



**Western
Bay of Plenty**
District Council



Mā tō tātou takiwā
For our District

Plan Change 92
Ōmōkoroa and Te
Puke Enabling
Housing Supply and
Other Supporting
Matters

**Copy of Submissions
Volume 3**

List of Submitters

Ref. No	Submitter Name	Page
VOLUME 1		
1	Richard Hewison	
2	Lesley Blincoe	
4	Robert Hicks	
6	Tim Laing	
7	David Marshall	
8	Armadale Properties Limited	
10	Blair Reeve	
11	Elles Pearse-Danker	
12	Vortac New Zealand Limited	
13	Matthew Hardy	
14	Peter Musk	
15	Western Bay of Plenty District Council	
16	Penny Hicks	
VOLUME 2		
17	John Wade	
18	Fire and Emergency New Zealand	
19	Pete Linde	
21	Joshua Marshall	
22	Heritage New Zealand Pouhere Taonga	
23	Frank and Sandra Hodgson	
24	Ara Poutama Aotearoa the Department of Corrections	
25	Bay of Plenty Regional Council	
26	Classic Group	
27	David and Diana Bagley	
28	Foodstuffs North Island Limited	
VOLUME 3		
29	Kainga Ora - Homes and Communities	4
30	KiwiRail Holdings Limited	58
31	N and M Bruning	68
32	New Zealand Housing Foundation	72
33	Powerco	79
34	Retirement Villages Association of New Zealand Incorporated	89
35	Ryman Healthcare Limited	149
36	Susan Phinn	156

Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters – **Copy of Submissions**

37	Sylvia Oemcke	159
38	TDD Limited	162
39	Urban Taskforce for Tauranga	167
40	Vercoe Holdings Limited	179
41	The New Zealand Transport Agency (Waka Kotahi)	191
42	Brian Goldstone	205
VOLUME 4		
43	Jacqueline Field	
44	Ken and Raewyn Keyte	
45	Ian Yule	
46	Summerset Group Holdings Limited	
47	The North Twelve Limited Partnership	
48	Warren Dohnt	
49	Paul and Julie Prior	
50	Mike and Sandra Smith	
51	Torrey Hilton	
52	Maxine Morris	
53	Liz Gore	
54	Christine Prout	
55	Zealandia Trust	
56	Ōmokoroa Country Club Ltd	
57	Kirsty Mortensen	
58	Jace Investments and Kiwi Green New Zealand Limited	
59	Jace Orchards Limited and Kiwi Green New Zealand Limited	
60	David Crawford	
61	Paul and Maria van Veen	
62	Angela Yule	
63	Dawn Mends	
64	Ross List	
65	Russel Prout	
66	Steve Chalmers	
* Note – Submitter reference numbers 3, 5, 9 and 20 are unallocated reference numbers in our submitter database.		

From: Gurv Singh <Gurv.Singh@kaingaora.govt.nz>
Sent: Friday, 16 September 2022 3:22 pm
To: District Plan
Cc: Brendon Liggett; developmentplanning; Lezel Botha
Subject: Submission by Kāinga Ora - Homes and Communities on Plan Change 92 to the Western Bay of Plenty District Plan
Attachments: FINAL Kainga Ora Submission on WBOPDC PC92.pdf

Kia ora

Please find attached, a submission on **Plan Change 92 to the Western Bay of Plenty District Plan** from Kāinga Ora Homes and Communities. We will be sending the maps in a separate email due to their file size – if for any reason, you do not get these maps. Please let us know and we will provide them via a drop box/shared point link.

We would appreciate if you could please acknowledge receipt of this submission.

If you require any word documents or spatial files of the maps, please contact us.

Thank you.

Ngā mihi | Kind regards



Gurv Singh MNZPI. BPlan(Hons) (He/Him Pronouns)

Team Leader

Development Planning

Urban Planning and Design

DDI: (09) 952 8546 Extn: 98546

Mobile: 021 190 6349

Email: gurv.singh@kaingaora.govt.nz

Freephone: 0800 801 601 | Mainline: (04) 439 3052 | Kāinga Ora - Homes and Communities
PO BOX 2628 Wellington 6140 | New Zealand Government | www.kaingaora.govt.nz

From: Gurv Singh <Gurv.Singh@kaingaora.govt.nz>
Sent: Friday, 16 September 2022 3:25 pm
To: District Plan
Cc: Brendon Liggett; developmentplanning; Lezel Botha
Subject: RE: Submission by Kāinga Ora - Homes and Communities on Plan Change 92 to the Western Bay of Plenty District Plan
Attachments: FINAL KO Sub on PC92 Ōmokoroa - Appendix 3.pdf

Kia ora,

Please find attached 1 of 2 maps as part of Appendix 3 to Kāinga Ora submission to Plan Change 92.

Please confirm receipt of this map.

Ngā mihi | Kind regards

Gurv Singh

From: Gurv Singh
Sent: Friday, 16 September 2022 3:22 PM
To: 'districtplan@westernbay.govt.nz' <districtplan@westernbay.govt.nz>
Cc: Brendon Liggett <Brendon.Liggett@kaingaora.govt.nz>; developmentplanning <developmentplanning@kaingaora.govt.nz>; Lezel Botha <Lezel.Botha@kaingaora.govt.nz>
Subject: Submission by Kāinga Ora - Homes and Communities on Plan Change 92 to the Western Bay of Plenty District Plan

Kia ora

Please find attached, a submission on **Plan Change 92 to the Western Bay of Plenty District Plan** from Kāinga Ora Homes and Communities. We will be sending the maps in a separate email due to their file size – if for any reason, you do not get these maps. Please let us know and we will provide them via a drop box/shared point link.

We would appreciate if you could please acknowledge receipt of this submission.

If you require any word documents or spatial files of the maps, please contact us.

Thank you.

Ngā mihi | Kind regards



Gurv Singh MNZPI. BPlan(Hons) (He/Him Pronouns)

Team Leader
Development Planning
Urban Planning and Design

DDI: (09) 952 8546 Extn: 98546
Mobile: 021 190 6349
Email: gurv.singh@kaingaora.govt.nz

From: Gurv Singh <Gurv.Singh@kaingaora.govt.nz>
Sent: Friday, 16 September 2022 3:26 pm
To: District Plan
Cc: Brendon Liggett; developmentplanning; Lezel Botha
Subject: RE: Submission by Kāinga Ora - Homes and Communities on Plan Change 92 to the Western Bay of Plenty District Plan
Attachments: FINAL KO Sub on PC92 Te Puke - Appendix 3 map.pdf

Kia ora,

Please find attached the second of 2 maps as part of Appendix 3 to Kāinga Ora submission to Plan Change 92.

Ngā mihi | Kind regards

Gurv Singh

From: Gurv Singh
Sent: Friday, 16 September 2022 3:22 PM
To: 'districtplan@westernbay.govt.nz' <districtplan@westernbay.govt.nz>
Cc: Brendon Liggett <Brendon.Liggett@kaingaora.govt.nz>; developmentplanning <developmentplanning@kaingaora.govt.nz>; Lezel Botha <Lezel.Botha@kaingaora.govt.nz>
Subject: Submission by Kāinga Ora - Homes and Communities on Plan Change 92 to the Western Bay of Plenty District Plan

Kia ora

Please find attached, a submission on **Plan Change 92 to the Western Bay of Plenty District Plan** from Kāinga Ora Homes and Communities. We will be sending the maps in a separate email due to their file size – if for any reason, you do not get these maps. Please let us know and we will provide them via a drop box/shared point link.

We would appreciate if you could please acknowledge receipt of this submission.

If you require any word documents or spatial files of the maps, please contact us.

Thank you.

Ngā mihi | Kind regards



Gurv Singh MNZPI. BPlan(Hons) (He/Him Pronouns)

Team Leader

Development Planning

Urban Planning and Design

DDI: (09) 952 8546 Extn: 98546

Mobile: 021 190 6349

Email: gurv.singh@kaingaora.govt.nz

Freephone: 0800 801 601 | Mainline: (04) 439 3052 | Kāinga Ora - Homes and Communities

16 September 2022

Attn: Chief Executive Officer
Western Bay of Plenty District Council
Private Bay 12803
Tauranga Mail Centre
Tauranga 3143
Submission made via email: districtplan@westernbay.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A
NOTIFIED PROPOSAL FOR THE WESTERN BAY OF PLENTY DISTRICT
COUNCIL PLAN CHANGE 92 UNDER CLAUSE 6 OF SCHEDULE 1 OF
THE RESOURCE MANAGEMENT ACT 1991**

This is a submission on Plan Change 92 (“PC92”) from Western Bay of Plenty District Council (“the Council” or “WBOPDC”) on the Western Bay of Plenty District Plan (“the Plan” or “WBOPDP”):

The specific provisions of the proposal that this submission relates to:

PC92 in its entirety.

This document and its attachments outlines the relief sought from Kāinga Ora – Homes and Communities to PC92.

The Kāinga Ora – Homes and Communities submission is:

1. Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
 - a) Provide people with good quality, affordable housing choices that meet diverse needs; and

- b) Support good access to jobs, amenities and services; and
 - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Bay of Plenty.
3. Kāinga Ora therefore has an interest in PC92 and how it:
- i. Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”) and The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**the Housing Supply Act**”);
 - ii. Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental and market housing; and
 - iii. Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
4. **The Kāinga Ora submission seeks amendments and relief to PC92 in the following:**
- i. **Plan Structure** – Kāinga Ora seeks amendments to the structure, alignment and integration of PC92 with the WBOPDP in particular to address:
 - a. Structural issues / concerns with PC92 which lead to a continuing inconsistency of the WBOPDP framework with the National Planning Standards;
 - b. The existence of two medium density residential zones (“**MDRZ**”);
 - c. The incorrect application of the issues, objectives and policies of the existing Section 14 Residential provisions of the WBOPDP to the newly proposed Section 14A provisions of PC92 in which Kāinga Ora considers to be inappropriate and not suitable for the proposed new zones; and

- d. Use of the non-complying and discretionary activity status for non-compliance with the structure plan, which should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).
- ii. **National Consistency** – Kāinga Ora seeks amendments to PC92 to be consistent with the National Planning Standards (particularly the Definitions Section) and seeks terms that have two different definitions to be amended or removed.
- iii. **Development Capacity** – Kāinga Ora seeks clarification in respect to provisions which appear to enable or unlock the development of Ōmokoroa Stage 3 and how this impacts on realising the development capacity of the area.
- iv. **High Density Residential Zone (“HDRZ”)** – Kāinga Ora seeks for ‘high density residential’ zoning for Te Puke and the Ōmokoroa Stage 3C area, as outlined in this submission and Appendices. Kāinga Ora seeks a new ‘High Density Residential’ zone chapter is inserted into WBOPDP, as set out in Appendix 2.
- v. **Rule Framework** – Kāinga Ora seeks amendments to objectives, policies and rules in PC92 for improved clarity, effectiveness and focus on the specific resource management issue / effect to be addressed.
- vi. **Natural Hazard Overlays** – Kāinga Ora seeks the location of proposed mapping of natural hazard overlays located within the District Plan which should be held outside the WBOPDP as a ‘non District Plan overlay.’ Provisions should be amended to reflect this relief sought.
- vii. **Liquefaction** – Kāinga Ora seeks for the deletion of the proposed liquefaction framework and that the susceptibility mapping and risk assessment for liquefaction across the whole of the district is finalised and made available publicly for landowners. Move the liquefaction overlay from within the WBOPDP to a “non-District Plan overlay,” in line with other natural hazard overlays The proposed approach to liquefaction, as notified, places the onus of identifying areas subject to liquefaction risk onto the applicants.

5. It is unclear to Kāinga Ora to whether WBOPDC have reassessed the housing capacity (previously undertaken in 2021)¹ as part of PC92. Kāinga Ora considers a reassessment should happen. The purpose of such a reassessment would be to consider the impact that the proposed qualifying matters and extent of MDRZ zoning identified by the Council has on housing capacity and whether the proposing rezoning as sought and notified by the Council still achieves the required short, medium and long term capacity in accordance with provision 3.2 of the NPS-UD. To that end, **Kāinga Ora seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.**
6. The changes sought by Kāinga Ora are made to:
- i. Ensure that Kāinga Ora can carry out its statutory obligations;
 - ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction and regional alignment;
 - iii. Ensure that a robust s32 analysis is carried out to justify the proposed plan provisions as the justification for a number of provisions is currently unclear;
 - iv. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
 - v. Provide clarity for all plan users; and
 - vi. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
7. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1.**

¹ Refer to <https://www.smartgrowthbop.org.nz/media/2353/smartgrowth-hba-housing-assessment-20212.pdf>

8. **Appendix 2** contains a recommended set of provisions for a High Density Residential Zone chapter that Kāinga Ora seeks is incorporated into the WBOPDP to align with the relief sought for the introduction and application of a new High Density Residential Zone in Western Bay of Plenty District (as identified in **Appendix 3**).
9. **Appendix 3** contains planning maps with the proposed high density zone sought from Kāinga Ora in Te Puke and in Ōmokoroa Stage 3C.

Kāinga Ora seeks the following decision from WBOPDC:

That the specific amendments, additions or retentions which are sought as specifically outlined in this **submission document and Appendix 1-3**, are accepted and adopted into Plan Change 92 of the Western Bay of Plenty District Plan, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC92 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



Brendon Liggett
Manager – Development Planning
Kāinga Ora – Homes and Communities

ADDRESS FOR SERVICE: *Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051. Email: developmentplanning@kaingaora.govt.nz*

Appendix 1: Decisions sought for Plan Change 92

The following table sets out the amendments sought to Plan Change 92 and also identifies those provisions that Kāinga Ora supports.

Proposed changes by Kāinga Ora are shown as ~~strikethrough~~ for deletion and underlined for proposed additional text.

Table 1

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
Overall PC92					
1.	PC92 as a whole	Plan Structure	Support in part	<p>Kāinga Ora seeks amendments to the structure, alignment and integration of PC92 with the WBOPDP in particular to address:</p> <ul style="list-style-type: none"> a. Structural issues / concerns with PC92 which lead to a continuing inconsistency of the WBOPDP framework with the National Planning Standards; b. The existence of two medium density residential zones (“MDRZ”); c. The incorrect application of the issues, objectives and policies of the existing Section 14 Residential provisions of the WBOPDP to the newly proposed Section 14A provisions of PC92 in which Kāinga Ora considers to be inappropriate and not suitable for the proposed new zones; and d. Use of the non-complying and discretionary activity status for non-compliance with the structure plan, which should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan). 	Seek amendments to the structure, alignment and integration of PC92 with the WBOPDP that will address the concerns and issues raised in the [reasons for submission] column.
2.	PC92 as a whole	S32 evaluation	Oppose	<p>It is unclear to Kāinga Ora to whether WBOPDC have reassessed the housing capacity (previously undertaken in 2021)² as part of PC92. Kāinga Ora considers a reassessment should happen.</p> <p>The purpose of such a reassessment would be to consider the impact that the proposed qualifying matters and extent of MDRZ zoning identified by the Council has on housing capacity and whether the proposing rezoning as sought and notified by the Council still achieves the required short, medium and long term capacity in accordance with provision 3.2 of the NPS-UD.</p> <p>To that end, Kāinga Ora seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.</p>	Seek clarity from WBOPDC on this matter and if any reassessment has not happened, then Kāinga Ora seeks that this housing capacity assessment is undertaken with the proposed or preferred set of provisions the Council seeks to implement in the Western Bay of Plenty District.

29.1

29.2

² Refer to <https://www.smartgrowthbop.org.nz/media/2353/smartgrowth-hba-housing-assessment-20212.pdf>

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
3.	District Plan Maps	New natural hazard overlays in PC92	Oppose	<p>Kāinga Ora oppose the inclusion of new natural hazard overlays within the WBOPDP. Such overlays are often subject to change once additional investigations and new information come to light. Having the overlays located outside the WBOPDP enables greater flexibility to update and amend the overlays when new information arises without needing a formal ‘Schedule 1’ Plan change process to occur.</p> <p>Kāinga Ora also notes that there are existing natural hazards that are mapped as part of a series of ‘non District Plan’ overlays and therefore the relief sought is consistent with the existing approach.</p>	<ol style="list-style-type: none"> 1. Amend and shift the new District Plan natural hazards layers out of the District Plan so that they sit within the ‘non District Plan layer’, made available publicly on a GIS viewer. 2. Provisions in PC92 should be amended to reflect this relief sought.
4.	Section 14 and Section 14A	MDRZ and OTP MDRZ Zones	Oppose	<p>Kāinga Ora opposes the duplication of zone names with respect to MDRZ zones. There is the (existing) MDRZ (i.e., applying to areas of Waihi Beach, Katikati and Ōmokoroa) in Section 14 and now a new Ōmokoroa Te Puke Medium Density Residential Zone (“OTP MDR”) in proposed Section 14A. This duplication is unnecessary, confusing and not aligned with National Planning Standards (regarding naming of zones). Kāinga Ora seeks that WBOPDC addresses this duplication.</p>	<p>Kāinga Ora opposes the duplication of zone names with respect to MDRZ zones and seeks amendments as outlined in reasons for submission.</p>
5.	PC92 as a whole	Extent of MDRZ in Ōmokoroa and High Density Residential Zone	Support in part	<p>Kāinga Ora generally supports the areas identified for rezoning in Ōmokoroa including additional intensification provisions for Ōmokoroa Stage 3.</p> <p>Kāinga Ora seeks to rezone the Ōmokoroa Stage 3C area to a new ‘High Density Residential Zone’ (HDRZ) instead of forming part of Section 14A. The rules of Section 14A relate to the provision of medium density residential living. However, Kāinga Ora notes the provision for high density residential is already acknowledged and provided for in Section 14A such as within the explanatory statement, proposed objective 14A.2.1.5, the increased height provisions in PC92 for Stage 3C (up to 20m as per proposed rule 14A.4.1.b.ii.a) and higher minimum yield rules (as per proposed rule 14A.4.2.a). Accordingly, Kāinga Ora seek a separate section (i.e., 14B) of the WBOPDP with specific set of provisions specifically for high density residential development.</p> <p>Proposed HDRZ provisions have been included in this submission in Appendix 2. Kāinga Ora seeks to apply these to both Te Puke (see submission point 2) and Ōmokoroa Stage 3C for consistency in applying HDRZ rules throughout the District.</p>	<ol style="list-style-type: none"> 1. Accept and include a new High Density Residential Zone in the WBOPDP. 2. Adopt the proposed provisions of the new High Density Residential Zone into the WBOPDP and PC92 as set out in Appendix 2 of this submission. 3. Rename Ōmokoroa Stage 3C area to a new ‘High Density Residential Zone’ (HDRZ) instead of forming part of Section 14A and retain spatial extent. 4. Consequential amendments will be required to the rest of the WBOPDP in response to this submission point.

29.3

29.4

29.5

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
6.	PC92 as a whole	Extent of MDRS in Te Puke and High Density Residential Zone	Support in part	<p>Kāinga Ora generally supports the extent of MDRZ in Te Puke given that WBOPDC intends to undertake a wider Te Puke District Plan review through a subsequent plan change / District Plan review.</p> <p>However, Kāinga Ora is concerned around the potential reduction in capacity as a result of the proposed natural hazard overlays (discussed elsewhere in this submission). Kāinga Ora is also aware of supporting a compact urban form model which supports higher density walkable catchments and reduces the need to encroach on the surrounding productive land to enable urban development.</p> <p>With the above in mind, Kāinga Ora seeks that appropriate parts of Te Puke be zoned 'high density residential.' The proposed area is included in Appendix 3 and is based on a 400m walkable catchment around the town centre. Proposed HDR Zone provisions have been included in this submission in Appendix 2. Locating higher density residential in proximity to town centres is a consistent approach sought by Kāinga Ora in both Western Bay and Tauranga City and is consistent with the NPS-UD.</p>	<ol style="list-style-type: none"> 1. Rezone parts of Te Puke 'high density residential' typically within a 400m walking catchment of the town centre as per the proposed area set out in Appendix 3 of this submission. 2. Accept and include a new High Density Residential Zone in the WBOPDP for Te Puku. 3. Consequential amendments will be required to the rest of the WBOPDP in response to this submission point.
Section 3 – Definitions					
7.	3 - Definitions	Specific definitions	Oppose	<p>Kāinga Ora notes that there are definitions specific to Ōmokoroa Te Puke Medium Density Residential ("OTP MDRZ") introduced which results in the use of different definitions that are used to describe the same 'term.' This is confusing for users and inconsistent with the National Planning Standards (where such a definition is included in the Standards). Definitions within Section 3 specific to the OTP MDRZ are:</p> <ul style="list-style-type: none"> • Building, Building Coverage, Building Footprint, Construction, Developable Area, Dwelling, Front Boundary, Ground Level, Height, Height in Relation to Boundary, Impervious Surfaces, Minor Dwelling, Net Site Area, Outdoor Living Space, Residential Activity, Residential Unit, Showhome, Site, (Front) Yard. <p>For example, 'Residential Unit' is introduced in PC92 but only in the context of the OTP MDRZ. For other parts of the district, 'Dwelling' continues to be used. 'Residential Unit' is defined in the National Planning Standards: Definitions Sections to replace dwelling. Other examples of two different definitions for the same term are</p>	<ol style="list-style-type: none"> 1. Delete repetitive definitions (refer to 'reasons for submission' for the list); or 2. Move all definitions specific to the OTP MDRZ to Section 14A until WBOPDC gives effect to the National Planning Standards in the WBOPDP (refer to 'reasons for submission' for the list).

29.6

29.7

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<p>'Building,' 'Building Coverage,' 'Construction,' 'Ground Level', 'Height', 'Front Yard' and 'Net Lot Area'/'Net Site Area'.</p> <p>Kāinga Ora considers there should be one definition used for each term throughout the WBOPDP for clarity and consistency.</p> <p>Amendments sought.</p>	
Section 8 – Natural Hazards					
8.	8, 8.1.1-2, 8.3.1.e, 8.3.3.e, 8.5.1.5.a-j, 8.6.2	Liquefaction	Oppose in part	<p>Kāinga Ora opposes, in part, Council's approach to liquefaction and seeks the provisions be deleted in full. While Kāinga Ora supports a framework to manage the risks of liquefaction on people's safety, well-being and property, the proposed approach, as drafted, places the onus of identifying areas subject to liquefaction risk onto the applicants – increasing both the costs and time for residential development within both Te Puke and Ōmokoroa urban limits.</p> <p>Kāinga Ora understands that PC92 incorporates the liquefaction investigations prepared by Tonkin + Taylor (T+T) into Section 8 – Natural Hazards rule framework and District Plan Maps. The T+T investigations adopted are as follows:</p> <ul style="list-style-type: none"> • The Ōmokoroa Stage 3 Structure Plan Area (as part of the natural hazards risk assessment accompanying the structure plan) [Level B liquefaction assessment] • the remainder of Ōmokoroa (undertaken as part of a region-wide study) [Level A liquefaction assessment]; and • Te Puke (undertaken as part of a region-wide study) [Level A liquefaction assessment] <p>The amendments to the District Plan Maps include:</p> <ul style="list-style-type: none"> • a 'Liquefaction Damage is Possible' overlay • a 'Liquefaction Damage is Unlikely' overlay; and • a 'Liquefaction Category is Undetermined' overlay. <p>The subsequent amendments to Section 8 – Natural Hazards to introduce a framework to manages the risks of liquefaction include:</p> <ul style="list-style-type: none"> • a Permitted Activity rule (8.3.1.e) for buildings / structures within the 'Liquefaction Damage is Unlikely' – Ōmokoroa (applies only to Ōmokoroa) 	<ol style="list-style-type: none"> 1. Delete the proposed liquefaction framework and finalise the susceptibility mapping and risk assessment for liquefaction across the whole of the district – as with the other natural hazards - and provide a framework to appropriately manage the risk to people's safety, well-being, and property. Such a process should be undertaken as part of a separate plan change process that would seek additional amendments to existing frameworks across the District Plan in response to the results of the mapping and assessments of all relevant natural hazards (noting the scope of this plan change is for residential areas only). 2. Should Council wish to retain a liquefaction framework for residential areas as part of PC92, prioritise a Level B liquefaction assessment for both Te Puke urban limit and the balance of Ōmokoroa (that is, the same level of assessment undertaken for the Structure Plan Area) to remove the proposed '<i>Liquefaction Category is Undetermined</i>' overlay. 3. Remove the liquefaction overlay from within the WBOPDP into a "non-District Plan overlay," in line with other natural hazard overlays, that is available publicly on a GIS viewer.

29.7

29.8

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<ul style="list-style-type: none"> • a Restricted Discretionary Activity rule (8.3.3.e) for buildings, subdivision and infrastructure within both the ‘Liquefaction Damage is Possible’ and ‘Liquefaction Category is Undetermined’ (applies to both Ōmokoroa and Te Puke) • Matters of Discretion (8.5.1.5.a-j) relating to rule 8.3.1.e • Information Requirements (8.6) relating to liquefaction in both Ōmokoroa and Te Puke. <p>Under the proposed PC92 rule framework, any building, subdivision and / or infrastructure (any) within either the ‘Liquefaction Damage is Possible’ or ‘Liquefaction Category is Undetermined’ overlay triggers a RDA consent requirement. The RDA trigger requires the landowner/s to provide a liquefaction assessment prepared by a Category 1 Geo-professional (or Category 2 if endorsed by a Category 1) as part of the application. Given the spatial extent of the ‘Possible’ and ‘Undetermined’ liquefaction overlays, the resulting scenario is any building, subdivision and / or infrastructure within the entire urban limit or Te Puke or the balance of the existing Ōmokoroa urban limit not within the Structure Plan area requires resource consent (and, therefore, an accompanying liquefaction assessment) - placing the onus (including the associated costs) of determining the ‘undetermined’ liquefaction overlays on the landowner/s.</p> <p>Parallel to PC92, Kāinga Ora notes that Council is in the process of completing the susceptibility mapping and risk assessment for all natural hazards across the whole of the district to meet Council’s obligations pursuant to the Regional Policy Statement. It is considered that these assessments would clarify the ‘undetermined’ overlay for both Te Puke and the balance of Ōmokoroa urban area outside the Structure Plan area. Therefore, Kāinga Ora considers that the proposed liquefaction framework, as drafted, acts as a “stop gap” until such a time these assessments are completed by Council – with landowners bearing the costs in the interim.</p> <p>In addition, Kāinga Ora questions whether the proposed approach to liquefaction in PC92 is consistent with the existing policy framework of the District Plan – insofar as not enabling development in existing urban areas where those areas are not known to be at risk (noting the “undetermined” category rating for liquefaction in both Te Puke and Ōmokoroa . Specifically, whether</p>	

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<p>the proposed liquefaction framework is consistent with Policy 8.2.2.3:</p> <p>“Enable the development or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated”</p> <p>Finally, Kāinga Ora considers such an overlay should be located as a “non-district plan overlay” consistent with other natural hazard overlays (noted on WBOPDC’s GIS maps).</p>	
Section 11 – Financial Contributions					
9.	11.5.3	One or two additional residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Support in part	<p>Kāinga Ora consider that the way in which financial contributions are to be calculated are overly complicated and require amendments for simplification and clarity.</p> <p>Kāinga Ora also seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p> <p>Amendments sought.</p>	<p>1. Amend Rule 11.5.3 as follows:</p> <p>One or two additional All additional residential units or lots on a site in the Ōmokoroa and Te Puke Medium and High Density Residential Zones</p> <p>a. For clarity, these rules do not apply to:</p> <p>i. The first residential unit on a site (these shall be exempt from financial contributions);</p> <p>ii. One or two additional residential units on a site where a subdivision consent has been granted subject to a condition of consent imposing financial contributions for that site under Rule 11.5.5 (except for any balance lots under 11.5.5 (e)).</p> <p>b. The following rules shall apply where an application for building consent is lodged for one or two additional residential units on a site:</p> <p>i. Each additional residential unit shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply and wastewater based on the gross floor area of each residential unit (excluding garage);</p> <p>ii. Each additional unit shall be charged a financial contribution for stormwater based on the building footprint of each residential unit (including garage);</p> <p>iii. For this rule, building footprint means the total area of the buildings (residential unit and garage) at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of those buildings and overhangs the ground.</p> <p>iv. One household equivalent for a residential unit is equal to a gross floor area of 150m² (excluding any garage) or building footprint of 150m² (including any garage) in the case of stormwater;</p>

29.8

29.9

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
					<p>v. An additional residential unit with a gross floor area or building footprint exceeding 150m shall not pay more than one household equivalent;</p> <p>vi. Each additional residential unit with a gross floor area or building footprint less than 150m² shall pay a reduced financial contribution that is proportional to 150m²;</p> <p>vii. The minimum contribution to be paid for an additional residential unit shall be 0.5 of a household equivalent;</p> <p>viii. Financial contributions shall be assessed and imposed through the building consent application process;</p> <p>ix. The financial contribution required through the building consent application process is payable immediately prior to the issue of that consent.</p> <p>2. Seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p>
10.	11.5.4	One or two additional residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Support in part	<p>Kāinga Ora consider that the way in which financial contributions have been calculated are overly complicated and require amendments for clarity. Kāinga Ora also seeks consequential amendments to incorporate reference to the High Density Residential Zones.</p> <p>Amendments sought.</p>	<p>Amend Rule 11.5.4 as follows:</p> <p>One or two additional lots for non-residential activities not for the purpose of the construction and use of residential units from sites of less than 1,400m in the Ōmokoroa and Te Puke Medium and High Density Residential Zones 2</p> <p>a. Each additional lot shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater equal to one household equivalent.</p>
11.	11.5.5	All other subdivision and four or more residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones	Oppose	<p>Kāinga Ora consider that the way in which financial contributions have been calculated are overly complicated and require amendments for clarity and seek that Rule 11.5.5 is deleted and replaced with Rule 11.5.3 as amended by this submission.</p>	Delete Rule 11.5.5 in its entirety.
Section 12 – Subdivision & Development					
12.	12.4.4.4.c	Access onto Ōmokoroa Road, Prole Road, Athenree Road and Fergus Road.	Oppose	<p>Kāinga Ora notes the rule requiring Prole Road accesses to be closed and relocated means that some sites/developments will be reliant on others to complete the (Structure Plan) road network before their sites can be connected (or otherwise seek a non-complying resource consent). In respect to Ōmokoroa Road, Kāinga</p>	<p>1. Seeks clarification in respect to provisions which appear to enable or unlock the development of Ōmokoroa Stage 3 and how this impacts on realising the development capacity of the area.</p>

29.9

29.10

29.11

29.12

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
				<p>Ora notes sub clause i. does not provide for an increase in direct access by dwellings or activities.</p> <p>Kāinga Ora is concerned that this may restrict the ability to unlock development and realise the development capacity resulting in delays to achieving the outcomes of the NPS-UD and the Housing Supply Act. Kāinga Ora seeks clarification from WBOPDC in relation to this matter.</p> <p>It is the view of Kāinga Ora that a subdivision and/or development that proposes access to Prole or Ōmokoroa Road should be assessed as a Restricted Discretionary Activity if no alternative access (as per the Structure Plan) is available. This would enable landowners to unlock the land’s development potential without relying on a third party landowner.</p>	<p>2. That a subdivision and/or development that proposes access to Prole or Ōmokoroa Road should be assessed as a Restricted Discretionary Activity if no alternative access (as per the Structure Plan) is available. This would enable landowners to unlock the land’s development potential without relying on a third party landowner.</p>
13.	12.4.5.17	Stormwater	Oppose	<p>Kāinga Ora opposes rule 12.4.5.17 specifically because:</p> <ul style="list-style-type: none"> (a) Kāinga Ora is unclear if the rule relates to both development and subdivision as sub clause (a) only refers to ‘subdivisions. (b) It is not clear what Stormwater Management Plans are being referred to in sub clause (b) without full references. The additional detail in sub clause (b) is not necessary if the detail is incorporated into the Stormwater Management Plan itself. (c) Sub-clause (c) should be rewritten for improved readability. (d) Kāinga Ora does not support reference to the stormwater discharge consent for Ōmokoroa, noting this is to expire in May 2023 and will therefore be out of date shortly (sub clauses (d)-(e)), with WBOPDC due to lodge a new consent for its replacement. Additionally, it is not necessary to include a rule to comply with a resource consent if one is in place. Kāinga Ora seek that sub clause (d) and (e) be deleted. (e) Kāinga Ora also does not consider it appropriate to include requirements for third party approvals from Bay of Plenty Regional Council (which are also linked to the aforementioned consent) in sub clause (e) as part of a District Plan. (f) Sub clause (f) is not a rule and Kāinga Ora seek that it be deleted or changed to an advice note. <p>Amendments sought.</p>	<p>Amend 12.4.5.17 as follows:</p> <p>In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met.</p> <ul style="list-style-type: none"> a. All new subdivisions and development 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 (<i>insert full reference</i>) and Te Puke Stormwater Management Plan (<i>insert full reference</i>) 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 inert 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 offsite adverse effects. d. The construction plans... e. An erosion and... f. Advice note: The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.

29.12

29.13

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
14.	12.4.6.3	Wastewater Drainage	Oppose	<p>Kāinga Ora seeks clarification on the intent and outcome sought for rule 12.4.6.3, notably:</p> <ul style="list-style-type: none"> • 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 Area, 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. <p>Kāinga Ora seeks that this rule be deleted in full, and the intent be reviewed to clarify the above matters.</p>	Delete in full and review intent of this rule.
15.	12.4.11.2	Streetscape	Oppose	<p>Kāinga Ora seeks amendment to the rule to:</p> <ul style="list-style-type: none"> • Clarify that sub-clause (a) relates to new residential roadways only; • Delete sub clause (c) as it is not clear how this rule would be enforced and is too onerous in its specificity. 	<p>Amend 12.4.11.2 as follows:</p> <p>a. New R residential roadways (local and collector roads)...</p> <p>... c. Council shall require that Ōmokoroa Road be planted in Maple-Acer palmatum ‘Osakazuki’ with a tree spacing of approximately 40m (centres).</p>
16.	12.4.11.5(b)	Compliance with the Ōmokoroa Structure Plan	Oppose	<p>Kāinga Ora notes the intent of the rule (in respect to Prole Road and Ōmokoroa Road) appears to double up with rule 12.4.4.4(c). Amendments sought.</p>	<p>Amend 12.4.11.5(b) as follows:</p> <p>...iii. No subdivision or development shall utilise Prole Road for direct vehicular property access.</p> <p>iv. There shall be no additional access to Ōmokoroa Road except as identified on the Structure Plan.</p>
17.	12.4.11.5(c)	Compliance with the Ōmokoroa Structure Plan	Oppose	<p>Kāinga Ora seeks clarification on the use of ‘vicinity’ in the context of the rule (in that non-compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre is a discretionary activity.) ‘Vicinity’ is too subjective for use in a rule as it can be interpreted in different ways. Kāinga Ora also oppose use of the non-complying & discretionary activity status for non-compliance with the structure plan and instead consider this should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).</p> <p>Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters.</p>	<ol style="list-style-type: none"> 1. Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the reasons outlined. 2. Kāinga Ora also oppose use of the non-complying & discretionary activity status for non-compliance with the structure plan and instead consider this should be amended to be a restricted discretionary activity with targeted matters for discretion (relating to specific outcomes sought by the structure plan).

29.14

29.15

29.16

29.17

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
18.	12.4.14.2	Streetscape	Oppose	Kāinga Ora seeks the same relief sought as per rule 12.4.11.2(a) to reference that the rule only refers to new residential roadways. Amendments sought.	Amend 12.4.14.2 as follows: a. <u>New R</u> residential roadways (local and collector roads)...
19.	12.4.14.3	Compliance with the Te Puke Structure Plan	Oppose	Kāinga Ora 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.	<ol style="list-style-type: none"> 1. Kāinga Ora seeks that this rule be reviewed in full and amended to clarify and respond to the above matters. 2. Kāinga Ora seeks clarification of the broad reference to “subdivision, use and development” within this rule.
Section 14 – Medium Density Residential					
20.	14.1.6	Significant Issues	Oppose	Section 14A does not have specific “significant issues” but cross references back to those in Section 14. Kāinga Ora opposes the reference to 14.1.6 and 14.1.7 in respect to Section 14A, noting: In respect to issue 14.1.6 it is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time (acknowledged in Objective 4 and Policy 6(b)(i) of the NPS-UD). In respect to issue 14.1.7 the references to Community Plans are considered out of date noting the (more recent) directions of the NPS-UD and the Housing Supply Act and noting the Community Plans have not been reviewed or updated in light of this national direction.	Remove reference to 14.1.6 and 14.1.7 in Chapter 14A as follows: 14A.1 Significant Issues – See the Significant Issues in Section 14.1-Medium Density Residential <u>except that 14.1.6 and 14.1.7 do not apply.</u>
Section 14A – Ōmokoroa and Te Puke Medium Density Residential					
21.	14A	Chapter Wide	Support	Kāinga Ora supports the inclusion of the prescribed Medium Density Residential Standards (MDRS) as required by the Housing Supply Act into the District Plan.	Retain, as notified, where they are consistent with the prescribed MDRS.

29.18

29.19

29.20

29.21

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
22.	14A	Explanatory Text	Oppose	Kāinga Ora opposes the explanatory text where it is inconsistent with the relief sought through this submission. In addition, Kāinga Ora opposes the reference to the applicability of the objectives and policies of the Medium Density Residential (Section 14) of the District Plan as the objectives and policy framework of Section 14 will be inconsistent with the outcomes sought through the Section 14A framework.	<ol style="list-style-type: none"> 1. Re-write the explanatory text to be consistent with the relief sought in this submission including: 2. Deleting reference to the applicability of the objectives and policies of the Medium Density Residential (Section 14) section, as follows: <p>In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.</p>
23.	14A.2.1	Objective 3	Oppose	Kāinga Ora opposes Objective 3 because it is similar to Objective 2. Whilst Kāinga Ora acknowledges that Objective 3 describes in further detail the ‘variety of housing types’ referenced in Objective 2, noting this specificity is repeated in Policy 6, Objective 3 is considered unnecessary. Amendments sought.	<ol style="list-style-type: none"> 1. Delete Objective 3 in full. 2. Consequential amendments needed to renumber the remaining objectives.
24.	14A.2.1	Objective 5	Oppose in part	Kāinga Ora opposes the reference to amenity values within Objective 5. It is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time (acknowledged in Objective 4 and Policy 6(b)(i) of the NPS-UD). Kāinga Ora also consider that this is an objective which primarily relates to earthworks and associated activities, rather than residential use and development, and should therefore be relocated out of Chapter 14A and into the general ‘district-wide’ earthworks provisions of the District Plan. Amendments sought.	<p>Amend Objective 5 and shift to ‘district wide’ section of WBOPDP as follows:</p> <p>Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural and amenity-values as well as on the stability of land and the safety of buildings and structures.</p>
25.	14A.2.1	Objective 8	Support in Part	Kāinga Ora supports in part the inclusion of Objective 8 to describe the intended land use outcomes for the Ōmokoroa Mixed Use Residential Precinct (OMURP). However, the Objective is considered overly descriptive with several unnecessary adjectives and/or verbs. The final part of the sentence appears to describe the purpose of the neighbouring Commercial Zone which is not considered necessary for an objective focused on OMURP. Amendments sought.	<p>Amend Objective 8 as follows:</p> <p>A well-functioning high-quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality-of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.</p>

29.22

29.23

29.24

29.25

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought	
26.	14A.2.2	Policy 6	Support in Part	<p>Kāinga Ora partly supports Policy 6 but seeks to delete or alternatively replace the reference to ‘pocket neighbourhood’ with a more common description. Kāinga Ora notes ‘pocket neighbourhood’ is not defined, is not referenced in the rules of the District Plan and is not included in the WBOPDC’s Residential Design Outcomes.</p> <p>Furthermore, as noted earlier, Kāinga Ora recognises that Policy 6 and Objective 3 overlap in explanation and both are not needed. Objective 2 provides a cascading link to Policy 6.</p> <p>Amendments sought.</p>	<p>Amend Policy 6 as follows:</p> <p>Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, and papakāinga and pocket neighbourhoods in a manner which responds to the specific needs of the community which they are designed for.</p>	29.26
27.	14A.2.2	Policy 7	Oppose	<p>Kāinga Ora opposes Policy 7 as it is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.1) already.</p> <p>Amendments sought.</p>	<ol style="list-style-type: none"> Delete Policy 7 in full. Consequential amendments needed to renumber the remaining policies. 	29.27
28.	14A.2.2	Policy 8	Oppose	<p>Kāinga Ora opposes Policy 8 as it is considered unnecessary as a policy and is provided for as a rule (i.e., 14A.4.2.a) and an assessment matter (i.e., 14A.7.1(b) and 14A.7.10).</p> <p>Amendments sought.</p>	<ol style="list-style-type: none"> Delete Policy 8 in full. Consequential amendments needed to renumber the remaining policies. 	29.28
29.	14A.2.2	Policy 10	Oppose	<p>Kāinga Ora opposes Policy 10 as it is overly complex, and it is not clear why there is a reference to ‘visual dominance of buildings other than residential units’ when the start of the policy refers to residential development.</p> <p>Amendments sought.</p>	<p>Amend Policy 10 as follows:</p> <p>Encourage a positive Ensure that the interface between residential development and public boundaries is positive by avoiding or mitigating the visual dominance of buildings other than residential units, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.</p>	29.29
30.	14A.2.2	Policy 13	Support in Part	<p>Kāinga Ora partly supports Policy 13 but seeks to replace the word ‘ensure’ which is too definitive for this policy, noting it is not always practicable to limit earthworks and retaining walls to achieve the residential outcomes sought for PC92 and by the Housing Supply Act and NPS-UD. Kāinga Ora also consider that this is a policy which primarily relates to earthworks and associated activities, rather than residential use and development, and should therefore be relocated out of Chapter 14A and into the general ‘district-wide’ earthworks provisions of the District Plan.</p> <p>Amendments sought.</p>	<p>Amend Policy 13 and shift to ‘district wide’ section of WBOPDP as follows:</p> <p>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.</p>	29.30

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought	
31.	14A.2.2	Policy 14	Oppose	Kāinga Ora opposes Policy 14 as it is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.13) already. Amendments sought.	<ol style="list-style-type: none"> Delete Policy 14 in full. Consequential amendments needed to renumber the remaining policies. 	29.31
32.	14A.2.2	Policy 15	Oppose	Kāinga Ora opposes Policy 15 as this matter is more appropriately considered in Section 12 with respect to stormwater management. Amendments sought.	<ol style="list-style-type: none"> Delete Policy 15 in full. Consequential amendments needed to renumber the remaining policies. 	29.32
33.	14A.2.2	Policy 16	Oppose	Kāinga Ora opposes Policy 16 with reference to an 'economic impact assessment'. There is no rule that requires the provision of such assessment and depending on the specific proposal has the potential to be overly onerous. Amendments sought.	Amend Policy 16 as follows: Enable the permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not to be exceeded unless where 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.	29.33
34.	14A.2.2	Policy 17	Support in Part	Kāinga Ora generally supports the intent of Policy 17 however seeks amendments to refine the policy to be more specific to the outcome sought in the precinct. Amendments sought.	Amend Policy 17 as follows: Encourage Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are to be designed holistically with respect to integrate with surrounding land uses, public spaces and natural features, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide developed at a density to of use of land to that deliver the planned character of promote a vibrant, complementary mixed-use destination that complements and supports adjacent to the town centre.	29.34
35.	14A.2.2	Policy 18	Oppose	Kāinga Ora opposes Policy 18 because it runs counter to the purpose of the precinct in that it provides for some non-residential uses as a permitted activity. Policy 12 also has a similar intent and therefore Policy 18 is not considered necessary. Amendments sought.	<ol style="list-style-type: none"> Delete Policy 18 in full. Consequential amendments needed to renumber the remaining policies. 	29.35
36.	14A	Use of "structure" in Section 14A	Oppose	Kāinga Ora opposes the use of "structure" within the proposed rule framework. The definition of "structure" in section 3 cross references to the existing "building/structure" definition, albeit a proposed amendment to include a "building" definition specific for section 14A. This creates unnecessary ambiguity for plan users and can have unintended consequences in a rule framework pertaining to the control of "buildings" on a residential site. Note the relief sought by Kāinga Ora to the definitions (section 3) above. Amendments sought.	Delete reference to "structures" within Chapter 14A and retain reference to "buildings" (noting the relief sought to Section 3 of this submission).	29.36

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
37.	14A.3.1.a	Permitted Activities - Up to three residential units on a site.	Support in part	<p>Kāinga Ora supports up to three residential units on a site as a permitted activity. However, Kāinga Ora seeks that the activity standard is amended to provide clarity for how this applies to papakāinga – recognising it is enabled through Policy 14A.2.2.6.</p> <p>Kāinga Ora requests that provision is made for a permitted level of papakāinga development, similar to that of general residential developments, i.e., up to three dwellings permitted. Kāinga Ora considers papakāinga housing to be inherently residential in nature and provisions should be drafted to reflect this. Moreover, the provision of a permissive framework for papakāinga housing is in accordance with policy 1(a)(ii) of the NPS-UD. Inclusion of such activity would support the objectives and policies of Section 14A which seek to enable papakāinga.</p> <p>Furthermore, Kāinga Ora requests that provisions for marae and cultural activities in association with papakāinga housing be provided for as a restricted discretionary activity to reflect the ability for such uses to co-exist with residential activities.</p> <p>To support the provisions requested above, a definition for Papakāinga Development is sought to be included within the definitions of the District Plan.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.3.1.a, as follows:</p> <p>Up to three residential units on a site.</p> <p><u>Note: This standard applies to papakāinga</u></p> <p>Consequential amendment to add new definition for <u>Papakāinga development, as follows:</u></p> <p><u>“Papakāinga development”: A development by tangata whenua established to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental, and economic wellbeing of tangata whenua.</u></p> <p><u>Include a new rule for marae (in association with papakāinga housing) in the OTP MDRZ as a restricted discretionary activity.</u></p>
38.	14A.3.1.g	Ōmokoroa Mixed Use Residential Precinct - Non-residential land uses permitted if less than 150m ²	Support in part	<p>Kāinga Ora supports, in part, a maximum threshold for non-residential activities within the Ōmokoroa Mixed Use Residential Precinct to ensure that there is no economic impact to the neighbouring Commercial Zone insofar as affecting its viability and associated vitality. However, it is not abundantly clear whether the ‘less than 150m² maximum gross floor area’ applies per development, to the total per precinct, or is the total gross floor area per activity.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.3.1.g to ensure the application of the rule is clear to plan users, as follows:</p> <p>In the Ōmokoroa Mixed Use Residential Precinct only, the following activities where they occupy less than 150m² in gross floor area <u>per activity</u>:</p> <ul style="list-style-type: none"> i. Offices ii. Retailing (ground floor only) iii. Restaurants and other eating places and taverns (ground floor only) iv. Commercial services (ground floor only) v. Places of assembly (excluding places of worship, marae, halls, theatres and taverns) vi. Medical or scientific facilities.

29.37

29.38

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought								
39.	14A.3.2.a – c 14A.3.4.i	Subdivision rules	Oppose	Kāinga Ora opposes locating subdivision specific standards within the residential standards. In accordance with the National Planning Standards, these subdivision specific standards should be located to the 'district-wide' provisions in Section 12 (subdivision and development) of the WBOPDP.	Move rules into Section 12 of the WBOPDP.								
40.	14A.4.1.d.ii.e	Density Standards – Setbacks	Oppose	Kāinga Ora opposes clause 14A.4.1 d.ii.e as this is a duplication of s87BA of the RMA.	Delete standard 14A.4.1.d.ii.e in its entirety and any references to the standard.								
41.	14A.4.1.e	Density Standards – Building Coverage	Support in part	Kāinga Ora supports, in part, the maximum building coverage threshold of 50% of the net site area as prescribed by the Housing Supply Act. However, it is considered that the image is misleading insofar as it only demonstrates one residential unit per site - whereas the permitted number of residential units per site is three. Therefore, the illustration provided with the standard should be updated to demonstrate three residential units per site with a 50% maximum building coverage.	Delete the illustration provided with standard 14A.4.1.e and replace with an illustration demonstrating three residential units per site with a 50% maximum building coverage.								
42.	14A.4.2.a	Other Standards – Residential unit yield	Oppose	Kāinga Ora opposes the proposed residential unit yield requirements which at their current rate is not conducive to achieving medium or high density residential land use.	Amend standard 14A.4.2.a as follows: Four or more residential <u>Residential</u> units on a site are subject to the following requirements: <table border="1" data-bbox="1795 1102 2677 1543"> <thead> <tr> <th>Area</th> <th>Yield Requirements</th> </tr> </thead> <tbody> <tr> <td>Ōmokoroa Stage 3A</td> <td>Minimum yield of 15 residential units per hectare of developable area.</td> </tr> <tr> <td>Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential</td> <td>Minimum yield of 20 <u>35</u> residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential</td> <td>Minimum yield of 50 <u>30</u> residential units per hectare of developable area</td> </tr> </tbody> </table>	Area	Yield Requirements	Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area.	Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of 20 <u>35</u> residential units per hectare of developable area	Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of 50 <u>30</u> residential units per hectare of developable area
Area	Yield Requirements												
Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area.												
Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of 20 <u>35</u> residential units per hectare of developable area												
Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of 50 <u>30</u> residential units per hectare of developable area												
43.	14A.4.2.b	Other Standards – Residential unit typology	Oppose	Kāinga Ora opposes a control on residential unit typology when six or more residential units are located on a site as this is not consistent with Policy 1(a) of the NPS-UD nor Objective 2 and Policy 1 of Section 14A.	Delete standard 14A.4.2.b and any references to it.								

29.39

29.40

29.41

29.42

29.43

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought	
44.	14A.4.2.e	Other Standards – Vehicle crossing and access	Oppose	Kāinga Ora opposes the vehicle crossing and access controls, as drafted, as it would not provide for jointly owned access lots and / or two-way traffic for larger developments with one front boundary.	Delete standard 14A.4.2.e, as follows: Vehicle crossing and access i. For a site with a front boundary the vehicle crossing shall not exceed 5.4m in width (as measured along the front boundary) or cover more than 40% of the length of the front boundary as shown in the diagram below.	29.44
45.	14A.4.2.f	Other Standards – Streetscape	Support in part	Kāinga Ora supports, in part, a control on the percentage of the total width of the building frontage that can be occupied by a garage. However, there is an absence of a specific objective, policy and assessment criteria framework to support the rule – noting there are various references to streetscape landscaping in the Ōmokoroa and Te Puke Structure Plans.	Retain standard 14A.4.2.f only if a suitable policy and associated assessment criteria is inserted into the District Plan.	29.45
46.	14A.4.2.g	Other Standards – Earthworks	Oppose	Kāinga Ora opposes locating earthwork specific standards within the residential standards. In accordance with the National Planning Standards, these earthworks specific standards should be located to the ‘district-wide’ provisions in Section 4A.5 (General - Earthworks) of the District Plan.	Delete standard 14A.4.2.g and insert this standard into Section 4A.5 of the District Plan.	29.46
47.	14A.4.2.j	Other Standards – Accommodation facilities	Oppose	Kāinga Ora opposes clause iii which states that accommodation facilities must not contain ‘kitchen facilities or otherwise be self-contained’ as a permitted activity standard. It is highly likely that the majority of accommodation facilities would provide a kitchen and bathroom (e.g., hotels, camping grounds and motels) therefore falling within the definition of ‘kitchen facility’ and ‘self-contained.’ As such the standard is not considered appropriate or reasonable to apply.	Delete standard 14A.4.2.j.iii, as follows: Accommodation Facilities i. Have maximum occupancy of five persons at any one time (excluding staff); ii. The total area available for exclusive use for the occupiers be no greater than 60m ² gross floor area; iii. Must not contain a kitchen facility or otherwise be self contained; iv. For Discretionary accommodation facilities, information is to be provided in accordance with 4A.6.2.	29.47
48.	14A.4.2.k	Other Standards – Home Enterprises	Oppose	Kāinga Ora opposes standard 14A.4.2.k insofar as its application “per site.” While that is appropriate for one residential unit per site, it is unclear why this would preclude home enterprises from occurring in more than one unit of a multi-units and / or residential apartment.	Delete the note associated with standard 14A.4.2.k to provide for multi-unit and apartments, as follows: Note: The above activity performance standards shall apply cumulatively to all home enterprises per site.	29.48
49.	14A.4.3	Subdivision standards	Oppose	Kāinga Ora opposes locating subdivision specific standards within the residential standards. In accordance with the National Planning Standards, these subdivision specific standards should be located to the ‘district-wide’ provisions in Section 12 (subdivision and development) of the District Plan.	Delete standards relating to subdivision from Section 14A and insert these standards into Section 12 of the District Plan.	29.49

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought								
50.	14A.4.3.a	Subdivision standards - Controlled activity	Support in Part	Kāinga Ora seeks the provision of subdivision in accordance with an approved land use consent as a Controlled Activity.	<p>Insert a new Controlled Activity for subdivision in accordance with an approved land use consent, as follows:</p> <p><u>c. Subdivision in accordance with an approved land use consent.</u></p> <p><u>Any subdivision in accordance with an approved land use resource consent must comply with that resource consent. Council's control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Subdivision layout;</u> (ii) <u>Compliance with the approved land use consent; and</u> (iii) <u>Provision of infrastructure.</u> 								
51.	14A.4.3.b	Subdivision standards - Controlled activity	Oppose	Kāinga Ora opposes the size of the shape factor within the rule. Rather, and for consistency with other relief sought in this submission, it is considered more appropriate to provide for a minimum shape factor standard of 8m x 15m. This would also be consistent with Tauranga City Council's proposed shape factor as per Plan Change 33.	<p>Amend 14A.4.3.b as follows:</p> <p>Shape factor: All lots shall be capable of accommodating a rectangle of 108m X 15m exclusive of yard requirements.</p>								
52.	14A.4.3.c	Subdivision Standards – Discretionary activity	Oppose	<p>Kāinga Ora opposes the Discretionary Activity status of this rule and considers a Restricted Discretionary Activity status is more appropriate. The potential adverse effects of the activity are discrete and well understood. Matters of discretion can be used to set out a clear framework for the assessment of those applications which cannot meet this standard.</p> <p>Kāinga Ora seeks to increase the yield requirements to better reflect medium and high density yield volumes as per submission point 35.</p> <p>Kāinga Ora also opposes the shape factor size for the reasons outlined in the previous submission point.</p>	<p>1. Delete the Discretionary Activity status of rule 14A.4.3.c and replace with a Restricted Discretionary Activity status with an appropriate suite of matters of discretion.</p> <p>2. Amend the yield requirements as follows:</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Yield Requirements</th> </tr> </thead> <tbody> <tr> <td>Ōmokoroa Stage 3A</td> <td>Minimum yield of 15 residential units per hectare of developable area.</td> </tr> <tr> <td>Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential</td> <td>Minimum yield of 20 <u>35</u> residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential</td> <td>Minimum yield of 50 <u>30</u> residential units per hectare of developable area</td> </tr> </tbody> </table>	Area	Yield Requirements	Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area.	Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of 20 <u>35</u> residential units per hectare of developable area	Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of 50 <u>30</u> residential units per hectare of developable area
Area	Yield Requirements												
Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area.												
Ōmokoroa Stage 3A Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke Medium Density Residential	Minimum yield of 20 <u>35</u> residential units per hectare of developable area												
Ōmokoroa High Density Residential Stage 3C Ōmokoroa Mixed Use Residential Precinct Te Puke High Density Residential	Minimum yield of 50 <u>30</u> residential units per hectare of developable area												

29.50

29.51

29.52

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
					<p>3. Amend the shape factor size as follows:</p> <p>All lots shall be capable of accommodating a rectangle of 108m X 15m exclusive of yard requirements.</p>
53.	14A.5.1	Notification - Requirements	Support in Part	<p>Kāinga Ora seeks to include reference to section 14A.4.2 in the notification section as well as section 14A.4.1 and further non notification clause where an activity for four or more dwellings which does not comply with the development performance standards except for height and building coverage.</p> <p>Amendments sought.</p>	<p>Amend standard 14A.5.1, as follows:</p> <p>Requirements</p> <p>b. Council shall not require:</p> <p>i. Public notification if the application is for the construction and use of one, two or three residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) <u>or the other standards in Rule 14A.4.2.</u></p> <p>ii. Public or limited notification if the application is for the construction and use of four or more residential units that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) <u>or the other standards in Rule 14A.4.2.</u></p> <p>iii. <u>Public or limited notification for the construction and use of four or more residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) or the other standards in Rule 14A.4.2, but complies with Rule 14A.4.1.b - height and Rule 14A.4.1.e. – building coverage.</u></p>
54.	14A.5.1.b.iv	Notification - Requirements	Oppose	<p>Kāinga Ora seeks to clarify the references in 14A.5.1.b.iv. Sub clause (iv) references 'Section 4A' and 'Rule 4A.4.7.1'. It is not clear what provisions these are referring to.</p> <p>Amendments requested.</p>	Confirm correct references and amend provision.
55.	14A.7.1	Matters of Discretion – Urban Design	Support in Part	<p>Kāinga Ora support the inclusion of matters of discretion with respect to considering urban design matters for developments of four or more residential units. However, the provisions are overly complex and lengthy, and it is considered that the matters could be refined. Therefore, Kāinga Ora seek the adoption of the matters of discretion as they relate to the development of four or more residential units on a site.</p>	<p>Delete the matters of discretion for four or more residential units on a site, comprehensive Mixed Use Developments, Retirement Villages and Rest Homes and replace with the following:</p> <ul style="list-style-type: none"> <u>The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood;</u> <u>The development contributes to a safe and attractive public realm and streetscape;</u>

29.52

29.53

29.54

29.55

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
					<ul style="list-style-type: none"> The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development; and The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale.
56.	14A.7.2 and 14A.7.3	RDA – Non Compliance with Height and Height in Relation to boundary	Support in Part	<p>Kāinga Ora supports the inclusion of matters that WBOPDC have restricted their assessment to, however considers that the matters listed in 14A.7.2 and 14A.7.3 are of a similar nature insomuch that these could be combined.</p> <p>Amendments sought.</p>	<p>Combine standard 14A.7.2 and 14.7.3 by deleting standard 14A.7.3 and amending standard 14.7.2, as follows:</p> <p>14A.7.2 Restricted Discretionary Activities – Non-Compliance with Building and Structure Height and/or Height in Relation to Boundary.</p> <p>In considering an application that does not comply with Activity Performance Standard 14A.4.1 (b) Buildings and Structure Height and/or 14A.4.1(c) Height in Relation to Boundary, Council shall consider the following:</p> <p>...f) Overshadowing (loss of direct or indirect/ambient sunlight) on the adjoining properties and how this may adversely impact on the amenity values of these properties.</p>
57.	14A.7.4.b	Restricted Discretionary Activities – Non-Compliance with Setbacks	Oppose	<p>Kāinga Ora queries the inclusion of sub clause (b) regarding the <i>residential unit design enabling a visual connection between the residential unit and the road</i>. It is not clear what WBOPDC would be assessing in the context of a front yard setback non-compliance.</p> <p>Amendments sought.</p>	Delete standard 14A.7.4.b.
58.	14A.7.5	RDA – Non compliance with building coverage	Oppose	<p>Kāinga Ora opposes the inclusion of (b) which cross references to whether the proposal complies with other performance standards and if not, if compliance could be used to mitigate adverse effects of the building bulk, and (c) whether the coverage can be reduced by providing an additional storey. Kāinga Ora consider these matters do not assess the proposal at hand.</p> <p>Amendments sought.</p>	Delete standard 14A.7.5.b and 14A.7.5.c.
59.	14A.7.9	RDA – Non compliance with Landscape Area	Oppose	<p>Kāinga Ora opposes the inclusion of matter (e) with respect to potential adverse effects on stormwater infrastructure and overland flowpaths. This is more appropriately covered by the stormwater rules in Section 12.</p> <p>Amendments sought.</p>	Delete standard 14A.7.9(e).

29.55

29.56

29.57

29.58

29.59

ID	Section of Plan	Specific Provision	Support/Support in Part/Oppose	Reason for Submission	Relief Sought
60.	14A.7.10	RDA – Non compliance with residential unit yield	Support in part	<p>Kāinga Ora supports, in part, the matters of discretion listed in standard 14A.7.10, as notified. However, it is considered that these matters can be condensed to avoid repetition and to ensure that the matters are appropriate for the consideration of non-compliance with the residential unit yield (specifically whether the minimum yield target has been met or not).</p> <p>Moreover, the relief sought to standard 14A.7.10 is consequential to submission ID 35 – which sought to increase the minimum yield targets of standard 14A.4.2.a to deliver outcomes more aligned more appropriately with both MDRZ and HDRZ densities.</p>	<p>Amend standard 14A.7.10 as follows:</p> <ul style="list-style-type: none"> - Delete clauses (e), (i), (j), (k), (l) and (m) - Retain clauses (a), (b), (c), (d), (f), (g), (h)
61.	14A.7.11	RDA – Non compliance with residential unit typology	Oppose	<p>Kāinga Ora considers that matters (b) and (c) are not relevant to the rule. Rule 14A.4.2(b) sets a maximum percentage of detached residential units when there are 6 or more units proposed. The rule does not require a variety of housing typologies as per (b) and no requirement to provide a variety of unit sizes, bedroom numbers and levels/storeys as per (c). Therefore, these matters are not appropriate to include.</p> <p>Amendments requested.</p>	Delete standard 14A.7.11.b and 14A.7.11.c
62.	14A.7.12	RDA – non compliance with minimum storey requirements in the Ōmokoroa Mixed Use Residential Precinct	Oppose	<p>Kāinga Ora oppose matter (b) which references the ‘planned character of the Ōmokoroa Mixed Use Residential Precinct.’ The ‘planned character’ is generally described in Objective 8 and Policy 17 and Kāinga Ora considers matters (a), (c) and (d) of 14A.7.12 adequately cover this without requiring (b).</p> <p>Amendments sought.</p>	Delete standard 14A.7.12.b-
63.	14A.7.16	Restricted Discretionary Activities – Non-Compliance with Earthworks	Oppose	<p>Kāinga Ora opposes 14A.7.16 and in particular:</p> <p>(f) in regard to amenity values - it is not appropriate to reference established amenity values noting the character of the OTP MDRZ areas will change over time.</p> <p>(h) it is not clear how this matter would be addressed in a resource consent application. Adequate prior notice to hapū is more appropriately addressed in a condition of consent (e.g., as per existing provision 12.4.2(j)(i)).</p> <p>Kāinga Ora seeks that this provision be located within the ‘district wide’ section of the WBOPDP.</p> <p>Amendments sought.</p>	Delete standard 14A.7.16.f and 14A.7.16.h, and shift the remaining matters of discretion to ‘district wide’ section of WBOPDP

29.60

29.61

29.62

29.63

Appendix 2: High Density Residential Zone for Ōmokoroa and Te Puke

The following provides proposed wording for the High Density Residential Zone, as sought from Kāinga Ora as part of the submission on Proposed Plan Change 92 in Western Bay of Plenty District Plan.

Please note that the layout of this section does not follow the layout of the existing rule framework and plan structure. It also does not incorporate all existing matters contained within that zone however is consistent with how other Councils are providing for high density residential development in accordance with the MDRS.

Kāinga Ora seeks the proposed provisions are re-structured to align with the plan structure and chapter format, along with incorporating any references to existing matters.

HIGH DENSITY RESIDENTIAL ZONE

HRZ: PURPOSE

The High Density Residential Zone is a high intensity residential living zone enabling greater heights and residential development. The zone is located in close proximity to the Town Centres of Te Puke and Ōmokoroa and will promote the use of active and public transport, support the vitality of these centres, and draw on the amenity of adjoining open spaces.

The purpose of the zone is to enable efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport in close proximity to these Town Centres.

This form of development will, over time, result in a change to a more intensive urban built form with a high degree of visual change. The provisions provide the framework for managing the effects of use and development and ensuring that residential amenity values and the quality of the built environment are consistent with the planned urban built form.

Buildings of at least 6 storeys are generally anticipated within the zone. The resource consent process requires development design and layout to be assessed, recognising that design is increasingly important as the scale and form of development increases. The zone sets out a clear set of development controls and matters of discretion to ensure that a reasonable level of residential amenity values is retained.

This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

HRZ: OBJECTIVES

HRZ: O1

The High Density Residential Zone provides for predominantly residential activities at a greater density and scale that enables higher-intensity residential development of at least 6 storeys.

HRZ: O2 (MDRS Objective 2)

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

HRZ: O3

Achieve a high level of residential amenity within the zone that contributes to quality urban form outcomes, and reflects and supports the planned built form and desired compact urban settlement pattern.

HRZ: O4 (MDRS Objective 2)

The High Density Residential Zone provides for a variety of housing types and sizes that respond to:

- a. Housing needs and demand; and
- b. The neighbourhood's planned urban built character, including six storey buildings.

HRZ: O5

Development in the zone seeks to maximise efficiency of the underlying land, recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.

HRZ: O6

Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

HRZ: POLICIES

HRZ: P1 (MDRS Policy 1)

Enable a variety of housing types and sizes to be built in the zone, including attached dwellings and multi-storey apartments of up to six-storey.

HRZ: P2 (MDRS Policy 2)

Apply the high density development and performance standards within the High Density Residential Zone except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

HRZ: P3 (MDRS Policy 3)

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

HRZ: P4 (MDRS Policy 4)

Enable housing to be designed to meet the day-to-day needs of residents.

HRZ: P5 (MDRS Policy 5)

Provide for residential developments not meeting permitted activity status, while encouraging high-quality developments.

HRZ: P6

Ensure that the bulk and scale of buildings in the zone is of a height and bulk which continues to provide reasonable daylight access and standard of privacy and minimises visual dominance effects on the site and on adjoining sites.

HRZ : P7

Enable residential intensification on land close to and surrounding the Town Centres of Te Puke and Ōmokoroa, and in doing so:

- (a) Recognise the social, economic, and environmental benefits arising from enabling residential activities at scale close to community facilities and the commercial activities within the Town Centre.
- (b) Recognise the economic and environmental benefits of higher intensity development that efficiently utilises existing and planned investment in transport and three waters infrastructure.
- (c) Avoid lower intensity residential development which compromises future development potential of the site.

HRZ: P8

Allow activities which are ancillary to residential activities, where the scale is appropriate and compatible with surrounding residential uses;

HRZ: P9

Provide for and manage non-residential activities to ensure that they do not detract from the intent of the zone.

HRZ: RULES – ACTIVITY STATUS

Rule	Use/Activity	Activity Status	
HRZ : R1	Residential activities including Papakāinga	Activity Status: Permitted Where: PER: 1 a. No more than six residential units occupy the site; and PER: 2 b. Compliance with the following standards is achieved: i. building height - ii. HIRTB; iii. infringements to rear/side yard boundary setback; iv. building coverage v. outlook space.	HRZ : R2 Activity Status: Restricted Discretionary Where: a. Compliance with PER1 cannot be achieved. Matters of discretion are: 1. The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood; 2. The development contributes to a safe and attractive public realm and streetscape; 3. The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development. 4. The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale; Where: b. Compliance with PER2 cannot be achieved. 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard. Notification status: 1. An application for resource consent which complies with PER1 but does

Rule	Use/Activity	Activity Status	
			<p>not comply with PER2 is precluded from being <u>publicly notified</u>.</p> <p>2. An application for resource consent made which does not comply with PER1 but complies with PER2 is precluded from being either <u>publicly</u> or <u>limited notified</u>.</p> <p>3. An application for resource consent made which does not comply with PER1 and PER2 but complies with height and building coverage is precluded from being <u>publicly notified</u>.</p>
HRZ: R3	Supported Residential care facilities	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> 1. Standards 1-10. <p>PER-2</p> <ol style="list-style-type: none"> 2. No more than 10 people, including staff and their dependents reside on site. <p>PER-3</p> <ol style="list-style-type: none"> 3. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation. <p>PER-4</p> <ol style="list-style-type: none"> 4. No part of any site or premises used as a managed care facility shall contain a secure unit. 	<p>HRZ : R4</p> <p>Activity Status where compliance is not achieved with PER-1-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. 2. The extent to which the intensity and scale of the activity adversely impacts on the planned urban built form of nearby residential properties and the surrounding neighbourhood. <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>

Rule	Use/Activity	Activity Status	
HRZ: R5	Home Based Business	Activity Status: Permitted Where the following are complied with: PER-1 <ol style="list-style-type: none"> 1. For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall: 2. Employ no more than 2 people, one of whom must reside on the site on a permanent basis. 3. Not exceed 30% of the total gross floor area of buildings on the site. 4. Not generate any trips by a heavy motor vehicle. 5. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours. 6. Not display any indication of the activity from outside the site including the display or storage of materials, except for 	HRZ: R6 Activity Status where compliance not achieved with PER-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>permitted signs.</p> <p>7. Retail - only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.</p> <p>8. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.</p> <p>9. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.</p> <p>10. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.</p>	

Rule	Use/Activity	Activity Status	
HRZ: R7	Homestay	Activity Status: Permitted Where the following are complied with: PER-1 1. Standards 1-10.	HRZ: R8 Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R9	Demolition or removal of existing buildings (except scheduled heritage buildings)	Activity Status: Permitted	
HRZ: R10	Maintenance, repair and alterations and additions to existing buildings (except Scheduled heritage buildings)	Activity Status: Permitted Where the following are complied with: PER-1 1. Standards 1-10.	HRZ: R11 Activity Status where compliance is not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.
HRZ: R12	Childcare facility	Activity Status: Restricted Discretionary Where the following are	HRZ: R13 Activity Status where compliance not achieved with RDIS-1: Discretionary

Rule	Use/Activity	Activity Status	
		<p>complied with: RDIS-1</p> <ol style="list-style-type: none"> 1. Standards 1, 2, 3, 4, 6, 7, 8, 9. 2. The Childcare Facility shall not be part of a multiunit residential development. 3. The activity shall be located on a front, corner or through site. 4. The activity shall have a maximum gross floor area for all buildings of 250m². 5. The hours of operation are between 7.00am and 7.00pm, Monday to Friday. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria for the infringed standard. 2. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the 	

Rule	Use/Activity	Activity Status	
		<p style="text-align: center;">surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R14	Retirement village	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> 1. Standards 1 - 10. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	<p>HRZ: R15</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>
HRZ: R16	Visitor accommodation	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p>	<p>HRZ: R17</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<ol style="list-style-type: none"> 1. Standard 1-10. 2. The maximum occupancy for visitor accommodation shall be 12 guests. 3. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood. <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R18	Emergency service facilities	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> 1. Standard 1, 2, 3, 4, 7, 9. <p>Matters of discretion are restricted to:</p>	<p>HRZ: R19</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<p>1. The extent to which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R20	Community centre, Education Facility, Healthcare Facility, Marae	<p>Activity Status: Restricted Discretionary</p> <p>Where the following are complied with:</p> <p>RDIS-1</p> <ol style="list-style-type: none"> 1. The standards listed in Standard 1, 2, 3, 4, 7, 9. 2. The maximum gross floor area of all buildings on a site will not exceed 250m². 3. The hours of operation will be restricted to 0700-2200 hours 4. Once per calendar year a special event may operate from 0700-2200 hours <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The extent to 	<p>HRZ: R21</p> <p>Activity Status where compliance not achieved with RDIS-1: Discretionary</p>

Rule	Use/Activity	Activity Status	
		<p>which the intensity and scale of the activity may adversely impact on the planned urban built form of nearby residential properties and the surrounding neighbourhood.</p> <p>Notification status: An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</p>	
HRZ: R22	Maintenance and repair of buildings and structures. and/or	Activity Status: Permitted	
HRZ: R23	Demolition or removal of buildings and structures	Activity Status: Permitted	
HRZ: R24	Addition or alteration of buildings and structures;	<p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <p>1. Standards 1-10.</p>	<p>HRZ: R25</p> <p>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard. <p>Notification status:</p> <p>An application for resource consent made in respect of rule HRZ-27 which results from non-</p>

Rule	Use/Activity	Activity Status	
			<p>compliance with Standard 1, 2, 3 or 4 is precluded from being publicly notified.</p> <p>An application for resource consent made in respect of rule HRZ-R27 which results from non-compliance with 5, 6, 7, or 8 is precluded from being either publicly or limited notified.</p>
HRZ: R26	School	Activity Status: Discretionary	
HRZ: R27	Show homes	Activity Status: Discretionary	
HRZ: R28	Office	Activity Status: Discretionary	
HRZ: R29	Retail	Activity Status: Discretionary	
HRZ: R30	Places of assembly	Activity Status: Discretionary	

HRZ – DEVELOPMENT STANDARDS

Standard	Activity Status where compliance not achieved
<p>HRZ – Standard 1</p> <p>Building height</p> <p>Buildings must not exceed 22 metres in height, except that 50% of a building’s roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more.</p>	<p><u>Assessment Criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> Whether topographical or other site constraints make compliance with the standard impractical. Streetscape and visual amenity effects; Dominance, privacy and shading effects on adjoining sites; and Wind effects (where a building exceeds 25m).
<p>HRZ – Standard 2</p> <p>Height in relation to boundary</p> <ol style="list-style-type: none"> Buildings within 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries; and Buildings 22m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries. Apply a 4m + 60° on boundaries at where the HRZ interfaces with a lower zone hierarchy (e.g. MRZ, Open Space etc). <p>This standard does not apply to—</p> <ol style="list-style-type: none"> a boundary with a road; existing or proposed internal boundaries within a site; site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. 	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Dominance, privacy and shading effects on adjoining sites.
<p>HRZ – Standard 3</p> <p>Setbacks</p> <ol style="list-style-type: none"> Front yard: 1.5m Side yards: 1m Rear yard: 1m 	<p>Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Streetscape and visual amenity effects; and

<p>This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p>	<p>2. Dominance, privacy and shading effects on adjoining sites.</p>
<p>HRZ – Standard 4 Building coverage The maximum building coverage must not exceed 70% of the net site area.</p>	<p><u>Assessment Criteria where the standard is infringed:</u></p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Dominance effects on adjoining properties. 3. Whether topographical or other site constraints make compliance with the standard impractical.
<p>HRZ – Standard 5 Outdoor living space (per unit)</p> <ol style="list-style-type: none"> 1. Each residential unit, must be provided with either a private outdoor living space or access to a communal outdoor living space; 2. Where private outdoor living space is provided it must be: <ol style="list-style-type: none"> a. For the exclusive use of residents; b. Directly accessible from a habitable room; c. A single contiguous space; and d. Of the minimum area and dimension specified in the table below; and 3. Where communal outdoor living space is provided it does not need to be in a single continuous space but it must be: <ol style="list-style-type: none"> a. Accessible from the residential units it serves; b. Of the minimum area and dimension specified in the table below; and c. Free of buildings, parking spaces, and servicing and manoeuvring areas. 	<p><u>Assessment criteria where the standard is infringed:</u></p> <p>-</p> <p><u>The extent to which:</u></p> <ol style="list-style-type: none"> 1. Any proposed outdoor living space provides a good standard of amenity relative to the number of occupants the space is designed for; 2. Other on-site factors compensate for a reduction in the size or dimension of the outdoor living space; and 3. The availability of public open space in proximity to the site.

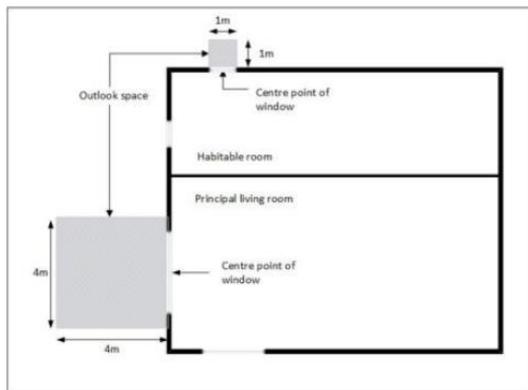
Table 1

Living Space Type	Minimum Area	Minimum Dimension
Private		
Studio unit and 1-bedroom unit	5m ²	1.8m
2+ bedroom unit	8m ²	1.8m
Communal		
For every 5 units	10m ²	8m

HRZ – Standard 6
Outlook Space (per unit)

All habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width; and

1. An outlook space must be provided from habitable room windows as shown in the diagram below:



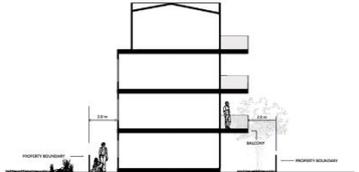
2. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
3. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
4. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

Assessment criteria where the standard is infringed:

The extent to which:

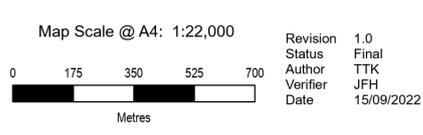
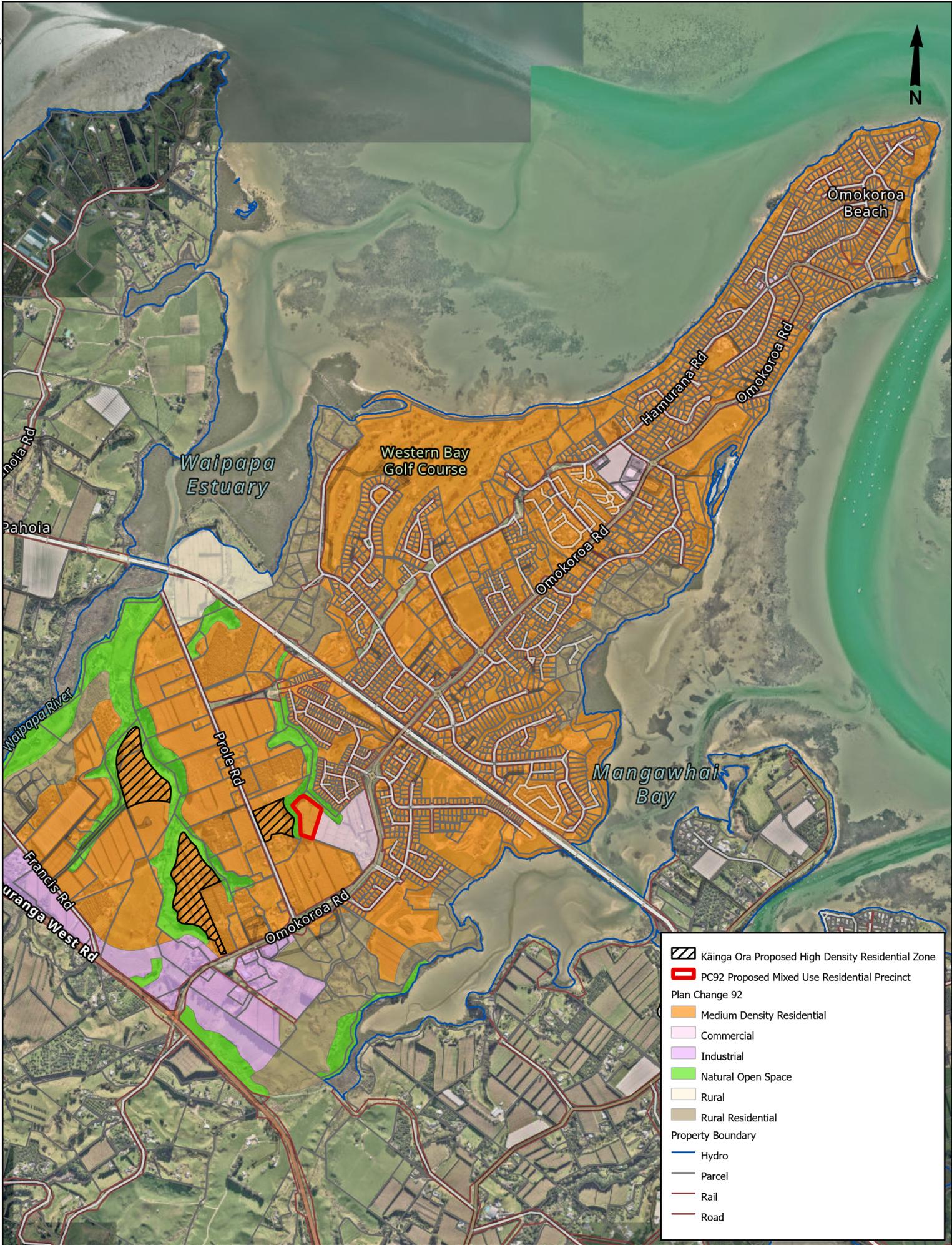
1. Acceptable levels of natural light are provided to habitable rooms; and
2. The design of the proposed unit provides a healthy living environment.

<ol style="list-style-type: none"> 5. Outlook spaces may be under or over a balcony. 6. Outlook spaces required from different rooms within the same building may overlap. 7. Outlook spaces must— <ol style="list-style-type: none"> a. be clear and unobstructed by buildings; and b. not extend over an outlook space or outdoor living space required by another dwelling. 	
<p>HRZ – Standard 7 Windows to Street</p> <p>Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Passive surveillance and safety.
<p>HRZ – Standard 8 Landscaped area</p> <ol style="list-style-type: none"> 1. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them. 2. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit. 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; and 2. Hard surfacing is minimised as far as practicable.
<p>HRZ – Standard 9 Fences and Walls</p> <p>Fences, walls and retaining structures adjoining open space zones, public walkway or within 1.5 metres of the road boundary shall have a maximum cumulative height of:</p> <ol style="list-style-type: none"> a. 1.2 metres; or 	<p>Assessment Criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Streetscape and visual amenity effects; 2. Passive surveillance to the street, public open space or public walkway; and

<p>b. 1.8 metres for no more than 50 percent of the site frontage and 1.2 metres for the remainder; or</p> <p>c. 1.8 metres if the fence is at least 50 percent visually permeable as viewed perpendicular to the boundary.</p> <p>Any fence or standalone wall, retaining wall or combination of these structures, must not exceed:</p> <p>d. A maximum height of 2m above ground level where within 1m of any side or rear boundary.</p>	
<p>HRZ – Standard 10</p> <p>Minimum privacy separation to a boundary</p> <p>Any outdoor living space or habitable room window above ground floor level must be at least 2m from any boundary except a road or a railway boundary, as shown in the diagram below.</p>  	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Privacy effects on adjoining sites.

Appendix 3: Maps

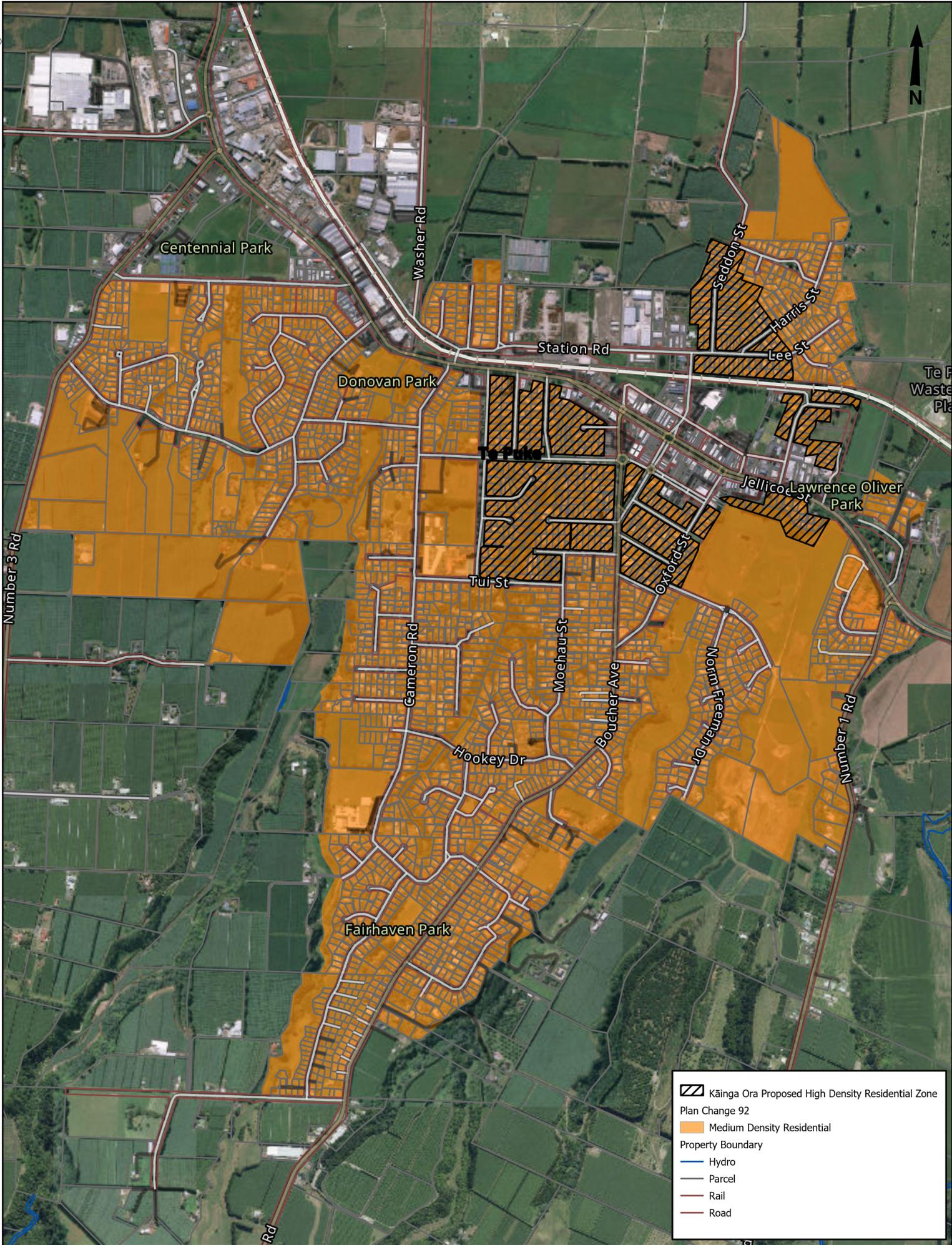
The following maps set out the amendments sought from Kāinga Ora to Plan Change 92 of the Western Bay of Plenty District Plan.



Kāinga Ora Proposed High Density Residential Zone Ōmokoroa

Project Client Discipline Drawing Number	BoP Plan Change Kāinga Ora GIS GIS-4281218-02
---	--

This map contains data derived in part or wholly from sources other than Beca, and therefore, no representations or warranties are made by Beca as to the accuracy or completeness of this information. Map intended for distribution as an A4 PDF document, the scale may be incorrect if printed at different scales. Contains Crown Copyright Data. Crown Copyright Reserved. Contains data from Western Bay of Plenty District Council. Basemap source: Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors, Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors



	Kāinga Ora Proposed High Density Residential Zone
	Medium Density Residential
	Property Boundary
	Hydro
	Parcel
	Rail
	Road

Map Scale @ A4: 1:16,000

0 125 250 375 500 Metres

Revision	2.0
Status	Final
Author	TKK
Verifier	JFH
Date	16/09/2022

Kāinga Ora Proposed High Density Residential Zone

Te Puke

Project	BoP Plan Change
Client	Kāinga Ora
Discipline	GIS
Drawing Number	GIS-4281218-01

This map contains data derived in part or wholly from sources other than Beca, and therefore, no representations or warranties are made by Beca as to the accuracy or completeness of this information. Map intended for distribution as an A4 PDF document, the scale may be incorrect if printed at different scales. Contains Crown Copyright Data. Crown Copyright Reserved. Contains data from Western Bay of Plenty District Council. Basemap source: Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors, Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

From: Michelle Grinlinton-Hancock <Michelle.Grinlinton-Hancock@kiwirail.co.nz>
Sent: Friday, 16 September 2022 2:31 pm
To: District Plan
Subject: submission on Plan Change 92
Attachments: KiwiRail submission - WBOP Plan Change 92 -.pdf

To whom it may concern,

Please find attached the submission on behalf of KiwiRail.

Kind regards

Michelle

Michelle Grinlinton-Hancock | RMA Team Leader

MOB: +64 027 246 4427

Bunny Street, Wellington 6011 | PO Box 593, Wellington 6140, New Zealand



www.kiwirail.co.nz

Please consider the environment before printing.

The content of this message and any attachments may be privileged or confidential. If you have received this email in error please notify the sender and delete the email - unauthorised use is expressly prohibited. This email may have been corrupted or interfered with. KiwiRail does not warrant that this email and its contents are free from computer viruses or other defects.

16 September 2022

To: Western Bay of Plenty Council (**Council**)

Subject: Submission on Plan Change 92 to the Western Bay of Plenty District Plan (**Plan Change 92**)

Scope and nature of submission

1. KiwiRail welcomes the opportunity to provide feedback on Plan Change 92 which amends the Operative District Plan to enable intensification of housing in urban areas as required under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**).
2. This submission relates to the following provisions of Plan Change 92:
 - (a) Ōmokoroa and Te Puke Medium Density Residential - 14A.4.1(d)(ii)(b); and
 - (b) Ōmokoroa and Te Puke Medium Density Residential - 14A.4.1(d)(ii)(d).
3. KiwiRail strongly supports the identification of rail as a qualifying matter and the retention of provisions which ensure appropriate setbacks from the rail corridor. KiwiRail seeks an amendment to 14A.7.4 to include a specific matter of discretion where setbacks from the rail corridor are not complied with and seeks that acoustic and vibration controls be inserted into Plan Change 92 to manage the impacts of rail noise and vibration on noise sensitive activities.
4. The relief sought by KiwiRail is set out at Schedule 1 to this submission.
5. KiwiRail could not gain an advantage in trade competition through this submission.
6. KiwiRail wishes to be heard in support of this submission.

KiwiRail's operations

7. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network. KiwiRail is also a Requiring Authority that holds railway purpose designations in District Plans throughout New Zealand.
8. KiwiRail's national railway network (which comprises of 3,700km of track, over 200 locomotives, 18,100 hectares of land and 1,350 modern and heritage buildings)¹ is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of freight and passengers throughout New Zealand, and forms an essential part of the national transportation network and the wider supply chain. New Zealanders have invested significantly in the rail network and it is a critical public asset.

¹ Half Year Annual Report 2022 and Unaudited Financial Statements for the Six Months Ended 31 December 2021 (KiwiRail, 2022) at page 5.



9. The benefits of rail to the New Zealand economy were estimated in 2019 to be in the order of \$1.7 – 2.1 billion.² The economic significance of rail and the critical role it plays in reducing New Zealand's carbon emissions has been recognised by the Government through its continued investment in rail infrastructure. Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential.
10. In the most recent budget, the Government allocated \$349 million to replace and modernise New Zealand rail assets,³ which has gone towards a number of major projects nationwide, including the rejuvenation of the Northland railway lines, the reopening of the Napier to Wairoa line, establishing a multi-million dollar regional freight hub in Palmerston North, and significant upgrades to the Auckland, Wellington and Hamilton metro networks.
11. The designated corridor of the East Coast Main Trunk (**ECMT**) passes through the Western Bay of Plenty District and is a key part of the KiwiRail network nationally. KiwiRail seeks to protect its ability to develop, operate, maintain and upgrade this line into the future.

Urban Development around the Rail Corridor

12. The fundamental driver of the Amendment Act and Plan Change 92 is to enable intensification of housing in urban areas. KiwiRail supports urban development, including around transport nodes, and recognises the benefits of co-locating housing near transport corridors.
13. However, it is critical that Plan Change 92 provides for adequate management of the interface between urban development and lawfully established, critical infrastructure, such as the railway network. This is necessary to ensure our communities are built in healthy living environments, and the railway network can operate and develop in the future without constraint. An integrated and proactive approach to planning is critical to support the overall vision of our urban environments, and to ensure that our transport network can support the increasing growth and housing intensification.
14. The nature of railway operations means KiwiRail cannot fully internalise all its effects within the railway corridor boundaries. Environmental legislation and caselaw recognises the lawful emission of such effects. Increasing development around railway corridors consequentially means the introduction of more sensitive receivers to adverse effects of existing and lawful railway activities. With a likely increase in sensitive activities forecast to locate in proximity to the railway corridor as a result of Plan Change 92, KiwiRail is concerned that without appropriate planning measures in place at a territorial level, the risk of adverse health and amenity effects impacting people locating in proximity to the railway corridor, and reverse sensitivity effects constraining our operations is significantly elevated.
15. The two primary ways which KiwiRail seeks to manage this interface is through the inclusion of the following controls in district plans:

² The Value of Rail in New Zealand – Report for the Ministry of Transport (EY, Wellington, 2021) at page 8.

³ Wellbeing Budget 2022 – A Secure Future (New Zealand Government, Wellington, 2022) at page 82.



- (a) **noise and vibration controls** – requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100m of the railway corridor. Within 60m of the railway corridor, controls are sought that buildings containing new (or altered) sensitive uses are constructed to manage the impacts of vibration. These controls are important to ensure new development is undertaken in a way that achieves a healthy living environment for people locating within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network; and **30.4**
30.5
- (b) **boundary setbacks** – requiring a "no-build" setback within 5m of the railway corridor for new buildings or structures on sites adjoining the railway corridor. This is to ensure that people can use and maintain their land and buildings safely without needing to extend out into the railway corridor, minimising the risks of physical interference on railway operations and health and safety hazards on these residents.

Noise and vibration controls

16. The Operative Western Bay of Plenty District Plan, includes acoustic insulation and ventilation standards, however these are not specific to rail noise.⁴ There are also no specific vibration controls to ensure that buildings containing new (or altered) noise sensitive activities are constructed to manage the impacts of vibration. As set out at Schedule 1 to this submission, KiwiRail: **30.4**
30.5

- (a) seeks the inclusion of acoustic standards that require acoustic insulation to be installed in new (or altered) noise sensitive activities within 100m of the railway corridor; **30.4**
- (b) seeks that vibration controls be inserted for buildings containing noise sensitive activities within 60m of the rail corridor to ensure that vibration effects are appropriately managed; and **30.5**
- (c) seeks a new definition be inserted for "noise sensitive activity". **30.6**

17. The acoustic and ventilation standards do not affect the density of development near the rail corridor, but rather seek to ensure that where urban development co-locates near the rail corridor, the health and amenity of residents is not adversely affected, and the rail corridor is protected from reverse sensitivity effects. KiwiRail considers it is appropriate that these controls apply on a district-wide basis (particularly in the context of the additional intensification proposed through Plan Change 92). **30.4**
30.5

Setbacks

18. The Operative Western Bay of Plenty District Plan includes 10m setbacks from the rail corridor across a range of urban, rural and commercial zones,⁵ and 5m minimum landscape strip from the esplanade reserve (directly south of the railway line in Ōmokoroa) for Lot 601

⁴ 4C.1.3.2(c) Noise sensitivity
⁵ See for example, 13.4.1(c)(iii)



DP 560118 and Lot 603 DP 560118 (Harbour Ridge).⁶ KiwiRail strongly supports these operative provisions.

19. In respect of the Amendment Act and Plan Change 92, the MDRS mandate a 1m setback from side and rear yards, and a 1.5m setback from front yards. However, the Amendment Act enables the Council to amend the Medium Density Residential Standards and intensification requirements where a "qualifying matter" applies. The qualifying matters expressly include:⁷
- (a) the need to give effect to a designation (but only in relation to the land that is subject to that designation); and
 - (b) matters "required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure". The rail network is nationally significant infrastructure for the purposes of the Amendment Act.
20. The Council has recognised the rail corridor as a qualifying matter in Plan Change 92 to protect nationally significant infrastructure from reverse sensitivity effects and provide a greater level of amenity for residential occupants living close to the working rail corridor.⁸ Specifically, this qualifying matter is applied in Plan Change 92 to:
- (a) require a 10m yard setback from the railway corridor for all buildings and structures in the Ōmokoroa and Te Puke Medium Density Residential; and
 - (b) require a 5m side yard setback for buildings and setbacks within Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) where sites adjoin the esplanade reserve (south of railway line).
21. KiwiRail strongly supports the identification of the rail corridor as a qualifying matter and the related setback provisions from the rail corridor. KiwiRail considers the operative setback provisions to be appropriate, given the increased building height and reduced height to boundary controls enabled by Plan Change 92 which increases the risk of potential interference with the rail corridor from maintenance and other activities being undertaken on sites adjoining the rail corridor.
22. KiwiRail observes that the proposed matters of discretion relating to non-compliance with the setbacks in 14A.7.4 only require consideration of the visual effects of building bulk and impacts on neighbouring property. There is no matter of discretion requiring the consideration of effects when the rail corridor setback standard is infringed. KiwiRail considers a matter of discretion requiring assessment of the impacts on the safety and efficiency of the rail corridor is critical in situations where the 10m yard and 5m side yard setback standards are not complied with.
23. KiwiRail seeks that the matter of discretion be included in 14A.7.4 as outlined at Schedule 1 to this submission.

30.1
30.2

30.1
30.2

30.3

⁶ 13.4.2
⁷ RMA, Sections 77I(e) and (g); 77O(e) and (g).
⁸ Section 32 Report, Section 9.5.3



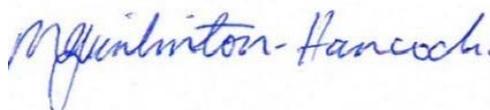
General reasons for the submission

24. The identification of the rail corridor as a qualifying matter and related provisions (as amended in Schedule 1 to this submission) will:
- (a) promote sustainable management of resources, achieve the purpose of the RMA, and are not contrary to Part 2 and other provisions of the RMA;
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) enable the social, economic and cultural wellbeing of the community in the Western Bay of Plenty District; and
 - (d) provide and promote the greatest health and amenity outcomes and preserve operational and developmental capacity for nationally significant infrastructure.

Relief Sought

25. As detailed in Schedule 1 to this submission, KiwiRail seeks: **30.1 30.2**
- (a) retention of identification of the rail corridor as a qualifying matter;
 - (b) retention of 14A.4.1(d)(ii)(b) and 14A.4.1(d)(ii)(d) as notified;
 - (c) inclusion of a new matter of discretion in 14A.7.4; **30.3**
 - (d) inclusion of a district wide noise standard to apply to noise sensitive activities within 100m of the railway corridor; **30.4**
 - (e) inclusion of district wide vibration controls which apply to noise sensitive activities within 60m of the railway corridor; **30.5**
 - (f) a new definition for "noise sensitive activity"; and **30.6**
 - (g) all related and consequential amendments as required to achieve the relief sought above.

Address for service: Michelle Grinlinton-Hancock



KiwiRail Holdings Limited
Wellington Railway Station
Bunny Street, Wellington 6011

Michelle.grinlinton-hancock@kiwirail.co.nz



Schedule 1: Relief sought

Rule	Relief sought	Amendment (the text introduced through Plan Change 92 is shown in black underline and KiwiRail's proposed addition is shown in red underline below)
14A.7.4	KiwiRail seek a new matter of discretion for activities that do not comply with the new permitted activity standard requiring buildings and structures to be setback at least 5m from the rail corridor	<p><u>Restricted Discretionary Activities – Non-Compliance with Setbacks</u></p> <p><u>In considering an application that does not comply with Activity Performance Standard 14A.4.1 (d) Setbacks, Council shall consider the following:</u></p> <p><u>Front yard</u></p> <ul style="list-style-type: none"> a. <u>Avoiding the building frontage (facing the front boundary) being visually dominated by garage doors, carparks, blank facades or any other buildings/structures other than residential units.</u> b. <u>The residential unit design enabling a visual connection between the residential unit and the road.</u> c. <u>Avoiding the establishment of a non-complying fence or wall to achieve privacy or to reduce potential traffic noise.</u> <p><u>Side and rear yards</u></p> <ul style="list-style-type: none"> d. <u>Visual effects of building bulk and dominance from lack of separation of built form.</u> e. <u>Any loss of privacy to neighbours.</u> f. <u>The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u>
<u>4C.1.X Noise and Vibration</u>	KiwiRail seek that noise controls requiring acoustic insulation apply to new and altered sensitive uses within 100m of the railway corridor	<p><u>Indoor railway noise</u></p> <p><u>(1) Activity status: Permitted</u></p> <p><u>(a) Any new building or alteration to an existing building or structure for a noise sensitive activity within 100m of the legal boundary of any railway network</u></p> <p><u>Activity-specific standards:</u></p>

30.3

30.4



Rule	Relief sought	Amendment (the text introduced through Plan Change 92 is shown in black underline and KiwiRail's proposed addition is shown in red underline below)																							
		<p>1. <u>Any new building or alteration to an existing building that contains a noise sensitive activity where the building or alteration:</u></p> <p>(a) <u>is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table; or</u></p> <table border="1" data-bbox="743 636 1326 1603"> <thead> <tr> <th><u>Building type</u></th> <th><u>Occupancy/activity</u></th> <th><u>Maximum railway noise level $L_{Aeq}(1h)$</u></th> </tr> </thead> <tbody> <tr> <td rowspan="2"><u>Residential</u></td> <td><u>Sleeping spaces</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>All other habitable rooms</u></td> <td><u>40 dB</u></td> </tr> <tr> <td rowspan="3"><u>Education</u></td> <td><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Library</u></td> <td><u>45 dB</u></td> </tr> <tr> <td rowspan="2"><u>Health</u></td> <td><u>Overnight medical care, wards</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Clinics, consulting rooms, theatres, nurses' stations</u></td> <td><u>45 dB</u></td> </tr> <tr> <td><u>Cultural</u></td> <td><u>Places of worship, marae</u></td> <td><u>35 dB</u></td> </tr> </tbody> </table> <p>(b) <u>is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks..</u></p>	<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level $L_{Aeq}(1h)$</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>Library</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>
<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level $L_{Aeq}(1h)$</u>																							
<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>																							
	<u>All other habitable rooms</u>	<u>40 dB</u>																							
<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>																							
	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>																							
	<u>Library</u>	<u>45 dB</u>																							
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>																							
	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>																							
<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>																							
	KiwiRail seek that the activity status where compliance is not achieved be	<p><u>Activity status where compliance not achieved: Restricted Discretionary</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>location of the building;</u></p>																							



Rule	Relief sought	Amendment (the text introduced through Plan Change 92 is shown in black underline and KiwiRail's proposed addition is shown in red underline below)
	restricted discretionary	<p><u>(b) the effects of any non-compliance with the activity specific standards;</u></p> <p><u>(c) special topographical, building features or ground conditions which will mitigate noise impacts;</u></p> <p><u>(d) the outcome of any consultation with KiwiRail.</u></p>
<p><u>4C.1.X Noise and Vibration</u></p>	<p>KiwiRail seek that vibration controls be included to apply to sensitive uses within 60m of the legal boundary of any railway boundary</p> <p>KiwiRail seek that non-compliance with the permitted standards be assessed as a restricted discretionary activity with appropriate matters of discretion</p>	<p><u>Indoor railway vibration</u></p> <p><u>1. Any new buildings or alterations to existing buildings containing a noise sensitive activity, within 60 metres of the boundary of any railway network, must be protected from vibration arising from the nearby rail corridor.</u></p> <p><u>2. Compliance with standard 1 above shall be achieved by a report submitted to the council demonstrating compliance with the following matters:</u></p> <p><u>(a) the new building or alteration or an existing building is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</u></p> <p><u>(b) the new building or alteration to an existing building is a single-storey framed residential building with:</u></p> <p style="padding-left: 40px;"><u>i. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</u></p> <p style="padding-left: 40px;"><u>ii. vibration isolation separating the sides of the floor slab from the ground; and</u></p> <p style="padding-left: 40px;"><u>iii. no rigid connections between the building and the ground.</u></p> <p><u>Matters of discretion</u></p> <p><u>(a) location of the building;</u></p> <p><u>(b) the effects of any non-compliance with the activity specific standards;</u></p> <p><u>(c) special topographical, building features or ground conditions which will mitigate vibration impacts;</u></p> <p><u>(c) the outcome of any consultation with KiwiRail.</u></p>

30.4

30.5



Rule	Relief sought	Amendment (the text introduced through Plan Change 92 is shown in black underline and KiwiRail's proposed addition is shown in red underline below)
New definition "Noise sensitive activity"	KiwiRail seeks a related new definition for "noise sensitive activity"	<p><u>Noise sensitive activity means any lawfully established:</u></p> <p><u>a) residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;</u></p> <p><u>b) educational activity;</u></p> <p><u>c) health care activity, including hospitals;</u></p> <p><u>d) congregation within any place of worship; and</u></p> <p><u>e) activity at a marae.</u></p>



From: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Friday, 16 September 2022 2:51 pm
To: District Plan; Plan Change Submission
Subject: Submission on Plan change 92 - N&M Bruning
Attachments: PC 92 Submission_Bruning.pdf

Good afternoon.

Please find attached a submission on plan change 92 on behalf of N & M Bruning. Can you please confirm receipt of the submission.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

Submission on Proposed Plan Change 92 to the Western Bay of Plenty
District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: Western Bay of Plenty District Council

Name of submitter: N & M Bruning

This is a submission on proposed Plan Change 92 (Omokoroa & Te Puke Enabling Housing Supply and other supporting matters) and its associated structure plan for Omokoroa.

The Submitter could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are as set out in the attached table.

Bruning Farms Limited and N & M Bruning are the owners of land at Omokoroa, being that land held in records of title 26D/746, 713/54, 65A/272 and 10D/397) which is affected by Plan Change 92.

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.



AM Collier

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date 16 September 2022

Address for Service:

Postal Address: N & M Bruning
c/- Collier Consultants Limited
PO Box 14371
Tauranga Mail Centre, Tauranga 3143

Contact person: Aaron Collier

Telephone: 021 744 707

Email: aaron@collierconsultants.co.nz

The specific provisions of the proposal that N & M Brunings submission relates to are as follows:

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Planning Map	Omokoroa Plan Change 92 Zoning Map and Structure Plan Map – Rural Residential and industrial zoning	Oppose in part	Retain the industrial zoning as shown. Amend Planning Maps and Structure Plan to delete rural residential zone within the Structure Plan area and replace with residential zone.	The retention of an industrial zone over part of the submitters land is supported and consistent with the Operative District Plan. A rural residential zone within an urban area is an inappropriate zone for the following reasons: <ul style="list-style-type: none"> • The zone is not an urban zone. • The zone will not assist the Council with meeting expected demand for housing and development capacity in the short term, medium term or long term. • The zone does not achieve the benefits of urban development that are consistent with a well-functioning urban environment. • The zone will not contribute to meeting the requirements of the NPS-UD and will reduce development capacity, and housing yield that is anticipated to be provided in the urban area. • Significant funding has been provided for the development of infrastructure at Omokoroa by the Government and development capacity must obtain maximum benefits from this investment.
Planning Map / Structure Plan and associated natural open space provisions	Omokoroa Plan Change 92 Zoning Map and Structure Plan Maps, and Section 24 (Natural Open Space) as the	Oppose	Delete the Open Space as shown on the Planning Maps and replace with the adjacent industrial zone; or Delete the Open Space zone as shown on the Planning Maps and replace with the residential zone.	The addition of a Natural Open Space zone (new Section 24 of the District Plan) should only relate to land that is Council reserve or has been designated under the RMA for reserve purposes.

31.1

31.2

31.3

Page No	Reference	Support/Oppose	Decision Sought	Reasons
	zone affects land owned by the submitter.		Amend the provisions of Chapter 24 explanatory statement, objectives, policies and rules to ensure that the chapter excludes private land and only relate to land which has a history of use as recreational open space/public reserve.	<p>It is inappropriate to apply this zone to and over private land for a public purpose. In particular, it is inappropriate to apply this zone and its provisions to N & M Brunings land, because the land is currently zoned Future urban under the Operative District Plan and is farmland. It has no history of use or policy identification or designation as Natural or recreational open space/public reserve.</p> <p>A Natural Open Space zone conflicts with the existing NZTA designation (D181). Much of the land affected by this proposed zone has been identified as required for roading and State Highway purposes and not reserve or open space. Any land not needed to be taken for roading designation is expected to be offered back to the original landowner under the Public Works Act and developed for urban purposes.</p> <p>The adjacent industrial zone (or the residential zone sought to replace the rural- residential zone as set out in our submission above) is a more appropriate underlying zone for the land.</p>

31.3

From: Ila Daniels <ila@campbellbrown.co.nz>
Sent: Friday, 16 September 2022 3:55 pm
To: District Plan
Subject: Submission - Plan Change 92 - Ōmokoroa
Attachments: FINAL Submission (Kayelene Place Omokoroa) - with appendix.pdf

Kia Ora,

Please find **attached** a submission on Plan Change 92 in Ōmokoroa on behalf of the NZ Housing Foundation.

If your able to confirm receipt.

Any queries on the above, let us know.

Nga mihi

Ila Daniels | [Principal Planner](#)

Campbell Brown Planning Limited

Level 2, 46 Brown Street, Ponsonby | PO Box 147001, Ponsonby, Auckland 1144

Phone: 09 394 1695 or 021 147 9681 | ila@campbellbrown.co.nz | www.campbellbrown.co.nz



DISCLAIMER: This electronic message together with any attachments is confidential. If you are not the intended recipient, do not copy, disclose or use the contents in any way. Please also advise us by return e-mail that you have received the message and then please destroy. We are not responsible for any changes made to this message and/or any attachments after sending. We use virus scanning software but exclude all liability for viruses or anything similar in this email or any attachment. Views expressed in this email may not be those of [Campbell Brown Planning Limited](#)
Please consider the environment before printing this email.

SUBMISSION ON PROPOSED PLAN CHANGE 92 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN

To: Western Bay of Plenty District Council

Name of submitter: New Zealand Housing Foundation

This submission relates to proposed plan change 92 of the Western Bay of Plenty Operative District Plan (WBPODP).

This submission relates to the site known as 75 Kayelene Place (Lot 2 DP 557551) and Pip Way (Lot 1000 DP 531604) and the wider Ōmokoroa area.

This submission relates to the following Section(s) of the proposed Plan Change:

- Proposed Plan Change 92 - Ōmokoroa Zoning Map
- Proposed Plan Change 92 – Structure Plan Features – Stormwater Pond – Map
- Proposed Plan Change 92 – Natural Hazards – Coastal Inundation - Map
- Section 3 – Definitions
- Section 8 – Natural Hazards
- Section 14A - Ōmokoroa and Te Puke Medium Density Residential

The reasons for the submitter’s support are:

1. The applicable new Medium Density zoning and provision approach across the site and wider Ōmokoroa is generally supported and will promote the sustainable management of natural and physical resources, contrary to Part 2 of the Resource Management Act 1991 ('the Act');
2. The zoning and provisions are generally soundly based on evidence or an appropriate costs benefit analysis as required by section 32 of the Act;
3. The zoning aligns with the National Policy Statement: Urban Development and or the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the NPS-UD;
4. The applicable objectives, policies and rules of the Plan Change, as they relate to the Submitter’s site and interests will generally (except as identified in **Attachment 1**):
 - i) promote the sustainable management of natural and physical resources;
 - ii) are consistent with the purpose and principles of the Act;
 - iii) will not give rise to adverse effects on the environment that are not avoided, remedied or mitigated;
 - iv) are appropriate and justified in terms of Section 32 of the Act.

32.1

32.6
32.7

5. The specific reasons for the submitters' support are as follows:

- a) The submitter **supports** the zoning approach to the known as 75 Kayelene Place (Lot 2 DP 557551) and Pip Way (Lot 1000 DP 531604) and the wider Ōmokoroa area; **32.1**
- b) The submitter **supports** the objectives and policies under 14A Ōmokoroa and Te Puke Medium Density Zone; **32.6**
32.7
- c) The submitter **supports** the minimum density standard under 14A and the removal of the maximum density provision identified in the earlier draft structure plan work; and **32.10**
- d) The submitter **supports** the maximum detached dwellings under for a number of reasons including considers amongst other encourages more diversity and variety of building typologies in development. **32.11**

The reasons for the submitter's concerns are outlined in the table in Attachment 1, but generally comprise the following matters:

- a) The submitter considers that refinements to a number of standards and a definition outlined in Attachment 1 will provide for more housing choice whilst being consistent with the purpose of the NPS-UD.
- b) There are two mapping errors in terms of the stormwater pond and coastal inundation extents onto the site.
- c) The railway yard sought in Standard 14A.4.1.d. Setbacks ii.b. is **opposed** and is not considered to be evidential based and it is greater than Kiwirail have identified elsewhere, nor are there other provisions in terms of objectives, policies, matters for discretion or assessment criteria that pertain to effects on the railway corridor. The extent of the existing Notice of Requirement should be sufficient for the purposes of maintenance issues. **32.9**

The submitter seeks the following decision from the Western Bay of Plenty Council, regarding the Proposed Plan Change 92:

- a) That the relief sought in **Attachment 1** is incorporated into the WBPODP.
- b) Any other consequential changes that would give effect to the relief sought in this submission.

The submitter wishes to be heard in support of their submission. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

The submitter is not a trade competitor, and could not gain an advantage in trade competition through this submission.



Ila Daniels
Campbell Brown Planning Limited
For and on behalf of New Zealand Housing Foundation as its duly authorised agent.
Date: 15 September 2022

Address for service of submitter:

Ila Daniels
C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Mobile: (021) 17 9681
Email: ila@campbellbrown.co.nz

Attachment 1

Table 1: Identifies the specific proposed amendments to the Operative Western Bay of Plenty District Plan under PC92 which New Zealand Housing Foundation either supports, seeks amendment to, or opposes.

	Issue / Provision	Position (Support / Oppose)	Reasons for submission	Relief sought:	
	Proposed Plan Change 92 – Structure Plan Features – Stormwater Pond				
1.	Stormwater Pond structure plan feature as shown on 75 Kayelene Place (Lot 2 DP 557551).	Oppose	There is a mapping error for the extent of Stormwater Pond and associated designation identified on the Planning maps.	That the mapping layer is updated to align with the boundary of Lot 1 DP 557551.	32.2
	Proposed Plan Change 92 – - Natural Hazards – Coastal Inundation Area				
2.	The coastal inundation layer as shown on 75 Kayelene Place (Lot 2 DP 557551) and Pip Way (Lot 1000 DP 531604).	Oppose	The extent of the new coastal inundation layer appears not to have accounted for site characteristics.	That the mapping layer is updated.	32.3
	Section 3 – Definitions				
3.	"Building Footprint" within the definition of "building coverage" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground, <u>but excludes eaves or entrance canopies less than 1m wide.</u>	Support in part subject to relief sought	To be consistent with the existing definition of "building coverage".	Amendment to allow exclusions similar to existing building coverage definition.	32.4
	Section 8 – Natural Hazards				
4.	<u>Explanatory Text</u> <u>This section also recognises that in situations where the District Plan Maps may not be accurate it would be unreasonable to impose restrictions on subdivision and land use. Rules within this section allow evidence to be provided to Council to demonstrate that land is not susceptible to natural hazards. Such evidence is generally used to avoid unnecessary conditions on resource consents but in some instances can be used to show that an activity is permitted.</u>	Support			32.5
	Section 14A Ōmokoroa and Te Puke Medium Density Residential				
	14A.2 Objectives and Policies				
5.	Objectives 14A.2.1.1- 8 and Policies 14A.2.2.1-18.	Support		Text is retained.	32.6 32.7
	14A.4 Activity Performance Standards				
	14A.4.1 Density Standards				
6.	14A.4.1(c) Height to Boundary (ii) This standard does not apply to: a. a boundary with a road: b. existing or proposed internal boundaries within a site: c. site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed:	Support in part subject to relief sought	There are no effects on this adjacent land uses given no persons are able to access them. The maximum height, yard and retaining wall standards will suitably manage effects.	Amendment to allow for an exclusion along boundary with a stormwater pond.	32.8

	<p>d. where a subdivision is proposed between residential units that share a common wall (in this case it will not apply along the length of the common wall).</p> <p>e. subdivision (by unit plan) to the extent that the recession plane above shall only apply to buildings on the base land in their relationship to the base land external site boundaries and shall not apply between the internal boundaries of the principal units within the unit plan, nor between the principal units and their internal boundary with any common property.</p> <p>f. where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.</p> <p><u>g. a boundary with a stormwater pond with no physical public access.</u></p>				32.8								
7.	<p>14A.4.1.d. Setbacks ii.b.</p> <p>This standard does not apply to:</p> <p>b. site boundaries with a railway corridor or designation for railway purposes (for sites created by way of an application for subdivision consent approved after 1 January 2010) in which case all yards shall be 10m.</p>	Oppose	There is no evidence to demonstrate that a 10m yard is required for maintenance or use of the railway corridor. The other plan provisions in proposed Chapter 14A (objectives, policies, matters for discretion or assessment criteria) pertain to effects on the railway corridor.	Deletion of the standard.	32.9								
14A.4.2 Other Standards													
8.	<p>a. Residential unit yield</p> <p><u>Four or more residential units on a site are subject to the following requirements:</u></p> <table border="1" data-bbox="409 972 1359 1241"> <thead> <tr> <th>Area</th> <th>Yield Requirements</th> </tr> </thead> <tbody> <tr> <td>Ōmokoroa Stage 3A</td> <td>Minimum yield of 15 residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke</td> <td>Minimum yield of 20 residential units per hectare of developable area</td> </tr> <tr> <td>Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct</td> <td>Minimum yield of 30 residential units per hectare of developable area</td> </tr> </tbody> </table> <p>Note:</p> <p><u>Every 2.5 rest home bedrooms will be counted as one residential unit for the purpose of this rule.</u></p>	Area	Yield Requirements	Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area	Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke	Minimum yield of 20 residential units per hectare of developable area	Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	Minimum yield of 30 residential units per hectare of developable area	Support	Provision of a minimum density will ensure efficient use of land.	Retain the proposed standards	32.10
Area	Yield Requirements												
Ōmokoroa Stage 3A	Minimum yield of 15 residential units per hectare of developable area												
Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke	Minimum yield of 20 residential units per hectare of developable area												
Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	Minimum yield of 30 residential units per hectare of developable area												
9.	<p>b. Residential unit typology</p> <p><u>i. Six or more residential units on a site:</u></p> <p><u>A maximum of 50% of the total number of residential units on the site may be physically detached from any other residential units.</u></p>	Support	Provision will allow for variety and diversity of housing typologies allowing for efficient use of land, housing choice and affordability.	Retain the proposed standards	32.11								
14A.5 Notification													
10.	<p>14A.5.1 Requirements</p> <p>a. Council may require public or limited notification of resource consent applications except as listed in (b) below.</p> <p>b. Council shall not require:</p>	Support in part subject to the relief sought.	Non-notification should be provided for if all other standards are complied with.	Amendment to text to require non-notification if all other standards complied with.	32.12								

	<ul style="list-style-type: none"> i. Public notification if the application is for the construction and use of one, two or three residential units that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)). ii. Public or limited notification if the application is for the construction and use of four or more residential units that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)) and Other Standards 14A.4.2. iii. Public or limited notification if the application is for a subdivision associated with an application for the construction and use of residential units described in subclause (i) and (ii) above. iv. iv. Notification for a controlled activity as specified in Section 4A - General in Rule 4A.4.7.1. 			
14A.7 Matters of Discretion				
11.	<p>14A.7.3 Restricted Discretionary Activities – Non-Compliance with Height in Relation to Boundary</p> <p>In considering an application that does not comply with Activity Performance Standard 14A.4.1 (c) Height in Relation to Boundary, Council shall consider the following:</p> <ul style="list-style-type: none"> a. The extent and scale of the non-compliance. b. How the non-compliance combines with the overall building bulk to create an increased visual dominance on other properties. c. Overshadowing (loss of direct or indirect/ambient sunlight) on the adjoining properties and how this may adversely impact on the amenity values of these properties. d. Any loss of privacy to neighbours. e. Any unusual site characteristics. f. Visibility of the non-compliance from a public place such as a reserve. 	Support in part subject to the relief sought.	To allow consideration about the visibility of the infringement from a public place.	Provide additional matters for discretion as noted.

From: RMA Policy Planning <planning@powerco.co.nz>
Sent: Friday, 16 September 2022 3:40 pm
To: District Plan
Subject: Submission from Powerco on Plan Change 92
Attachments: 2022.09.16 WBoPDC PC92 Powerco Submission.pdf

Our privacy policy is [here](#). It tells you how we may collect, hold, use and share personal information.

Kia ora

Please find **attached** a submission from Powerco Limited on Plan Change 92 (Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters) to the Western Bay of Plenty District Plan.

Do not hesitate to contact me with any queries.

Ngā mihi

Gary Scholfield

Environmental Planner

Ext 5659 | 027 598 4145 | +64 7 928 5659

Level 2, 152 Devonport Road, Tauranga 3110 | PO Box 13 075, Tauranga 3141

www.powerco.co.nz



CAUTION: This email and any attachments may contain information that is confidential. If you are not the intended recipient, you must not read, copy, distribute, disclose or use this email or any attachments. If you have received this email in error, please notify us and erase this email and any attachments. You must scan this email and any attachments for viruses.

DISCLAIMER: Powerco Limited accepts no liability for any loss, damage or other consequences, whether caused by its negligence or not, resulting directly or indirectly from the use of this email or attachments or for any changes made to this email and any attachments after sending by Powerco Limited. The opinions expressed in this email and any attachments are not necessarily those of Powerco Limited.

SUBMISSION BY POWERCO LIMITED ON PLAN CHANGE 92 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN

To: Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Via email: districtplan@westernbay.govt.nz

Name of submitter: Powerco Limited
Private Bag 2061
New Plymouth 4340
(Note that this is not the address for service.)

1. This is a submission by Powerco Limited (*Powerco*) on Plan Change 92 (Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters) to the Western Bay of Plenty District Plan.
2. Powerco could not gain an advantage in trade competition through this submission.
3. The specific provisions of the Plan Change that the submission relates to, reasons and decisions sought are detailed in the attached schedule (Schedule 1). Powerco seeks that the decisions sought as set out in the attached schedule are adopted, or any other such relief and/or consequential amendments that achieves an equivalent outcome.
4. In summary, this submission seeks to ensure recognition, protection and continued operation of Powerco's electricity distribution network within the areas subject to the Plan Change.
5. Powerco wishes to be heard in support of this submission.
6. If others make a similar submission, Powerco would be prepared to consider presenting a joint case at any hearing.



Signature of person authorised to sign on behalf of Powerco Limited:

A handwritten signature in blue ink that reads "Scholfield".

Gary Scholfield
Environmental Planner

POWERCO

Dated at Tauranga this 16th day of September 2022.

Address for Service: Powerco Limited
 PO Box 13 075
 Tauranga 3141
 Attention: Gary Scholfield

Phone: (07) 928 5659
Email: planning@powerco.co.nz

Schedule 1 – Submission by Powerco

1. This is a submission on Western Bay of Plenty District Council's (*Council*) proposed amendments to the Western Bay of Plenty District Plan (*District Plan*): Proposed Plan Change 92 – Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters (*PC92*), which implements the Medium Density Residential Standards (*MDRS*) provided for under the National Policy Statement for Urban Development (*NPSUD*) and the Resource Management (*Enabling Housing Supply and Other Matters*) Amendment Act 2021 (*Enabling Housing Act*).

Qualifying matters under the Enabling Housing Act

33.1

Summary of Powerco position

2. Powerco submits that, in its current form, PC92 fails to give effect to the Enabling Housing Act by not adequately providing for Powerco's electricity distribution network as a 'qualifying matter'. Powerco's distribution network is currently not included as a qualifying matter under PC92.
3. Powerco submits that its distribution network, either in full or in part, can and must be recognised as a 'qualifying matter' in the proposed Ōmokoroa and Te Puke Medium Density Residential Zone under PC92. Powerco submits that Parliament clearly anticipated qualifying matters could apply to electricity infrastructure¹, and as explained in greater detail below, to fail to do so will result in both potential network safety issues and development inefficiencies.
4. Powerco's principal concern is to ensure that PC92's enabled higher density housing activities are undertaken in a manner that is safe for developers and subcontractors with full knowledge of the location and necessary setbacks from critical distribution assets. Powerco is very concerned that PC92's newly enabled permitted activities will occur with limited Council oversight, which may lead to development being undertaken without due regard to the safety risks associated with works and development in close proximity to electricity distribution assets.
5. Currently, developers (or their agents) typically engage with Powerco to determine whether there is sufficient network capacity to service their development, or to relocate Powerco assets that are present on their development site. However, there are increasing instances where distribution network safety concerns are overlooked, and buildings (as well as scaffolding and mobile plant) do not meet the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances - NZECP 34:2001 (*ECP34*). Powerco considers that it is critical that these safety considerations are not lost through PC92 and that PC92's

¹ See Report of the Environment Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 83-1 which noted at page 15 that qualifying matters "could include ensuring residential housing is safely set back from high voltage transmission lines, and other infrastructure such as airport noise areas, in order to avoid reverse sensitivity concerns. There is also scope for councils to identify other qualifying matters."

qualifying matters enable permitted activity development standards to be imposed on residential land that reflect the safe distance setbacks set out in ECP34.

6. Such recognition of electricity distribution as a qualifying matter need not present a burdensome constraint or limitation on high density development. It would only result in activities that did not comply with the setback and notification requirements under ECP34 being identified at the planning stage, instead of further down the development pipeline. This would be likely to increase the efficiency and reduce the overall costs of higher density residential developments as it would avoid stop work orders, requirements to redesign, the demolition/deconstruction of non-compliant parts of works, and/or the undergrounding of the existing overhead network. It is important to be clear that Powerco is not looking to disable residential development or intensification. Rather it is seeking to ensure that the critical ECP34 safety setbacks are adhered to when undertaking such works and that the planning system provides for consistent recognition of those requirements. Recognising the distribution network as a qualifying matter triggering obligations to comply with ECP34 when undertaking works within close proximity of distribution assets would achieve that outcome.

Section 77I - Relevant qualifying matter categories

7. Section 77I of the Enabling Housing Act provides that a territorial authority can make the requirements under Policy 3 of the NPSUD less enabling of residential development or intensification in relation to an area within a residential zone to the extent necessary to accommodate a qualifying matter falling under one of 10 categories.
8. Powerco submits that its distribution network falls into one or more of the following three section 77I categories, each of which are addressed in greater detail below:
 - 8.1 A matter required in order to give effect to a national policy statement (section 77I(b)); or
 - 8.2 A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (section 77I(e)); or
 - 8.3 Any other matter that makes higher density residential development, as provided for by the MDRS or policy 3 of the NPSUD, inappropriate in an area, with the satisfaction of section 77L (section 77I(j)).

Sections 77I(b) national policy statement

9. Powerco submits that the distribution network is integrally linked to electricity generation and transmission which are the subject of the National Policy Statement for Renewable Electricity Generation 2011 (*NPSREG*) and the National Policy Statement on Electricity Transmission 2008 (*NPSET*). Giving effect to the NPSREG and NPSET relies on a functioning, safe and efficient distribution network. Powerco suggests that providing for generation and transmission would be entirely undermined if the electricity supply system did not also provide for electricity distribution - the final stage of getting electricity from the point of generation to the electricity consumer.
10. More specifically, the NPSREG recognises the national significance of renewable energy generation activities and provides strong direction for its provision. Renewable electricity generation, as defined in the NPSREG,

includes the distribution of that renewable energy.² The NPSREG also requires decision-makers to have particular regard to the logistical or technical practicalities associated with upgrading, operating or maintaining the renewable electricity generation activities including distribution (Policy C1(c)), and the need for decision-makers to manage activities to avoid reverse sensitivity effects on existing renewable generation activities, which again includes distribution (Policy D). Requiring compliance with ECP34 setbacks from distribution networks as a qualifying matter is consistent with these policies.

11. Additionally, while the NPSET does not make specific reference to distribution, it recognises and protects the status of the transmission network as a matter of national significance and recognises the risks posed to it by third party activities. For PC92 to give effect to the NPSET, the transmission system needs to link through to a safe and efficient distribution network. Failure to protect the distribution network undermines the purpose of the NPSET where it results in the electricity transmitted by Transpower's National Grid being unable to be efficiently distributed in the Western Bay of Plenty as part of a safe and efficient energy delivery network.

Section 77I(e) nationally significant infrastructure

12. Nationally significant infrastructure is not defined in the Resource Management Act 1991 (*RMA*) but is defined in the NPSUD to include both electricity generation and transmission.³ While the definition does not explicitly include distribution networks, Powerco submits that PC92 must provide for a well-functioning distribution system in order to achieve the efficient operation of both the electricity generation and transmission networks. Without a well-functioning distribution system, electricity generated and transmitted cannot reach consumers, resulting in both ineffective and inefficient generation and transmission networks.
13. Therefore, Powerco submits that PC92 should recognise the existing distribution infrastructure as a qualifying matter under section 77I(e) given its role in ensuring the safe and efficient operation of nationally significant electricity transmission and generation infrastructure.

Section 77I(j) any other matter that makes density inappropriate

14. Powerco also submits that its distribution infrastructure is properly capable of recognition as a qualifying matter under section 77I(j) because residential development activities that result in safety and operational issues clearly make higher density development inappropriate in setback areas recognised by ECP34.
15. ECP34 sets minimum safe electrical distance requirements from overhead electric line installations to protect people and property from harm or damage from electrical hazards. The MDRS will enable increased

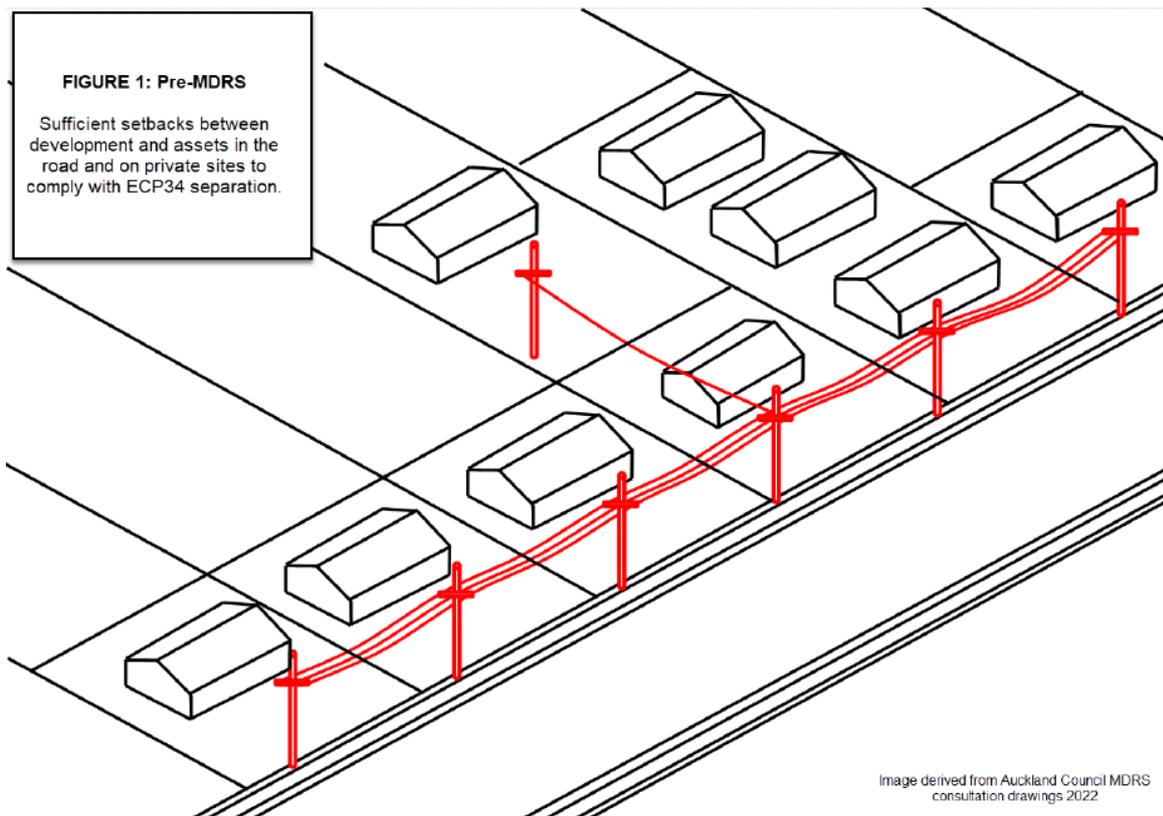
² Specifically, small and community scale renewable generation activities (e.g. roof mounted solar and distributed solar installations such as region specific solar farms); systems to convey electricity to the distribution network and/or the national grid; and electricity storage technologies associated with renewable electricity storage (e.g. Battery Energy Storage Systems).

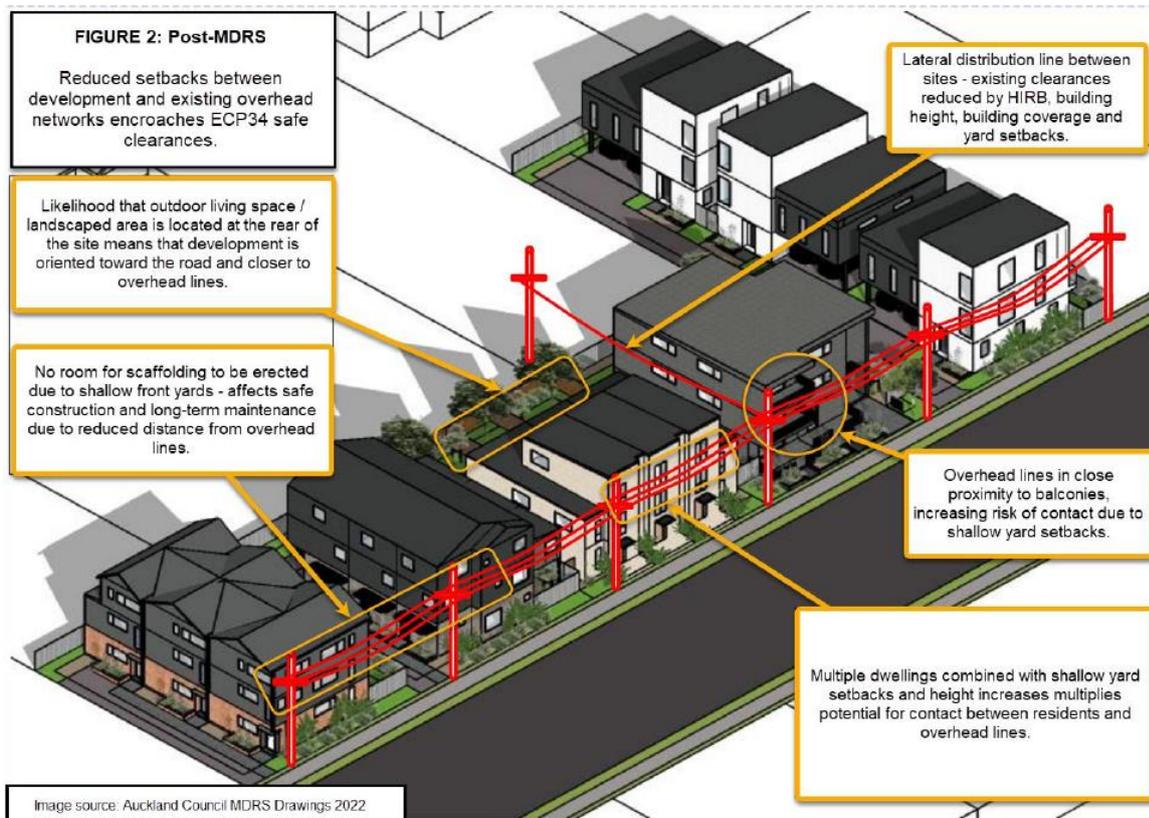
³ NPSUD, 1.4.

intensification of development sites, potentially moving building footprints closer to existing overhead electrical assets. A breach of ECP34 could potentially lead to:

- Accidental contact with live conductors (lines) leading to injury or death;
- Costs to either modify the overhead asset (change asset configuration) or modify the building on the development site;
- A requirement for the affected asset to be taken out of service until the situation is remedied.

16. The illustrations below identify the potential implications associated with the provisions of the MDRS:





17. Powerco submits for these reasons residential development enabled by PC92 should be undertaken in a manner that is consistent with ECP34. It is clearly the case that higher density development conducted in breach of ECP34 would be inappropriate, and that a development standard requiring consistent compliance with ECP34 as a key safety standard is both justified and efficient.
18. Section 77L of the Enabling Housing Act requires the section 32 analysis relating to any such qualifying matter under 77I(j) to include a site-specific analysis. Acknowledging the section 32 analysis is already complete on PC92, Powerco submits site-specific analysis could and should now be incorporated by way of a further evaluation report under section 32AA or with sufficient information via the decision on PC92, pursuant to section 32AA(1)(d) RMA. Powerco is very happy to work with Council on the evaluation reporting process and happy to provide such further information as may be necessary in order to undertake site-specific and characteristic-specific analysis to ensure the distribution network can be recognised as a qualifying matter.

Electricity Distribution as a New Qualifying Matter

19. Powerco submits that the distribution network should properly be recognised under PC92 as a new qualifying matter.
20. It is considered that non statutory maps could be included in the District Plan for the areas covered by PC92 that identify existing overhead electricity networks in the area. In conjunction with the non-statutory maps,

it is submitted that a new standard could be inserted into Section 14A.4.2 (Other Standards) of the District Plan worded along the lines of the following:

Where a site contains or adjoins (e.g. on legal road) an overhead electricity line identified on the [non-statutory] planning maps, an assessment of the building(s) against the provisions of the New Zealand Electrical Code of Practice for Electrical Safe Distances - NZECP 34:2001 (ECP34) must be undertaken by a suitably qualified person with the report approved by the asset owner. If no report is provided, or a breach of ECP34 is identified, then resource consent is required for the development as a Restricted Discretionary Activity with the asset owner identified as an affected person.

21. To accommodate a new qualifying matter, Council must address the requirements of s77J(3) and (4) of the Enabling Housing Act, which are briefly assessed below:

Section 77J(3)(a)

22. As set out above, residential development enabled by PC92 should be undertaken in a manner that is consistent with ECP34 to protect people and property from harm or damage from electrical hazards, and ensure continuity of electricity supply to surrounding communities. Development conducted in breach of ECP34 is clearly incompatible with the level of development permitted by the MDRS.

Section 77J(3)(b):

23. Such provisions are unlikely to limit development capacity, rather they will ensure that safety risks are taken into account during the design stages of a development.

Section 77J(3)(c):

24. If ECP34 is not considered during the design stage, significant costs can be incurred redesigning / physically modifying the the development or modifying the electricity network. It can also avoid the situation of stop-work notices being issued on developers.

Section 77J(4):

25. As outlined above, such provisions are unlikely to limit development capacity, rather they will allow issues to be addressed in a timely and efficient manner. It is considered that non statutory maps could be included in the District Plan to identify existing overhead electricity networks which would signal the need for an assessment against the provisions of ECP34. If there are no overhead electricity networks in the area no further assessment is required.

Conclusion

26. Powerco submits that each of the considerations under section 77J can be addressed in relation to the ECP34 compliance development standard it seeks with respect to activities undertaken within relevant

setbacks from the distribution network. Powerco would be happy to provide any additional information Council may need in order to ensure the new qualifying matter can be referred to in a further evaluation report and/or the decision-making record to demonstrate that the further evaluation was undertaken in accordance with section 32AA of the RMA.⁴

⁴ RMA, section 32AA(1)(d)(ii).

From: Marika Williams <Marika.Williams@chapmantripp.com>
Sent: Friday, 16 September 2022 3:58 pm
To: District Plan
Cc: Luke Hinchey; Nicola de Wit
Subject: Retirement Villages Association of New Zealand Inc submission on Plan Change 92
Attachments: Plan Change 92 - Submission form - RVA.pdf; RVA Form 5 in accordance with RMA - Plan Change 92 to the Western Bay of Plenty District Plan.pdf; RVA submission on Plan Change 92 to the Western Bay of Plenty District Plan.pdf

Good afternoon

Please find **attached** a submission from the Retirement Villages Association of New Zealand Incorporated on Plan Change 92 to the Western Bay of Plenty District Plan, along with the accompanying submission form provided by Council.

We note the submission form provided did not include all of the information required by Clause 6 of Schedule 1 of the Resource Management Act 1991. We have therefore also **attached** an additional submission form which sets out all of the required information.

Kind regards

Marika

MARIKA WILLIAMS (she/her)

SOLICITOR

Chapman Tripp

D: +64 9 358 9847

LEGAL ADMINISTRATOR: Paula Norman | D: +64 9 357 2732

www.chapmantripp.com

Disclaimer

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal professional privilege. If you receive this email in error please immediately notify the sender and delete the email.

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter: *the Retirement Villages Association of New Zealand Incorporated (RVA)*

- 1 This is a submission on Plan Change 92: Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters to the Western Bay of Plenty District Plan.
- 2 The RVA could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the proposal that the RVA's submission relates to are:
 - 3.1 Please see attached submission.
- 4 The RVA's submission is:
 - 4.1 Please see attached submission.
- 5 The RVA seeks the following decision from the local authority:
 - 5.1 Please see attached submission.
- 6 The RVA wishes to be heard in support of the submission.
- 7 If others make a similar submission, the RVA will consider presenting a joint case with them at a hearing

Signed for and on behalf of the Retirement Villages Association of New Zealand Incorporated by Luke Hinchey

Luke Hinchey
Partner
16 September 2022

(A signature is not required if you make your submission by electronic means)

Address for service of submitter:

the Retirement Villages Association of New Zealand Incorporated
c/- Luke Hinchey
Chapman Tripp
Level 34, PwC Tower
15 Customs Street West
PO Box 2206, Shortland Street
Auckland 1140
Email address: Luke.Hinchey@chapmantripp.com

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission Form

District Plan Change 92 - Ōmokoroa and Te Puke enabling housing supply and other supporting matters

For office use only.

Submission No: _____

Use this form to submit your comments on District Plan Change 92

Plan Change 92 introduces new Medium Density Residential Standards for all the existing residential areas of Ōmokoroa and Te Puke. In addition, new residential areas are being added to those towns. For Ōmokoroa, provision is also being made for additional industrial land, and a new Natural Open Space zone to protect the gullies.

Council will also be introducing a number of other rules for Ōmokoroa and Te Puke to ensure that everything you told us you love about your neighbourhood is protected. These rules do not have immediate legal effect and are subject to a formal plan change process – Plan Change 92.

For more information on Plan Change 92, please visit westernbay.govt.nz/plan-changes.

Submission Form

You can hand in your submission to any of Council's Libraries or Service Centres, email it to districtplan@westernbay.govt.nz, or mail it to:

Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: Luke Hinchey on behalf of the Retirement Villages Association of New Zealand Incorporated

Address: Chapman Tripp, Level 34 PwC Tower, Auckland CBD PO Box 2206

Phone +64 9 357 2709

Email: luke.hinchey@chapmantripp.com

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes

No

Signed:



Date: 16.9.22

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission



Form 5

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

34.1

Clause 6 of Schedule 1, Resource Management Act 1991

To Western Bay of Plenty District Council (*Council*)

Name of submitter: Retirement Villages Association of New Zealand Incorporated (*RVA*)

- 1 This is a submission on the Council's proposed amendments to the Western Bay of Plenty District Plan (*District Plan*): Proposed Plan Change 92 - Ōmokoroa and Te Puke Enabling Housing Supply and other Supporting Matters (*PC92*).
- 2 The RVA could not gain an advantage in trade competition through this submission.

INTRODUCTION

- 3 The RVA welcomes this opportunity to provide feedback on PC92. The RVA and its members have a significant interest in how PC92 will provide for retirement villages in the Western Bay of Plenty District (*District*).
- 4 New Zealand, including Western Bay of Plenty, has a rapidly increasing ageing population and longer life expectancy and there is a growing trend of people wishing to live in retirement villages.
- 5 The under-provision of retirement living and aged care in New Zealand is at crisis point, with the growing ageing population facing a significant shortage in appropriate accommodation and care options. This problem is immediate, and demographic changes mean that the demand for retirement accommodation and aged care will continue to grow.
- 6 The Government recently recognised the ageing population as one of the key housing and urban development challenges facing New Zealand in its overarching direction for housing and urban development – the Government Policy on Housing and Urban Development (*GPS-HUD*).¹ The GPS-HUD records that “[s]ecure, functional housing choices for older people will be increasingly fundamental to wellbeing”.² The government strategy *Better later life – He Oranga Kaumatua 2019 to 2034* recognises that “[m]any people want to age in the communities they already live in, while others wish to move closer to family and whānau, or to move to retirement villages or locations that offer the lifestyle and security they want”.³

¹ The GPS-HUD was issued in September 2021 (available [online](#)).

² GPS-HUD, page 10.

³ *Better Later Life – He Oranga Kaumatua 2019 to 2034* (available [online](#)), page 32.

- 7 The RVA considers PC92 needs to adequately address the critical need for retirement accommodation and aged care in the District. It must also provide a clear and consistent regime for retirement villages. It is also important that potential effects from retirement villages are managed proportionately and efficiently with the least regulation and prescription necessary. The significant benefits of retirement villages also need to be given appropriate weight.
- 8 The RVA is also seeking national consistency in the planning regimes for retirement villages through the intensification planning instruments required under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*). National consistency will greatly assist with streamlining and making more efficient, the delivery of retirement villages across New Zealand.
- 9 This submission is set out as follows:
- 9.1 **Background:** This section introduces the RVA, retirement villages and the regulatory regime applying to retirement villages. It then sets out New Zealand’s ageing population demographics and outlines the retirement housing and care crisis and the wellbeing and health issues arising from that crisis. Finally, it sets out the role of retirement villages in addressing that crisis and the other benefits of retirement villages.
- 9.2 **What PC92 must deliver for retirement villages:** This section sets out the outcomes the RVA considers PC92 must deliver for retirement villages. The key outcomes sought by the RVA are: the appropriate translation of the Medium Density Residential Standards (*MDRS*) into the District Plan, amendments to the District Plan to address inconsistencies with the MDRS and a retirement village-specific planning framework that adopts the key features of the MDRS as appropriately modified. The RVA also seeks amendments to the financial contributions chapter to provide a retirement village-specific regime that takes into account retirement villages’ substantially lower demand profile compared to standard residential developments.
- 9.3 **Relief sought:** This section sets out the relief sought by the RVA to address the key outcomes it seeks in relation to PC92. The RVA’s specific submission points and relief sought on PC92 are set out in **Appendix 1**.

BACKGROUND

RVA

- 10 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages throughout New Zealand. The RVA was incorporated in 1989 to represent the interests of retirement village owners, developers and managers, to government, develop operating standards for the day-to-day management of retirement villages, and protect their residents’ wellbeing.
- 11 Today, the RVA has 407 member villages throughout New Zealand, with approximately 38,520 units that are home to around 50,000 older New Zealanders. This figure is 96% of the registered retirement village units in New Zealand.⁴ The

⁴ There are also almost 6,000 Occupation Right Agreements for care suites as part of the aged care system.

RVA's members include all five publicly-listed companies (Ryman Healthcare, Summerset Group, Arvida Group, Oceania Healthcare, and Radius Residential Care Ltd), other corporate groups (such as Metlifecare and Bupa Healthcare) independent operators, and not-for profit operators (such as community trusts, and religious and welfare organisations).

Retirement villages

- 12 'Retirement village' is an umbrella term given to all types of retirement living. There are two main types of retirement villages - 'comprehensive care villages' and 'lifestyle villages':

12.1 Comprehensive care retirement villages provide a full range of living and care options to residents from independent living, through to serviced care, rest home, hospital and dementia level care.

12.2 Lifestyle retirement villages focus mostly on independent living units with a small amount of serviced care provided on a largely temporary basis.

- 13 Approximately 65% of registered retirement villages have some level of aged residential care within the village. Approximately 19,300 aged care beds are part of a retirement village, which is 50% of all age care beds in the country.⁵

- 14 'Retirement village' is defined in section 6 of the Retirement Villages Act 2003 (*RV Act*) as:

... the part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum as consideration and regardless of [various factors relating to the type of right of occupation, consideration, etc]...

A regulated industry

- 15 The retirement village industry is regulated by the Retirement Villages Act 2003 (*RV Act*), as well as associated regulations and codes of practice established through the RV Act. The regulatory regime is focussed on consumer protection via a comprehensive disclosure regime, so that residents make an informed decision to move to a village.

- 16 This regulatory regime includes the following:

16.1 Registration of retirement villages with the "Registrar of Retirement Villages". The Registrar places a memorial on the land title. The memorial means that the village can only be sold as a retirement village and that the residents' tenure is ranked above all other creditors to the village. The residents have absolute rights to live in their units and have access to the village amenities.

16.2 Retirement village operators are required to appoint a "Statutory Supervisor" whose job is to protect residents' interests and report to the Registrar and the Financial Markets Authority that the village is being operated in a financially prudent manner.

⁵ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, July 2022, page 4.

- 16.3 Operators are required to provide intending residents with a disclosure statement that sets out the village's ownership, financial position, status, and a range of other important information. This statement provides comprehensive guidance to ensure that a resident's decision to move into a retirement village is an informed one.
- 16.4 Before signing a contract (an "Occupation Right Agreement" or "ORA"), an intending resident must consult a solicitor who must explain the details of the contract and sign an affirmation that they have provided that advice.
- 17 The codes of practice that regulate the industry include a code of practice and a code of residents' rights.⁶ The Code of Practice is administered by the Ministry of Business, Innovation and Employment, and it governs the day-to-day management of the villages. The Code sets out the minimum standards for the operation of retirement villages. These standards address a wide variety of matters, including documents that operators must provide to intending residents, staffing policies and procedures, safety and security policies, fire and emergency procedures, the frequency and conduct of meetings between residents and operators, complaint procedures, as well as communications with residents.
- 18 The Code of Residents' Rights is set out in the RV Act.⁷ The Code is a summary of the minimum rights conferred on retirement village residents. It ensures that residents are respected and consulted on material matters that affect their contracts.⁸

New Zealand's ageing population

- 19 The proportion of older people in our communities compared to the rest of the population is increasing. Soon, there will be more people aged 65+ than children aged under 14 years.⁹ By 2034, it is expected that New Zealand will be home to around 1.2 million people aged 65 and over, just over a fifth of the total population.¹⁰
- 20 The growth in the 75+ age bracket is also increasing exponentially (as illustrated by the graph below). It is estimated that 364,100 people in New Zealand were aged over 75 in 2022. By 2048, the population aged 75+ is forecasted to more than double to 804,600 people nationally.¹¹
- 21 In Western Bay of Plenty, the growth in the 75+ age bracket is even greater than the national average. Statistics New Zealand estimates that in 2018, 4,360 people were aged over 75. By 2048, this number is forecasted to more than triple to 13,270.¹²

⁶ Both codes are available online ([Code of Practice](#) and [Code of Residents Rights](#)).

⁷ Schedule 4.

⁸ The Code sets out a residents' rights to services, information, and consultation, the right to complain, the right to a speedy and efficient process for resolving disputes, the right to use a support person or representative in dealings with the operator or other residents at the village, the right to be treated with courtesy, and the right not to be exploited by the operator.

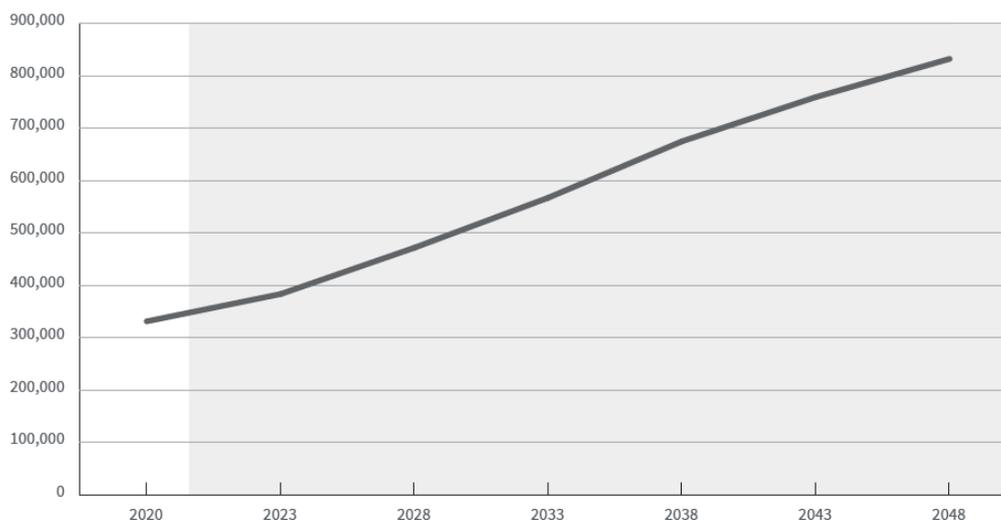
⁹ Better Later Life – He Oranga Kaumatua 2019 to 2034, page 6.

¹⁰ Ibid.

¹¹ Statistics New Zealand, Population Projections.

¹² Statistics New Zealand, Subnational Population Estimates at 30 June 2021 (provisional).

Figure 1 75+ years population 2020 - 2048



Source: JLL Research and Consultancy; Statistics New Zealand (medium forecast scenario)

- 22 Older people aged 85+ comprise the most rapidly increasing age group in the country, with the numbers projected to almost triple from 93,500 in 2022 to 227,600 in 2048. Given around 45% of this age group require aged care beds, this growth will create a need for a minimum of an additional 84,700 aged care beds to be provided by 2048.
- 23 The ageing population of New Zealand reflects the combined impact of:
- 23.1 Lower fertility;
 - 23.2 Increasing longevity (due to advances in medical technology and increased survival rates from life-threatening diseases); and
 - 23.3 The movement of the large number of people born during the 1950s to early 1970s into the older age groups.
- 24 The largest increases in the 65+ age group will occur in the 2020s and 2030s, when the large birth cohorts of the 1950s and 1960s (the "baby boomers") move into this age group.
- The retirement housing and care crisis**
- 25 The under-provision of retirement living and aged care in New Zealand is at crisis point, with the growing ageing population facing a significant shortage in appropriate accommodation and care options. This problem is immediate, and projected to worsen in the coming decades as older age groups continue to grow.¹³
- 26 The demand for quality living options is significantly higher than the current supply. The supply is decreasing due to closures of older style small and poor quality aged

¹³ See, for example, Stats NZ (2020). Housing in Aotearoa: 2020, which outlines the need for changing size and suitability of housing, acknowledging the ageing population. For further detail on the question of 'what is the ideal place to grow older', see Janine Wiles, Kirsty Wild, Ngaire Kerse, Mere Kēpa, Carmel Peteru (2011). Resilient Ageing in Place Project Recommendations and Report. The University of Auckland, Auckland.

care homes, which are usually conversions of old houses. These usually do not offer the living standard that residents deserve. At the same time, demand for retirement housing and care is increasing.

- 27 This crisis is evidenced by the increasing number of RVA members' villages that have waiting lists (including existing villages and those under construction). Many RVA member villages have waiting lists of 2 or more years. These lists are comprised of people who have expressed an interest in living in a retirement village. The waitlists show the desperate need in New Zealand for more retirement living and care options.
- 28 The ageing population and longer life expectancy, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, means that demand is continuing to grow. This is creating a severe and growing shortage of retirement villages, as supply cannot match demand. The national penetration rate for retirement villages (i.e. the percentage of the population aged 75+ who choose to live in a village) is 14.3%. If the existing penetration rate continues, we can expect an increase of approximately 34,000 residents, and a national demand for an additional 26,000 retirement village units by 2033.¹⁴ In reality, the demand will be higher as the penetration rate continues to grow.
- 29 This increasing demand is reflected in the development pipeline.¹⁵ In 2022, there was a total of 216 villages in the development pipeline.¹⁶ This development pipeline, if realised, will help ease the short-term anticipated shortfall in supply of quality retirement living and aged care options in New Zealand. However, further development of new villages, beyond the current pipeline, is needed to meet the longer-term predicted shortfall. It is anticipated that at least 10 new large scale villages each year are going to be required across New Zealand, just to keep up with demand over the next 20 years.
- 30 Further, the COVID-19 pandemic has exacerbated this issue. Overall, retirement villages performed remarkably well in protecting the most vulnerable by providing safe communities and companionship during the tough periods of lockdown. This performance has resulted in an even stronger demand to access retirement villages and further limited stock available.¹⁷
- 31 As discussed in more detail in subsequent sections of this paper, a key barrier to meeting the increasing demand is the significant delay between the consenting and construction stages of developments. Even if the resource consent process goes smoothly, the development of a retirement village is around a 10 year project for most new villages. But, many retirement villages face years of delays during the consenting process. Delays are frustrating and costly for all involved, and are especially prejudicial to the wellbeing of older persons who are living in unsuitable accommodation while waiting for a retirement village to be completed.

Social issues arising from the shortage of housing and care for older people

- 32 Providing appropriate accommodation and care for older persons is a critical social issue facing New Zealand. A failure to recognise and provide for appropriate housing

¹⁴ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, July 2022, page 18.

¹⁵ The 'development pipeline' refers to the development of new villages (both actual and planned).

¹⁶ Jones Lang LaSalle, NZ Retirement Villages and Aged Care Whitepaper, June 2021, page 17.

¹⁷ Ibid, pages 5 and 25.

and care for the ageing population in future planning will impact on the mental and physical health and wellbeing of some of society's most vulnerable members, and have flow on effects that will impact the wider community as a whole.

Suitability of accommodation

- 33 Many of New Zealand's older residents are currently living in unsuitable accommodation. "Unsuitable accommodation" in this context can mean a couple or a single person living in a large house that is expensive and difficult to maintain and heat properly, has barriers to mobility such as stairs, or is built on a hill, or has a garden that they cannot maintain. Unsuitable accommodation could also include housing that is of such a distance from key services and amenities that it limits their access to their community and care needs.
- 34 In this context, it is important to note that retirement villages have a very different new-build pattern than the rest of the country's new-build housing stock.¹⁸ New Zealand's general housing stock is dominated by three or more bedroom dwellings, with the average size of new builds increasing from around 115 m² in 1976 (33 m² per person) to 200 m² in 2013 (71 m² per person).
- 35 In contrast, the retirement village industry is building units that match the needs of smaller households, with approximately 90% of retirement village units providing one or two bedrooms.¹⁹
- 36 Retirement units are also purpose-built for older people. They are accessible for those with mobility restrictions, are modern, warm and comfortable, and responsibility for their upkeep and maintenance falls on the village operator rather than the resident.
- 37 Further, retirement villages generally offer extensive on-site amenities, such as pools, gyms, theatres, libraries, bars and restaurants, communal sitting areas, activity rooms, bowling greens, and landscaped grounds. These amenities are provided to meet the specific needs of retirement village residents, leading to significant positive benefits for residents.

Mental wellbeing

- 38 Mental wellbeing issues are also growing, including isolation, loneliness, and related depression due to many older people living alone, and often also being separated from family and friends due to their increasing mobility restrictions.
- 39 This presents a serious social issue for New Zealand. There is little doubt that older people are particularly vulnerable to social isolation or loneliness because friends and family have either died or moved away, or they have restricted mobility or income. This isolation impacts on the individual's quality of life and wellbeing, adversely affecting their health and increasing their use of health and social care services. In exploring the prevalence of this issue, one study estimates that between 5 and 16% of people aged 65+ report loneliness, while 12% feel socially isolated.²⁰

¹⁸ CRESA, Retirement Village Housing Resilience Survey (June 2014), and Equity Release – Realities for Older People (August 2016).

¹⁹ CRESA, Equity Release – Realities for Older People, August 2016.

²⁰ Social Care Institute for Excellence, Research Briefing number 39, Preventing loneliness and social isolation: Intervention and Outcomes, October 2011.

- 40 Based on recent data collected by UMR Research New Zealand,²¹ the most important factors for people when deciding to move into a retirement village are 'security and safety', 'peace of mind' and 'hassle-free lifestyle'. Importantly, the data also shows that retirement villages deliver on these important factors. The changing structure of society, resulting in families living far apart and older people living on their own, has resulted in many older people feeling isolated and lonely. Villages provide safe, warm, appropriate housing and a community of interest for their residents with the opportunity for socialisation should they choose to take it up. Villages therefore directly combat isolation and loneliness felt by so many older people.
- 41 Longitudinal studies into recorded lifespans show that older people who are part of a social group have a better chance of living longer than those who are not. Australian studies suggest that retirement village residents live longer and happier lives than the same cohort who live elsewhere.²²
- 42 Retirement villages are an important way to fight social isolation and loneliness. Facilitating the development of appropriate accommodation and care for the ageing population and enabling older people to move into purpose built, comfortable and secure dwellings not only improves the quality of life of these older people, but also has wider benefits for the community as a whole. The improved social and health support provided in retirement villages alleviates pressure placed on health and social care services freeing up these resources for other community members. The movement of older people into retirement villages also releases existing housing stock for other people, as addressed in more detail below.

The role of retirement villages

Addressing the retirement housing and care crisis

- 43 Retirement villages already play a significant part in housing and caring for older people in New Zealand. As previously noted, currently 14.3% of the 75+ age group population live in retirement villages, a penetration rate that has risen from around 9.0% of the 75+ age population at the end of 2012.²³ It is likely that this rate will continue to increase over time.
- 44 In Western Bay of Plenty, the penetration rate is even higher, with 15.2% of the 75+ age group population living in a retirement village.
- 45 As previously mentioned, RVA's members have 407 villages across the country, providing homes for around 50,000 residents. Over the next 5 to 10 years, that is anticipated to grow significantly with 86 new villages and 130 expansions to existing villages, providing 22,200 homes for approximately additional 28,900 residents. Retirement villages therefore will play a growing role in addressing the retirement housing and care crisis.
- 46 In Western Bay of Plenty, there are currently 4 existing villages (one of which is expanding) that are home to around 646 residents. 6 villages are also in development. A number of additional villages will nevertheless be needed in the District to meet the growth in the 75+ demographic.

²¹ UMR Research New Zealand, 'Residents Survey – Retirement Villages Association', January 2021. The results were based on questions asked in an online survey distributed to 100 retirement villages across New Zealand.

²² For example, studies undertaken by the Illawarra Retirement Trust, a retirement village operator based in Wollongong, NSW.

²³ Ibid, page 15.

- 47 The RVA's members have established reputations for building high quality villages to address the needs of residents and employing professional and caring staff. Through this experience, retirement village operators have developed in depth and specialist knowledge and expertise in the development of purpose built retirement villages. Importantly, retirement village operators are not developers, and have a long term interest in their villages and residents.
- 48 Retirement villages also cater to a wide range of residents with differing levels of health and independence, offering a range of housing options and care to meet the specific needs of the residents. These are features that often distinguish retirement village operators from typical residential developers who generally do not deliver purpose built environments for the ageing population.
- 49 Retirement village operators are therefore well placed to help to address the retirement housing and care crisis. To do so, it is critical that the construction, operation and maintenance of retirement villages are appropriately provided for in planning regimes.
- Providing a range of accommodation options to suit different needs***
- 50 Retirement villages provide appropriate accommodation and care for a vulnerable sector of our community with different housing and care needs compared to the rest of the population.
- 51 Retirement villages allow older people to continue living in their established community, while down-sizing to a more manageable property (i.e. without stairs or large gardens). Retirement village living provides security, companionship and peace of mind for residents.²⁴ Residents will also, in most cases, have easy access to care and other support services.
- 52 The RVA has seen a marked change in retirement accommodation over the last 20 years. In the past, lifestyle villages without care were relatively common. As the population ages, the retirement village industry is seeing a greater demand for a 'continuum of care' in one location - from independent units through to hospital and dementia care. Today, many villages are being developed with some degree of residential care in their campus. Some villages are committed to a full continuum of care, while others focus on providing a smaller number of rest home beds that are available for residents if they are needed.
- 53 Another important trend is for operators to build serviced apartments, where a resident moves in and out of care as required but without having to physically move from their apartment. These developments are a direct response to market demands. The sector is focused on providing a mix of independent living units and care options to meet the range of financial, social and other resources our residents have.
- 54 A number of operators also focus on providing social housing as part of their villages. This can be a mix of affordable Occupation Right Agreements and rental units.
- 55 'Care only' facilities are increasingly rare. This is because under the current government funding regime for health care provision, it is not possible to justify the

²⁴ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018). Brown, N.J., "Does Living Environment Affect Older Adults Physical Activity Levels?". Grant, Bevan C. (2007) 'Retirement Villages', *Activities, Adaptation and Aging*, 31:2, 37-55.

capital cost of building stand-alone residential care facilities. As a result, no residential care facilities, apart from extensions to existing facilities, have been built in the last five years or so.

- 56 Ultimately, the retirement village industry provides appropriate accommodation to address the specific needs of the older population, including a range of large and smaller scaled retirement villages and aged care homes with differing services, amenities and care. This variety enables differing price points and options, which are vital to enabling choices for the growing ageing population.

Retirement villages' role in addressing the general housing crisis

- 57 Retirement villages also help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. That is because growth in retirement village units is faster than growth in the general housing stock. And, the majority of new villages are located in major urban centres. The retirement village sector therefore also contributes significantly to the development of New Zealand's urban areas, and the particular challenges urban areas face.

- 58 New build data from Statistics NZ shows that retirement village units constituted between 5% and 8% of all new dwellings between June 2016 and June 2021.

- 59 The retirement village sector allows older New Zealanders to free up their often large and age-inappropriate family homes and move to comfortable and secure homes in a retirement village. The RVA estimates that around 5,500 family homes are released back into the housing market annually through new retirement village builds. This represents a significant contribution to easing the chronic housing shortage. A large scale village, for example, releases approximately 300 houses back onto the market to be more efficiently used by families desperate for homes. To illustrate, retirement units are generally occupied by an average of 1.3 people per unit, compared to an average of 2.6 people per standard dwelling.

Other benefits of retirement villages

- 60 In addition to the important role of retirement villages in addressing the housing crisis and providing the ageing population with housing and care tailored to their needs, the retirement village sector also produces other broader benefits:

60.1 The sector employs approximately 19,000 people to support day-to-day operations. Between 2018 and 2026, approximately 9,500 new jobs will have been created from construction of new villages. The sector contributes around \$1.1 billion to New Zealand's GDP from day-to-day operations.²⁵ More recently, and importantly, the sector has generated jobs in industries that have been impacted by COVID-19 (such as hospitality and accommodation).

60.2 The contribution of retirement village construction is also substantial. For example, a large scale new village will cost in the order of \$100-\$200 million to construct. Retirement village construction is also expected to employ approximately 5,700 FTEs each year.²⁶

²⁵ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018) page 4.

²⁶ Ibid.

- 60.3 Retirement villages also support Te Whatu Ora, Health New Zealand by providing health care support for residents that would otherwise be utilising the public healthcare system thereby reducing “bed blocking” in hospitals.
- 60.4 Due to the lower demand for transport (including because of on-site amenities), retirement villages contribute proportionately less to transport emissions than standard residential developments. Operators also invest in a range of other methods to reduce carbon emissions from the construction and operation of villages.

WHAT PC92 MUST DELIVER FOR RETIREMENT VILLAGES

Better enable housing and care for the ageing population

- 61 As explained above, promoting the wellbeing of older persons within our communities requires district plans to better enable the construction of new retirement villages. In the experience of RVA members, cumbersome, rigid and uncertain resource management processes and practices are a major impediment to delivering necessary retirement housing and care. In particular, resource consent processes take too long, are unnecessarily complex, and often do not provide for retirement living options properly because the relevant plans are not fit for purpose.
- 62 PC92 represents a major opportunity to better enable the provision of a diverse range of retirement housing and care options. If this opportunity is not taken now, the existing consenting challenges facing retirement village operators are likely to be perpetuated for many years.
- 63 In fact, Council must take this step in order to give effect to the NPSUD through PC92. The NPSUD specifically recognises that well-functioning urban environments enable all people and communities to provide for their wellbeing, health and safety (Objective 1). For the reasons explained in detail above, achieving this wellbeing objective in relation to older persons within our community means providing for their specific housing and care needs.
- 64 The NPSUD also states that contributing to well-functioning urban environments means enabling a “*variety of homes*” to meet the “*needs ... of different households*” (Policy 1), and that cannot be achieved in our major centres without enabling significant intensification of our urban environments (Policy 3). These NPSUD policies therefore require PC92 to specifically respond to the need to provide suitable and diverse housing choices and options for our ageing population as part of the intensification of urban environments.
- 65 The Enabling Housing Act builds on the NPSUD as part of the Government’s response to reduce barriers to housing supply. The Enabling Housing Act puts in place specific requirements to provide for medium density housing as a minimum in all relevant residential zones (*MDRS*). Retirement villages will not be permitted activities under the *MDRS* because of the “*no more than 3 residential units per site*” density standard (clause 10). However, retirement villages require “*the construction and use of 4 or more residential units on a site*”. They will therefore be restricted discretionary activities under the *MDRS*. Accordingly, the RVA considers PC92 must include a restricted discretionary activity rule for retirement villages in all relevant residential zones.
- 66 It is also important to emphasise that the Enabling Housing Act does not only require Tier 1 councils to implement the medium density requirements in relevant residential zones but also to give effect to Policy 3 of the NPSUD regarding

intensification of urban environments.²⁷ Accordingly, PC92 also needs to enable intensification (through building heights and densities) that responds to the location of centres and rapid transit stops. In some cases, that intensification must include “building heights of at least 6 storeys” and must achieve the objective of enabling more people to live in areas where there is a high demand for housing (Objective 3 of the NPSUD).

- 67 In order to meet the Enabling Housing Act requirements, to give effect to the NPSUD, and respond to the significant health and wellbeing issues created by the current retirement housing and care crisis, PC92 must ensure that the Western Bay of Plenty District Plan specifically and appropriately provides for and enables retirement villages in all relevant residential and commercial/mixed use zones.
- 68 The RVA considers this outcome can only be achieved by providing for a retirement village-specific objective, policy and rule framework. In the experience of RVA members, without a specific framework, retirement village proposals face material uncertainty and consenting barriers as council officers attempt to apply general residential approaches that are not fit-for-purpose to retirement villages. The retirement village-specific framework sought by the RVA is set out in the following sections of this submission.

Recognise that retirement villages are a residential activity

- 69 A key issue with many existing district plans is their failure to explicitly recognise that retirement villages are a residential activity. This issue has resulted in consenting challenges with members of the community, and sometimes even council officers, taking the view that retirement villages are non-residential activities that should only be provided for in non-residential zones or seeking to assess different parts of a village in a different manner (such as a commercial activity).
- 70 Retirement villages are clearly a residential activity²⁸ as they provide permanent homes for the residents that live there. Retirement villages do provide a range of ancillary services, however those services are provided for residents only and complement the residential function of retirement villages by meeting the particular needs of older residents. The residential nature of retirement villages is reflected in the definition, which recognises the key function of villages as a “*residential complex or facilities*” for the provision of “*residential accommodation for people who are retired*”.²⁹
- 71 This recognition requires that retirement villages as a land use are a permitted activity. In line with the Enabling Housing Act, the RVA considers the construction of retirement villages (being four or more residential units on a site) can be regulated as a restricted discretionary activity.

Provide for retirement villages in the MRZ

- 72 The RVA members’ experience is that older people want to stay in the communities in which they currently live, and have lived for many years, during their retirement. This is called ‘ageing in place’. It allows residents to remain close to their families, friends, familiar amenities and other support networks. It promotes activities that improve residents’ wellbeing, including physical activity, social engagement and

²⁷ RMA, s77G.

²⁸ The definition of ‘residential activity’ as set out in the National Planning Standards is: “*means the use of land and building(s) for people’s living accommodation*”.

²⁹ National Planning Standard, page 62.

intergenerational activity, due to the easily accessible surrounding destinations in a familiar neighbourhood. It allows residents to access public transport to facilitate these activities as independent driving ability declines and climate change impact increases. It allows residents to continue to play an integral part in the communities that they helped establish.

- 73 For these reasons, the majority of retirement village residents come from dwellings located in surrounding suburbs.
- 74 It is noted that the Christchurch Replacement District Plan Independent Hearings Panel (chaired by a former High Court judge, with members including another former High Court judge, an Environment Court judge and experienced independent commissioners) acknowledged the importance of ageing in place:³⁰

[332] Dr Humphrey's evidence stressed the clear health and social evidence of people ageing in their own communities. We have also taken particular note of Dr Humphrey's evidence as to the importance of providing choice for ageing in place. That evidence was supported by the evidence of Mr de Roo. We find that ageing in place, whereby older persons have choices to downsize from their family homes yet remain within their familiar neighbourhoods, is important not only for the wellbeing of our older citizens but also for the communities of which they should continue to contribute to and be part of. In addition to providing choice, assisting affordability is also important. Those priorities are also generally reflected in the Statement of Expectations.

- 75 Similar issues were recognised in the Proposed Auckland Unitary Plan section 32 evaluation:³¹

Existing legacy plans do not provide the flexibility required by retirement villages to construct buildings that are 'fit for purpose' in terms of providing for a range of housing and care choices for older people and those requiring care or assisted living. As Auckland's population continues to grow, it is important that a choice of housing is provided for older people, particularly in locations that provide good amenity and access to community services and facilities.

- 76 Both the Auckland Unitary Plan and Christchurch District Plan provide for the construction of retirement villages as a restricted discretionary activity in the key residential zones.
- 77 The RVA members' experience is that sites in existing residential areas that are appropriate for retirement villages are extremely rare. Sites of the required size and in good locations are highly unique and valuable resources in our larger cities. They need to be efficiently used.
- 78 The need to provide for older persons to 'age in place', the inappropriateness of traditional intensification models, and lack of appropriate sites for retirement villages, means that achieving the objective of providing appropriate housing and care for older persons requires a planning framework that enables retirement villages in the MRZ.

³⁰ Decision 10 – Residential (part) (and relevant definitions and associated planning maps) (10 December 2015).

³¹ Auckland Unitary Plan Section 32 Report, Part 2.50.

Provide for change to existing urban environments

- 79 There are key differences between retirement villages and 'typical' residential dwellings. These differences mean that retirement villages do change the existing urban environments that are dominated by 'typical' dwellings, and this has not been acknowledged properly in planning frameworks leading to a range of consenting challenges.
- 80 Because of their functional and operational needs, retirement village and aged care facilities tend to be larger (in height and bulk) than 'typical' residential housing in order to properly cater for resident needs.
- 81 To illustrate, retirement villages contain a range of unit types to cater for the different care and mobility needs of the residents. The accommodation ranges from independent townhouses and apartments, through to serviced apartments, hospital beds and dementia rooms. While independent living villas, townhouses and apartments will include full kitchens, bathrooms, lounges and other household amenities, serviced apartments and care rooms will not always have these amenities. These factors may be a key driver for the layout and amenities within a unit and also within a village. For example, serviced apartments and care rooms need to have quick, accessible, and all weather access to communal living and dining areas. In the experience of RVA members', council officers often attempt to redesign village layouts based on what they think might be suitable, without proper knowledge of villages and residents' needs.
- 82 In addition, retirement villages often include a wide range of amenities and services for resident needs and convenience. Services range from communal indoor and outdoor amenity areas, gardens, pools, gyms, libraries, reflection spaces, hairdressing services and cafés and bars through to welfare and medical facilities. These are important amenities and services as many retirement village residents are frail or have mobility restrictions (making it more difficult for them to travel to access amenities and services). They also provide a better quality of life for residents than could be offered without these communal amenities and services. For example, a townhouse would not have space for a pool or gym.
- 83 Retirement villages also use new, low maintenance building products and design techniques to ensure their efficient operation. These design requirements can result in change when compared to surrounding neighbourhoods that were built many decades in the past.
- 84 The experience of RVA members' is that communities (particularly neighbouring landowners seeking to preserve status quo interests) and council officers often can have an expectation as to how sites are going to be used. Typically, that expectation is not for medium or higher density retirement accommodation. In part, this is because, traditionally, planning provisions have ignored the unique features of retirement villages. Further, the significant positive effects and community benefits of retirement villages are sometimes not given sufficient weight.
- 85 The failure of district plans to recognise the functional and operational needs of retirement villages, and provide for change to the character and amenity of existing neighbourhoods to enable the benefits of retirement villages, has created significant consenting challenges.
- 86 The NPSUD now requires district plans to provide for this change to existing urban environments. It creates an expectation that "*New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations*"

(Objective 4). Further, the NPSUD recognises that amenity values can differ among people and communities, and also recognises that changes can be made via increased and varied housing densities and types, noting that changes are not, of themselves, an adverse effect (Policy 6).

- 87 The importance of this direction is also clearly set out in the Ministry for the Environment's (*MfE*) and the Ministry of Housing and Urban Development's (*HUD*) final decisions report on the NPSUD, which provides that:³²

Urban areas are dynamic and complex, continually changing in response to wider economic and social change. The current planning system can be slow to respond to these changing circumstances and opportunities, which can lead to a mismatch between what is enabled by planning and where development opportunity (or demand) exists. This can lead to delays in supply, or incentivise land banking.

- 88 The Enabling Housing Act further supports this need for change by enabling medium density housing to be developed as a minimum in all relevant residential zones. Although the MDRS generally captures retirement villages under the umbrella of residential activities, the framework fails to recognise the unique operational, functional and locational features of retirement villages. Specific provision is therefore necessary to enable much needed retirement housing and care.
- 89 PC92 also needs to provide for change to existing urban environments in order to achieve the intensification envisaged in Policy 3 of the NPSUD. And, in order to respond to the significant issues created by the retirement housing and care crisis, this provision for change should also explicitly acknowledge that the functional and operational needs of retirement villages are a driver of appropriate and necessary change because of demographic ageing and the increasing housing needs of older people.

Recognise the intensification opportunities provided by larger sites

- 90 As discussed above, sites in existing residential areas that are appropriate for retirement villages are extremely rare, due to the need for sites to be large enough to accommodate all parts of a village and be located in close proximity to community services and amenities. Given large sites are a rare resource, it is important they are developed efficiently to maximise the benefits from their development. This approach is consistent with the enabling intensification approach of the NPSUD.
- 91 As well as providing intensification opportunities, large sites also provide unique opportunities to internalise potential impacts of intensification on neighbours and the neighbourhood. For example, additional height can be located towards the centre of a site without adverse dominance, shading or privacy effects.
- 92 This approach was adopted in the Auckland Unitary Plan, with the residential zones including a policy to enable more efficient use of larger sites.³³

Recognise the unique internal amenity needs of retirement villages

- 93 A key consenting challenge faced by the RVA members is an expectation from council officers that the internal amenity controls used for traditional housing

³² MfE and HUD, "Recommendations and decisions report on the National Policy Statement on Urban Development" (Wellington, 2020), page 59.

³³ H3.3(8), H4.3(8), H5.3(9).

typologies (e.g. outlook, sunlight, privacy, outdoor living spaces, landscaping and the like) are appropriate for retirement villages.

- 94 This approach fails to recognise the unique functional and operational needs of retirement villages (discussed above). For example, residents have access to a wide range of communal spaces as well as their individual homes, so their amenity is provided by the village as a whole rather than an individual space. This means that internal amenity standards, such as outlook space, do not have the same level of relevance to retirement villages as to typical residential housing. Other factors, such as proximity to communal spaces, may be more relevant to the overall level of amenity experienced by residents.
- 95 This approach also fails to recognise that retirement village operators have a long and positive track record and understanding of what works for their residents. Over many years they have provided high quality environments for their residents – significantly better than typical housing typologies have delivered. Retirement village operators rely on their reputation, which would be quickly diminished by bad publicity. The quality of life provided to residents is therefore paramount to the RVA’s members.
- 96 These points were accepted by the Christchurch Replacement District Plan Independent Hearing Panel:³⁴

[331] Considering costs, benefits and risks, we have decided against imposing internal amenity controls on retirement villages. On this matter, we accept the position of Ryman and the RVA that there is no evidence at this time that there is a problem requiring intervention. We have also borne in mind the caution expressed by Mr Collyns as to the untested impacts of such regulation on the cost of delivering the affordable housing end of the retirement village market. Having said that, we are also mindful that it is at this “affordable” end of the market where residents have the least market power and hence, greatest vulnerability. However, on the basis of Mr Collyns’ evidence, we have assumed that the RVA’s members would act responsibly. Also, we have noted that the Council did not seek to address this topic in its closing submissions and took from that some concurrence with the retirement village sector position as to the lack of any need for regulatory intervention at this time. However, we record that this is a matter where the Council, as plan administrator, has an ongoing plan monitoring responsibility.

- 97 Similarly, a number of internal amenity standards in the Auckland Unitary Plan apply to dwellings, but not to retirement units.³⁵
- 98 There are two internal amenity standards in the Enabling Housing Act that the RVA considers require amendment when applied to retirement villages:

98.1 *Outdoor living space:* Retirement villages provide a range of private and communal outdoor areas that can be enjoyed by residents. All of these areas should be counted towards this amenity standard. In addition, retirement village residents tend to spend a significant amount of their recreational time inside, given their sensitivity to temperature extremes. A proportion of these

³⁴ Decision 10 – Residential (part) (and relevant definitions and associated planning maps) (10 December 2015).

³⁵ For example, H4.6.12, H4.6.13 and H4.6.15.

indoor areas should also be counted towards this amenity standard to reflect the actual usage patterns of village residents.

98.2 *Outlook space:* The standard is not workable for all units across a comprehensive site. Furthermore, such a standard is simply not needed. Residents of a village have a much greater degree of choice of 'living rooms' than residents of typical residential dwellings (including communal sitting areas, dining rooms, a library, activity room and chapel). These communal spaces are typically well orientated for daylight and enjoying an outlook into a large and attractive outdoor space.

Provide clear and focused matters of discretion

99 The RVA's members have faced significant cost and delay in consenting retirement villages in residential zones. Often, the process requirements are significantly out of proportion with the adverse effects of the activity, and do not recognise its substantial benefits.

100 An example of this issue is excessive and extraneous information requests. Over time, the amount of information that is required to support an application for consent has substantially increased. Council officers often request information that is not relevant to the assessment of the effects of a retirement village proposal, such as information regarding electricity supply, internal lighting, hallway width, planter box size, and outdoor furniture. It is not uncommon to receive unsolicited design change requests from council urban designers. These requests add cost and delay, and distract from the key issues. Council officers have too much discretion to require applicants to provide further information, and have the ability to wield the threat of notification if the requested information is not provided. By way of example, one RVA member received seven requests for further information following lodgement of an application, which resulted in a five month delay in the decision being issued. Another application resulted in four further information requests and a four month delay.

101 It is therefore important that matters of discretion for decision-making are clear and focused on the aspects that matter.

Provide appropriately focused notification rules

102 Notification is a significant cause of the cost and delay of consenting processes. RMA processes currently provide multiple opportunities for opposition to projects, which is the reason for significant delays in processing consents, and does not ensure good outcomes. Notification is often a cause of much angst for developers. 'NIMBYism' is rife. Self-interested neighbours can create huge delays and disputes for no material environmental benefit.

103 Although notification has an important role in the RM system, it must be proportional to the issues at hand. It is only beneficial, and should only be required, where notification is likely to uncover information that will assist the decision-making process. The costs of public notification are too high for it to be required simply for persons to 'be heard'.

104 Applications for residential activities that are anticipated in residential zones (i.e. through restricted discretionary activity status) should not be publicly notified. Rather, the time for public participation is at the plan making stage where residential zones and appropriate/inappropriate activities can be clearly identified. This approach aligns with the Enabling Housing Act which precludes public notification for residential proposals.

105 Limited notification should remain available as it provides for neighbours to participate when they are likely to be impacted by a next-door development. However, given the significant costs associated with notification, it should only be required where it will benefit the decision-making process. Where an application meets the expectations for development in an area (i.e. through compliance with external amenity standards), there should be no need for limited notification. This approach aligns with the Enabling Housing Act which precludes limited notification for residential proposals that comply with relevant standards.

Use the MDRS as a guideline

106 The Enabling Housing Act sets medium density residential standards that guide when residential activities require closer assessment and when limited notification of proposals can be available. The retirement village-specific framework sought by the RVA takes a similar approach (given that retirement villages are a form of development with four or more residential units) with the standards informing matters of discretion and limited notification presumptions.

107 The Enabling Housing Act will result in a level of standardisation that will set expectations for the scale of development across the country. The standards have been deemed to 'cover the ground' in relation to the key matters relevant to residential proposals. With some amendments to reflect the specific nature of retirement villages, the RVA considers the standards also set a relevant baseline for identifying standards relevant for the construction of retirement villages.

108 Furthermore, it is important PC92 does not inadvertently make retirement village developments more difficult to consent, construct and use than standard residential development. Such an outcome would significantly exacerbate the retirement housing and care crisis that is already resulting in poor wellbeing outcomes for older people.

Provide for retirement villages in commercial and mixed use zones

109 The RVA's members generally seek to locate their villages in established, good quality residential areas, as these locations are most suited for residents to 'age in place'. However, due to the lack of suitable sites in existing residential areas and need to respond to the retirement living and care crisis, the RVA's members also operate retirement villages in some commercial and mixed use zones where there is good access to services and amenities.

110 It is important to note that the Enabling Housing Act is not limited to residential zones and also requires councils to ensure district plans provide for intensification of urban non-residential zones through the Enabling Housing Supply plan changes. As noted, Policy 3 of the NPSUD requires PC92 to enable intensification (through building heights and densities) that respond to the location of centres and rapid transit stops.

111 City centre, metropolitan centre, neighbourhood centre, local centre and town centre zones in particular provide opportunities for retirement villages as these areas serve the surrounding local communities and provide close access for amenities to residents who are often unable to walk long distances. Residents' wellbeing is improved when social engagement and intergenerational activities are easily accessible. Many general business areas are also located between centres and residential areas and are therefore potentially suitable for retirement villages.

RETIREMENT VILLAGE-SPECIFIC FRAMEWORK

112 To address the issues outlined above, the RVA seeks that PC92 is amended to provide a retirement-village specific framework as follows:

Relevant residential zones

- 113 PC92 is required to incorporate the MDRS into every 'relevant residential zone' as defined in section 2 of the RMA. To this end, PC92 introduces a new chapter to the District Plan – the Ōmokoroa and Te Puke Medium Density Residential Zone. However, the RVA considers that PC92 does not give effect to section 77G of the Enabling Housing Act, as it does not incorporate the MDRS into other relevant residential zones.
- 114 PC92 does not propose to amend the zoning for Katikati and Waihi Beach. Instead, it is proposed that these areas retain their Residential and Medium Density Residential zoning.
- 115 The RVA considers Katikati is a 'relevant residential zone', as it is an area that is predominately urban in character and has a population of 5,000 or more people.³⁶
- 116 The RVA also considers Waihi Beach is a 'relevant residential zone'. Although Waihi Beach does not reach the population threshold, it meets the alternative requirement of being "intend[ed] ... to become part of an urban environment". The Explanatory Statement of the Residential Chapter notes Waihi Beach as an area identified for residential growth by SmartGrowth and the Bay of Plenty Regional Policy Statement (RPS). The RPS also identifies Waihi Beach as a key urban area in the Western Bay.³⁷
- 117 Accordingly, the RVA considers PC92 must incorporate the MDRS into the zoning that applies to Katikati and Waihi Beach. To achieve this outcome the RVA considers the Ōmokoroa and Te Puke Medium Density Residential Zone should be applied to Katikati and Waihi Beach (with a new zone name and subject to the changes sought in relation to that zone set out in this submission).

Adoption of the MDRS

- 118 The RVA considers the MDRS must be translated into the District Plan without amendments that read down or alter their interpretation. In some cases the RVA considers amendments to the MDRS are required to ensure they are workable for retirement villages, but these amendments do not change the intent of the MDRS.
- 119 Amendments to other District Plan provisions are also necessary to ensure there is no conflict, overlap or inconsistency with the MDRS. The RVA considers a number of the Ōmokoroa and Te Puke Medium Density Residential provisions require amendment for this reason. For example, Objective 14A.2.1.4 seeks to manage the form, scale and design of development in a manner that is inconsistent with the MDRS and therefore should be deleted to remove the conflict. Similarly, a large number of additional policies have been included in this Zone that seek to manage intensification in a manner that is inconsistent with the MDRS. A failure to make these amendments will give rise to significant interpretation issues and uncertainty when the Plan is applied.

³⁶ See <https://www.stats.govt.nz/tools/2018-census-place-summaries/katikati>.

³⁷ At page 89.

Objectives and policies that appropriately recognise the acute need for retirement housing and care in all relevant residential zones

120 As detailed in this submission, the rapidly ageing population is a significant resource management issue. The objectives and policies of the Plan must enable appropriate accommodation and care for the ageing population as follows:

120.1 An objective to provide for the housing and care needs of the ageing population;

120.2 A policy that recognises the need for change over time to the existing character and amenity of neighbourhoods to provide for the diverse and changing needs of the community;

120.3 A policy that recognises the need to provide for a range of housing and care options for older people and to recognise the functional and operational needs of retirement villages;

120.4 A policy to enable the efficient use of larger sites; and

120.5 A policy that directs that density standards are to be used as a baseline for the assessment of the effects of developments.

121 It is noted that the District Plan includes Policy 14A.2.2.6 to provide for the development of retirement villages. The RVA supports the enablement of retirement villages in a manner which responds to the specific needs of the community which they are designed for. However, Policy 14A.2.2.6 is not specific to retirement villages, nor is it sufficiently enabling. It does not recognise and provide for the benefits of retirement villages and their functional and operational needs. The RVA considers amendments to Policy 14A.2.2.6 are therefore required to better enable appropriate accommodation and care for the ageing population.

122 Additional objectives and policies are also required as set out above.

Rules to enable retirement villages in all relevant residential zones

123 As detailed in this submission, retirement villages need to be provided for as a residential activity and enabled in all relevant residential zones, as follows:

123.1 A rule that permits the use and operation of retirement villages, recognising that this activity is expected and encouraged in residential zones; and

123.2 A rule that regulates the construction of retirement villages as a restricted discretionary activity, recognising that this activity is anticipated in residential zones with limited matters requiring assessment.

124 The RVA considers retirement villages are required to be restricted discretionary activities under the MDRS as they require "*the construction and use of 4 or more residential units on a site*".

125 Rule 14A.3.3 which regulates retirement villages as a restricted discretionary activity is opposed by the RVA for the reasons set out above.

126 Rule 14A.3.1 and Rule 14A.3.3 regulate the construction or use of buildings and structures (including retirement villages) as a permitted activity, subject to compliance with standards, or a restricted discretionary activity. This approach is generally supported however the RVA considers a retirement village specific rule is required for the reasons set out above.

Tailored matters of discretion for retirement villages

127 As detailed in this submission, retirement villages are different to typical residential dwellings, and therefore do not necessarily fit in with the typical controls imposed on residential developments. It is therefore critical to provide a tailored and fit for purpose retirement village matters of discretion, as follows:

127.1 Recognise the positive effects of retirement villages;

127.2 Focus effects assessments on exceedances of relevant standards, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces to reflect the policy framework within the Enabling Housing Act. A degree of control over longer buildings is also acknowledged as appropriate; and

127.3 Enable the need to provide for efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects.

128 PC92 includes very broad matters of discretion for the construction or use of buildings and structures that does not comply with the standards (14A.7.1(a)). The RVA opposes these matters of discretion as they are not sufficiently focused on the effects of retirement villages that should be regulated in line with the MDRS. In addition, the matters of discretion do not allow for consideration of the positive effects of retirement villages, the functional and operational needs of retirement villages and the need to provide for the efficient use of large sites.

129 It is important that other rules do not render retirement villages discretionary or non-complying, therefore losing the benefit of clear and focused matters of discretion.

Proportionate notification

130 As noted, a key consenting issue for retirement village operators across the country relates to the delays, costs and uncertainties associated with notification processes. Consistent with the direction of the Enabling Housing Act relating to four or more residential units, applications for retirement villages in the relevant residential zones should not be publicly notified based on density effects. In addition, limited notification should only be used where a retirement village application proposes a breach of a relevant density standard that manages external amenity effects and the relevant effects threshold in the RMA is met.

131 It is acknowledged that PC92 precludes public or limited notification of an application for the construction and use of four or more residential units that comply with the density standards (14A.5.1(b)). The RVA considers that public notification should be precluded for retirement villages in all cases. Limited notification should only be available where a retirement village application breaches one or more of the height, height in relation to boundary, setbacks and building coverage standards and the relevant RMA effects threshold is met.

Clear, targeted and appropriate development standards

132 The RVA considers the development standards for retirement villages should reflect the MDRS, except where amendments are necessary to reflect the particular characteristics of retirement villages. The height, height in relation to boundary, setbacks and building coverage standards should therefore reflect the MDRS. The outdoor living space, outlook space, windows to street and landscaped area

standards should generally reflect the MDRS with some amendments. No additional development standards should apply.

- 133 The RVA therefore seeks various amendments to Rule 14A.4.1 to reflect the particular characteristics of retirement villages. The RVA opposes Rule 14A.4.2, which includes a variety of standards that are additional to those included in the MDRS.

Providing for retirement villages in commercial, mixed use and other zones

- 134 As discussed above, commercial and mixed use zones enable mixed uses, including residential activities, and may contain suitable sites for retirement villages. In order to give effect to Policy 3 of the NPSUD, PC92 must provide for intensification in these zones. The RVA seeks that fit for purpose retirement village planning provisions are applied in appropriate commercial and mixed-use zones, similar to those proposed for residential zones. Any other zones which enable residential activities should be treated similarly.

- 135 The RVA considers PC92 fails to adequately provide for intensification in the commercial and commercial transition zone (for example, the land use of a retirement village is restricted discretionary, rather than permitted). It also seeks retirement village specific provisions to enable the use of suitable sites for retirement villages in these zones.

Financial contributions

- 136 PC92 seeks to update the financial contributions regime for the District Plan.
- 137 PC92 proposes a new Rule 11.5.5 that would require financial contributions to be paid on the basis of the number of hectares of developable area (for four or more residential units in the Ōmokoroa and Te Puke Medium Density Residential Zone). The RVA considers this rule fails to recognise the bespoke demand characteristics of retirement villages or works carried out as part of development.
- 138 For other zones, the District Plan provides a retirement village-specific provision (11.5.7). However, the RVA considers the 0.5 household equivalent rate does not recognise the bespoke demand characteristics of retirement villages. The RVA seeks a clear and transparent regime, which ensures contributions required are proportionate to the demand created by villages.
- 139 Retirement villages have a substantially lower demand profile than standard residential developments due to low occupancy levels (1.3 residents per retirement unit and 1 resident per aged care room care unit, compared to around 2.6 residents per standard dwelling) and reduced activity levels of the residents due to their age and frailty. In particular, retirement villages have substantially lower demands than typical housing types in the following areas the financial contributions regime would cover:

139.1 *Reserves* – due to their age and frailty older people living in retirement villages use council reserves, sports grounds and the like substantially less than other age groups. Retirement village residents are less mobile. And, the provision of on-site amenities at villages to cater for residents' specific needs significantly reduces residents' need to travel to access care, services or entertainment.

139.2 *Transport* – retirement villages are very low traffic generators. Residents use public transport infrequently, and traffic generation is mostly off-peak as

residents do not travel for school drop-offs or work. Even with staff and visitors accounted for, traffic generation is much lower than typical housing.

139.3 *Water, wastewater* – residents use less water, and produce much less wastewater due to lower occupancy levels of retirement units and different living needs.

140 In some cases, the RVA's members as part of their proposals also construct public infrastructure, such as roading and stormwater infrastructure, which adds capacity to the network for wider public benefit. The proposed assessment methodology does not take into account works undertaken by developers.

141 The RVA seeks amendments to PC92 to:

141.1 Ensure the calculation methodology takes into account the cost of works undertaken as part of development; and

141.2 Provide a retirement village-specific regime for retirement villages in the Ōmokoroa and Te Puke Medium Density Residential zone and in other zones that takes into account their substantially lower demand profile compared to standard residential developments.

DECISION SOUGHT

142 The RVA seeks:

142.1 Amendments to Plan Change 92 as set out in paragraphs 112-141 above;

142.2 Without limiting the generality of the above, the specific relief set out in **Appendix 1**;

142.3 Any alternative or consequential relief to address the matters addressed in this submission.

143 The RVA wishes to be heard in support of this submission.

144 If others make a similar submission, the RVA will consider presenting a joint case with them at a hearing

Signed for and on behalf of Retirement Villages Association of New Zealand Incorporated by John Collyns

John Collyns, Executive Director
16 September 2022

Address for service of submitter:

Retirement Villages Association of New Zealand Incorporated
c/- Luke Hinchey
Chapman Tripp
Level 34
15 Customs Street West
PO Box 2206
Auckland 1140
Email address: Luke.Hinchey@chapmantripp.com

APPENDIX 1 – SPECIFIC SUBMISSION POINTS AND RELIEF SOUGHT

SECTION 3 – DEFINITIONS

Provisions	Submission Position	Reason for Submission	Relief Sought
Definitions – Residential Unit	Oppose in part	Consequential amendment to addition of 'retirement unit' definition sought below.	<i>The RVA seeks an amendment to the definition of 'Residential Unit' so that it does not incorporate 'Retirement Unit'.</i>
Definitions – Retirement Village	Oppose	The definition does not align with the National Planning Standards.	<p><i>The RVA seeks the definition be amended to comply with the National Planning Standards:</i></p> <p><u>Retirement village</u></p> <p><u>means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.</u></p>
Definitions – Retirement Village Dwelling	Oppose	While the RVA supports the distinction from general residential dwellings provided by the 'retirement village dwelling' definition, the RVA considers that a 'retirement unit' definition is required in the District Plan as a result of its submission on PC92 to acknowledge the differences from typical residential activities in terms of layout and amenity needs.	<p><i>The RVA seeks to replace the definition of 'Retirement Village Dwelling' with the following 'retirement unit' definition to the District Plan:</i></p> <p><u>Retirement Unit</u></p> <p><u>means any unit within a retirement village that is used or designed to be used for a residential activity (whether or</u></p>

34.2

34.3

34.4

			<u>not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</u>	34.4
Definitions – Retirement Village Independent Apartment	Oppose	The RVA considers that the proposed definition for Retirement Unit (refer row above) encapsulates the Retirement Village Independent apartment activity, and accordingly, this definition can be deleted.	Delete 'retirement village independent apartment' definition.	34.5

SECTION 4C – AMENITY

Provisions	Submission Position	Reason for Submission	Relief Sought	
Amenity – 4C.1.3.2 Noise Limits – (c) Noise sensitivity	Oppose in part	The RVA acknowledges that acoustic insulation may be appropriate in some areas located within or adjacent to high noise areas with a purpose of providing protection / amenity to residents in such areas. The RVA considers however that such requirements should not apply to residential zones, and in zones where they do apply, need to be determined on a case-by-case basis, with consideration given to the distance of noise sensitive activities from high noise areas.	Amend 4C.1.3.2(c) to exclude its application to residential zones and for all other zones integrate consideration of individual site characteristics / circumstances, and the distance of noise sensitive activities from high noise areas.	34.6

SECTION 11 – FINANCIAL CONTRIBUTIONS

Provisions	Submission Position	Reason for Submission	Relief Sought
Financial Contributions – 11.5.5 and 11.5.7	Oppose	<p>The RVA opposes 11.5.5 as it requires financial contributions to be paid on the basis of the hectares of developable area. It does not allow for any amendments if the number of units developed is less than those assumed based on that calculation. It therefore does not recognise the bespoke demand characteristics of retirement villages or works carried out as part of development.</p> <p>The RVA also opposes the related retirement village-specific provision (11.5.7 - 0.5 household equivalent rate), which does not recognise the bespoke demand characteristics of retirement villages.</p>	<p>The RVA seeks amendments to:</p> <ul style="list-style-type: none"> - Ensure the calculation methodology takes into account cost of works undertaken as part of development; and - Provide a retirement village-specific regime for retirement villages in the Ōmokoroa and Te Puke Medium Density Residential zone and in other zones that takes into account their substantially lower demand profile compared to standard residential developments.

34.7
34.8

SECTION 13 – RESIDENTIAL

Provisions	Submission Position	Reason for Submission	Relief Sought
Residential Zone	Oppose in part	<p>The RVA notes that the MDRS provisions of the Enabling Housing Act have not been applied to the Residential Zone. As set out in the submission above, the RVA considers the MDRS must be applied to Residential Zoned areas at Katikati and Waihi Beach. The RVA therefore seeks that those areas be zoned <i>Ōmokoroa and Te Puke Medium</i></p>	<p><i>The RVA seeks to rezone the Residential Zoned areas at Katikati and Waihi Beach to the Ōmokoroa and Te Puke Medium Density Residential Zone, with the same amendments as sought for the Ōmokoroa and Te Puke Medium Density Residential Zone as set out in this submission.</i></p>

34.9

Provisions	Submission Position	Reason for Submission	Relief Sought
		<i>Density Residential Zone (with the amendments to that zone as sought below).</i>	

34.9

SECTION 14 – MEDIUM DENSITY RESIDENTIAL

Provisions	Submission Position	Reason for Submission	Relief Sought
Medium Density Residential Zone	Oppose	The RVA notes that the MDRS provisions of the Enabling Housing Act have not been applied to the Medium Density Residential Zone. As set out in the submission above, the RVA considers the MDRS must be applied to the Medium Density Residential Zoned areas of Katikati and Waihi Beach. The RVA therefore seeks that those areas be zoned <i>Ōmokoroa and Te Puke Medium Density Residential Zone (with the amendments to that zone as sought below).</i>	<i>The RVA seeks to rezone the Medium Density Residential Zoned areas of Katikati and Waihi Beach to the Ōmokoroa and Te Puke Medium Density Residential Zone.</i>

34.10

SECTION 14A – ŌMOKOROA AND TE PUKE MEDIUM DENSITY RESIDENTIAL

Provisions	Submission Position	Reason for Submission	Relief Sought
Ōmokoroa and Te Puke Medium Density Residential Zone – Explanatory Statement	Support	<p>The RVA supports the Explanatory Statement of the Ōmokoroa and Te Puke Medium Density Residential Zone, and the specific inclusion of retirement villages in the list of varying housing development types.</p> <p>However, it considers the reference to four or more developments being designed comprehensively to achieve consistency with ‘good urban design outcomes’ seeks to manage the form, scale and design of development in a manner that is inconsistent with the direction provided in the Enabling Housing Act for the MRZ.</p>	<p><i>Retain paragraph 4 of the Explanatory Statement as notified.</i></p> <p><i>Delete the following text from paragraph 3:</i></p> <p>Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments. including consistency with activity performance standards, and structure plans and good urban design outcomes.</p>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.1 Objective 1	Support	The RVA supports 14A.2.1 Objective 1 as it aligns with Objective 1 of the MDRS.	<i>Retain 14A.2.1 Objective 1 as notified.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.1 Objective 2	Support	The RVA supports 14A.2.1 Objective 2 as it aligns with Objective 2 of the MDRS.	<i>Retain 14A.2.1 Objective 2 as notified.</i>

34.11

34.12

34.13

Provisions	Submission Position	Reason for Submission	Relief Sought
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.1 Objective 3	Support	The RVA supports 14A.2.1 Objective 3 as it provides for a variety of housing developments, including retirement villages.	<i>Retain 14A.2.1 Objective 3 as notified.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.1 Objective 4	Oppose	The RVA opposes 14A.2.1 Objective 4 as it seeks to provide an urban form that comprises positive private and public amenity outcomes, which seeks to manage the form, scale and design of development in a manner that is inconsistent with the direction provided in the MDRS. The RVA considers Policy 5 provides the appropriate direction.	<i>Delete Objective 4.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.1 Objective 7	Oppose in part	The RVA opposes a requirement for development to “enhance” the natural and built stormwater network. New development should only be required to manage its own effects, not the effects of historic development.	<i>Delete “and enhancement”.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 1	Support	The RVA supports 14A.2.2 Policy 1 as it aligns with Policy 1 of the MDRS.	<i>Retain 14A.2.1 Policy 1 as notified.</i>

34.14

34.15

34.16

34.17

Provisions	Submission Position	Reason for Submission	Relief Sought
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 2	Oppose in part	The RVA supports 14A.2.2 Policy 2 to the extent it aligns with Policy 2 of the MDRS. However, Policy 2 of the MDRS refers to “all relevant residential zones”. The exclusion of that text from the policy creates confusion as to what density standards apply in the MRZ.	<i>Amend 14A.2.2 Policy 2 to clarify where qualifying matters have been identified and which density standards apply instead of the MDRS in each qualifying matter area.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 3	Support	The RVA supports 14A.2.2 Policy 3 as it aligns with Policy 3 of the MDRS.	<i>Retain 14A.2.2 Policy 3 as notified.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 4	Support	The RVA supports 14A.2.2 Policy 4 as it aligns with Policy 4 of the MDRS.	<i>Retain 14A.2.2 Policy 4 as notified.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 5	Support	The RVA supports 14A.2.2 Policy 5 as it aligns with Policy 5 of the MDRS.	Retain 14A.2.2 Policy 5 as notified.
Ōmokoroa and Te Puke Medium Density	Support in part	The RVA supports 14A.2.2 Policy 6 as it provides for a variety of housing developments, including retirement villages, in a manner which responds to the specific needs of the community the developments are designed for, but considers the	<i>Retain 14A.2.2 Policy 6 as notified and insert new policy as follows:</i> 14A.2.2 Px Provision of housing for an ageing population

34.18

34.19

34.20

34.21

34.22

Provisions	Submission Position	Reason for Submission	Relief Sought
Residential Zone – 14A.2.2 Policy 6		<p>policy is not sufficiently enabling of retirement villages. A new policy is required to recognise the provision of housing for an ageing population as set out in the submission above.</p>	<p><i>1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.</i></p> <p><i>2. Recognise the functional and operational needs of retirement villages, including that they:</i></p> <p><i>a. May require greater density than the planned urban built character to enable efficient provision of services.</i></p> <p><i>b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</i></p>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 7	<p>Oppose in part</p>	<p>The RVA opposes 14A.2.2 Policy 7.</p> <p>The RVA considers the need for such developments to provide integrated assessments is contrary to the purpose of the Enabling Housing Act and will slow, not speed up, intensification.</p> <p>The RVA considers that as a result of structure plans not being applicable to all areas of the zone, the requirement for proposals of four or more residential units on a site to assess 'how the relevant requirements of the structure plan are met' should not be applicable to all areas.</p> <p>The RVA supports the seeking of efficient and effective use of land, however consider further</p>	<p><i>The RVA seeks to delete 14A2.2 Policy 7.</i></p>

34.22

34.23

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>recognition is required of the intensification opportunities that can be provided by larger sites (and the need to provide for the efficient use of those sites). This matter is addressed further by the new policies sought below.</p> <p>The RVA opposes the requirement for proposals of four or more residential units to provide integrated assessments which fully assess how high-quality urban design outcomes are being achieved. The RVA considers this is a vague requirement that is not defined in the Plan, which will lead to interpretation issues when the Plan is applied, and that it seeks to manage development in a manner that is inconsistent with the MDRS. The RVA submits that retirement villages have unique functional and operational needs (including layout and amenity) that result in urban design considerations that differ from typical residential developments.</p>	
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 8	Oppose	The RVA considers that the imposition of a 'minimum number of residential units per hectare of developable area' requirement in Policy 8 is inconsistent with the MDRS. The expectations for the Ōmokoroa and Te Puke Medium Density Residential Zone should only reflect those set out in the Enabling Housing Act.	<i>The RVA seeks to delete 14A.2.2 Policy 8.</i>
Ōmokoroa and Te Puke Medium	Oppose	The RVA opposes Policy 9. Providing for solar access and on-site privacy are not matters the MDRS seeks	<i>The RVA seeks that 14A.2.2 Policy 9 is deleted.</i>

34.23

34.24

34.25

Provisions	Submission Position	Reason for Submission	Relief Sought
Density Residential Zone – 14A.2.2 Policy 9		<p>to control. In addition, the RVA submits 'surveillance to and from public spaces' overlaps with matters covered under Policy 3 MDRS/Policy 3 of the Plan.</p> <p>The RVA also submits a requirement to ensure development achieves "good private amenity outcomes" is not a requirement of the MDRS.</p> <p>For the reasons outlined in the submission above, the RVA opposes a policy requirement relating to on-site amenity. The RVA's members have significant experience of building villages and know intimately the amenity needs of its residents. The RVA's members frequently come across issues during consenting processes where council officers attempt to influence retirement villages' internal layouts based on their understanding of design principles which only apply to traditional housing types.</p>	
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 10	Oppose	<p>The RVA considers that 14A.2.2 Policy 10 seeks to manage the form, scale and design of development in a manner that is inconsistent with the Enabling Housing Act and the expectations for the MRZ, and overlaps with Policy 3 of the MDRS/Policy 3 of the Zone.</p>	<p><i>The RVA seeks that 14A.2.2 Policy 10 is deleted.</i></p>
Ōmokoroa and Te Puke Medium Density	Oppose	<p>The RVA considers that 14A.2.2 Policy 11 seeks to manage the form, scale and design of development in a manner that is inconsistent with the Enabling Housing Act and the expectations for the MRZ, and</p>	<p><i>The RVA seeks that 14A.2.2 Policy 11 is deleted.</i></p>

34.25

34.26

34.27

Provisions	Submission Position	Reason for Submission	Relief Sought
Residential Zone – 14A.2.2 Policy 11		overlaps with Policy 3 of the MDRS/Policy 3 of the Zone. It also fails to recognise that retirement villages provide communal open spaces on site.	
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 15	Oppose in part	The RVA considers there should be no requirement to “enhance” the function of existing overland flowpaths.	<i>The RVA seeks the deletion of “or enhance” from the policy.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.2.2 Policy 17	Oppose	The RVA considers that 14A.2.2 Policy 17 seeks to manage the form, scale and design of development in a manner that is inconsistent with the Enabling Housing Act and the expectations for the MRZ.	<i>The RVA seeks that 14A.2.2 Policy 17 is deleted.</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14.2.2 Policies	New policies sought	In addition to the current policies for the Ōmokoroa and Te Puke Medium Density Residential Zone, the RVA considers that to facilitate the intensification purpose of the Enabling Housing Act, the following additional policies should be integrated in this chapter of the District Plan: - A policy that recognises that the existing character and amenity of the Ōmokoroa and Te Puke Medium Density Residential Zone will	<i>The RVA seeks to integrate the following policies into the Ōmokoroa and Te Puke Medium Density Residential Zone:</i> <u>14A.2.2 Policy X</u> <u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Ōmokoroa and Te Puke Medium Density Residential Zone will change</u>

34.27

34.28

34.29

34.30

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>change over time to enable a variety of housing types with a mix of densities;</p> <ul style="list-style-type: none"> - A policy that recognises and provides for the intensification opportunities of larger sites; and - A policy that enables the density standards to be utilised as a baseline for the assessment of effects. 	<p><u>over time to enable a variety of housing types with a mix of densities.</u></p> <p><u>14A.2.2 Policy X</u></p> <p><u>Recognise the intensification opportunities provided by larger sites within the Ōmokoroa and Te Puke Medium Density Residential Zone by providing for more efficient use of those sites.</u></p> <p><u>14A.2.2 Policy X</u></p> <p><u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</u></p>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – Activity Lists – 14A.3.1 Rule (a) and 14A.3.3 Rule (a)</p>	<p>Support in part</p>	<p>The RVA supports 14A.3.1 Rule (a) and the permitting of the construction or use of buildings and structures when complying with the relevant built form standards; and the triggering of restricted discretionary activity status under 14A.3.3 Rule (a) based on non-compliance with relevant built form standards.</p> <p>Noting that retirement villages will likely infringe the number of residential units per site standards (14A.4.1a), the construction of retirement villages will be a restricted discretionary activity under this rule. The RVA considers that a specific rule should be integrated to provide specifically for the construction</p>	<p><i>The RVA seeks to amend 14A.3.3 Rule (a) as follows, to exclude the construction of retirement villages from the rule, and to integrate a new rule that provides for the construction of retirement villages as a restricted discretionary activity, with a specific set of retirement village matters of discretion (provided in the response to Matters of Discretion 14A.7.1 below).</i></p> <p>14A.3.3 Restricted Discretionary Activities</p> <p>a. Permitted and Controlled land use activities <u>(excluding the construction of retirement villages)</u></p>

34.30

34.31

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>of retirement villages as a restricted discretionary activity, and that the construction of retirement villages should have their own set of focused matters of discretion. These matters of discretion will acknowledge the differences that retirement villages have from other residential activities.</p> <p>The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village.</p>	<p>that do not comply with the density standards or other standards in Rules 14A.4.1 and 14A.4.2.</p> <p>...</p> <p><u>d. The construction of retirement villages (except for residential units which are permitted by complying with the density standards), including those that do not comply with the density standards in Rule 14A.4.1.</u></p>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – Activity Lists – 14A.3.3 Rule (d)</p>	<p>Oppose / New rule sought</p>	<p>The RVA opposes Rule 14A.3.3 Rule (d) as it does not recognise that retirement villages are residential activities that are encouraged and anticipated in residential zones.</p> <p>The RVA considers retirement villages as a land use activity must be provided for as a permitted activity (and the construction of retirement villages provided for as a restricted discretionary activity, as detailed in response to 14A.3.1 Rule (a)), recognising that retirement villages as a permitted activity provide substantial benefit in residential zones including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.</p>	<p><i>The RVA seeks to delete 14A.3.3 Rule (d), and seeks the integration of a new rule as follows, to provide for retirement villages (as a land use activity) as a permitted activity:</i></p> <p><u>14A.3.1 Permitted Activities</u></p> <p>...</p> <p><u>m. Retirement villages.</u></p>

34.31

34.32

Provisions	Submission Position	Reason for Submission	Relief Sought
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (a)	Support	The RVA supports 14A.4.1 Density Standard (a) as it aligns with the number of residential units per site standard of the MDRS.	Retain 14A.4.1 Density Standard (a) as notified.
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (b)	Support	The RVA supports 14A.4.1 Density Standard (b) as it aligns with the building height standard of the MDRS, with some exclusions (which enable greater heights in specific areas of the District).	Retain 14A.4.1 Density Standard (b) as notified.
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (c)	Support in part	<p>The RVA supports 14A.4.1 Density Standard (c) and the height in relation to boundary provisions in principle, which reflect the height in relation to boundary standard of the MDRS, with some additional exclusions.</p> <p>However, it is considered that additional exclusions should be included to reflect that some developments may occur adjacent to less sensitive zones.</p>	<p><i>The RVA seeks to amend 14.A.4.1 Density Standard (c) as follows to include additional exclusions from the standard:</i></p> <p>14A.4.1(c) Height in relation to boundary</p> <p>...</p> <ul style="list-style-type: none"> ii. This standard does not apply to <ul style="list-style-type: none"> a. a boundary with a road: b. existing or proposed internal boundaries within a site:

34.33

34.34

34.35

Provisions	Submission Position	Reason for Submission	Relief Sought
			<ul style="list-style-type: none"> c. site boundaries where there is an existing common wall between two buildings on adjacent sties or where a common wall is proposed: d. <u>boundaries adjoining open space and recreation zones, commercial and mixed use zones, and special purpose zones:</u> e. d-where a subdivision is proposed between residential units that share a common wall (in this case it will not apply along the length of the common wall). f. e-subdivision (by unit plan) to the extent that the recession plane above shall only apply to buildings on the base land in their relationship to the base land external site boundaries and shall not apply between the internal boundaries of the principal units within the unit plan, nor between the principal units and their internal bo

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p>boundary with any common property.</p> <p>g. f. where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.</p>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (d)	Support	The RVA supports 14A.4.1 Density Standard (d) as it aligns with the setback standard of the MDRS, with some additional exclusions.	Retain Density 14A.4.1 Standard (d) as notified.
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (e)	Support	The RVA supports 14A.4.1 Density Standard (e) as it aligns with the building coverage standard of the MDRS.	Retain 14A.4.1 Density Standard (e) as notified.
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (f)	Support in part	The RVA supports 14A.4.1 Density Standard (f) and the outdoor living space provisions in principle, as it reflects the outdoor living space standard of the MDRS. However, it is considered that as a result of retirement villages providing a range of private and communal outdoor areas, amendments should be made to 14A.4.1 Density Standard (f) that enable the	<p><i>The RVA seeks to amend 14A.4.1 Density Standard (f) as follows to enable the communal outdoor living spaces of retirement villages to count towards the amenity standard:</i></p> <p>14A.4.1(f) Outdoor living space (per unit)</p>

34.35

34.36

34.37

34.38

Provisions	Submission Position	Reason for Submission	Relief Sought
		communal areas to count towards the amenity standard.	<p>...</p> <p>iii. <u>For retirement units, clauses i and ii apply with the following modifications:</u></p> <p>a. <u>the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and</u></p> <p>b. <u>a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.</u></p>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (g)</p>	Support in Part	<p>The RVA supports 14A, .4.1 Density Standard (g) and the outlook space provisions in principle which reflect the outlook space standard of the MDRS, however consider that in a retirement village environment (that has multiple communal spaces available for residents), the standard is not directly relevant. The RVA considers amendments should be made to 14A.4.1 Density Standard (g) to provide for outlook space requirements that are appropriate for retirement villages.</p>	<p><i>The RVA seeks to amend 14A.4.1 Density Standard (g) as follows to x. provide for outlook space requirements that are appropriate for retirement villages:</i></p> <p>14A.4.1(g) Outlook space (per unit)</p> <p>...</p> <p><u>x. For retirement units, clauses i – ix apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a</u></p>

34.38

34.39

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p><u>principal living room and all other habitable rooms.</u></p>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (h)</p>	<p>Support in Part</p>	<p>The RVA supports 14A.4.1 Density Standard (h) and the windows to street provisions in principle which reflect the windows to street standard of the MDRS, however consider that the standard should be amended to provide for retirement units and should be limited to units facing a public street (not internal to the village).</p>	<p><i>The RVA seeks to amend 14A.4.1 Density Standard (h) as follows to provide for retirement units:</i></p> <p>14A.4.1(h) Windows to street</p> <p>Any residential unit <u>or retirement unit</u> facing the <u>a public street</u> must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.1 Density Standard (i)</p>	<p>Support in Part</p>	<p>The RVA supports 14A.4.1 Density Standard (i) and the landscaped area provisions in principle, which reflect the landscaped area standard of the MDRS, however consider that the standard should be amended to provide for retirement units.</p>	<p><i>The RVA seeks to amend 14A.4.1 Density Standard (i) as follows to provide for retirement units:</i></p> <p>14A.4.1(i) Landscaped area</p> <ul style="list-style-type: none"> i. A residential unit <u>or retirement unit</u> at ground floor level must have a landscaped area of a minimum of 20% of developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them. ii. The landscaped area may be located on any part of the development site, and

34.39

34.40

34.41

Provisions	Submission Position	Reason for Submission	Relief Sought
			does not need to be associated with each residential unit <u>or retirement unit</u> .
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.4.2 Other Standards (a)-(x)	Oppose	The RVA opposes 14A.4.2 Other Standards (a) – (x) and the triggering of a restricted discretionary activity status as a result of non-compliance with these standards, as the MDRS does not include these standards. A number of the standards are designed for standard residential typologies and are not directly applicable to retirement villages. For example, (e) assumes vehicle crossings are provided for a single residential unit rather than a multi-unit retirement village.	<i>The RVA seeks the deletion of 14A.4.2 Other Standards (a) - (x).</i>
Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.5.1 Notification Requirements	Oppose in part	The rule does not directly address the notification of applications for retirement villages, but acknowledges that construction of four or more residential units that complies with the density standards cannot be publicly or limited notified. The RVA considers that the construction of retirement villages should be precluded from public notification, and that retirement villages that comply with the relevant external amenity density standards (height, height in relation to boundary, setback and building coverage) should be precluded from limited notification.	<p><i>The RVA seeks to amend 14A.5.1 Notification Requirements as follows to preclude public notification of retirement village proposals, and preclude limited notification of retirement villages that comply with the relevant external amenity density standards:</i></p> <p>14A.5 Notification</p> <p>14A.5.1 Requirements</p> <p>(a) ...</p> <p>(b) Council shall not require:</p>

34.41

34.42

34.43

Provisions	Submission Position	Reason for Submission	Relief Sought
			<ul style="list-style-type: none"> i. ... ii. ... iii. ... iv. ... v. <u>Public notification if the application is for the construction of a retirement village.</u> vi. <u>Limited notification if the application is for the construction of a retirement village that complies with density standards 14A.4.1(b) – (e).</u>
<p>Ōmokoroa and Te Puke Medium Density Residential Zone – 14A.7.1 Matters of Discretion</p>	<p>Oppose in Part</p>	<p>In accordance with the RVA’s submission on 14A.3.3 Rule (a), the RVA considers that the construction of retirement villages should have focused matters of discretion (so to provide for and acknowledge the differences that retirement villages have from other residential activities).</p> <p>The RVA opposes the current matters of discretion, for the reasons outlined in its submission above, and consider them not sufficiently focused on the effects of retirement villages which should be regulated in line with the MDRS. The RVA particularly opposes the reference to ‘Residential Design Outcomes’ which are</p>	<p><i>The RVA seeks to amend 14A.7.1 Matters of Discretion as follows, to remove retirement villages from the applicability of Matters of Discretion 14A.7.1:</i></p> <p>14.7 Matters of Discretion</p> <p>14A.7.1 Restricted Discretionary Activities – Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes</p>

34.43

34.44

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>not tailored to retirement villages. Overall, the matters of discretion are so extensive as to render the restricted discretionary activity status redundant.</p> <p>The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of retirement villages.</p>	<p>In considering an application for four or more residential units on a site, comprehensive mixed use developments, retirement villages or rest homes, Council shall consider the following to assess the overall contribution of the development to deliver a high quality and well-functioning urban environment.</p> <p>...</p> <p><i>The RVA also seeks to include the following set of matters of discretion specific to the construction of retirement villages (in accordance with the new 14A.3.3 Rule (x) proposed above).</i></p> <p><u>14A.7.X Restricted Discretionary Activities - The construction of retirement villages, including those that do not comply with the density standards in Rule 14A.4.1.</u></p> <p><u>a. The effects arising from exceeding any of the standards: 14A.4.1(b) – (f);</u></p> <p><u>c. The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p><u>d. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p>

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p>e. <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;</u></p> <p>f. <u>When assessing the matters in a – d, consider:</u></p> <p style="padding-left: 40px;">i. <u>The need to provide for efficient use of larger sites; and</u></p> <p style="padding-left: 40px;">ii. <u>The functional and operational needs of the retirement village.</u></p> <p>g. <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u></p>

34.44

SECTION 19 – COMMERCIAL

Provisions	Submission Position	Reason for Submission	Relief Sought
Commercial Zone - Policies	Support	Recognising that the Enabling Housing Act is not limited to residential zones, with councils required to ensure district plans provide for intensification in urban non-residential zones, the RVA considers policy	<p><i>The RVA seeks the following policies:</i></p> <p><i>Provision of housing for an ageing population</i></p>

34.45

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>support for retirement villages in the Commercial Zone is required (as also set out in the submission above).</p>	<ol style="list-style-type: none"> 1. <i>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.</i> 2. <i>Recognise the functional and operational needs of retirement villages, including that they:</i> <ol style="list-style-type: none"> a. <i>May require greater density than the planned urban built character to enable efficient provision of services.</i> b. <i>Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</i> <p>Delete or amend other Commercial Zone objectives and policies for consistency.</p> <p>Larger sites <i>Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.</i></p> <p>Density standards</p>

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p><i>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</i></p>
<p>Commercial Zone – 19.3.1 Rule (j)</p>	<p>Oppose in part / New rule sought</p>	<p>The RVA considers that the Commercial Zone fails to give effect to the NPSUD and needs to be amended as part of the Plan Change.</p> <p>Recognising that the Enabling Housing Act is not limited to residential zones, with councils required to ensure district plans provide for intensification of urban non-residential zones, the RVA opposes the exclusion of retirement villages from locating within the Commercial Zone at Ōmokoroa Structure Plan Area 3.</p> <p>Furthermore, noting that the ‘accommodation facilities’ definition specifically excludes retirement villages, it is not clear why they have been linked to this rule. As currently drafted it is assumed that despite the reference to retirement villages, due to them not being specifically listed in the Commercial Zone activities they are a non-complying activity under Rule 4A.1.4.</p> <p>The RVA considers that the Commercial Zone should provide for retirement village activities as a permitted activity (with the construction of the retirement village being a restricted discretionary activity),</p>	<p><i>The RVA seeks to remove the exclusion of retirement villages from 19.3.1 Rule (j).</i></p> <p><i>The RVA also seeks to integrate the following rule in the 19.3.1 Permitted Activities:</i></p> <p>19.3.1 Permitted Activities</p> <p>Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:</p> <p>...</p> <p>j. Accommodation facilities, provided that retirement villages are excluded from locating within the Commercial Zone at Ōmokoroa Structure Plan Area 3.</p> <p>...</p> <p><u>o. Retirement villages.</u></p>

34.45

34.46

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>recognising that retirement villages provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.</p>	
<p>Commercial Zone – 19.3.3 Restricted Discretionary Activities</p>	<p>Oppose in part, new rule sought</p>	<p>The RVA considers the Commercial Zone fails to give effect to the NPSUD and needs to be amended as part of the Plan Change.</p> <p>As an unlisted activity, retirement villages are currently a non-complying activity under Rule 4A.1.4. The RVA considers that the Commercial Zone should provide for retirement village activities as a permitted activity, with the construction of the retirement village being a restricted discretionary activity, (as detailed in the response to 19.3.3 above).</p> <p>The RVA considers that the construction of a retirement villages should be a restricted discretionary activity under a specific retirement village rule, and that the construction of retirement villages should have their own set of focused matters of discretion (so to provide for and acknowledge the differences that retirement villages have from other residential activities).</p> <p>The RVA considers the matters of discretion applicable to retirement villages need to</p>	<p><i>The RVA seeks that a bespoke rule for the construction of a retirement village is included in the Commercial Zone as follows with a set of focused matters of discretion that are applicable to retirement villages, so to provide for and acknowledge the differences that retirement villages have from other residential activities (see response to 19.7 below for the bespoke matters of discretion the RVA seeks for retirement villages):</i></p> <p>19.3.3 Restricted Discretionary Activities</p> <p>a. ...</p> <p><u>c. The construction of retirement villages.</u></p>

34.46

34.47

Provisions	Submission Position	Reason for Submission	Relief Sought
		appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village.	
Commercial Zone – 19.7 Matters of Discretion	Oppose, new matters of discretion sought	<p>In accordance with the RVA’s submission on Rule 19.3.3, the RVA considers that the construction of retirement villages should have focused matters of discretion (so to provide for and acknowledge the differences that retirement villages have from other residential activities).</p> <p>The RVA considers the current matters of discretion in 19.7 are broad and not specific to the effects of retirement villages that require management.</p> <p>The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of retirement villages.</p> <p>The RVA considers that for resource consent applications for the construction of or additions / alterations to retirement villages should be precluded from being publicly notified; and that for a resource consent application for the construction of or additions / alterations to retirement villages that complies with the relevant density standards should be precluded from being limited notified.</p>	<p><i>The RVA seeks to integrate the following set of matters of discretion specific to the construction of retirement villages (in accordance with the new 19.3.3 Rule (c) proposed above).</i></p> <p><u>19.7.X Restricted Discretionary Activities - The construction of retirement villages.</u></p> <p><u>a. The effects arising from exceeding any of the relevant activity standards in 19.4;</u></p> <p><u>b. The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p><u>c. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p> <p><u>d. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;</u></p> <p><u>e. When assessing the matters in a – d, consider:</u></p>

34.47

34.48

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p><u>_____ i. The need to provide for efficient use of larger sites; and</u></p> <p><u>_____ ii. The functional and operational needs of the retirement village.</u></p> <p><u>f. The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u></p> <p>An application for resource consent for a retirement village made in respect of rule 19.3.3 is precluded from being publicly notified.</p> <p>An application for resource consent for a retirement village made in respect of rule 19.3.3 where compliance is achieved with 19.4.1(a) is precluded from being limited notified.</p>

34.48

SECTION 20 – COMMERCIAL TRANSITION

Provisions	Submission Position	Reason for Submission	Relief Sought
<p>Commercial Transition Zone - Policies</p>	<p>Support</p>	<p>Recognising that the Enabling Housing Act is not limited to residential zones, with councils required to ensure district plans provide for intensification in urban non-residential zones, the RVA considers policy support for retirement villages in the Commercial Transition Zone is required (as also set out in the submission above).</p>	<p><i>The RVA seeks the following policies:</i></p> <p><i>Provision of housing for an ageing population</i></p> <ol style="list-style-type: none"> 3. <i>Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.</i> 4. <i>Recognise the functional and operational needs of retirement villages, including that they:</i> <ol style="list-style-type: none"> c. <i>May require greater density than the planned urban built character to enable efficient provision of services.</i> d. <i>Have unique layout and internal amenity needs to cater for the requirements of residents as they age.</i> <p>Delete or amend other Commercial Zone objectives and policies for consistency.</p> <p><i>Larger sites</i></p>

34.49

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p><i>Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.</i></p> <p>Density standards <i>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.</i></p>
<p>Commercial Transition Zone – 20.3.1 Permitted Activities</p>	<p>New rule sought</p>	<p>The RVA considers that the Commercial Transition Zone fails to give effect to the NPSUD and should be amended as part of the Plan Change.</p> <p>The Enabling Housing Act is not limited to residential zones, with councils required to ensure district plans provide for intensification of urban non-residential zones. The RVA considers that the Commercial Transition Zone should provide for retirement village activities as a permitted activity (with the construction of the retirement village being a restricted discretionary activity), recognising that retirement villages as a permitted activity provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.</p>	<p><i>The RVA seeks to integrate the following rule in the 20.3.1 Permitted Activities:</i></p> <p>20.3.1 Permitted Activities</p> <p>Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:</p> <p>...</p> <p><u>k. Retirement villages.</u></p>

34.49

34.50

Provisions	Submission Position	Reason for Submission	Relief Sought
<p>Commercial Transition Zone – 20.3.3 Restricted Discretionary Activities</p>	<p>New rule sought</p>	<p>The RVA considers the Commercial Transition Zone fails to give effect to the NPSUD and should be amended as part of the Plan Change.</p> <p>As an unlisted activity, retirement villages are currently a non-complying activity under Rule 4A.1.4. Recognising that the Enabling Housing Act is not limited to residential zones, with councils required to ensure district plans provide for intensification of urban non-residential zones, the RVA considers that the Commercial Transition Zone should provide for retirement village activities as a permitted activity (as detailed above) with the construction of the retirement village being a restricted discretionary activity, recognising that retirement villages provide substantial benefit including enabling older people to remain in familiar community environments for longer (close to family and support networks), whilst also freeing up a number of dwellings located in surrounding suburbs.</p> <p>The RVA considers that the construction of a retirement villages should be a restricted discretionary activity under a specific retirement village rule, and that the construction of retirement villages should have their own set of focused matters of discretion (so to provide for and acknowledge the differences that retirement villages have from other residential activities).</p>	<p><i>The RVA seeks that a bespoke rule for the construction of a retirement village is included in the Commercial Transition Zone as follows with a set of focused matters of discretion that are applicable to retirement villages, so to provide for and acknowledge the differences that retirement villages have from other residential activities:</i></p> <p>20.3.3 Restricted Discretionary Activities</p> <p>a. ...</p> <p><u>b. The construction of retirement villages.</u></p>

34.51

Provisions	Submission Position	Reason for Submission	Relief Sought
		<p>The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of the retirement village.</p>	
<p>Commercial Transition Zone – 20.6.1 Matters of Discretion</p>	<p>New matters sought</p>	<p>In accordance with the RVA’s submission on Rule 20.3.3, the RVA considers that the construction of retirement villages should have focused matters of discretion (so to provide for and acknowledge the differences that retirement villages have from other residential activities).</p> <p>The RVA considers the matters of discretion applicable to retirement villages need to appropriately provide for / support the efficient use of larger sites for retirement villages, and the functional and operational needs of retirement villages.</p> <p>The RVA considers that for resource consent applications for the construction of or additions / alterations to retirement villages should be precluded from being publicly notified; and that for a resource consent application for the construction of or additions / alterations to retirement villages that complies with the relevant density standards should be precluded from being limited notified.</p>	<p><i>The RVA seeks to amend Rule 20.6.1 as follows, to integrate the retirement village specific matters of discretion:</i></p> <p>20.6 Matters of Discretion</p> <p><u>20.6.x Restricted discretionary activities – the construction of retirement villages</u></p> <p><u>a. The effects arising from exceeding any of the relevant activity standards in 20.4;</u></p> <p><u>b. The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p><u>c. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p> <p><u>d. The extent to which articulation, modulation and materiality addresses adverse visual dominance effects associated with building length;</u></p>

34.51

34.52

Provisions	Submission Position	Reason for Submission	Relief Sought
			<p>e. When assessing the matters in a – d, consider:</p> <p>_____ i. <u>The need to provide for efficient use of larger sites; and</u></p> <p>_____ ii. <u>The functional and operational needs of the retirement village.</u></p> <p>f. <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village.</u></p>

34.52

From: Marika Williams <Marika.Williams@chapmantripp.com>
Sent: Friday, 16 September 2022 3:52 pm
To: District Plan
Cc: Luke Hinchey; Nicola de Wit
Subject: Ryman Healthcare Limited submission on Plan Change 92
Attachments: Plan Change 92 - Submission form - Ryman Healthcare Limited.pdf; Ryman Healthcare Limited - submission on Western Bay of Plenty PC92.pdf; Plan Change 92 - Submission form in accordance with RMA - Ryman Healthcare Limited.pdf

Good afternoon

Please find **attached** a submission from Ryman Healthcare Limited on Plan Change 92 to the Western Bay of Plenty District Plan, along with the accompanying submission form provided by Council.

We note the submission form provided did not include all of the information required by Clause 6 of Schedule 1 of the Resource Management Act 1991. We have therefore also **attached** an additional submission form which sets out all of the required information.

Kind regards

Marika

MARIKA WILLIAMS (she/her)

SOLICITOR

Chapman Tripp

D: +64 9 358 9847

LEGAL ADMINISTRATOR: Paula Norman | D: +64 9 357 2732

www.chapmantripp.com

Disclaimer

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal professional privilege. If you receive this email in error please immediately notify the sender and delete the email.

Submission Form

District Plan Change 92 - Ōmokoroa and Te Puke enabling housing supply and other supporting matters

For office use only.
Submission No:

Use this form to submit your comments on District Plan Change 92

Plan Change 92 introduces new Medium Density Residential Standards for all the existing residential areas of Ōmokoroa and Te Puke. In addition, new residential areas are being added to those towns. For Ōmokoroa, provision is also being made for additional industrial land, and a new Natural Open Space zone to protect the gullies.

Council will also be introducing a number of other rules for Ōmokoroa and Te Puke to ensure that everything you told us you love about your neighbourhood is protected. These rules do not have immediate legal effect and are subject to a formal plan change process – Plan Change 92.

For more information on Plan Change 92, please visit westernbay.govt.nz/plan-changes.

Submission Form

You can hand in your submission to any of Council's Libraries or Service Centres, email it to districtplan@westernbay.govt.nz, or mail it to:

Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: Luke Hinchey on behalf of Ryman Healthcare Limited

Address: Chapman Tripp, Level 34 PwC Tower, Auckland CBD PO Box 2206

Phone +64 9 357 2709

Email: luke.hinchey@chapmantripp.com

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes

No

Signed:



Date: 16.9.22

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter: *Ryman Healthcare Limited (Ryman)*

- 1 This is a submission on Plan Change 92: Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters to the Western Bay of Plenty District Plan.
- 2 Ryman could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the proposal that Ryman's submission relates to are:
 - 3.1 Please see attached submission.
- 4 Ryman's submission is:
 - 4.1 Please see attached submission.
- 5 Ryman seeks the following decision from the local authority:
 - 5.1 Please see attached submission.
- 6 Ryman wishes to be heard in support of the submission.
- 7 If others make a similar submission, Ryman will consider presenting a joint case with them at a hearing

Signed for and on behalf of Ryman Healthcare Limited by Luke Hinchey

Luke Hinchey
Partner
16 September 2022

(A signature is not required if you make your submission by electronic means)

Address for service of submitter:

Ryman Healthcare Limited
c/- Luke Hinchey
Chapman Tripp
Level 34, PwC Tower
15 Customs Street West
PO Box 2206, Shortland Street
Auckland 1140
Email address: Luke.Hinchey@chapmantripp.com

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT
OR PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Western Bay of Plenty District Council (*Council*)

Name of submitter: Ryman Healthcare Limited (*Ryman*)

Introduction

1 This is a submission on Council's proposed amendments to the Western Bay of Plenty District Plan (*District Plan*): Proposed Plan Change 92: Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters (*PC92*).

2 Ryman could not gain an advantage in trade competition through this submission.

3 Ryman supports in full the Retirement Villages Association of New Zealand Incorporated (*RVA*) submission on PC92. This submission provides additional context to Ryman's villages and its interest in the proposal.

4 The submission covers:

4.1 An introduction to Ryman, its villages and its residents; and

4.2 Ryman's position on PC92.

Ryman's approach

5 Ryman is considered to be a pioneer in many aspects of the healthcare industry – including retirement village design, standards of care, and staff education. It believes that a quality site, living environment, amenities and the best care maximises the quality of life for our residents. Ryman is passionately committed to providing the best environment and care for our residents. Ryman is not a developer. It is a resident-focused operator of retirement villages. Ryman has a long term interest in its villages and its residents.

The ageing demographic

6 The Western Bay of Plenty's growing ageing population and the increasing demand for retirement villages is addressed in the *RVA's* submission on PC92, and that is adopted by Ryman.

7 Ryman's own research confirms that good quality housing and sophisticated care for the older population is significantly undersupplied in many parts of the country, including the Western Bay of Plenty. The Western Bay of Plenty's ageing population is facing a significant shortage in appropriate accommodation and care options, which allow them to "age in place" as their health and lifestyle requirements change over time. This is because appropriate sites in good locations are incredibly scarce.

Ryman's residents

- 8 All of Ryman's residents – both retirement unit and aged care room residents – are much less active and mobile than the 65+ population generally as well as the wider population. Ryman's retirement unit residents are early 80s on move-in and its aged care residents are mid-late 80s on move-in. Across all of Ryman's villages, the average age of retirement unit residents is 82.1 years and the average age of aged care residents is 86.7 years.

Ryman villages' amenities and layout needs

- 9 To provide for the specific needs of its residents, Ryman provides extensive on-site community amenities, including entertainment activities, recreational amenities, small shops, bar and restaurant amenities, communal sitting areas, and large, attractively landscaped areas.
- 10 Because of the comprehensive care nature of Ryman's villages, all of the communal amenities and care rooms need to be located in the Village Centre to allow for safe and convenient access between these areas. This operational requirement results in a density and layout that differs from a typical residential development. However, Ryman's retirement villages are integrated developments, which often creates opportunities to achieve higher quality residential outcomes compared to typical residential developments.

Ryman's position on PC92

- 11 Ryman adopts the RVA's submission on PC92. In addition, Ryman wishes to emphasise that PC92 will have a significant impact on the provision of housing and care for the Western Bay of Plenty's growing ageing population. There is a real risk that the proposed changes will delay necessary retirement and aged care accommodation in the region.

Relief sought

- 12 Ryman seeks the relief sought by the RVA in its submission on PC92.
- 13 Ryman wishes to be heard in support of this submission.
- 14 If others make a similar submission, Ryman will consider presenting a joint case with them at a hearing.

Matthew Brown

NZ Development Manager
 Ryman Healthcare Limited
matthew.brown@rymanhealthcare.com

Address for service of submitter:

Ryman Healthcare Limited
 c/- Luke Hinchey
 Chapman Tripp
 Level 34
 15 Customs Street West
 PO Box 2206
 Auckland 1140
 Email address: luke.hinchey@chapmantripp.com / nicola.dewit@chapmantripp.com

From: Susan Phinn <2mablemay@gmail.com>
Sent: Friday, 16 September 2022 3:08 pm
To: District Plan
Subject: Submission-Omokoroa Structure Plan-Plan Change 92
Attachments: Susan Phinn OSP Plan Change 92 issues.docx

Dear Sir / Madam

Please find attached my submission regarding the Omokoroa Structure Plan-Plan Change 92.

Yours sincerely

Susan Phinn

Sent from my iPhone

16th September 2022

Omokoroa Structure Plan – Plan Change 92

Susan Phinn

70E Francis Road, RD 2 Tauranga, 3172

Mob 021 076 0766

Re: Submission on Plan Change 92

I would like to provide the following submission to Western Bay of Plenty District Council in response to Plan Change 92 which has recently been notified by Council. The issues I would like to raise are outlined as follows:

1. Industrial Zoning – We oppose this zoning proposal

36.1

Proposed industrial zoning to west side of Francis Road up to the strip of “constrained land” at item 14 – I am totally opposed to this zoning as it will destroy the existing peaceful environment for current residents, animals (both domestic, horses and cattle), birdlife, and the rural environment. The volume of industrial traffic, including the pollution from heavy vehicles along our country lane, will be a constant worry for parents of young children, residents taking walks, owners walking their dogs, and for those of us who bought land, built and came to live in this beautiful area to escape the activity associated with such large town/city activity.

Desired outcome / suggestion

Expand the area described as “industrial land not under review” along the south side of Omokoroa Road to encompass the retail shop and yards, recently developed by ITM, the very large vehicle fleet of Omokoroa Carriers, a kitchen fabricator, and a concrete products distribution centre. This would provide far better and safer access for the industrial traffic to and from SH2, and remove the very real perils of positioning industrial activities and vehicles adjacent to residential precincts.

2. Residential zoning – We oppose this zoning proposal

36.2

Proposed residential lots to the areas shaded pink depicted to the north and east of the “constrained land” lying from reference numbers 5 through 10 through 14 through 9 through 14. I am opposed to the introduction of residential intensification with the destruction of the existing orchards and which include many beautiful large trees, including shelter belts – an oasis for birdlife, a contribution to carbon benefits, and a pleasing environment.

Desired outcome / suggestion

Change this residential proposal to rural residential, and extend the same zoning to the east of Francis Road. For the latter we suggest constructing noise mitigating fencing along the east side of SH2, after allowing for the eventual development of SH2 to a 4 lane highway, providing a wide strip of mature tree planting to help with highway noise and to provide a pleasant backdrop to future rural residential sites.

The proposed item 6, "Hilltop lookout" would then be far more appealing to both visitor and residents alike, viewing the peninsular over rural residential lots rather than the proposed sea of rooftops that would be the result of the more intensive residential zoning.

36.2

3. Summary

Based on the above issues raised, we wish to oppose Plan Change 92.

36.3

I believe that it would be highly desirable to preserve the tranquil rural environment that attracted me to this very special area and to provide balance against the more intensive housing in the other proposed residential zones. The proximity of industrial activity alongside residential, and sharing the same road access would be a series of disasters waiting to happen.

I do not wish to be heard at hearing in support of my submission.

I cannot gain any trade advantage through this submission.

Yours sincerely



Susan Phinn

From: Sylvia Oemcke <hellosylvia@gmail.com>
Sent: Friday, 16 September 2022 2:43 pm
To: District Plan
Subject: Submission for Plan Change 92 by Sylvia Oemcke
Attachments: Plan Change 92 Submission (2).pdf

Hi there

Please accept my attached submission to oppose part of Plan Change 92 in Omokoroa.

Yours sincerely
Sylvia Oemcke

15 September 2022

Sylvia Oemcke
70B Francis Road
RD 2
Omokoroa
Tauranga 3172

e: hellosylvia@gmail.com

p: 0279541115

Submission to Oppose Part of Plan Change 92 in Omokoroa, Tauranga

To whom it may concern;

Im writing to convey my concerns about the topic below (which will be outlined in more detail later in the submission) regarding plan change 92 in Omokoroa, specifically regarding the strip of land running down the length of the southern side of Francis Road planned for future industrial zoning:

- I propose that the council remove the planned Industrial Zoning for numbers 51 and 21 Francis Road and allow both pieces of land to retain their Rural Residential Zoning, due to future safety and ecological concerns.

I would rather not be heard at a hearing in support of my submission but am happy to if it would help my submission carry more weight.

I will in no way gain any advantage in trade competition through submitting my opposition to the plan.

I propose that the council remove the planned Industrial Zoning for numbers 51 and 21 Francis Road and allow both pieces of land to retain their Rural Residential Zoning, due to future safety and ecological concerns.

37.1

Firstly, the industrial area planned is unnecessarily sprawled out which will negatively impact future neighbouring residents significantly. The industrial zone planned for Francis road is directly opposite, and accessed through, a large intensive medium density future housing development and the heavy industrial traffic, noise pollution and safety concerns that this entails for residents are significant.

It isn't desirable or safe to have an Industrial area directly opposite intensive medium density residential. Or if it is to exist, its presence should be as minimal as possible. There will be hundreds of homes right across the road and children using these roads at the same time as heavy industrial traffic going up and down trying to access this planned strip of industrial land on Francis Road and I have major concerns about safety. I also have concerns about the noise of this Industrial Zone for the residents who live directly opposite. I would urge the council to consider minimising the border where the residential meets Industrial where possible, and therefore keeping the Industrial zone more concentrated around Omokoroa Road, where it currently is, rather than stretching out all the way down Francis Road.

An alternative plan which I would deem acceptable would be to retain Rural Residential Zoning for numbers 21 and 51 Francis Road, and rezone 467, 467A and 425 Omokoroa Road for Industrial, thus containing the 'exposure' to the industrial area moreso.

Secondly is the negative impact of the location of an Industrial Zone so close to a river regarding noise pollution, the diminishing and lack of green space for bird and wildlife, and the pollution and runoff directly into the river. And the fact that this planned Francis Road Industrial Zone seems to be more intense Industrial compared to the Light Industrial specified for the Omokoroa Road area.

I notice that the industrial zone on Omokoroa Road is marked *Light Industrial* whereas the Francis Road portion is simply marked *Industrial* suggesting that it is intended to be heavy Industrial down Francis Road. Any type of Industrial zoning this close to the river will upset the habitat of the wildlife down there, let alone heavy industrial. This will absolutely have a significant negative impact on the wildlife dwelling near and around the river, which is prolific. I know you have high standards in place for water drainage and waste removal for industrial areas but it is absolutely impossible to monitor and divert contaminants 100% of the time, so unfortunately the river will be affected regardless of how stringent the policies and processes are. Having the Industrial zoning further away from the river will undoubtedly have a positive impact on the wildlife and the river. I therefore suggest again as above, rezoning more Omokoroa Road land (467, 467A and 425 Omokoroa Road) for Industrial Zoning and retaining Rural Residential Zoning for number 51 and 21 Francis Road. Another suggestion is Re Zoning the Omokoroa Road Industrial area as *Industrial* and making the Francis Road Portion (if there absolutely has to be one) *Light Industrial*.

I am in support of my heading above and urge the council to reconsider the plan to create an Industrial Zone down Francis Road, in favour of increasing the size of the current industrial zone around the Omokoroa Road area if more industrial zoned land is necessary.

Yours sincerely,

Sylvia Oemcke

From: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Friday, 16 September 2022 2:36 pm
To: District Plan; Plan Change Submission
Subject: Submission on Plan change 92 - TDD Limited
Attachments: PC 92 Submission-TDD Limited.pdf; 2022-08-17 - SUBMISSION TEMPLATE - Omokoroa Active Reserve NOR - TDD Limited.pdf

Good afternoon.

Please find attached a submission on plan change 92 and the Omokoroa Designation NOR, on behalf of TDD Limited. Can you please confirm receipt of the submissions.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

Submission on Proposed Plan Change 92 to the Western Bay of Plenty
District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: Western Bay of Plenty District Council

38.1

Name of submitter: TDD Limited

This is a submission on proposed Plan Change 92 (Omokoroa & Te Puke Enabling Housing Supply and other supporting matters).

We could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are the rezoning of land at 474 Omokoroa Road.

We are the owners of 474 Omokoroa Road (being that land held in Record of Title 50A/596).

Our land is affected by Plan Change 92 provisions. We support the rezoning of our land to residential under Plan Change 92.

The reason for our submission is that the rezoning of our land to residential will assist in providing further land to create a well functioning urban environment at Omokoroa, and will assist with the intensification and housing requirements required under the National Policy Statement - Urban Development for Omokoroa.

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.



AM Collier

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date 16 September 2022

Address for Service:

Postal Address: c/- Collier Consultants Limited
PO Box 14371
Tauranga Mail Centre, Tauranga 3143

Contact person: Aaron Collier

Telephone: 021 744 707

Email: aaron@collierconsultants.co.nz

Submission Form

Ōmokoroa Active Reserve Notice of Requirement

For office use only.

Submission No: _____

Use this form to submit your comments on the Ōmokoroa Active Reserve

For information on the Ōmokoroa Active Reserve Notice of Requirement (NoR), please visit westernbay.govt.nz/plan-changes or view a hard copy of the Section 32 report at a Council Library or Service Centre.

Submission Form

You can hand in your submission to any of Council's Libraries or Service Centres, email it to districtplan@westernbay.govt.nz, or mail it to:

Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: TDD Limited

Address: C/- Collier Consultants Limited, PO Box 14371, Tauranga Mail Centre, Tauranga 3143

Attention: Aaron Collier

Phone 021 744 707

Email: aaron@collierconsultants.co.nz

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes



No



Signed:



Date: 15/09/2022

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

1. Submission

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

TDD Limited are the owners of Lot 1 DPS 61801 Blk iv Tauranga SD being that land held in Record of Title 50A/596. Their property is located at 474 Omokora Road, Omokoroa. The site is currently used as a storage business and contains a number of dwellings and improvements.

TDD Limited oppose the notice of requirement to designate their land for Omokora active reserves as sought by the Western Bay of Plenty District Council as Requiring Authority.

The reasons for TDD's opposition are as follows:

1. There has been inadequate consultation with TDD Limited in relation to the use and development of the land for the purposes of reserves. This has created significant uncertainty in planning for TDD's future business on the site which is a storage facility.
2. The need for TDD's land to be included within the designation is unclear, as there is no overall reserves masterplan developed for the site which shows the need for TDD's land to be used for reserve purposes. The Active Reserves Assessment prepared in support of the designation does not identify what the land or parts of the land will be used for, and therefore the need for the land.
3. The timing of the designation and its development as a reserve are uncertain.
4. There are a number of actual and potential effects associated with the designation which have not been addressed in the Notice of Requirement which should be based on a reserve concept/development plan for the site.

2. Decision sought

Give precise details of how you want the proposal changed.

We seek that the application for the notice of requirement is refused unless the following are addressed:

1. The Council consults with TDD Limited in relation to the timing and process for the acquisition of 474 Omokora Road and better describes the process and timing of the public works.
2. A masterplan/reserve plan is prepared which shows the need for TDD's land to be designated.
3. There is certainty in relation to time frames provided which will enable investment decisions to be made in relation to the continued operation of TDD's storage business at 474 Omokoroa Road.
4. Council commences the process of land acquisition and discussions with TDD Limited.

From: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Friday, 16 September 2022 3:20 pm
To: District Plan; Plan Change Submission
Cc: Vicky Williamson; Scott Adams (scott@carrus.co.nz)
Subject: Submission on Plan change 92 - UTF
Attachments: plan change submission-UTF-Plan Change 92-final.pdf

Please find attached a submission on Plan Change 92 lodged on behalf of The Urban Taskforce for Tauranga. Can you please confirm receipt of the submission.

Regards

Aaron Collier | aaron@collierconsultants.co.nz

Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

SUBMISSION ON PLAN CHANGE 92 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN

TO: Western Bay of Plenty District Council

SUBMISSION ON: Plan Change 92 to the Western Bay of Plenty District Plan (NPS-Urban Development)

SUBMITTER: URBAN TASKFORCE FOR TAURANGA (“**UTF**”)

C/: Collier Consultants
PO Box 14371
Tauranga Mail Centre
Tauranga 3143
Attention: Aaron Collier

Scope of submission

1. The provisions of Plan Change 92 which this submission relates to, are as set out in the submission table (see attached).

Nature of submission

2. The nature of our submission is that we generally support Plan Change 92 to the District Plan, but with appropriate amendments/deletions and further wording changes to address matters raised in our submission. These amendments/deletions and further changes are necessary to ensure that the plan change is sufficiently enabling so as to give effect to the NPS-UD.

Reasons for submission

3. The Urban Task Force for Tauranga (“**UTF**”) is incorporated as a Society with its purpose being to represent its members who are property professionals and funders, developers, Iwi and Hapu, and owners and managers of properties in the Bay of Plenty. The UTF seeks to provide strong and informed leadership to Local Authorities, promote and foster productive local networks around property, and to advocate for the property industry by making submissions to both Central and Local Government.
4. The Western Bay of Plenty subregion has experienced significant growth pressure in recent decades. Our community is facing unprecedented challenges because in the past leaders have seen growth as a problem rather than an opportunity. The intent of UTF is to focus on the opportunities presented by growth and to unlock these opportunities by working collaboratively and innovatively across Government, Local Government and the private sector.
5. UTF advocates for connected thinking, connected planning, connected governments and strong leadership. UTF’s submission is primarily focused on ensuring that Plan Change 92 is consistent with the Objectives, policies and requirements of the NPS-UD and that Plan Change 92 will be effective in achieving the intended outcomes required by the NPS-UD. UTF consider that changes to the Western Bay of Plenty District Plan to provide for medium density residential development should be based

39.1

on sound planning policy which will rectify the currently housing capacity shortage, whilst also avoiding unnecessary and inefficient process and uncertainty. UTF's view is that incorporating clear, certain and efficient Plan provisions is a fundamental part of the sustainable and efficient growth of the District, and in giving effect to the NPS-UD.

6. Plan Change 92 is required to be responsive and to enable development that adds significantly to capacity and contributes to a well-functioning urban environment. UTFs view is that further enabling and certain amendments are required to Plan Change 92 to achieve this. In particular more enabling provisions beyond those for permitted development under the Medium Density Residential Standards (MDRS) are required.
7. Suggested amendments and changes to provisions are required to better provide for housing needs, to avoid uncertainty, unnecessary processes, costs, and delays, as set out in the submission table below. Provisions have been incorporated in PC 92 which are more restrictive than those in the current District Plan, and which may work to restrict housing yield and therefore capacity. These provisions should be removed.
8. UTF provides reasons for its submission and the changes sought to the provisions in the table below.

Decision sought

9. The decision UTF seeks from the Council is that Plan Change 92 be approved with:
 - (a) amendments to address UTFs submission.
 - (b) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out in the attached table.
10. UTF wish to be heard in support of their submission.
11. UTF would not gain an advantage in trade competition through their submission.
12. If others make a similar submission, UTF are prepared to consider presenting a joint case with them at any hearing.

SCOTT ADAMS

CHAIRMAN

Date: 16 September 2022

Address for Service:
 URBAN TASKFORCE FOR TAURANGA (UTF)
 C/: Collier Consultants
 PO Box 14371
 Tauranga Mail Centre
 Tauranga 3143
 Attention: Aaron Collier
 Email: aaron@collierconsultants.co.nz

The specific provisions of the proposal that the UTF submission relates to are as follows:

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 4 (Definitions)	Definition of developable area	Support in part	We support the proposed definition but seek that the following be added to the exceptions: <ul style="list-style-type: none"> <u>Local purpose stormwater and neighbourhood reserves to be vested</u> <u>Pedestrian accessways to be vested</u> 	This is consistent with the current practice of excluding all forms of reserves from the calculation of developable area when calculating financial contributions under Section 11.
Page 11 (Definitions)	Impervious surfaces (inclusions)	Support in part	Amend the definition as follows: <i>"Impervious Surfaces" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area with a surface which prevents the infiltration of rainfall into the ground and includes:</i> <ol style="list-style-type: none"> <i>Roofs (whether fixed or retractable);</i> <i>Paved areas including paths, driveways, and sealed/compacted metal parking areas;</i> <i>Patios;</i> <i>Swimming pools; and</i> <i>Soil layers engineered to be impervious such as compacted clay.</i> 	The amendment provides for swimming pools to be included in the area calculation for exclusions as swimming pools provide storage volume. The inclusion of soil layers engineered to be impervious such as compacted clay will be impossible to assess/monitor and are therefore uncertain.
Page 1 (Natural hazards)	Natural hazards explanatory statement (natural hazard maps)	Support in part	Amend the explanatory statement as follows: <i>"In the meantime, all completed maps are publicly available on the non-district plan layers of this ePlan <u>but do not form part of the District Plan.</u>"</i>	The current wording is unclear and uncertain. The amendment confirms that these provisions are "non-statutory" and do not form part of the District Plan.
Page 12 (Subdivision and development)	Rule 12.3.10.1.b.i (information requirements)	Oppose	Delete the reference in b. Engineering documents are to include: <i>"For the Omokoroa 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</i>	The further rule is unnecessary as earthworks requirements are already addressed in the Plan by Rule 12.4.1.i - Site Suitability Requirements (engineering design required for earthworks).

39.2

39.3

39.4

39.5

Page No	Reference	Support/Oppose	Decision Sought	Reasons
			earthworks performance standards in Section 14A."	
Page 15 (Subdivision and development)	Rule 12.4.1.j.	Oppose	Delete the controlled activity earthworks requirement for Stage 2 and Stage 3 structure plan areas for Omokoroa and Te Puke medium density residential	The proposed provisions for earthworks greater than 300m2 conflicts with the Regional Plan and will result in unnecessary process requirements, delays, and cost which has not been properly evaluated. The provisions are unnecessary and inefficient.
Page 25 (Subdivision and development)	Rule 12.4.5 (stormwater alternatives)	Support	We consider that alternatives to connecting to the reticulated stormwater system as set out in 12.4.5.1 and 12.4.5.3 should be accepted as notified.	The proposed provisions will provide for sustainable alternatives to stormwater reticulation such as water reuse systems.
Page 26 (Subdivision and development)	Rule 12.4.5.17.a (stormwater attenuation standards)	Oppose in part	Delete Rule_12.4.5.17.a <i>All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to predevelopment levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment. All work shall be in accordance with the Omokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan comprehensive catchments consent and shall incorporate water sensitive urban design practices (such as swales, wetlands, and pervious pavements) as far a practicable to maintain or enhance predevelopment hydrology and quality.</i>	The rule is unclear as it refers to 50% AEP and 1% AEP flood events. The rule is also unnecessary as both Te Puke and Omokoroa are subject to existing comprehensive discharge consents which set out the requirements for attenuation and discharge standards to be achieved. The second part of the rule should be retained to refer to the comprehensive catchment consents which are in place for each catchment.

39.5

39.6

39.7
39.8

39.9

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 27 (Omokoroa and Te Puke Medium Density Residential)	Rule 12.4.5.17.f	Oppose	Amend f. to an advice note as follows: <u>Note:</u> <i>The stormwater reserve areas at Omokoroa are shown on the planning maps and described in more detail in the Omokoroa Peninsula Stormwater Management Plan.</i>	Rule 12.4.5.17.f does not act as a rule and should be included as an advice note.
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose in part	Amend the explanatory statement as follows: <i>These can be provided with varying housing development types which could include infill development, comprehensive residential developments, retirement villages, Papakainga, and pocket neighbourhood typologies with a variety of different tenures.</i>	It is unclear what is meant by pocket neighborhood typologies and the deletion of this reference removes uncertainty. Tenure options is not a matter controlled by District Plans.
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose in part	Amend the explanatory statement as follows: <i>Structure plans exist for greenfield medium density development areas in Omokoroa (Stage 3 and <u>the Te Puke Structure Plan</u>), McLoughlin Drive South and Sedden Street East to provide further guidance for subdivision and development in these areas. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, Three Waters infrastructure and reserves.</i>	The amendment clarifies the reference to the Te Puke Structure Plan (incorrectly referred to as McLoughlin Drive South and Sedden Street East) and provides for infrastructure regardless of scale.
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose	Delete the explanatory statement as follows: <i>In support of the provisions of this section, the medium density residential (Section 14) explanatory statement, issues, objectives and policies, will remain applicable. In addition, this Section 14A also contains more specific objectives for Omokoroa and Te Puke. Where there are any inconsistencies in objectives and policies these specific to Omokoroa and Te Puke in this Section 14A take precedence.</i> And add specific Objectives and policies for the chapter as required by Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment	The existing medium density provisions under Section 14 differ from those provided for under the NPS-UD and the Medium Density Residential Standards and other provisions which have been adopted in Chapter 14A. The chapter should retain its own explanatory statement, issues, objectives and policies with specific reference to the Objectives and Policies of the NPS-UD.

39.10

39.11

39.12

39.13

Page No	Reference	Support/Oppose	Decision Sought	Reasons
			Act 2021	
Page 4 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.2.1 Objective 4	Support in part	Amend objective 4 as follows: <i>An urban form providing positive private and public amenity outcomes.</i>	The wording is unnecessary. The objective should promote amenity outcomes regardless of whether these are private or public. It is anticipated that some urban form may not provide positive amenity outcomes as anticipated by Policy 6 of the NPS-UD.
Page 4 (Omokoroa and Te Puke Medium Density Residential)	Objective 14A.2.1.6	Oppose	Delete the objective as follows: <i>Minimisation of the adverse effects of earthworks and retaining walls on the existing natural land form and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures.</i>	The proposal is contrary to the policy outcomes of the NPS-UD and will result in significant reductions in usable flat sites, and a loss of yield and density which have not been assessed or considered through modelling and analysis. In particular, the proposal will not assist with meeting Policy 2, Policy 4 and Policy 6 of the NPS-UD. The provisions are more restrictive than existing District Plan provisions
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.7	Support in part	Amend the policy as follows:: <i>Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality <u>good</u> urban design outcomes are being achieved</i>	The amendment clarifies and simplifies the intent of the policy.

39.13

39.14

39.15

39.16

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.11	Support in part	Amend the policy as follows: <i>Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and the functioning of the residential environment are able to be avoided or mitigated.</i>	Reference to the functioning of the residential environment is an unclear statement. The policy should relate to residential amenity values.
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.13	Oppose	Delete the policy as follows: <i>Ensure subdivision and development is designed to utilise the existing natural landform to limit the need for earthworks and retaining walls.</i>	The policy is inconsistent with the NPS-UD and is therefore inappropriate. The utilisation of existing natural landforms will result in a loss of yield and density. This is contrary to the NPS-UD and is not supported by Section 32 analysis which has not assessed the impact of the policy on infrastructure provision, housing choice yield and density.
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.17	Oppose in part	Amend the policy as follows: <i>Ensure developments in the Omokoroa and Te Puke medium density residential zone residential precinct are designed holistically with respect to surrounding land uses, buildings, and colour changes, positively connect with and contribute to the quality of public spaces and provided density of use of land to deliver the planned character of a vibrant complimentary mixed use destination adjacent to the town centre complies with the requirements of the New Zealand Urban Design Protocol.</i>	The current wording of the policy fails to include Te Puke. The policy should refer to the New Zealand Urban Design Protocol to provide appropriate guidance on urban design outcomes.
Page 7 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.3.3.d (restricted discretionary activities – retirement villages (except for residential units which are permitted by complying with the density	Oppose	Delete reference to retirement villages as a restricted discretionary activity and provide for them as a controlled activity under Rule 14A.3.2.	Retirement villages are currently a controlled activity under the Operative District Plan. The change in activity status of retirement villages is less enabling than the current District Plan and does not give effect to the policy outcomes sought under the NPS-UD. Retirement villages should continue to be provided for as a controlled activity (i.e.

39.17

39.18

39.19

39.20

Page No	Reference	Support/Oppose	Decision Sought	Reasons
	standards))			permitted but subject to conditions) to better enable housing supply.
Page 14 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.b (residential unit typologies)	Oppose	Delete the rule as follows: <i>b. residential unit typologies</i> <i>i. six or more residential units on a site</i> <i>a maximum of 50% of the total number of residential units on the site may be physically detached from any other residential units.</i>	The need for Council to overly restrict building typologies is unnecessary. The proposal is contrary to Policy 1 of the NPS-UD which requires Council's to enable a variety of homes that meet the needs in terms of type, needs, price and location of different households. The provision will limit choice and accessibility options for housing.
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.d (impervious surfaces)	Oppose	Delete the rule relating to impervious surfaces.	The MDRS provisions contain separate coverage requirements, and these are accepted. The need for separate impervious surface requirements is not supported by MDRS provisions (which only relate to landscaping and building coverage) and is inconsistent with the NPS-UD.
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.g (earthworks)	Oppose	Delete the rule relating to earthworks	The rule proposed to introduce new and restrictive earthworks provisions which will limit yield because of constraints on the ability to change existing ground levels/contours. This is inconsistent with Objective 6, and policies 1 and 3 of the NPS-UD. The rule will result in development capacity being unnecessarily constrained. The effects of the rule have not been properly assessed under Section 32 of the RMA in relation to the impact on infrastructure provision, housing choice, yield, and density.

39.20

39.21

39.22

39.23

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 20 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.5.1.a (notification requirements)	Oppose	Delete <i>Council may require public or limited notification of resource consent applications except as listed in b. below.</i>	The provision is unnecessary and repeat those provisions set out in Section 95 of the Resource Management Act 1991.
Page 20 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.5.1.b.iv	Oppose	Delete <i>Notification for a controlled activity as specified in Section 14a – General in Rule 4A.4.7.1.</i>	The provision is unnecessary as it repeats the requirements of Section 95 of the RMA. Controlled activity resource consents must be processed by the Council on a non-notified basis.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.6.1.f (matters of control)	Support in part	Amend the rule as follows: <i>f. design of services which provides for the extension of services to other properties as applicable as identified on <u>structure plans</u> to provide effective and efficient servicing of the whole urban area.</i>	The provision extension of services to other property owners (and thus to benefit other parties) should only relate to those “connections” as identified on structure plans to ensure that the provision of infrastructure is equitably funded and provided.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.6.1.h (matters of control)	Support in part	Amend the rule as follows: <i>h. the affect of additional driveways on public safety and amenity along footpaths.</i>	The provision is uncertain as it is unclear what the reference to “and amenity along footpaths” would relate to.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.6.1.i (matters of control)	Oppose	Delete as follows: <i>i. lot designs that provide areas orientated towards the sun</i>	It is unclear why this provision is incorporated as land orientated towards the sun may not be possible in many instances. This matter is largely already addressed in 14A.6.1e.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1 (restricted discretionary activities – four or more residential units on a site, matters of	Oppose	Delete and redraft in accordance with guidance from the objectives and policies as set out in Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, and the NZ Urban Design Protocol	The assessment criteria are uncertain and are more restrictive than those in the existing District Plan. They are contrary to the enabling purpose of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

39.24

39.25

39.26

39.27

39.28

39.29

Page No	Reference	Support/Oppose	Decision Sought	Reasons
	discretion)			<p>There are 47 separate matters of restricted discretion which the Council will apply when considering four or more units through a resource consent process. This is contrary to the enabling provisions of the NPS-UD. Policy 6 sets out that significant changes may detract from amenity values appreciated by communities including by providing increased and varied housing densities and types.</p> <p>The provisions as drafted will not assist in improving housing affordability or in creating certainty in relation to resource consent pathways and outcomes and housing choice.</p> <p>A stepped and more certain approach is required.</p> <p>Many of the criteria are unclear, subjective in nature and or create considerable uncertainty (for example assessment criteria a). <i>“whether the proposal is consistent with the objectives and policies of the District Plan”</i>.</p> <p>There are a significant number of urban design criteria which are subjective and uncertain in their nature.</p> <p>The urban design criteria specified should be deleted and replaced by reference to assessment against those matters set out in the New Zealand Urban Design Protocol.</p>

39.29

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 27 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.11 and 14A.7.13	Oppose	Delete the restricted discretionary activity criteria relating to non-compliance with residential unit typology and non-compliance with impervious surfaces and 14A.7.16 non-compliance with earthworks.	These assessment criteria for non-compliance are not necessary given our submission on earthworks, impervious surfaces, and residential unit typologies.
Page 29 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1.9 (discretionary and non-complying activities – general)	Oppose	Delete the provisions	Providing guidance for considering discretionary and non-complying activities is unnecessary. The relevant matters are as set out in Section 104 of the Resource Management Act 1991.

39.30
39.31
39.32

39.33

From: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Friday, 16 September 2022 2:45 pm
To: District Plan; Plan Change Submission
Subject: Submission on Plan change 92 - Vercoe Holdings Limited
Attachments: PC 92 Submission_Vercoe.pdf

Good afternoon.

Please find attached a submission on plan change 92 on behalf of Vercoe Holdings Limited. Can you please confirm receipt of the submission.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

Submission on Proposed Plan Change 92 to the Western Bay of Plenty
District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

To: Western Bay of Plenty District Council

Name of submitter: Vercoe Holdings Limited

This is a submission on proposed Plan Change 92 (Omokoroa & Te Puke Enabling Housing Supply and other supporting matters).

We could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are as set out in the attached table.

Vercoe Holdings Limited are the owners and developers of a large residential subdivision located at McLoughlin Drive and No. 3 Road, Te Puke. Vercoe Holdings land will be affected by Plan Change 92 provision.

We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.



AM Collier

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date 16 September 2022

Address for Service:

Postal Address: c/- Collier Consultants Limited
PO Box 14371
Tauranga Mail Centre, Tauranga 3143
Contact person: Aaron Collier
Telephone: 021 744 707
Email: aaron@collierconsultants.co.nz

The specific provisions of the proposal that Vercoe Holdings Limited submission relates to are as follows:

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Planning Map	Te Puke Plan Change 92 Zoning Map	Support in part	We support in part the proposed zoning layout as shown on the "Te Puke Plan Change 92 Zoning Map" and the "Te Puke Structure Plan" however we seek that with respect to 24 McLoughlin Drive, that the future area identified for commercial as part of our subdivision development, be rezoned commercial. This area is shown on the Zest Residential Development Masterplan (attached). The area of the proposed commercial zone is 12645m ² . The location and extent is shown on the Scheme Plan of Subdivision prepared as part of Vercoe Holdings resource consents (copies of the plans showing the commercial area are attached).	The addition of the proposed commercial area as a commercial zone will provide for the efficient use of land for development purposes and will provide a mixed-use zone to enable the delivery of commercial activities and further residential intensification in an area where there is high demand for residential housing. The inclusion of this area as a commercial zone has been provide for in the transportation planning and infrastructure assessments undertaken by Vercoe Holdings as part of its subdivision. The site is well serviced, will create benefits including employment opportunities and will contribute to a well-functioning urban environment.
Page 4 (Definitions)	Definition of developable area	Support in part	We support the proposed definition but seek that the following be added to the exceptions: <ul style="list-style-type: none"> • <u>Local purpose stormwater and neighbourhood reserves to be vested</u> • <u>Pedestrian accessways to be vested</u> 	Reserves should be excluded from the calculation of developable area when calculating financial contributions under Section 11.
Page 11 (Definitions)	Impervious surfaces (inclusions)	Support in part	Amend the definition as follows: <i>"Impervious Surfaces" when used in Section 14A (Ōmoko oa and Te Puke Medium Density Residential) means an area with a surface which prevents the infiltration of rain fall into the ground and includes:</i> <ol style="list-style-type: none"> <i>Roofs (whether fixed or retractable);</i> <i>Paved areas including paths, driveways, and sealed/compacted metal parking areas;</i> <i>Patios;</i> <i>Swimming pools; and</i> <i>Soil layers engineered to be impervious such as compac</i> 	The amendment provides for swimming pools to be included in the area calculation for exclusions as swimming pools provide storage volume. The inclusion of soil layers engineered to be impervious such as compacted clay will be impossible to assess/monitor and are therefore uncertain.

40.1

40.2

40.3

Page No	Reference	Support/Oppose	Decision Sought	Reasons
			ted clay.	
Page 12 (Subdivision and development)	Rule 12.3.10.1.b.i (information requirements)	Oppose	Delete the reference in b. Engineering documents are to include: <i>"For the Omokoroa 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."</i>	Earthworks requirements are already addressed in the Plan by Rule 12.4.1.i - Site Suitability Requirements (engineering design required for earthworks). The provision is unnecessary.
Page 15 (Subdivision and development)	Rule 12.4.1.j.	Oppose	Delete the controlled activity earthworks requirement for Te Puke medium density residential	The proposed provisions for earthworks greater than 300m2 conflicts with the Regional Plan and will result in unnecessary process requirements, delays, and cost which has not been properly evaluated. The provisions are unnecessary and inefficient and the appendix referred to specifically relates to Omokoroa only
Page 26 (Subdivision and development)	Rule 12.4.5.17.a (stormwater attenuation standards)	Oppose in part	Delete Rule_12.4.5.17.a <i>All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to predevelopment levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment. All work shall be in accordance with the Omokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan comprehensive catchments consent and shall incorporate water sensitive urban design practices (such as swales, wetlands, and pervious pavements) as far as practicable to maintain or enhance predevelopment hydrology and quality.</i>	The rule is unclear as it refers to 50% AEP and 1% AEP flood events. The rule is unnecessary as the Te Puke structure plan area is subject to existing comprehensive discharge consents which set out the requirements for attenuation and discharge standards to be achieved. Modelling is therefore completed as part of the subdivision process The second part of the rule should be retained to refer to the comprehensive catchment consents which are in place for the Te Puke Structure Plan Catchment.

40.3

40.4

40.5

40.6

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose in part	Amend the explanatory statement as follows: <i>Structure plans exist for greenfield medium density development areas in Omokoroa (Stage 3 and the Te Puke Structure Plan), McLoughlin Drive South and Sedden Street East to provide further guidance for subdivision and development in these areas. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, Three Waters infrastructure and reserves.</i>	The amendment clarifies the reference to the Te Puke Structure Plan (incorrectly referred to as McLoughlin Drive South and Sedden Street East) and provides for infrastructure (regardless of scale).
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose	Delete the explanatory statement as follows: <i>In support of the provisions of this section, the medium density residential (Section 14) explanatory statement, issues, objectives and policies, will remain applicable. In addition, this Section 14A also contains more specific objectives for Omokoroa and Te Puke. Where there are any inconsistencies in objectives and policies those specific to Omokoroa and Te Puke in this Section 14A take precedence.</i> And add specific Objectives and policies for the chapter as required by Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021	The existing medium density provisions under Section 14 differ from those provided for under the NPS-UD and the Medium Density Residential Standards and other provisions which have been adopted in Chapter 14A. The chapter should retain its own explanatory statement, issues, objectives and policies with specific reference to the Objectives and Policies of the NPS-UD.
Page 4 (Omokoroa and Te Puke Medium Density Residential)	Objective 14A.2.1.6	Oppose	Delete the objective as follows: <i>Minimisation of the adverse effects of earthworks and retaining walls on the existing natural land form and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures.</i>	The proposal is contrary to the policy outcomes of the NPS-UD and will result in significant reductions in usable flat sites, and a loss of yield and density which have not been assessed or considered through modelling and analysis. In particular, the proposal will not assist with meeting Policy 2, Policy 4 and Policy 6 of the NPS-UD. The provisions are more restrictive than existing District Plan provisions for Te Puke.

40.7

40.8

40.9

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.13	Oppose	Delete the policy as follows: <i>Ensure subdivision and development is designed to utilise the existing natural landform to limit the need for earthworks and retaining walls.</i>	The policy is inconsistent with the NPS-UD and is therefore inappropriate. The utilisation of existing natural landforms will result in a loss of yield and density. This is contrary to the NPS-UD and is not supported by Section 32 analysis which has not assessed the impact of the policy on infrastructure provision, housing choice yield and density.
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.17	Oppose in part	Amend the policy as follows: <i>Ensure developments in the Omokoroa and Te Puke medium density residential zone residential precinct are designed holistically with respect to surrounding land uses, buildings, and colour changes, positively connect with and contribute to the quality of public spaces and provided density of use of land to deliver the planned character of a vibrant complimentary mixed use destination adjacent to the town centre complies with the requirements of the New Zealand Urban Design Protocol.</i>	The current wording of the policy fails to include Te Puke. The policy should refer to the New Zealand Urban Design Protocol to provide appropriate guidance on urban design outcomes.
Page 7 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.3.3.d (restricted discretionary activities – retirement villages (except for residential units which are permitted by complying with the density standards))	Oppose	Delete reference to retirement villages as a restricted discretionary activity and provide for them as a controlled activity under Rule 14A.3.2.	Retirement villages are currently a controlled activity under the Operative District Plan. The change in activity status of retirement villages is less enabling than the current District Plan and does not give effect to the policy outcomes sought under the NPS-UD. Retirement villages should continue to be provided for as a controlled activity (i.e. permitted but subject to conditions) to better enable housing supply.
Page 14 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.b (residential unit typologies)	Oppose	Delete the rule as follows: <i>b. residential unit typologies</i> <i>i. six or more residential units on a site</i> <i>a maximum of 50% of the total number of residential units on the site may be physically detached from any other residential units.</i>	The need for Council to overly restrict building typologies is unnecessary. The proposal is contrary to Policy 1 of the NPS-UD which requires Council's to enable a variety of homes that meet the needs in terms of type, needs, price and location of different households. The provision will limit choice and accessibility options for housing.

40.10

40.11

40.12

40.13

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.d (impervious surfaces)	Oppose	Delete the rule relating to impervious surfaces.	The MDRS provisions contain separate coverage requirements, and these are accepted. The need for separate impervious surface requirements is not supported by MDRS provisions (which only relate to landscaping and building coverage) and is inconsistent with the NPS-UD.
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.g (earthworks)	Oppose	Delete the rule relating to earthworks	The rule proposed to introduce new and restrictive earthworks provisions which will limit yield because of constraints on the ability to change existing ground levels/contours. This is inconsistent with Objective 6, and policies 1 and 3 of the NPS-UD. The rule will result in development capacity being unnecessarily constrained. The effects of the rule have not been properly assessed under Section 32 of the RMA in relation to the impact on infrastructure provision, housing choice, yield, and density.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.6.1.f (matters of control)	Support in part	Amend the rule as follows: <i>f. design of services which provides for the extension of services to other properties as applicable as identified on <u>structure plans</u> to provide effective and efficient servicing of the whole urban area.</i>	The provision extension of services to other property owners (and thus to benefit other parties) should only relate to those “connections” as identified on structure plans to ensure that the provision of infrastructure is equitably funded and provided.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1 (restricted discretionary activities – four or more residential units on a site, matters of discretion)	Oppose	Delete and redraft in accordance with guidance from the objectives and policies as set out in Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, and the NZ Urban Design Protocol	The assessment criteria are uncertain and are more restrictive than those in the existing District Plan. They are contrary to the enabling purpose of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. There are 47 separate matters of restricted discretion which the Council will apply when considering four or more units through a resource consent process. This is contrary to the enabling provisions of the NPS-UD. Policy 6 sets out that significant changes may detract from amenity

40.14

40.15

40.16

40.17

Page No	Reference	Support/Oppose	Decision Sought	Reasons
				<p>values appreciated by communities including by providing increased and varied housing densities and types.</p> <p>The provisions as drafted will not assist in improving housing affordability or in creating certainty in relation to resource consent pathways and outcomes and housing choice.</p> <p>A stepped and more certain approach is required.</p> <p>Many of the criteria are unclear, subjective in nature and or create considerable uncertainty (for example assessment criteria a). <i>“whether the proposal is consistent with the objectives and policies of the District Plan”</i>.</p> <p>There are a significant number of urban design criteria which are subjective and uncertain in their nature.</p> <p>The urban design criteria specified should be deleted and replaced by reference to assessment against those matters set out in the New Zealand Urban Design Protocol.</p>
Page 27 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.11 and 14A.7.13	Oppose	Delete the restricted discretionary activity criteria relating to non-compliance with residential unit typology and non-compliance with impervious surfaces and 14A.7.16 non-compliance with earthworks.	These assessment criteria for non-compliance are not necessary given our submission on earthworks, impervious surfaces, and residential unit typologies.

40.17

40.18
40.19
40.20



1 MARKETING PLAN
 1 : 1250 @A1
 1 : 2500 @A3

ZEST RESIDENTIAL DEVELOPMENT

NO. 3 RD, TE PUKE

Conceptual Masterplan prepared for the client:
 Zest by First Principles Architects and Boffa Miskell



MASTERPLAN

SHEET 3.1.10

SCALE 1 : 1250 @ A1

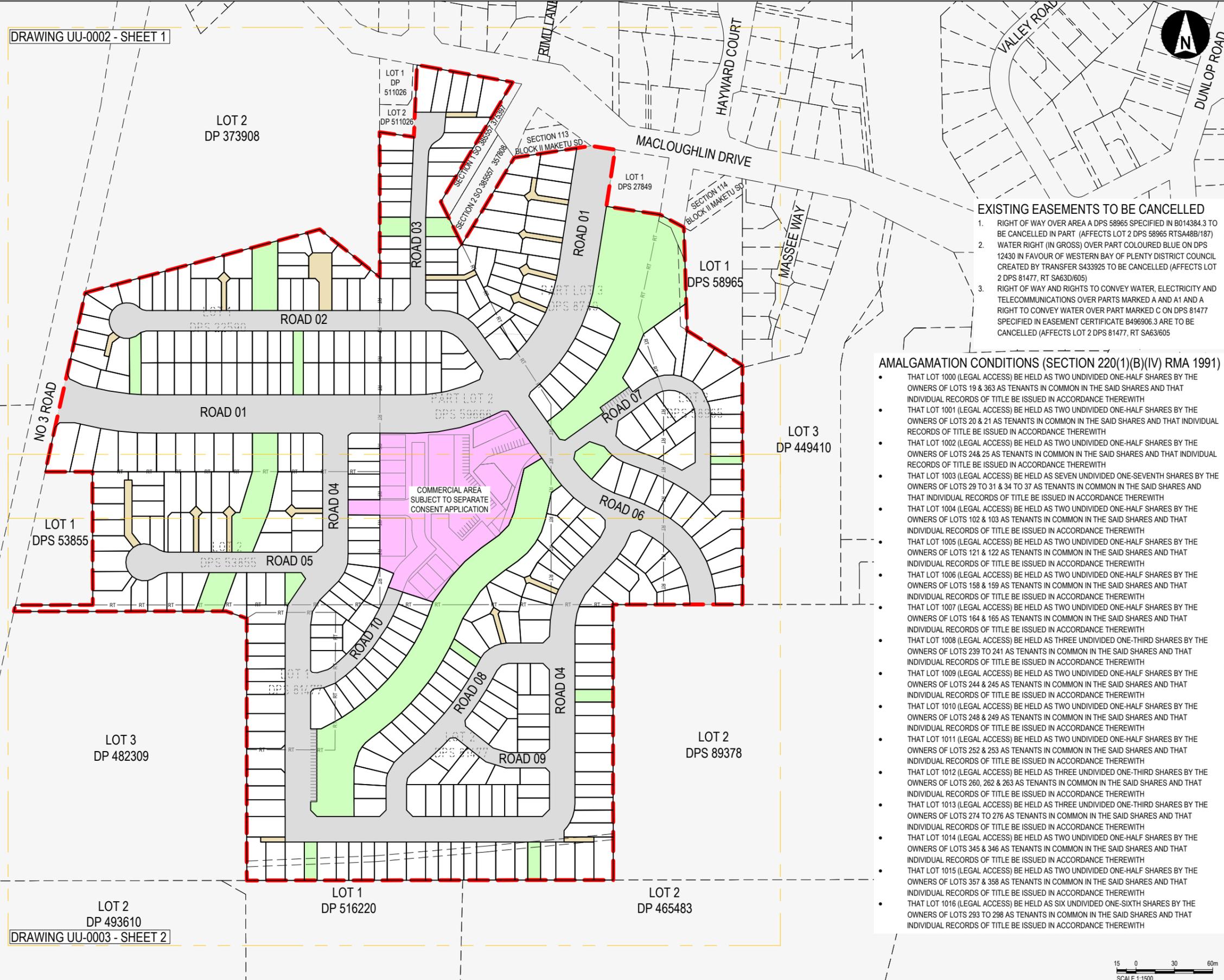
DATE 02/05/2022

This design and drawing is the copyright of First Principles Architects Limited and Boffa Miskell and is not to be reproduced without written permission ©

LEGEND

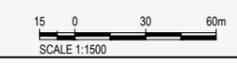
- PROPOSED SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- EXISTING LOT BOUNDARY
- RT UNDERLYING BOUNDARY
- ACCESS LOT
- LOCAL PURPOSE RESERVE TO VEST
- ROADS TO VEST
- COMMERCIAL AREA

- NOTES:**
- PROPOSED SUBDIVISION OF LOTS 1 & 2 DPS 81477, PT LOT 2 DPS 59666, LOT 2 DPS 58965, LOT 2 DPS 53855, LOT 1 DPS 22590 & PT LOT 3 DPS 8740
 - COMPRISED IN: RT SA48B/187, SA48C/28, SA21A/263, SA46A/79, SA63D/604, SA63D/605
 - TOTAL RT AREA: 21.9609HA
 - TOTAL PROPOSED RESIDENTIAL LOTS: 363
 - THIS PLAN HAS BEEN PREPARED TO ACCOMPANY AN APPLICATION FOR RESOURCE CONSENT. IT IS TO BE USED IN CONJUNCTION WITH THE APPLICATION AND IS SUBJECT TO COUNCIL APPROVAL AND THE CONDITIONS OF CONSENT.
 - BOUNDARY POSITIONS DIMENSIONS AND AREAS ARE INDICATIVE ONLY AND ARE SUBJECT TO SURVEY.
 - HORIZONTAL DATUM: NZGD2000 BAY OF PLENTY CIRCUIT.
 - REFER TO DRAWINGS UU-0002 AND UU-0003 FOR LOT LAYOUT AND APPELLATIONS.
 - LOTS 39 AND 89 HAVE BEEN PROVIDED AS POTENTIAL FUTURE ROAD LINKS SUBJECT TO NEGOTIATION WITH ADJACENT PROPERTY OWNERS.
 - LOT 2000 (LOCAL PURPOSE RESERVE (STORMWATER) TO VEST IN WBOPDC SUBJECT TO S239(2) RMA 1991 (EASEMENT AREA Z)
 - EXISTING AMALGAMATION CONDITION UNDER S308(4) LGA 1974 TO BE CANCELLED (AFFECTS LOT 2 DPS 58965 AND PT LOT 3 DPS 8740)
 - SUBJECT TO CANCELLATION OF ENCUMBRANCE SPECIFIED IN B019773.3 TO WESTERN BAY OF PLENTY DISTRICT COUNCIL (AFFECTS LOT 2 DPS 59666 RT SA48C/28)



- EXISTING EASEMENTS TO BE CANCELLED**
- RIGHT OF WAY OVER AREA A DPS 58965 SPECIFIED IN B014384.3 TO BE CANCELLED IN PART (AFFECTS LOT 2 DPS 58965 RTSA48B/187)
 - WATER RIGHT (IN GROSS) OVER PART COLOURED BLUE ON DPS 12430 IN FAVOUR OF WESTERN BAY OF PLENTY DISTRICT COUNCIL CREATED BY TRANSFER S433925 TO BE CANCELLED (AFFECTS LOT 2 DPS 81477, RT SA63D/605)
 - RIGHT OF WAY AND RIGHTS TO CONVEY WATER, ELECTRICITY AND TELECOMMUNICATIONS OVER PARTS MARKED A AND A1 AND A RIGHT TO CONVEY WATER OVER PART MARKED C ON DPS 81477 SPECIFIED IN EASEMENT CERTIFICATE B496906.3 ARE TO BE CANCELLED (AFFECTS LOT 2 DPS 81477, RT SA63/605)

- AMALGAMATION CONDITIONS (SECTION 220(1)(B)(IV) RMA 1991)**
- THAT LOT 1000 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 19 & 363 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1001 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 20 & 21 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1002 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 248 & 25 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1003 (LEGAL ACCESS) BE HELD AS SEVEN UNDIVIDED ONE-SEVENTH SHARES BY THE OWNERS OF LOTS 29 TO 31 & 34 TO 37 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1004 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 121 & 122 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1005 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 121 & 122 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1006 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 158 & 159 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1007 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 164 & 165 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1008 (LEGAL ACCESS) BE HELD AS THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 239 TO 241 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1009 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 244 & 245 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1010 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 248 & 249 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1011 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 252 & 253 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1012 (LEGAL ACCESS) BE HELD AS THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 260, 262 & 263 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1013 (LEGAL ACCESS) BE HELD AS THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 274 TO 276 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1014 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 345 & 346 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1015 (LEGAL ACCESS) BE HELD AS TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 357 & 358 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH
 - THAT LOT 1016 (LEGAL ACCESS) BE HELD AS SIX UNDIVIDED ONE-SIXTH SHARES BY THE OWNERS OF LOTS 293 TO 298 AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH



aurecon
www.aurecongroup.com

CLIENT

VERCOE HOLDINGS

REV	DATE	REVISION DETAILS	APPROVED
A	12.04.22	ISSUE FOR CONSENT	R.KELLY
B	11.05.22	MINOR BOUNDARY ADJUSTMENTS	J.PRETORIUS

SCALE	SIZE
1:1500	A1
DRAWN	L.HODGSON
DESIGNED	C. CHOW
REVIEWED	C. ROPER

FOR CONSENT NOT FOR CONSTRUCTION

APPROVED

R.Kelly
DATE 12.04.22

R.KELLY

PROJECT	TITLE
TE PUKE NO. 3 RD UGA	SCHEME PLAN OVERALL LAYOUT
DRAWING No.	PROJECT No.
511254	511254
AREA	TYPE
0000	DRG
DISC	NUMBER
UU	0001
REV	REV
B	B

CONTINUES ON DWG UU-0002

LOT 1
DPS 53855

LEGEND

- PROPOSED SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- EXISTING LOT BOUNDARY
- RT UNDERLYING BOUNDARY
- ACCESS LOT
- LOCAL PURPOSE RESERVE TO VEST
- ROADS TO VEST
- COMMERCIAL AREA

NOTES:

1. PROPOSED SUBDIVISION OF LOTS 1 & 2 DPS 81477, PT LOT 2 DPS 59666, LOT 2 DPS 58965, LOT 2 DPS 53855, LOT 1 DPS 22590 & PT LOT 3 DPS 8740
2. COMPRISED IN: RT SA48B/187, SA48C/28, SA21A/263, SA46A/79, SA63D/604, SA63D/605
3. TOTAL RT AREA: 21.9609HA
4. TOTAL PROPOSED RESIDENTIAL LOTS: 363
5. THIS PLAN HAS BEEN PREPARED TO ACCOMPANY AN APPLICATION FOR RESOURCE CONSENT. IT IS TO BE USED IN CONJUNCTION WITH THE APPLICATION AND IS SUBJECT TO COUNCIL APPROVAL AND THE CONDITIONS OF CONSENT.
6. BOUNDARY POSITIONS DIMENSIONS AND AREAS ARE INDICATIVE ONLY AND ARE SUBJECT TO SURVEY.
7. HORIZONTAL DATUM: NZGD2000 BAY OF PLENTY CIRCUIT.
8. REFER TO DRAWINGS UU-0002 AND UU-0003 FOR LOT LAYOUT AND APPELLATIONS.
9. LOTS 39 AND 89 HAVE BEEN PROVIDED AS POTENTIAL FUTURE ROAD LINKS SUBJECT TO NEGOTIATION WITH ADJACENT PROPERTY OWNERS.
10. LOT 2000 (LOCAL PURPOSE RESERVE (STORMWATER) TO VEST IN WBOPDC SUBJECT TO S239(2) RMA 1991 (EASEMENT AREA Z)
11. EXISTING AMALGAMATION CONDITION UNDER S308(4) LGA 1974 TO BE CANCELLED (AFFECTS LOT 2 DPS 58965 AND PT LOT 3 DPS 8740)
12. SUBJECT TO CANCELLATION OF ENCUMBRANCE SPECIFIED IN B019773.3 TO WESTERN BAY OF PLENTY DISTRICT COUNCIL (AFFECTS LOT 2 DPS 59666 RT SA48C/28)

LOT 3
DP 482309

LOT 2
DPS 89378

LOT 2
DP 493610

LOT 1
DP 516220

LOT 2
DP 465483

7.5 0 15 30m
SCALE 1:750



CLIENT
VERCOE HOLDINGS

REV	DATE	REVISION DETAILS	APPROVED
A	12.04.22	ISSUE FOR CONSENT	R.KELLY
B	11.05.22	MINOR BOUNDARY ADJUSTMENTS	J.PRETORIUS

SCALE	SIZE
1:750	A1
DRAWN	
L.HODGSON	
DESIGNED	
C.CHOW	
REVIEWED	
C.ROPER	

FOR CONSENT NOT FOR CONSTRUCTION	
APPROVED	DATE
R.Kelly	12.04.22
R.KELLY	

PROJECT		TE PUKE NO. 3 RD UGA	
TITLE		SCHEME PLAN SHEET 2 OF 2	
DRAWING No.	PROJECT No.	AREA	TYPE
511254	0000	DRG	UU
NUMBER	REV	0003	B

P:\04 - 2022\03-17 15:56:00 Other_Tauranga_EPlanm_parkdelgona\aua\aua\constr\DW_AUD\CI_01\Documents\p\p\p\511254 - Te Puke No. 3 Rd UGA\DW\p\p\p\511254-0003-DWG-UU-0003.dwg

From: Rodney Albertyn <Rodney.Albertyn@nzta.govt.nz>
Sent: Friday, 16 September 2022 3:05 pm
To: District Plan
Cc: Duncan Tindall; Kieran Brown; Paul Iacuone; John Olliver
Subject: Waka Kotahi NZTA Submission - PC92
Attachments: Waka Kotahi Submission_Plan Change 92.pdf

Good afternoon,

Please find the Waka Kotahi submission on Proposed Plan Change 92 attached.

Kind regards,

Rodney Albertyn

Senior Planner, Poutiaki Taiao / Environmental Planning

Transport Services

Email: rodney.albertyn@nzta.govt.nz

Phone: DDI: +64 7 928 7918 M: +64 27 597 87 48

Waka Kotahi NZ Transport Agency

Tauranga, Level 3, Harrington House, 32 Harrington Street

PO Box 13055, Tauranga Central, Tauranga 3141, New Zealand



This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.



Waka Kotahi NZ Transport Agency Reference: WBOPDC_PC92

Submission from Waka Kotahi on Plan Change 92 by Western Bay of Plenty District Council in response to the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) amendment Act 2021

16 September 2022

Chief Executive Officer
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Email: districtplan@westernbay.govt.nz

Name of submitter: The New Zealand Transport Agency (Waka Kotahi)

This is a submission on Western Bay of Plenty District Council's (**Council**) Proposed Plan Change 92 (**PC92**) to implement the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Medium Density Residential Standards (**MDRS**) under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSA**).

Waka Kotahi wishes to be heard in support of this submission.

If others make a similar submission, Waka Kotahi may consider submitting a joint case.

Waka Kotahi could not gain a trade advantage through this submission.

Summary of Submission

1. Waka Kotahi is supportive of PC92 in principle. However, it considers that in its current form, PC92 has the potential to have adverse transport effects (safety and efficiency) on the existing and future state highway network. Waka Kotahi has identified the need for various amendments to PC92 as well as additional information to ensure that transport effects are appropriately managed, and that the objectives of the NPS-UD are given effect to, and regard is given to the NZ Emissions Reduction Plan.
2. Waka Kotahi considers that high-density residential zones within walkable catchments surrounding the town centres of Ōmokoroa and Te Puke will be required to give effect to the intent of the NPS-UD. Such provision would need to be based on an accessibility study of these areas.

41.1

41.2

3. At a high-level, Waka Kotahi is supportive of the proposed re-zoning of the Ōmokoroa Stage 3 Structure Plan area. This land is well-suited to future development and the structure plan is consistent with SmartGrowth principles. However, PC92 in its current form does not make provision for the management of the adverse traffic safety and efficiency effects that future development within the peninsula will have on the intersection of Ōmokoroa Road and State Highway 2 (SH2) and the wider state highway network. Additional rules, supported by a comprehensive Integrated Transport Assessment, and imposition of controls on subdivision unless and until infrastructure upgrades are completed, are required. Waka Kotahi considers that inclusion of the intersection improvements (roundabout and interchange) as a qualifying matter would be appropriate in this instance.
4. The traffic generated by future development within Ōmokoroa facilitated by PC92 is likely to be extensive, and have noteworthy effects of the safety and efficiency of SH2 between Ōmokoroa and Te Puna. In many locations, SH2 in this area is already facing capacity and safety challenges. However, no assessment has been completed of the potential traffic effects of PC92 on the transport network. Waka Kotahi considers that a comprehensive Integrated Transport Assessment should be completed to support PC92.
5. PC92 acknowledges the planned upgrade of the Ōmokoroa Road / SH2 intersection by showing the footprint of the future grade-separated interchange on the Ōmokoroa Stage 3 Structure Plan. However, there are no specific provisions within PC92 pertaining to the future intersection upgrade. Waka Kotahi wishes to understand the practical implications of PC92 in terms of notice of requirement and consenting requirements within the footprint. Waka Kotahi also seeks to understand what the intended consequences of including the footprint in the structure plan are. Waka Kotahi seeks that the plan change protects the interests of the interchange upgrade project to the maximum extent possible, given that the long-term development capacity provided for by PC92 is heavily reliant on this infrastructure being delivered.
6. Waka Kotahi designation D181, located in the southern part of the PC92 area, provides for an upgrade of the Ōmokoroa / SH2 intersection. PC92 introduces Natural Open Space zoning to much of this part of D181, replacing Rural zoning under the Operative District Plan. The Natural Open Space zone is designed for land that is generally unsuitable for urban development and has significant open space, natural character, ecological and cultural values. This underlying zoning is incompatible with the urban infrastructure of a grade-separated interchange and may hinder Waka Kotahi in its ability to construct the intersection. Waka Kotahi considers, given the presence of D181 and the importance of the intersection upgrade for servicing the growth and development anticipated under PC92, it would be more appropriate to retain the Rural zone, which has a more 'neutral' policy setting.
7. PC92 creates a new Rural Residential zone adjacent to existing Waka Kotahi designation D181. To ensure that noise reverse sensitivity effects are avoided, an area of influence may be necessary, within which noise-sensitive activities require resource consent unless compliance with standard internal noise thresholds is demonstrated.
8. Waka Kotahi supports the proposed provision for financial contributions to be collected for permitted activities at the building consent stage.

41.3

41.1

41.4

41.5

41.6

41.8

9. Waka Kotahi seeks all consequential changes necessary to give effect to the relief sought.

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (LTMA). The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

Waka Kotahi interest in this proposal stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

Government Policy Statement on Land Transport

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. For these reasons, Waka Kotahi seeks full utilisation of the tools available to Council to enable development in the most accessible urban areas.

Waka Kotahi view on the proposal

Waka Kotahi is **supportive** of PC92 in principle. However, it has identified the need for various changes to ensure adequate operability, and to strengthen the ability of the Plan to give effect to the intent of the NPS-UD and Emissions Reduction Plan.

Waka Kotahi supports the intent and content of the NPS-UD. This Policy Statement recognises the national significance of having well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most

41.1

accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes.

41.1

Waka Kotahi also supports the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. It seeks the full implementation of these requirements, including the introduction of the Medium Density Residential Standards (**MDRS**) and related provisions in eligible zones. These standards should only be modified to accommodate qualifying matters, and should be modified only to the extent required to accommodate these matters. Qualifying matters should be supported by a strong evidence base to ensure a robust application.

The Waka Kotahi view on specific topics is set out below.

The application of ‘walkable catchment’ & application of commensurate densities

41.2

Policy 3 of the NPS-UD sets out various requirements in respect of providing for increased densities and heights in the Central City, Metropolitan Centre Zones, and walkable catchments from existing and planned rapid transit stops, the edge of City Centre Zones and the edge of Metropolitan Centre Zones. It also directs councils to amend other residential zones to enable building heights and densities of urban form commensurate with the level of commercial activity and community services in those zones.

Council has not proposed high-density walkable catchments surrounding the town centres of Te Puke and Ōmokoroa. Waka Kotahi considers that the scale and typology of these centres, their projected population levels, and the existence of active mode infrastructure would support the application of higher density residential zones within walkable catchments surrounding these centres. The extent of the catchment and density therein would need to be determined with the support of an accessibility study. Contingent on the support of such a study, this would include an up-zoning within the walking catchment (likely 400m of the edge of the town centre zone). The catchment should be measured along pedestrian infrastructure rather than “as the crow flies”. This would enable the realisation of benefits associated with high densities, including access to services, employment and recreation. A large concentrated base population will also support existing and future public and active transport mode initiatives, which will also assist in reducing emissions and vehicle kilometres travelled (**VKT**) and contribute to achieving Transport Target 1 of the NZ Emissions Reduction Plan.

Financial contributions

41.8

The HSAA sets out that financial contribution provisions may be included or changed as part of the IPI process (s. 77t). Waka Kotahi supports the use of financial contributions as a financial tool to contribute towards public realm improvement projects, and seeks that consideration be given to initiatives and/or infrastructure that supports mode shift. PC92 provides for financial contributions to be charged for the second and third residential units on a site through the building consent process, based on the size of each unit. This approach is supported by Waka Kotahi.

Ōmokoroa Structure Plan Stage 3

41.3

PC92 includes re-zoning of Ōmokoroa’s Stage 3 Structure Plan area, located between SH2 and the railway line. It proposes to change the largely rural/horticultural zoning of this land to a combination of medium density residential, rural residential, industrial, natural open space and a large active reserve.

1. Waka Kotahi High-Level Policy Perspective

Waka Kotahi supports the proposed residential re-zoning within the Ōmokoroa Stage 3 Structure Plan area in principle. This component of PC92 is consistent with the objectives of SmartGrowth (of which Waka Kotahi is a partner) as well as the Urban Form and Transport Initiative (UFTI). While a noteworthy proportion of residents are anticipated to commute beyond the peninsula, the plan change does make provision for those living within Ōmokoroa to have many of their needs met locally (namely employment, recreation, education, and retail). Overall, the area is considered to be well-suited to the growth that will be facilitated by PC92.

2. Existing Intersection of SH2 and Ōmokoroa Road

The intersection of SH2 and Ōmokoroa Road is the single vehicular access point to and from the Ōmokoroa peninsula.

The growth and associated trip-generation facilitated by PC92 will have significant effects on this intersection. PC92 is not supported by a Traffic Impact Assessment or Integrated Transport Assessment, so the safety and efficiency effects of the proposed changes are not known at this stage. However, the intersection has known safety and capacity issues in its current form, under current land use. It does not have the capacity to safely or efficiently accommodate the growth within Ōmokoroa facilitated by PC92.

The intersection has a decreasing level of service and an increasing vehicle accident risk due to its historic design and growing traffic volumes. Right turn out movements are a particular concern from a safety perspective. SH2 traffic flows through this intersection in the morning peak are slow or stationary where-as the evening peak results in variable traffic speeds with limited sightlines in multiple directions for turning traffic. The intersection has recorded a DSI Equivalent of 1.51, and Collective Risk of Medium-High.

Crashes at the intersection for the 2012-2021 period are as follows:

- Five Serious Injuries,
- 13 Minor Injuries, and
- 4.3 DSI Equivalents.

3. Interim Roundabout

In July 2022, Council secured \$38.292 million from Kāinga Ora's Infrastructure Acceleration Fund to contribute towards a new roundabout at the intersection of SH2 and Ōmokoroa Road. This is referred to as the "interim" roundabout as it is expected to meet only the medium-term growth demands of the peninsula, after which a long-term solution will be required in the form of a grade-separated interchange (which Waka Kotahi intends to deliver as part of the Takitimu Northern Link Project, discussed below). Waka Kotahi will contribute \$5 million to the interim roundabout and supply land worth \$1.49 million. With funding approved, Council will need to progress consenting and detailed design. Construction may begin as early as 2022/23, with completion possible by 2025.

A preliminary/interim roundabout design is enclosed as **Attachment 1**.

PC92 is not supported by an Integrated Transport Assessment that identifies the projected performance of the interim roundabout, specifically traffic modelling to demonstrate its capacity. While Waka Kotahi is confident that the roundabout will deliver a very significant safety improvement over the current intersection, it is not known how many additional housing unit

equivalents and other development can occur within the peninsula before the roundabout will reach an unacceptable level of service or safety, necessitating construction of a grade-separated interchange at this intersection. Following on from this, PC92 does not include any rules or performance standards that limit development within the peninsula until the interim roundabout is operational, nor any provision to limit development once its capacity is reached and a grade-separated interchange is required. A grade-separated interchange (discussed further below) will be required to support full development capacity facilitated by PC92.

Waka Kotahi considers that an Integrated Transport Assessment should be prepared, identifying the capacity of the interim roundabout using SIDRA modelling. Based on this, a rule(s) or performance standard(s) should be adopted in PC92 that:

- a. Affords non-complying activity status to subdivision/development within the Stage 3 structure plan area prior to the interim roundabout becoming operational; and
- b. Affords non-complying activity status to subdivision/development within the Stage 3 structure plan area post the capacity of the interim roundabout being reached (development trigger to be determined by SIDRA modelling) and prior to a future grade-separated interchange becoming operational.

Objectives and policies supporting the rules should also be included in PC92. Waka Kotahi is happy to work with WBOPDC to develop an appropriate development trigger(s).

Waka Kotahi considers that inclusion of the intersection improvements (roundabout and interchange) as a qualifying matter would be appropriate in this instance.

4. Grade-Separated Interchange - Takitimu North Link Project

The Waka Kotahi Takitimu North Link project is a critical consideration with respect to the long-term transportation needs of the Ōmokoroa peninsula, both in terms of safety and efficiency. This project, which comprises two stages, is summarised below. An indicative Takitimu North Link project map and a detailed description of Takitimu North Link Project are enclosed as **Attachments 2 and 3** respectively.

Takitimu North Link Stage One, from Tauranga to Te Puna, is under construction. Stage Two, from Te Puna to Ōmokoroa, does not have construction funding but is funded for the requisite notice of requirement (anticipated to be an alteration of the existing D181 designation, discussed below) and regional consents. Construction is not currently anticipated within the next 10 years. Importantly, Stage Two includes a grade-separated interchange at the intersection of SH2 and Ōmokoroa Road. This is required to safely and efficiently accommodate the full build-out of Ōmokoroa.

The Stage Two project is progressing through an assessment of alternatives, covering both the route and the design options for features such as intersections. Environmental and cultural investigations are underway to support the assessment process. It is expected that the assessment of alternatives will be completed by the end of 2022, and a preferred alternative chosen. Preparation of the notice of requirement and resource consent applications will follow, with lodgement in mid-2023.

As outlined above, PC92 is not supported by an Integrated Transport Assessment that identifies when the capacity of the interim roundabout will be reached, necessitating construction of the

grade-separated interchange. This assessment should be undertaken to inform a rule or performance standard that affords non-complying activity status to subdivision/development within the Stage 3 Structure Plan area post the capacity of the interim roundabout being reached and prior to the grade-separated interchange becoming operational. Waka Kotahi considers that inclusion of the intersection improvements (roundabout and interchange) as a qualifying matter would be appropriate in this instance.

There is an existing designation held by Waka Kotahi (D181) which runs along the south of the PC92 area and provides for the four laning of State Highway 2 from Ōmokoroa Road to Loop Road, as well as a grade-separated interchange at the SH2/Ōmokoroa Road intersection. This designation will need to be varied to enable the construction of the Takitimu Northern Link Stage Two project (including the intersection) as it is insufficient to accommodate current design standards/requirements.

The success of PC92 relies on the completion of the grade separated interchange at the intersection of SH2 and Ōmokoroa Road, anticipated under Stage Two of the Takitimu Northern Link project. As such, Waka Kotahi considers the plan change must ensure that it does not inadvertently hinder or preclude the project.

The footprint of the future grade-separated interchange at the Ōmokoroa Road / SH2 intersection is shown on the Ōmokoroa Stage 3 Structure Plan. The footprint shown is consistent with the earthworks footprint for the “Option 1” Takitimu Northern Link Stage 2 design that was provided by the project team to Council. However, the implications of the footprint’s inclusion in PC92 are not clear. Waka Kotahi seeks to understand what the practical implications and intended consequences of including the footprint in PC92 are, both in terms of the future consenting requirements for the intersection upgrade and in terms of potential future development on land within, adjacent to and surrounding the footprint. Waka Kotahi seeks that the plan change protects the interests of the interchange project to the maximum extent possible, given that the long-term development capacity provided for by PC92 is heavily reliant on this infrastructure being delivered. Waka Kotahi is expected to select a preferred option by the end of 2022, and seeks that PC92 be amended if the outcome differs from the footprint on the Structure Plan.

As noted, Waka Kotahi designation D181 provides for an upgrade of the Ōmokoroa / SH2 intersection. PC92 introduces Natural Open Space zoning to much of this part of D181, replacing Rural zoning. The Natural Open Space zone is designed for land that is generally unsuitable for urban development and has significant open space, natural character, ecological and cultural values. The objectives and policies for the Natural Open Space zone include Policy 24.2.2.1 which is to *‘Avoid subdivision and development which is for urban purposes’* and Policy 24.2.2.6 which is *‘Land use should be restricted to activities that are unlikely to adversely affect the natural character, ecological, cultural, recreational and amenity values of an area’*. D181 will have some of those adverse effects, although investigations to date show that the effects are manageable.

Overall, this underlying zoning is incompatible with the urban infrastructure of a grade-separated interchange and four-lane highway and may hinder Waka Kotahi in its ability to deliver the intersection. Given the existing designation and planned future intersection upgrade in this area, Waka Kotahi considers it would be more appropriate to retain the Rural zone, which has a more ‘neutral’ policy setting.

5. SH2 between Ōmokoroa and Tauranga

It is anticipated that a noteworthy proportion of future residents within Ōmokoroa will commute east of the peninsula via SH2 towards Tauranga. Additional traffic through SH2 at the Ōmokoroa Road intersection and along SH2 to the north or south has the potential to increase the safety risks on SH2. This will occur through increasing the collective risk (as a result of higher volumes of people exposed to the risks) and increased individual risk (as a result of there being more potential conflicts between vehicles and lower headways between vehicles). The Waka Kotahi Crash Analysis System (CAS) documents the history of police-reported crashes and shows a concerning safety record along this corridor.

Waka Kotahi considers that traffic safety and efficiency effects of PC92 on the SH2 corridor should be assessed and addressed through an Integrated Transport Assessment.

As noted, Takitimu North Link Stage One (Tauranga to Te Puna) is under construction and will deliver significant safety and efficiency improvements to this section of the network in the near-term. However, Takitimu North Link Stage Two (Te Puna to Ōmokoroa) is currently not funded for construction. Other relevant projects underway include SH2 Waihi to Ōmokoroa, SH2 Katikati to Tauranga and Mangatarata to Katikati.

6. Reverse Sensitivity

Reverse sensitivity effects associated with traffic noise from the state highway is a well-known adverse effect that requires management. To protect human health and highway operation, Waka Kotahi implements best practice methods to minimise noise impacts from the State highway in line with the requirements of relevant New Zealand Noise Standards (NZS6808) and any applicable designation conditions.

However, noise impacts are best avoided by preventing new dwellings from being built in close proximity to an existing or designated state highway through the provision of areas of influence, unless appropriate internal noise standards are met. PC92 creates a new Rural Residential zone adjacent to existing Waka Kotahi designation D181 but does not make any provision to address reverse sensitivity and human health effects for dwellings in this new zone. To ensure that noise reverse sensitivity effects are avoided, an area of influence may be necessary, within which noise-sensitive activities require resource consent unless compliance with standard internal noise thresholds is demonstrated. We would like to discuss this further with Council.

Relief Sought

Waka Kotahi seeks amendments to PC92 and additional information as necessary to ensure the transportation effects (safety and efficiency) of PC92 on the existing and future planned state highway network have been properly considered and will be adequately managed. Specific amendments and information are listed below. We are keen to meet with Council to discuss the detail further.

1. A comprehensive Integrated Transport Assessment, including:

- Details of the trip generation associated with the PC92 area, the mode share assumed, and the modelled distribution for the AM, IP and PM peak periods. Specifically, the distribution of these trips onto SH2 needs to be known to understand the impacts on Waka Kotahi.

- Evidence of the assessment of effects on SH2, including at the Ōmokoroa Road intersection with SH2. We also request evidence of consideration of the effects on other intersections on SH2 that may be impacted as a result of the additional trips enabled by PC92. **41.1**
 - Additional information in relation to the current public transport routes serving Ōmokoroa and Katikati and identify any potential for public transport priority changes on SH2 or at the Ōmokoroa intersection to serve PC92.
 - Confirmation that all site access will be via the local roads in Ōmokoroa and not located in a way that will impact the SH2 / Ōmokoroa Road intersection.
 - An assessment, based on SIDRA modelling, of how much development can be safely and efficiently accommodated by the interim roundabout at the intersection of SH2 and Ōmokoroa Road.
2. An accessibility study to assess/determine the extent of the walkable catchments surrounding the town centres of Ōmokoroa and Te Puke. If supported by the accessibility assessment, Waka Kotahi seeks that PC92 incorporates high-density residential zones within the walkable catchments surrounding these centres including, for example, within 400m of the edge of the town centre zones. **41.2**
3. Additional rules or performance standards, supported by appropriate objectives and policies, based on traffic modelling, that: **41.3**
- Afford non-complying activity status to subdivision/development within the Stage 3 structure plan area prior to the interim roundabout becoming operational; and
 - Afford non-complying activity status to subdivision/development within the Stage 3 structure plan area post the capacity of the interim roundabout being reached and prior to a grade-separated interchange becoming operational.
- Waka Kotahi considers that inclusion of the intersection improvements (roundabout and interchange) as a qualifying matter would be appropriate in this instance.
4. The footprint of the future grade-separated interchange at the Ōmokoroa Road / SH2 intersection is shown on the Ōmokoroa Stage 3 Structure Plan. Waka Kotahi wishes to engage with Council further to better understand the practical implications of this inclusion both in terms of future consenting requirements for the Takitimu Northern Link Stage 2 project and Ōmokoroa/SH2 intersection upgrade and in terms of potential future development on land within, adjacent to and surrounding the footprint. **41.4**
5. Waka Kotahi seeks that the proposed Natural Open Space zoning within the footprint of designation D181 is removed. Retention of the existing Rural zoning is supported. **41.5**
6. PC92 creates a new Rural Residential zone adjacent to existing Waka Kotahi designation D181. To ensure that noise reverse sensitivity effects are avoided, an area of influence may be necessary, within which noise-sensitive activities require resource consent unless compliance with standard internal noise thresholds is demonstrated. Waka Kotahi wishes to engage with Council further to discuss what provisions may be appropriate. **41.6**

7. Include additional Objectives and Policies to 14A Omokoroa & Te Puke Medium Density Residential, that:
 - 14A.2.2 Policies - Ensure that vehicle kilometres travelled are reduced by enabling public transport and active travel choice and integrated land use patterns.
8. Waka Kotahi seeks all consequential changes necessary to give effect to the relief sought.

Waka Kotahi thanks Western Bay of Plenty District Council for the opportunity to make a submission on Proposed Plan Change 92. To discuss this submission please contact me directly, my details are below.

Signature:



Rodney Albertyn
Senior Planner – Poutiaki Taiao / Environmental Planning
Rodney.albertyn@nzta.govt.nz
Pursuant to an authority delegated by Waka Kotahi NZ Transport Agency

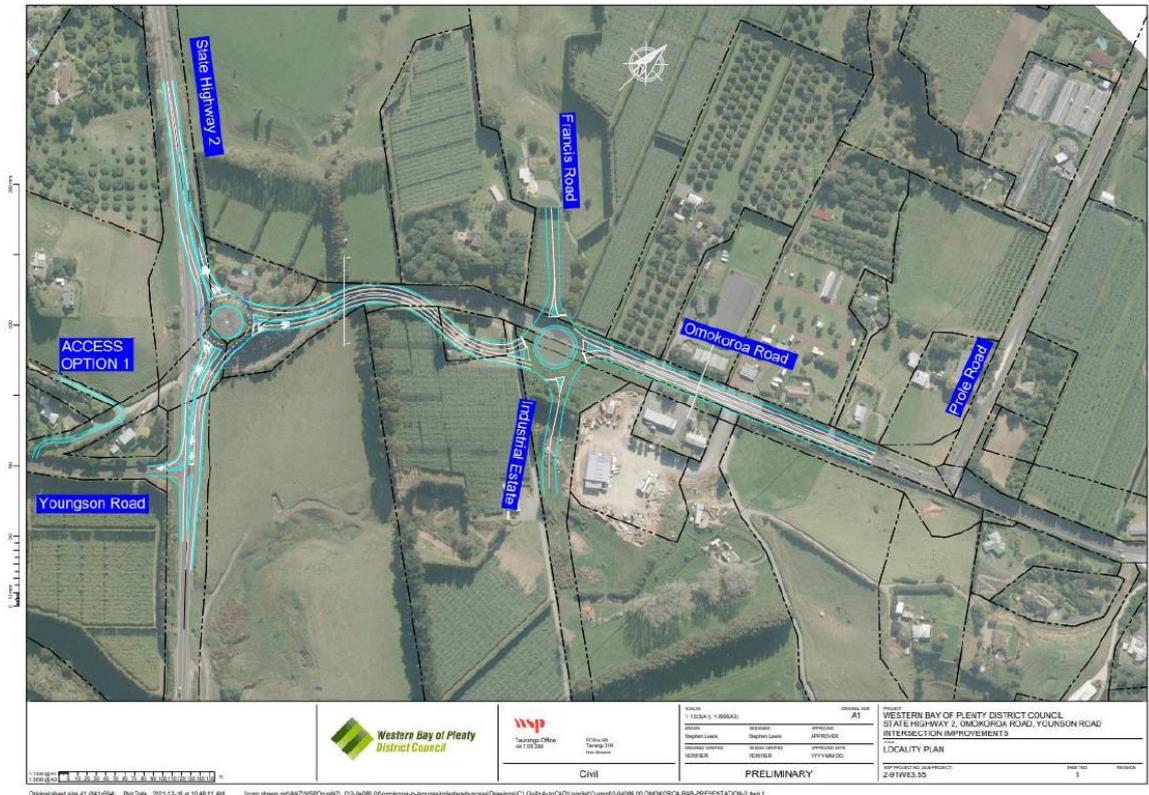
Address for service:

Waka Kotahi NZ Transport Agency
PO Box 13055
Tauranga Central
Tauranga 3141
New Zealand

Attached:

- Attachment 1: Preliminary/Interim Roundabout Design
- Attachment 2: High-level Takitimu North Link Maps
- Attachment 3: Description of Takitimu North Link Project

Attachment 1: Preliminary/Interim Roundabout Design



Attachment 2: Indicative Takitimu North Link Map



Route-wide:

- A 14km four lane median divided expressway from south of the existing Takitimu Drive/Tamatea Arikinui Drive expressway junction at Fifteenth Avenue in central Tauranga, to its northern terminus between the intersection of Francis Road and SH2 and the Waipapa Stream at Ōmokoroa;
- Reconstruction in part of the existing SH2 either side of the alignment, and retaining the road to serve as a local road. East of Plummers Point Road the existing SH2 would be retained or realigned north of the proposed expressway alignment, whilst west of Plummers Point Road/Barrett Road it would be sited south of the alignment;
- Parallel cycleway provision with connections to local roads;
- Significant earthworks (cutting and filling) activities owing to topography and necessary design speeds to be achieved;
- Re-provision of access to local roads for multiple properties landlocked by the project.

Stage 1:

- New single-lane northbound connection from Fifteenth Avenue to Takitimu Drive;
- Combination of at-grade roundabout, slip lane, and flyover interchange between widened Takitimu Drive expressway and new expressway;
- Four-laning of Takitimu Drive either side of new interchange with new expressway;
- Construction of new Richards Way access road to TCC's 'Smiths Farm' grazing block at 10 Richards Way from Cambridge Road, with corresponding short bridge carrying the proposed expressway over the new access road;
- Four-lane bridge over Wairoa River, approximately 350m long;
- Diamond interchange at Minden Road, with bridges necessary over the Hakao Stream;
- Over-bridges carrying existing local roads and traffic at Cambridge Road, Wairoa Road, and Te Puna Quarry Road;
- Partial reconstruction of Moffat Road, Cambridge Road and Harrison Road to accommodate Cambridge Road overbridge;

Stage 2 (Indicative):

- Realignment of local road Ainsworth Road to meet Munro Road East instead of being linked by SH2; A new four-lane bridge carrying the proposed expressway over the Te Puna Stream;
- Possible alterations to or re-construction elsewhere of the Powerco substation between Plummers Point Road and Albert Lane;
- An overpass at Plummers Point Road, connecting to Barrett Road south of the alignment. This would be the transfer point of the existing SH2 road from north to south of the alignment. A west-bound offramp only to Barrett Road may be included at this location;
- A diamond interchange or equivalent at Ōmokoroa Road, including realignment of Youngson Road to meet Ōmokoroa Road within interchange design;
- Realignment and extension to Francis Road to meet Ōmokoroa Road and close off the connection to the existing SH2 at the start of the expressway.

From: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Tuesday, 20 September 2022 4:55 pm
To: District Plan
Cc: Tony Clow; briangoldstone@xtra.co.nz
Subject: Plan Change Submission - PC 92. B Goldstone
Attachments: PC 92 Submission_Goldstone.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Acknowledgment sent

Good afternoon.

Please find attached a submission on Plan Change 92 on behalf of Brian Goldstone. Can you please confirm receipt of the submission.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

Submission on Proposed Plan Change 92 to the Western Bay of Plenty
District Plan

[Clause 6](#) of Schedule 1, Resource Management Act 1991

To: Western Bay of Plenty District Council

Name of submitter: Brian Goldstone

This is a submission on proposed Plan Change 92 (Omokoroa & Te Puke Enabling Housing Supply and other supporting matters).

We could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are as set out in the attached table.

I am the owner and future developer of an area of residential land located at Prole Road, Omokoroa. The land will be affected by Plan Change 92.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



AM Collier

Signature of submitter

(or person authorised to sign
on behalf of submitter)

Date 16 September 2022

Address for Service: Postal Address:

Brian Goldstone
241 Old highway
RD8 Tauranga

Contact person: Brian Goldstone

Telephone: 027 475 1326

Email: Briangoldstone@xtra.co.nz

The specific provisions of the proposal that Brian Goldstones submission relates to are as follows:

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Planning Map	Omokoroa Change 92 Zoning Map and structure plan	Support	That Lot 1 DPS 6707 (being 17.5758 hectares more or less at Prole road, Omokoroa) be zoned residential	The addition of the land will provide for the efficient use of land for residential and stormwater purposes and will enable the delivery of further residential intensification in an area where there is high demand for residential housing. The site is able to be serviced and will contribute to a well-functioning urban environment.
Page 4 (Definitions)	Definition of developable area	Support in part	We support the proposed definition but seek that the following be added to the exceptions: <ul style="list-style-type: none"> • <u>Local purpose stormwater and neighbourhood reserves to be vested</u> • <u>Pedestrian accessways to be vested</u> 	Reserves should be excluded from the calculation of developable area when calculating financial contributions under Section 11.
Page 12 (Subdivision and development)	Rule 12.3.10.1.b.i (information requirements)	Oppose	Delete the reference in b. Engineering documents are to include: <i>“For the Omokoroa and To 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.”</i>	Earthworks requirements are already addressed in the Plan by Rule 12.4.1.i - Site Suitability Requirements (engineering design required for earthworks). The provision is unnecessary.
Page 26 (Subdivision and development)	Rule 12.4.5.17.a (stormwater attenuation standards)	Oppose in part	Delete Rule_12.4.5.17.a <i>All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to predevelopment levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment. All work shall be in accordance with the <u>Omokoroa Peninsula Stormwater Management Plan and To Puke Stormwater Management Plan comprehensive catchments consent and shall incorporate water sensitive urban design practices (such</u></i>	The rule is unclear as it refers to 50% AEP and 1% AEP flood events. The rule is unnecessary as the structure plan area is subject to existing comprehensive discharge consents which set out the requirements for attenuation and discharge standards to be achieved. The second part of the rule should be retained to refer to the comprehensive catchment consents.

42.1

42.2

42.3

42.4

Page No	Reference	Support/Oppose	Decision Sought	Reasons
			<i>as swales, wetlands, and pervious pavements) as far as practicable to maintain or enhance predevelopment hydrology and quality.</i>	
Page 1 (Omokoroa and Te Puke Medium Density Residential)	Explanatory statement	Oppose	Delete the explanatory statement as follows: <i>In support of the provisions of this section, the medium density residential (Section 14) explanatory statement, issues, objectives and policies, will remain applicable. In addition, this Section 14A also contains more specific objectives for Omokoroa and Te Puke. Where there are any inconsistencies in objectives and policies those specific to Omokoroa and Te Puke in this Section 14A take precedence.</i> And add specific Objectives and policies for the chapter as required by Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021	The existing medium density provisions under Section 14 differ from those provided for under the NPS-UD and the Medium Density Residential Standards and other provisions which have been adopted in Chapter 14A. The chapter should retain its own explanatory statement, issues, objectives and policies with specific reference to the Objectives and Policies of the NPS-UD.
Page 4 (Omokoroa and Te Puke Medium Density Residential)	Objective 14A.2.1.6	Oppose	Delete the objective as follows: <i>Minimisation of the adverse effects of earthworks and retaining walls on the existing natural land form and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures.</i>	The proposal is contrary to the policy outcomes of the NPS-UD and will result in significant reductions in usable flat sites, and a loss of yield and density which have not been assessed or considered through modelling and analysis. In particular, the proposal will not assist with meeting Policy 2, Policy 4 and Policy 6 of the NPS-UD. The provisions are more restrictive than existing District Plan provisions for the urban area
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.13	Oppose	Delete the policy as follows: <i>Ensure subdivision and development is designed to utilise the existing natural landform to limit the need for earthworks and retaining walls.</i>	The policy is inconsistent with the NPS-UD and is therefore inappropriate. The utilisation of existing natural landforms will result in a loss of yield and density. This is contrary to the NPS-UD and is not supported by Section 32 analysis which has not assessed the impact of the policy on infrastructure provision, housing choice yield and density.

42.4

42.5

42.6

42.7

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 5 (Omokoroa and Te Puke Medium Density Residential)	Policy 14A.2.2.17	Oppose in part	Amend the policy as follows: <i>Ensure developments in the Omokoroa and Te Puke medium density residential zone residential precinct are designed holistically with respect to surrounding land uses, buildings, and colour changes, positively connect with and contribute to the quality of public spaces and provided density of use of land to deliver the planned character of a vibrant complimentary mixed use destination adjacent to the town centre complies with the requirements of the New Zealand Urban Design Protocol.</i>	The policy should refer to the New Zealand Urban Design Protocol to provide appropriate guidance on urban design outcomes.
Page 14 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.b (residential unit typologies)	Oppose	Delete the rule as follows: <i>b. residential unit typologies</i> <i>i. six or more residential units on a site</i> <i>a maximum of 50% of the total number of residential units on the site may be physically detached from any other residential units.</i>	The need for Council to overly restrict building typologies is unnecessary. The proposal is contrary to Policy 1 of the NPS-UD which requires Council's to enable a variety of homes that meet the needs in terms of type, needs, price and location of different households. The provision will limit choice and accessibility options for housing.
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.d (impervious surfaces)	Oppose	Delete the rule relating to impervious surfaces.	The MDRS provisions contain separate coverage requirements, and these are accepted. The need for separate impervious surface requirements is not supported by MDRS provisions (which only relate to landscaping and building coverage) and is inconsistent with the NPS-UD.
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.g (earthworks)	Oppose	Delete the rule relating to earthworks	The rule proposed to introduce new and restrictive earthworks provisions which will limit yield because of constraints on the ability to change existing ground levels/contours. This is inconsistent with Objective 6, and policies 1 and 3 of the NPS-UD. The rule will result in development capacity being unnecessarily constrained. The effects of the rule have not been properly assessed under Section 32 of the RMA in relation to the impact on infrastructure provision, housing choice, yield, and density.

42.8

42.9

42.10

42.11

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.6.1.f (matters of control)	Support in part	Amend the rule as follows: <i>f. design of services which provides for the extension of services to other properties as applicable as identified on <u>structure plans</u> to provide effective and efficient servicing of the whole urban area.</i>	The provision extension of services to other property owners (and thus to benefit other parties) should only relate to those “connections” as identified on structure plans to ensure that the provision of infrastructure is equitably funded and provided.
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1 (restricted discretionary activities – four or more residential units on a site, matters of discretion)	Oppose	Delete and redraft in accordance with guidance from the objectives and policies as set out in Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, and the NZ Urban Design Protocol	<p>The assessment criteria are uncertain and are more restrictive than those in the existing District Plan. They are contrary to the enabling purpose of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.</p> <p>There are 47 separate matters of restricted discretion which the Council will apply when considering four or more units through a resource consent process. This is contrary to the enabling provisions of the NPS-UD. Policy 6 sets out that significant changes may detract from amenity values appreciated by communities including by providing increased and varied housing densities and types.</p> <p>The provisions as drafted will not assist in improving housing affordability or in creating certainty in relation to resource consent pathways and outcomes and housing choice.</p> <p>A stepped and more certain approach is required.</p> <p>Many of the criteria are unclear, subjective in nature and or create considerable uncertainty (for example assessment criteria a). “<i>whether the proposal is consistent with the objectives and policies of the District Plan</i>”.</p> <p>There are a significant number of urban design criteria which are subjective and uncertain in their nature.</p>

42.12

42.13

Page No	Reference	Support/Oppose	Decision Sought	Reasons
				The urban design criteria specified should be deleted and replaced by reference to assessment against those matters set out in the New Zealand Urban Design Protocol.
Page 27 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.11 and 14A.7.13	Oppose	Delete the restricted discretionary activity criteria relating to non-compliance with residential unit typology and non-compliance with impervious surfaces and 14A.7.16 non-compliance with earthworks.	These assessment criteria for non-compliance are not necessary given our submission on earthworks, impervious surfaces, and residential unit typologies.

42.13

**42.14
42.15
42.16**