

# **Planners Report 1**

## **Variation 1: Lifestyle Zones and Minden Structure Plan Area**

### **Whole of Variation**

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#### **1.0 Background**

- 1.1** The Minden Lifestyle Zone and Lifestyle Zones in Te Puke and Katikati were first introduced in the Proposed Western Bay of Plenty District Plan in February 2009, with certain restrictions on subdivision and development until the preparation of a structure plan for each.
- 1.2** These zones were established in conjunction with the changes made to the Rural Zone that prevented ad-hoc lifestyle subdivision occurring within the Rural Zone and taking productive land out of use.
- 1.3** The establishment of these zones intends to provide continued opportunities for lifestyle subdivision and development within the District in locations suitable for such opportunities because of their views, amenity values, privacy and proximity to urban areas.
- 1.4** The Minden Structure Plan and amended Lifestyle Zone rules were notified through Variation 1 on 9 September 2010. This Variation is needed in order to continue the process towards enabling subdivision to occur within the Minden Lifestyle Zone, and equally to unlock the opportunity for the transferral of subdivision rights from the Rural Zone.
- 1.5** This report deals only with those submission points supporting or opposing the Variation as a whole and provides a response to each of the general reasons for opposition before giving an overall recommendation.

#### **2.0 Issues**

- 2.1** 32 submission points and 13 further submission points were received in opposition to the Variation as a whole.
- 2.2** 10 submission points were received in support or in support subject to amendments. Many submitters have indicated their support by not opposing the Variation and instead requesting specific amendments.
- 2.3** The main issues raised by those submitters in opposition can be summarised as follows:
  - 2.3.1** The Section 32 report does not provide sufficient analysis to support the choice for the Minden Area.

- 2.3.2 Lack of regard for the Te Puna Plan which made no mention of a lifestyle zone in the Minden.
- 2.3.3 The process has not given landowners enough time to fully understand the implications of the Variation.
- 2.3.4 Lack of individual consultation.
- 2.3.5 Minden Road is near capacity, congested with walkers and cyclists, already subject to a significant number of crashes.
- 2.3.6 Minden Road has an inadequate surface and width which need upgrading first.
- 2.3.7 The Te Puna Road/Minden Road intersection is already at capacity and further development will increase congestion and potential for crashes.
- 2.3.8 Development should not occur until there is certainty around the construction and location of the Tauranga Northern Link.
- 2.3.9 Traffic assessments are inadequate.
- 2.3.10 SmartGrowth Implementation Committee want the Variation delayed until a traffic assessment is undertaken to determine impacts on the Northern Corridor.
- 2.3.11 Unstable history of the area and the lack of an additional geotechnical assessment.
- 2.3.12 Additional development has the potential to increase rates in the area.
- 2.3.13 Development should not occur until adequate reticulated water supply can be provided.

## **3.0 Discussion**

### **3.1 Selection of the Minden as a Lifestyle Zone**

- 3.1.1 The Minden Lifestyle Zone and other Lifestyle Zones were first introduced under the District Plan Review. The general reasons for these zones are well documented in the Rural Section 32 Report. The specific reasons for site selections are documented in the planning reports and explanatory statements.
- 3.1.2 For Minden, these reasons included close proximity to Tauranga City, good views over Tauranga Harbour and wider Bay of Plenty, and being located away from productive land and the sensitive coastal environment.

**3.1.3** The Minden was also a good selection because of its size and hence ability to provide for a large number of lifestyle opportunities to meet lifestyle demand in the District over the next 40 years. It allows for the use of a number of transferable development rights.

### **3.2 Selection of the Minden Lifestyle Zone in regard to the Te Puna Plan**

**3.2.1** The Te Puna Plan envisioned that Te Puna would be in part characterised by small lifestyle blocks, and acknowledged that there would be development pressure in the area due to its attractiveness and proximity to Tauranga City.

**3.2.2** The Te Puna Plan seeks further subdivision opportunities within the area subject to a number of criteria including;

- Productive land is not compromised or fragmented,
- Development is supported by community infrastructure,
- High quality waste water is provided,
- Conflicts between activities are avoided,
- Ecological, landscape and cultural values are maintained,
- Land subject to physical constraints is not to be developed.

**3.2.3** There are no specific areas mentioned for where this subdivision is or is not to occur therefore this does not disqualify consideration of the Minden. This Lifestyle Zone meets these criteria by its location and through various measures put in place under the Lifestyle Section.

### **3.3 Process (Timeframes and Consultation)**

**3.3.1** The process for district plan variations (including timeframes and consultation) is set out under Schedule 1 of the RMA. Council has met these requirements.

**3.3.2** In terms of timeframes, the RMA required that Council allow 20 working days for making submissions and 10 working days for making further submissions. This was the period given to submitters.

**3.3.3** There are no requirements under the RMA for public consultation or individual landowner consultation before public notification; however, Council still undertook public consultation in a number of ways. This included an article in the Weekend Sun at the beginning of the process, letters to affected landowners, resident focus group meetings and information on the Council website.

- 3.3.4** More recently, three recent public open days and evenings were held where Council staff were available to answer any questions and assist with the writing of submissions.

### **3.4 Minden Road**

- 3.4.1** Rule 12.4.4.2 (Table 2) of the Subdivision and Development Section details the road reserve and carriageways widths for rural roads based on traffic volume. At its current width and traffic volume, Minden Road will soon need to be widened or improved as the Minden Lifestyle Zone develops. The issue is how and when this is funded.
- 3.4.2** The Financial Contributions Schedule for the Minden Lifestyle Zone does not take into account road widening. It does however allocate 85% of the \$6,500,000 required for local road connections from the "Rural Roding District Financial Contribution". There may be funds remaining from this, depending on what options are chosen for the local roading connections. Otherwise, the option is to allocate further funds from this same roading contribution.
- 3.4.3** Without improving Minden Road it is likely that there will a higher crash rate over time.

### **3.5 Te Puna and Minden Road Intersection**

- 3.5.1** It is recognised that upgrades are required to the Minden Road/State Highway 2 intersection regardless of any increased development from the establishment of Minden Lifestyle Zone.
- 3.5.2** NZTA is currently considering options for this. In the meantime, a restriction on subdivision (total of 97 extra lots) is in place until the necessary upgrades are provided.

### **3.6 Tauranga Northern Link (TNL)**

- 3.6.1** Options for the TNL will be presented at NZTA open days prior to Council Hearings. The TNL, once established, will allow the Minden Lifestyle Zone to fully develop. There is no reason to withdraw the Minden Lifestyle Zone because of the current uncertainty surrounding the TNL.

### **3.7 Traffic Assessment for the Northern Corridor**

- 3.7.1** A full traffic assessment of impacts on the Northern Corridor can't be undertaken until solutions are determined for the Tauranga Northern Link and existing strategic roading network.

### **3.8 Stability and Geotechnical Issues**

- 3.8.1** An extensive geotechnical appraisal has been carried out for the Minden Lifestyle Zone (along the original boundary which covers 1150ha) as a part of the structure planning exercise. Stability Area classifications have been given to all land within this 1150ha area. These Stability Areas are A, B1, B2 and C, with A being the most prone to slippage, and C being the least prone.
- 3.8.2** Subdivisions falling entirely within the Stability Areas will require resource consent as a Restricted Discretionary Activity, except in cases where 80% or more of the land is within Stability Area C, where subdivision shall be a Controlled Activity. In both cases, a geotechnical assessment is required.
- 3.8.3** For the remainder the extended Structure Plan area where Stability Areas have not been prescribed, subdivision will also require resource consent as a Restricted Discretionary Activity as a precautionary approach. Again, this geotechnical assessment will be required.
- 3.8.4** Within the entire Minden Lifestyle Zone, all new buildings and external additions will need to obtain resource consent, accompanied by a geotechnical report, unless already on an "approved building site".
- 3.8.5** These precautionary measures are intended to deal with any risk.

### **3.9 Rates Increase**

- 3.9.1** There is no certainty that rates will increase as they depend on the value of the land. Property values may or may not increase as a result of this zone change, depending on specific proposals.

### **3.10 Reticulated Water Supply**

- 3.10.1** The Minden Lifestyle Zone is planned to have a reticulated water supply but only once the level of development in the zone and associated financial contributions make this feasible. For now, a rural level of servicing is still appropriate.

## **4.0 Recommendation**

- 4.1** That Variation 1: Lifestyle Zones and Minden Structure Plan Area is retained, subject to any amendments made in response to submissions.
- 4.2** The following submissions are therefore:

### Accepted in Part

| Submission | Point Number | Name                                 |
|------------|--------------|--------------------------------------|
| 39         | 1, 2         | Ainsworth Farm Trust                 |
| 16         | 1            | Bax, Ben                             |
| 17         | 1, 2         | Bax, Denise                          |
| 3          | 1            | Blair, RWI & JA                      |
| 26         | 1, 2         | Cooper, Jan & McNamara, Jim          |
| 59         | 1, 2         | Davidson, Trevor & Annette           |
| 54         | 1, 2, 3      | Ericksen, Mr. & Mrs.                 |
| FS 88      | 4            | Hatton GW & M (support 26, 1)        |
| FS 88      | 5            | Hatton GW & M (support 26, 2)        |
| FS 88      | 1, 2, 3      | Hatton GW & M (Support 54,1,2,3)     |
| FS 88      | 14           | Hatton GW & M (Supports 77,1)        |
| 79         | 1            | Hurley, Dawn                         |
| 77         | 1            | Janello, Andreaus                    |
| 55         | 1            | Legco Limited                        |
| 25         | 1            | Little, Bruce                        |
| 51         | 1, 5         | Malcolm, PM and JE                   |
| 30         | 1            | McCulley, Shirley                    |
| FS 90      | 19           | Milne, Aaron Keith (support 26, 1)   |
| FS 90      | 20           | Milne, Aaron Keith (Supports 53,1)   |
| 58         | 1            | NZ Transport Agency                  |
| 43         | 2            | Orton Trust                          |
| 76         | 1            | Otumoetai Te Puna Pony Club          |
| FS 85      | 1            | Parker David (supports 3,1)          |
| 56         | 5            | Phipps, Nathan                       |
| 65         | 4            | Reyland Basil & Joy                  |
| 64         | 4            | Reyland, Bruce and Jude              |
| 7          | 2            | Richardson, Trevor                   |
| 53         | 1            | Severinsen, Howard                   |
| 50         | 1, 3         | SmartGrowth Implementation Committee |
| 9          | 1            | Tauranga City Council                |
| 42         | 1, 2         | Todd, Andrew & Susanne               |
| 78         | 1, 2         | Van Hoogmoed, Henk                   |

### 4.3 Rejected

| Submission | Point Number | Name                                |
|------------|--------------|-------------------------------------|
| 63         | 1            | Ellery, Ata                         |
| 13         | 4            | Hatton GW & M                       |
| FS 88      | 18           | Hatton GW & M (supports 46,9)       |
| 77         | 5, 6         | Janello, Andreaus                   |
| 60         | 2, 3         | Noad, Peter and Patricia            |
| FS 85      | 2            | Parker David (supports 46,9)        |
| FS 87      | 4            | Purves DW & S (supports 13,4)       |
| 46         | 8, 9         | Purves, D & S                       |
| FS 82      | 5            | Seal Trevor & Molly (supports 46,9) |
| FS 82      | 3            | Seal Trevor & Molly (supports 13,4) |

## 5.0 Reasons

- 5.1 Variation 1: Lifestyle Zones and Minden Structure Plan Area is required to progress lifestyle subdivision in the District, and to renew opportunities for the transfer of subdivision entitlements from the Rural Zone.
- 5.2 Both of these processes are essentially on hold for the moment, other than in certain situations where rights currently exist, e.g. onsite rural protection lots and existing rural-residential zones.
- 5.3 Further delay in re-establishing such opportunities could be costly given that transferable subdivision entitlements from the Rural Zone currently have a lifespan of only 5 years.
- 5.4 Submitters who have opposed the entire Variation, have generally hinged their opposition on a single main concern which they feel should be addressed before further development can go ahead, rather than being in opposition to the concept itself.
- 5.5 Many of these concerns are valid, especially those relating to traffic and land stability issues. As this report has discussed though, rules are in place and other actions are being undertaken to ensure that these issues will be managed in an appropriate manner.
- 5.6 None of the concerns raised should therefore prevent this Variation from moving forward given its importance in re-establishing lifestyle and transferable subdivision entitlement opportunities within the District.