOKOROA STORMWATER

37. Jace made a further submission that the stormwater 3 waters plans be updated to reflect the CSC. This has been accepted and we support this recommendation. The support does not apply to the subcatchment encompassing the town centre where the key stormwater infrastructure is already established.

TOPIC 8 – ŌMOKOROA WASTEWATER

38. Jace made a submission seeking the wastewater reticulation be extended to the town centre site. The structure plan has been updated to reflect this, but the funding decision specifies that the town centre wastewater infrastructure should be developer funded.



39. The recommendation is supported but it is noted that Stage 1 of the town centre will be constructed in advance of the wastewater reticulation that connects to the Heartwood Road PS. Therefore, as per the existing town centre resource consent, temporary wastewater reticulation will be directed to the wastewater infrastructure on Omokoroa Road. We include this statement as advice only.
40. The pump station would benefit both the school and the town centre including many community service activities within the town centre. We see no reason why this wastewater reticulation and pump station differs from any other pump station proposed throughout Omokoroa and request that these capital works also be finco funded rather than development funded.

TOPIC 11 – OTHER MATTERS

This topic relates to:

Appendix 7

- Structure Plans (general matters not already covered in earlier topics)
- Ōmokoroa Structure Plan – Concept Plan
- Ōmokoroa Town Centre Master Plan

41. The Kiwigreen NZ submission requested that the Waka Kotahi NZ Transport Agency possible interchange alignment and buffer area demarcation be removed from the District Plan Structure Plan for Omokoroa as it affects their land at 21 Francis Road. Council have agreed that this can be removed from the structure plan. This recommendation is supported as a designation process is the correct process to establish a future State Highway road corridor over private property.

25 August 2023

Richard Coles
Planner
MNZPI