



**Western
Bay of Plenty**
District Council



MĀ TŌ TĀTOU TAKIWĀ
FOR OUR DISTRICT

Notice of Requirement Ōmokoroa Active Reserve

Prepared by: Western Bay of Plenty District

In Association with
Environmental Consultants Organization
(ECO) Limited



Document Control Record

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INTRODUCTION

1. Ōmokoroa is recognised as one of the main growth areas in the western Bay of Plenty sub-region. To facilitate medium density housing within Ōmokoroa (and Te Puke) a plan change, known as Plan Change 92 is being undertaken. This is explained further in Section 2.0 below. A Structure Plan has been developed for the area known as Stage 3 for Ōmokoroa (Between the railway line and State Highway 2). The structure plan process and related changes to the Operative Western Bay of Plenty District Plan will provide the framework for the transformation of the remaining un-urbanised area between the Railway and State Highway 2. Plan Change 92 and the Structure Plan for Stage 3 of Ōmokoroa have been developed in collaboration with the community. Extensive community consultation has been carried out with the Ōmokoroa community in particular, in the development of the Stage 3 Structure Plan.
2. As part of the planning process for Stage 3 and related recreational assessments the need for a large sized Active Reserve was identified. During the Structure Plan process a number of sites were assessed. The site that is subject to this Notice of Requirement (NOR) was identified as the preferred site. To facilitate the establishment of the Active Reserve the Western Bay of Plenty District Council ('the Council') is undertaking a designation process. The following plan illustrates the location of the proposed Active Reserve in the context of the wider structure plan and zoning pattern. The area with black diagonal lines indicates the sites' location. Please refer to Appendix 3 for a larger plan.

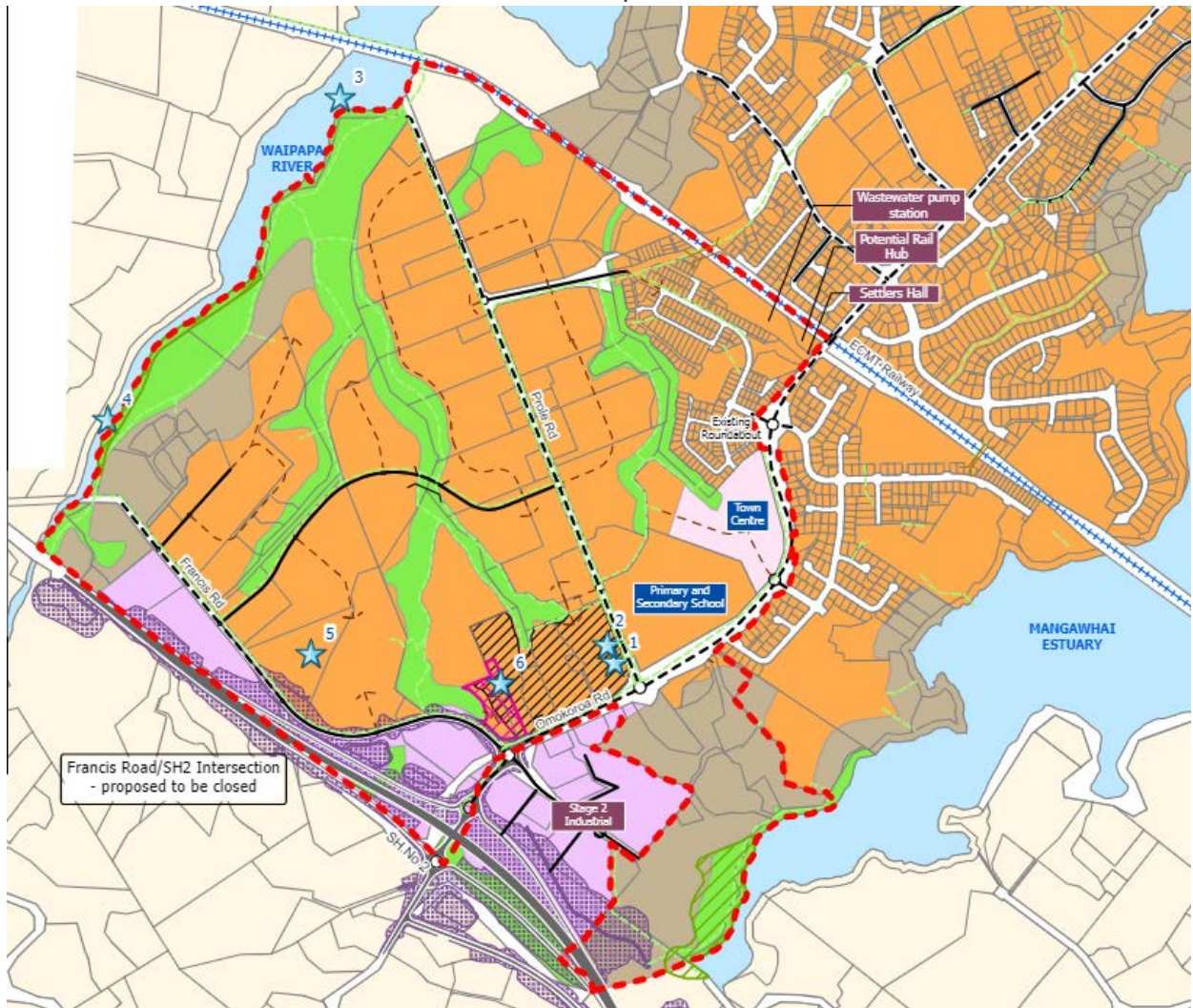


Figure 1 Proposed Active Reserve as identified on Structure Plan.

 Active Reserve

This document sets out:

- The background to the requirement.
- The Formal Notice of Requirement.
- The nature of the public work (recreation purposes) on this site.
- Statutory provisions.
- An assessment of the effects of the designation and the nature of any proposed conditions for the designation.
- The ways in which any adverse effects will be mitigated.
- Any alternatives considered.
- The necessity of the designation in achieving the objectives; and
- Any consultation undertaken.

BACKGROUND

3. In late 2021 the Resource Management Act was amended to enable housing supply. The amendment requires Council to give effect to the requirements of the National Policy Statement Urban Development (NPS-UD) in particular, Policy 3, to enable housing supply. Within Western Bay of Plenty District, the new medium density provisions (required by the RMA-amendment) apply to Ōmokoroa and Te Puke as those towns are projected to have populations of 10,000 people or more. The RMA amendment also introduced a new plan change pathway known as the 'Intensified Streamlined Planning Process' (ISPP). As a result, Council is now incorporating the requirements of the RMA amendment into one plan change for the whole of the Ōmokoroa peninsula as well as Te Puke. This Plan Change is referred to as Plan Change 92.
4. Ōmokoroa is in the process of transforming from a village to a town. Based on 2018 Census data the population of Ōmokoroa was 3,504 which is approximately 1000 people more than the previous Census representing a 25 percent increase. The 2022 population projection is 4,947. The area has been recognised as suitable for urban development since the 1970s. It grew in stages up to the 1990s however water pollution issues directly linked to on-site septic tank use slowed development until 2007 when the peninsula's wastewater was reticulated, and septic tanks no longer allowed. Population forecasts for the period to 2028 predict a population of approximately 6,800 people with capacity of 13,000 being reached in around 30 years.
5. The wider area has been identified for urban development for quite some time and has had a "Future Urban" zoning. Parallel to the current Notice of Requirement process the Council is notifying a Proposed Plan Change ("Plan Change 92 – Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters") to enable the urbanisation of the area, which is generally referred to as Stage 3. Part of this process has been the development of a structure plan which has included the identification of a site for a large-scale Active Reserve.

6. To support a growing community, it is important that sufficient land is secured in strategic locations so that as the town grows the recreational facilities to meet the community's needs can also expand. Also, some existing facilities such as the Ōmokoroa Bowling Club may require new facilities in the future. In addition to playing fields there is an identified need for improved aquatic facilities and indoor multi-use sports facilities and events space to serve Ōmokoroa and the wider catchment area and environs.
7. The Western Bay of Plenty District Recreation and Open Space Strategy provides an overall strategic framework for the provision of recreation facilities and open space within the district. This is also aligned to the Bay of Plenty Regional Spaces and Places Strategy which provides a high-level strategic framework for regional sport and recreation facilities in the region. The regional based approach provides consistency across the Bay of Plenty and in particular assists in identifying strategic priority areas.
8. The Stage 3 area is designed to have a higher density of living than previous urban development in Ōmokoroa and accordingly to balance the lack of private individual open space, having easy access to significant areas of open space is highly desirable and important for the Community's well being. In addition to organised sporting activities, such an area can also incorporate informal sport and recreation opportunities. The area can also provide ecological corridors, walking, running, and cycling connections.
9. To cater for this, it is planned to have a central active reserve having an area of approximately 10ha which will include playing fields and potentially an aquatic centre and indoor stadium. The purchase of 10ha of land has been included in 2024 and 2026 in the 2021/31 Long Term Plan.
10. The location of the active reserve needs to be centrally located, highly accessible, linked to the wider reserve network, geotechnically suitable and relatively level (to avoid having to undertake significant earthworks to create suitable sports fields). Ideally the reserve should provide opportunities for joint use and potential cost sharing with other parties such as schools.

11. The Bay of Plenty Regional Spaces and Places Strategy sets out a decision criteria and a facility investment decision making process. The evaluation criteria include guiding principles which underpin the strategy, these are: investing strategically (alignment with existing planning), maximizing value (matching the projected needs of the community), sustainability (track record of organisation) and accessibility (access to wide ranging community).
12. Various alternative locations have been considered within Stage 3 ranging from a number of options located off or in the vicinity of Prole Road, an area adjacent the future Prole Road/Francis Road link road, an area closer to the State Highway, and an area at the corner of Ōmokoroa Road and Prole Road, which was previously an option in part for an alternative town centre.
13. The structure plan has been the subject of public consultation with a number of different options considered (refer Figure 7 on Page 29), Councilor workshops and technical assessments. The finalisation of a preferred option was delayed due to the application for a new commercial centre being lodged and the need to let this go through a statutory process and a decision released. The granting of resource consent for the commercial centre had connotations on the best location for the Active Reserve.
14. Subsequent further consultation was undertaken, and the preferred location of the site at the corner of Ōmokoroa Road and Prole Road was selected. The selected option has much superior access opportunities with access from Ōmokoroa Road via the future Francis Road extension and from the early part of Prole Road compared to other options. The site is immediately opposite the future schools opening the possibility of shared use and cost sharing of facilities. The sites also had the opportunity to link to the proposed future cycleway and walkway network. The site has the ability to provide an attractive entrance to the peninsula.
15. This Notice of Requirement seeks to confirm the Designation of the site for Recreation Reserve purposes.

FORMAL NOTICE OF REQUIREMENT

Form 20

Notice of requirement by territorial authority

Section 168A of the Resource Management Act 1991

To: Western Bay of Plenty District Council
Private Bag 12803
Tauranga

From: Western Bay of Plenty District Council (Requiring Authority)
Private Bag 12803
Tauranga

Western Bay of Plenty District Council gives Notice of a Requirement for a Designation for the proposed Ōmokoroa Active Reserve (Recreation Reserve).

The site to which the requirement applies is as follows:

(i) The physical description of the site:

The site is located generally at the corner of Ōmokoroa Road and Prole Road extending approximately 250m down Prole Road and 340m along Ōmokoroa Road. The location is described in detail in the Description of the Environment – Section 5. The total area is 9.4484 ha (more or less).

(ii) The legal descriptions of the site and a schedule of owners of the land physically affected are as follows.

Owner	Address	Legal Description	Area Required
Western Bay of Plenty District Council	452 Ōmokoroa Road	Lot 1 DP 506806	2.6680 ha
Jace Orchards Limited	454 Ōmokoroa Road	Lot 1 DPS 67533	2155 m ²
A.M Drayson, A.D. Giles, L.M. Drayson, M.S. Drayson	468 Ōmokoroa Road	Lot 2 DPS 41630	2.3450 ha
TDD Limited	474 Ōmokoroa Road	Lot 1 DPS 61801	1.0 ha
M.A. Kehoe	476 Ōmokoroa Road	Part Lot 1 DPS 16684	3.0569 ha
Rascal Holdings Limited	7 Prole Road	Lot 2 DP 506806	1630m ²

The nature of the proposed public work is:

To establish an Active Reserve to provide additional recreational facilities which are necessary to serve the projected growth demand of the future community. The Active Reserve will consist of a number of playing fields, changing sheds and clubrooms, playgrounds, access, car parking, public amenities, installation of services, and potentially could include an indoor sports venue and an aquatic centre.

To facilitate the development of the site earthworks will be required.

The proposed reserve will be gazetted as a "Recreation Reserve" under the provisions of the Reserves Act 1977.

The nature of the proposed conditions that would apply are:

Requirement for an Outline Plan prior to the use of the Active Reserve commencing unless vested as a Recreation Reserve prior to any development works and subject to a reserves management plan process.

The effects that the project will have on the environment, and the ways in which any adverse effects will be mitigated, are:

These are set out in detail in the Assessment of Environmental Effects – Section 7 of this report.

Alternative sites, routes, and methods have been considered to the following extent:

The proposed site has gone through a detailed site selection process. The need and general location of an approximately 10 ha Active Reserve has been identified in Council's Long Term Plans and in draft structure plans since 2018. Refer to Section 7.6 of this report and Appendix 6 for details of alternative site option analysis.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The area is an identified urban growth area, and to facilitate the next stage of Ōmokoroa's development the Council has been undertaking a structure plan and related plan change process in collaboration with the community. A key part of the structure plan is the identification of the Active Reserve. The designation is required to 'safeguard' the proposed public work in accordance with the proposed structure plan.

The following resource consents are needed for the proposed activity and have not been applied for:

Regional Council consents for earthworks and potentially stormwater at the time of final design.

Potentially a consent under the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be required.

The following consultation has been undertaken with parties likely to be affected:

This is detailed in Section 8 and Appendix 5 of this report.

Western Bay of Plenty District Council **attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.**

Notice of Requirement & Assessment of Environmental Effects for Ōmokoroa Active Reserve.

Pursuant to section 184(1)(c) RMA the period for which this designation is sought is:

15 years.



.....
Peter Watson – Reserves and Facilities Manager

On behalf of Western Bay of Plenty District Council

Date: 15 August 2022

Address for service:

Western Bay of Plenty District Council
Private Bag 12803, Tauranga Mail Centre
Tauranga 3143
Contact Person: Gary Allis

DESCRIPTION OF PROPOSAL

16. The proposal is to establish an Active Reserve to provide additional recreational facilities which are necessary to serve the projected growth demand of the future community. The Active Reserve will consist of a number of playing fields, changing sheds and clubrooms, playgrounds, access, car parking, public amenities, installation of services, and potentially could include an indoor sports venue and an aquatic centre.
17. To facilitate the development of the site earthworks will be required.
18. The proposed reserve will be gazetted as a "Recreation Reserve" under the provisions of the Reserves Act 1977.
19. An indicative design concept is included in Appendix 3. Note this is indicative only and provides an overview of the intended development and use of the Active Reserve but is still subject to detailed design.

DESCRIPTION OF THE ENVIRONMENT

SUBJECT SITE

20. The subject site is located on the south-western side of the Prole Road/ Ōmokoroa Road intersection in Ōmokoroa approximately 1 km north-east of State Highway 2 (refer to Figure 2 following). The subject site is located at the following physical addresses:
 - 452 Ōmokoroa Road (Lot 1 DP 506806)
 - 454 Ōmokoroa Road (Lot 1 DPS 67533)
 - 468 Ōmokoroa Road (Lot 2 DPS 41360)
 - 474 Ōmokoroa Road (Lot 1 DPS 61801)
 - 476 Ōmokoroa Road (Lot 1 DPS 16684)
 - 7 Prole Road (Lot 2 DP 506806).

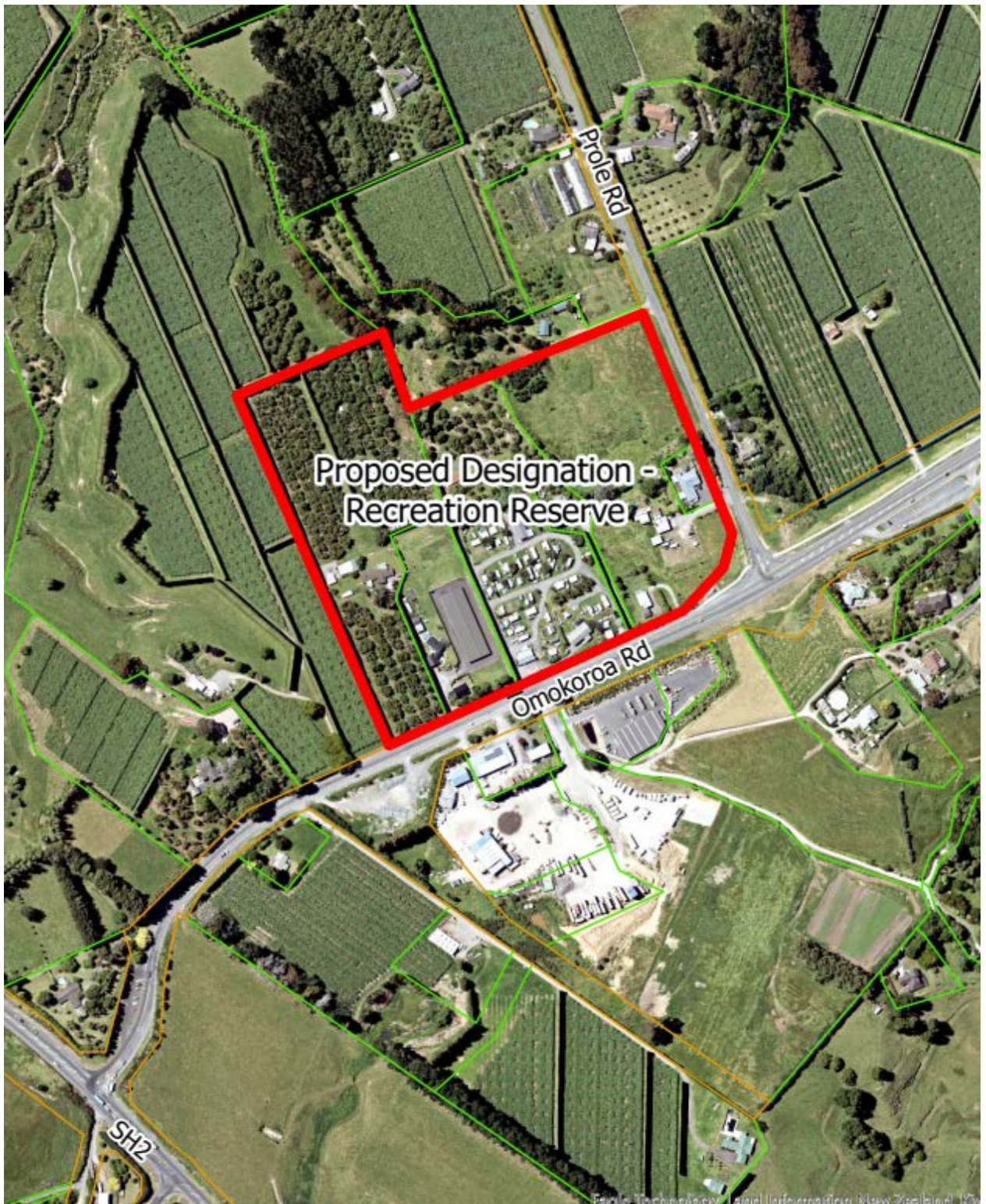


Figure 2 – Notice of Requirement Location

21. The subject site is currently in six separate Certificates of Title with each in different ownership (Refer to Appendix 1 for a record of Titles). Figure 3 following identifies the ownership and legal property details.
22. Western Bay of Plenty District Council owns 452 Ōmokoroa Road (Lot 1 DP 506806) which has an area of 2.6680 ha. This property has frontage to both Prole and Ōmokoroa Roads. Buildings on the property consist of a dwelling and old buildings. The property consists of two different levels with the higher area where all the buildings are located being in the Ōmokoroa Road part of the site. The lower area is primarily in pasture.
23. The property at 7 Prole Road (Lot 2 DP 506806) is flanked by 452 Ōmokoroa Road on 3 boundaries. The property has direct access to Prole Road. The property is 1630m² in area and is operated as a childcare facility (The Garden Early Childhood Centre). The operation has a resource consent that provides for a childcare facility to cater for a maximum of 45 children and 8 FTE staff operating between 7.30am to 6.00pm, Monday to Friday (excluding public holidays). Associated with the childcare operation is the childcare facility building, associated play areas and car parking. The property is owned by Rascal Holdings Limited.
24. Jace Orchards Limited own a 2155m² site at 454 Ōmokoroa Road (Lot 1 DPS 67533) that is located centrally to the subject area having a long access way extending from Ōmokoroa Road linking to the main site which consists of a dwelling and garage. It is surrounded by the Council owned land to the east and the Ōmokoroa Caravan and Motorhome Park to the west.
25. Located at 468 Ōmokoroa Road (Lot 2 DPS 41630) is the Ōmokoroa Caravan and Motorhome Park. This site is 2.3450 ha in area with two thirds of the site being used for a Caravan and Motorhome Park and the back third for avocados and a house site. There is a resource consent initially granted in 1994 and varied in 2021 that provides for the operation of the accommodation facility with a maximum number of guests being 140 persons at any one time. The consent includes conditions that limits the

number of consecutive days that a person may stay in the camp to 30 days and includes a consent lapse date of 27 August 2034. Access to the property is achieved via Ōmokoroa Road. The property is owned jointly by A.M Drayson, A.D. Giles, L.M. Drayson, and M.S. Drayson.

26. At 474 Ōmokoroa Road (Lot 1 DPS 61801) is a storage shed facility, two existing dwellings and greenhouse. This property is owned by TDD Limited. There is a resource consent initially granted in 2006 for an 80-unit storage shed facility and then varied in 2007 which maintained the unit numbers but increased the actual floor area. The conditions of consent include that the consent will expire on 18 May 2026. The property is approximately 1.0 ha in area. Access to the property is via Ōmokoroa Road.
27. The property forming the western boundary of the proposed Active Reserve site is 476 Ōmokoroa Road (Part Lot 1 DPS 16684) and owned by Max Kehoe. This is the largest block being 3.0569 ha. The property is predominantly an avocado orchard with associated buildings and a residential dwelling. Access is from Ōmokoroa Road.
28. A copy of resource consents applicable to the subject properties is contained in Appendix 2.

Notice of Requirement – Ōmokoroa Active Reserve

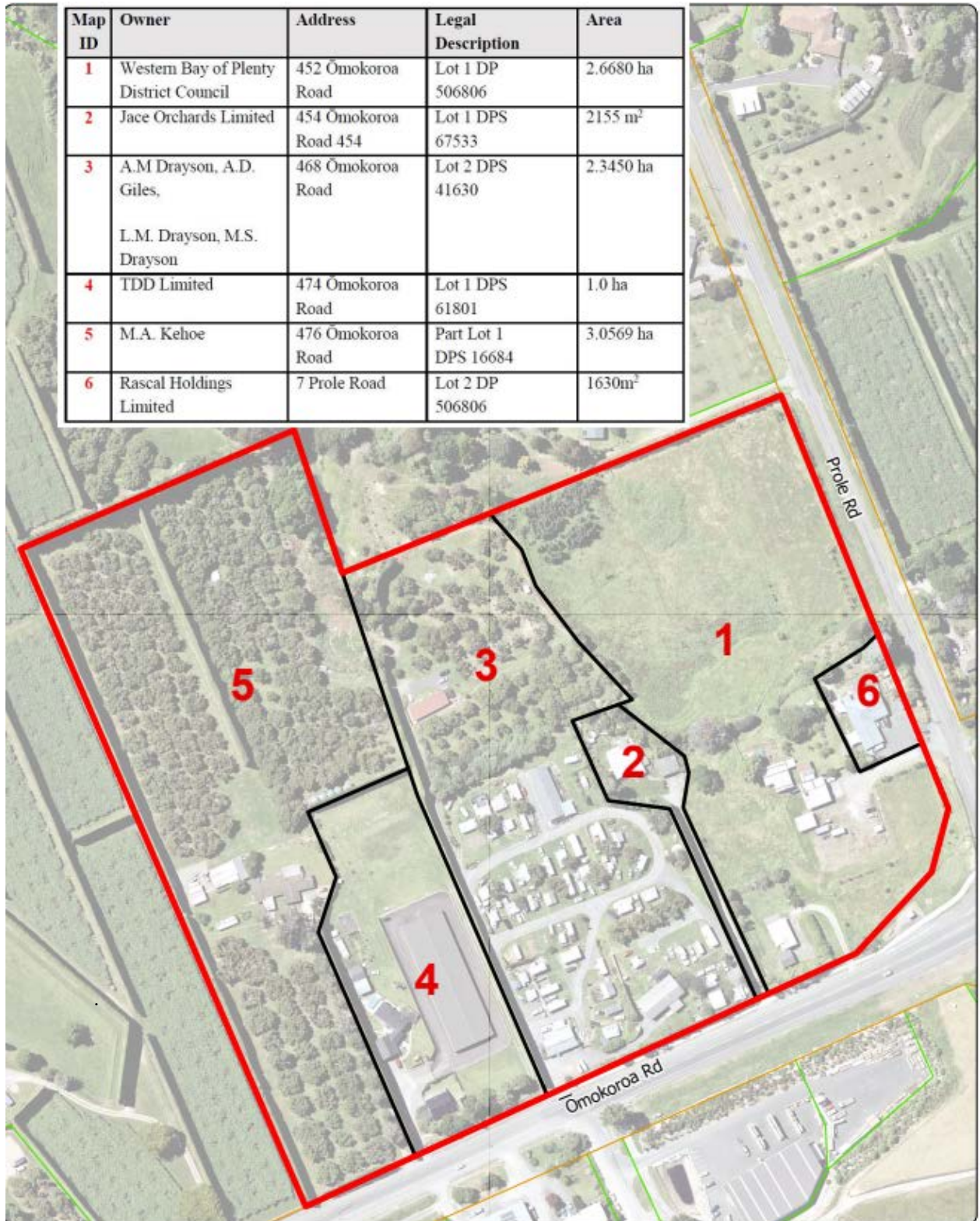


Figure 3 – Ownership, Address, Legal Description & Area

SURROUNDING ENVIRONMENT

29. The land surrounding the site is used mainly for a combination of horticultural and rural-residential purposes. The property to the east has recently been designated for education purposes with the intent of establishing both a primary and secondary school on that site by 2025. It is currently mainly in kiwifruit with a residential dwelling fronting Prole Road. The property adjacent to this has recently been granted resource consent for a new commercial centre has recently been cleared of kiwifruit. The surrounding land to the north and west is still predominantly rural in nature. On the opposite land of Ōmokoroa Road the land uses include a variety of industrial/commercial services activities, and rural/lifestyle properties.
30. There are expanding residential areas being developed on the eastern side of Ōmokoroa Road (Harbour Ridge and Te Awanui Waters) and to the north (Kaimai Views).
31. The subject site has frontage to Ōmokoroa Road and Prole Road. Ōmokoroa Road is classified as a Secondary Arterial Road in the District Plan with currently two lanes and an 80km/h posted speed limit adjacent to the site. The alignment of Ōmokoroa Road adjacent to the site is straight. There are plans to four lane Ōmokoroa Road and to “urbanise” Prole Road over the next two years.

DISTRICT PLAN

32. The subject site is currently zoned Future Urban in the Operative Western Bay of Plenty District Plan. Please see Figure 4 following.



Figure 4 – Operative District Plan Zoning Map. = Future Urban.

33. This Notice of Requirement is being made in tandem with Proposed District Plan Change 92 which replaces the Future Urban Zone with a predominantly Medium Density Residential Zone. The proposed Active Reserve is identified on the proposed planning map as being zoned Residential with a proposed Designation notation. The underlying zoning of Residential is consistent with the general zoning of the area and the same as is applied to the Ministry of Education designation (D250). Please refer to Figure 5 following:



Figure 5 – Plan Change 92 Proposed District Plan Map

 = Residential  = Reserve Area (Designation)

34. As part of Plan Change 92 a proposed Structure Plan has been developed. The Structure Plan includes the identification of the subject site as an Active Reserve. Please refer to Figure 1 and Appendix 3.

STATUTORY PROVISIONS

35. In assessing Notice of Requirements where the Territorial Local Authority is also the Requiring Authority Section 168A sets out the legislative requirements including matters for consideration. The following are key relevant assessment provisions:

168A Notice of requirement by territorial authority

168A (3)

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) any relevant provisions of—*
 - (i) a national policy statement;*
 - (ii) a New Zealand coastal policy statement;*
 - (iii) a regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and*
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and*
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*

(d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.

(3A) The effects to be considered under subsection (3) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the requirement, as long as those effects result from measures proposed or agreed to by the requiring authority.

(4) The territorial authority may decide to—

(a) confirm the requirement:

(b) modify the requirement:

(c) impose conditions:

(d) withdraw the requirement.

ASSESSMENT OF EFFECTS

POSITIVE EFFECTS

36. The Active Reserve will have considerable positive effects for the existing and new residential community. Positive effects include:

- It establishes a future site to provide a physical resource to support existing and new residential and commercial growth in the peninsula. This will enable the community to provide for their social well-being and health.
- The Active Reserve will provide a key community infrastructure and focal point for the anticipated development in the area.
- Its location adjacent future schools, new residential and in close proximity to the future town centre area will facilitate easy access and reduce the need for private vehicle transportation.

- The location adjacent future schools provide the opportunity for shared facilities.
- The Active Reserve will provide a substantial 'green area', providing a large permeable area, and supporting reductions in greenhouse gas emissions.
- The Active Reserve will provide a large area of open space amongst medium density residential housing, the surrounding residents will have access to a large area of green space for active as well as passive recreation purposes.
- Due to the proposed location the Active Reserve will create a positive coherent landscaped entrance to Ōmokoroa and will limit the domination of built form that could result if the site was used for residential or commercial purposes.
- The Active Reserve is a key part to the proposed Structure Plan for the area and provides in addition to green spaces, recreation facilities, connections through a walkway/cycleway/reserve network that links the new development area and beyond. Figure 6 following provides an overall concept of the proposed reserve network within Stage 3 of Ōmokoroa and illustrates the relationship of the Active Reserve (identified as "Sports Fields") with the network, schools site and proposed town centre.

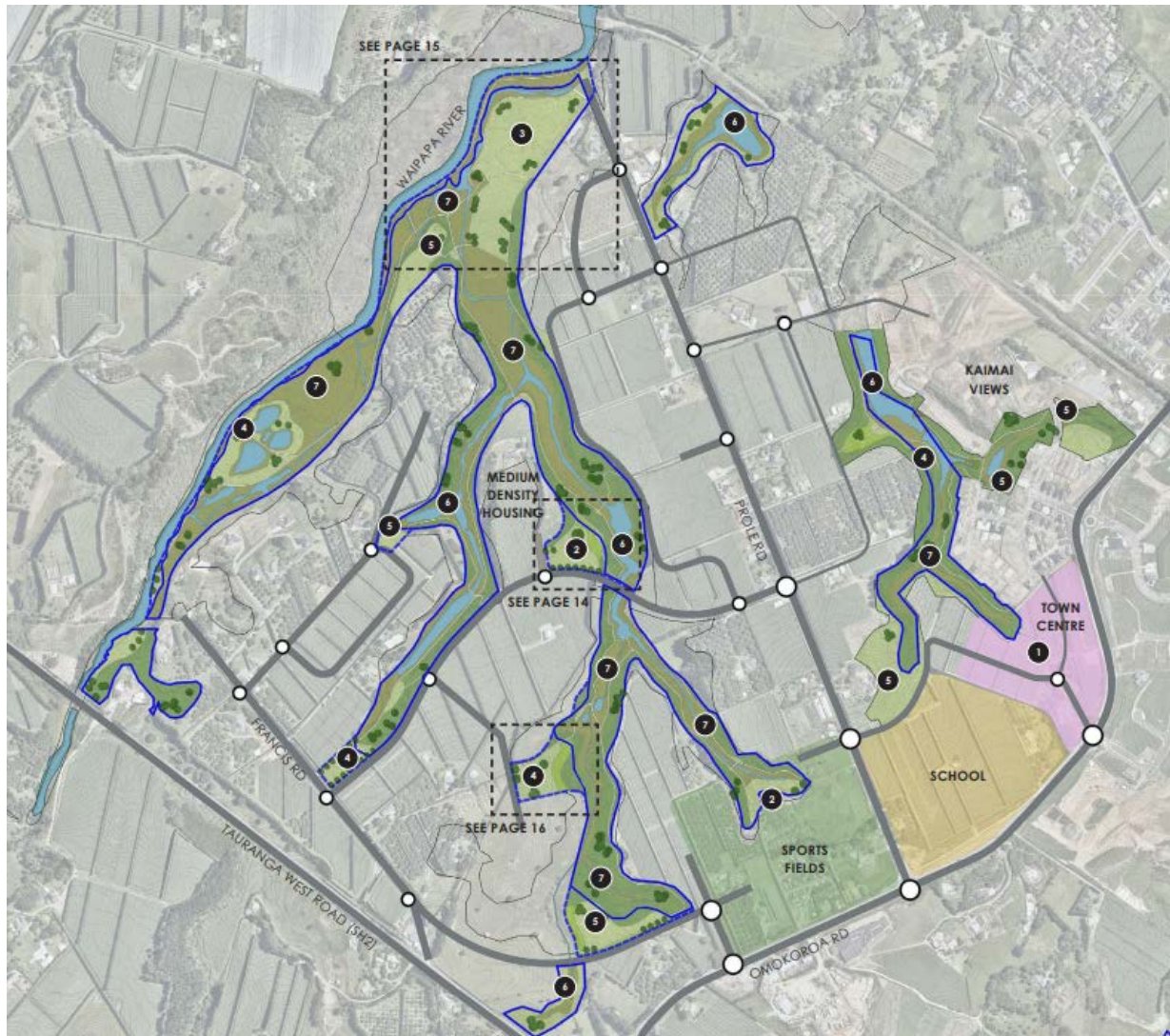


Figure 6 Concept Design Source: Ōmokoroa Gully Reserves Concept Plan – (Boffa Miskell – July 2021) Refer to Appendix 4 for full report.

POTENTIAL ADVERSE EFFECTS AND PROPOSED MITIGATION GENERAL

37. The Active Reserve will generate significant numbers of people visiting and using the reserve. Associated with this will be noise effects and traffic generation-based effects. The reserve development will require recontouring of some of the landform and will include the construction of buildings such as clubrooms, toilet facilities, sports related structures, play grounds and potentially an aquatic centre and indoor arena. These will all have a visual effect.

VISUAL

38. The existing area currently contains an assortment of different buildings and vegetation which will mostly be removed over time. As part of the reserve development comprehensive landscaping and planting will be undertaken and buildings will be designed to fit well within the reserve environment. At this point in time no design details are available however either a Reserve Management Plan process or an Outline Plan process will be followed to ensure details are provided prior to any building construction.

NOISE

39. Given the nature of recreation facilities, the proposed use of the reserve will generate some degree of noise, although this will be intermittent and not of an unreasonable level. Noise may be noticeable during peak use such as Saturday sports.

40. Any indoor recreational areas can be acoustically designed to achieve compliance with boundary noise requirements.

41. The noise produced by active reserve activities is not considered to be out of character with a residential environment. The site has two road frontages which provide a buffer from other land uses. To the north is the proposed school's site which is considered to be complementary in use and will have a similar noise environment. On the opposite side of Ōmokoroa Road to the east is Industrial zoned land and to the south is a proposed 'Park n Ride' facility (as per the proposed structure plan). None of these activities are noise sensitive. The reserve also fronts a Natural Open Space Zone area (as proposed in Plan Change 92) which has a stormwater and potential walkway/cycleway function and is similarly not noise sensitive. Plan Change 92 also rezones land to the south and west of the reserve residential which may be more noise sensitive. It is however noted that part of the reasoning for the NOR and structure plan is to clearly signal intended future use so any residential developments in this area will be cognisant that the Active Reserve is adjacent.

TRAFFIC

42. The reserve has been located in a central easy access location and will be connected with a network of footpaths and cycleways to encourage non-vehicular transportation. The location adjacent the proposed schools will further reduce traffic movements. As above a future 'Park n Ride' facility is identified on the proposed structure plan which will also reduce traffic movements.
43. The transportation network is progressively being upgraded. Ōmokoroa Road (secondary arterial road) has been recently upgraded and widened between SH2 and the railway line, which included the construction of a shared cycle and pedestrian path on the west side of the road. This shared path runs along the length of the subject site where it adjoins Ōmokoroa Road and will be an important link for people and particularly children that cycle, walk or scoot to use the Active Reserve. Similarly, Prole Road is planned to be developed to also include a dedicated cycling lane and wide footpaths to provide connectivity.
44. On-site parking requirements will be determined at final design stage and can be assessed either through a Reserve Management Plan process or an Outline Plan process. There is sufficient area to be able to provide for appropriate onsite car parking.
45. Services such as water, sewage and stormwater can be adequately provided and managed. Similarly other infrastructure such as electricity can also be provided.
46. A fuller assessment of effects and proposed mitigation can be provided as part of either a Reserve Management Plan process or an Outline Plan process.

CULTURAL

47. The whole of the Ōmokoroa Peninsula is of high cultural significance to Iwi/Hapu and the site although substantially modified provides a significant area that can be developed appropriately in a manner that celebrates and respects the Iwi/Hapu of the area. As part of the Reserve Management Plan process, it is expected that the Council will continue working in partnership with in particular, Pirirakau in developing appropriate management responses.
48. The subject area has relatively few recorded archaeological sites. No sites of cultural significance to Iwi/Hapu or archaeological sites are identified within the site on the District Plan maps. It can be expected that as land is further developed and subject to more earthworks more archaeological sites will be discovered. These will largely be expected to be in relation to the area's historic occupation by Māori. An archaeological authority will be applied for to Heritage New Zealand Pouhere Taonga prior to site development and it is expected that cultural monitors will be engaged at the time of topsoil stripping.

CONTAMINATED SITES

49. Part of the site is or has been used for horticultural activities. As these activities may typically utilise agrichemicals and/or pest control applications, based on the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 and linked Hazardous Activities and Industries List (HAIL), there is a reasonable chance that such areas may be deemed to have some form of land contamination.
50. The fact that an activity or industry appears on the list does not mean that hazardous substances were used or stored on all sites occupied by that activity or industry, nor that a site of this sort will have hazardous substances present in the land. The list merely indicates that such activities and industries are more likely to use or store hazardous substances and therefore there is a greater probability of site contamination occurring than

other uses or activities. Conversely, an activity or industry that does not appear on the list does not guarantee such a site will not be contaminated.

51. Prior to any use of the site for recreational purposes the site will be the subject of a Detailed Site Investigation and all consents obtained as may be required (including mitigation/management actions) undertaken in accordance with the requirements of the NES.

EFFECTS CONCLUSION

52. The proposed Active Reserve is considered on balance to have significant positive long term social, recreational and community effects. Any adverse environmental impacts of the use of the Active Reserve can be managed through the conditions of designation and/or through either a Reserve Management Plan process or an Outline Plan process.
53. Infrastructure services are able to be provided to the site in accordance with the requirements of the Western Bay of Plenty District Plan and related standards.
54. Any potential adverse landscape and visual effects are considered to be less than minor and positive in line with the projected future urbanisation of the area.
55. Transportation, ground contamination, cultural, and noise effects have been assessed and are concluded to be able to be managed in an appropriate manner.

NATIONAL POLICY STATEMENTS

56. As per Section 168A a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to a national policy statement. In the context of the subject site the National Policy Statement on Urban Development 2020 (NPS-UD) is the most relevant National Policy Statement. The NPS-UD directs local authorities to provide sufficient development capacity in their

district plans, supported by infrastructure, to meet demand for housing and business space.

57. Objective 1 of the NPS-UD states the following:

58. Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

59. The NPS-UD recognises that in order to support productive and well-functioning urban areas, it is important that district plans under the RMA provide adequate opportunities to develop land for business and housing and to provide high quality and accessible recreational areas to meet community needs. This directly supports a well-functioning urban environment and provides for community social, health and cultural wellbeing.

60. Related to Objective 1 Policy 1 (c) requires that Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.

61. The proposed Active Reserve provides a significant area of open space in allocation that provides good accessibility to the growing residential area.

62. Objective 6 (a) and (b) directs local authority decisions on urban development to be integrated with infrastructure and funding decisions and strategic over medium and long term. The Active Reserve has been an integral part of the Councils Long Term Planning process and has a medium to long term focus.

63. Overall, the NOR is considered to be consistent with the direction set out in the NPS-UD and related anticipated environmental effects.

REGIONAL POLICY STATEMENT

64. The Regional Policy Statement (RPS) contains objectives and related policies relevant to urban development. In the context of the NOR Objective 23 and related policies UG 8B, 9B and 12B are the most relevant:

Objective 23 *A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth*

Policy UG 8B: Implementing high quality urban design and live-work-play principles.

Policy UG 9B: Co-ordinating new urban development with infrastructure.

Policy UG 12B: Providing quality open spaces.

The NOR and related effects on the environment are assessed as being consistent with the above.

A PLAN OR PROPOSED PLAN

65. The relevant plan or proposed plan in this context is the Operative Western Bay of Plenty District Plan and Plan Change 92. As previously discussed, (refer 5.3) the NOR is being undertaken in tandem with the wider rezoning of Ōmokoroa and Te Puke.

66. The proposal is a NOR to provide for a specific designated purpose and accordingly the proposal will operate under these provisions and/or reserve management plan requirements. These are considered likely to be consistent with what the future planning provisions may be, noting that these are the subject of current review.

WHETHER ADEQUATE CONSIDERATION HAS BEEN GIVEN TO ALTERNATIVE SITES, ROUTES, OR METHODS

67. The Council has investigated various options for the location of the Active Reserve. Attached as Appendix 6 is a report prepared by Tracey Miller – Senior Policy Analyst – Resource Management at WBOPDC that was presented to the Council and detailed the background, options and assessment for the location of the Active Reserve. Figure 7 following identifies the sites considered.

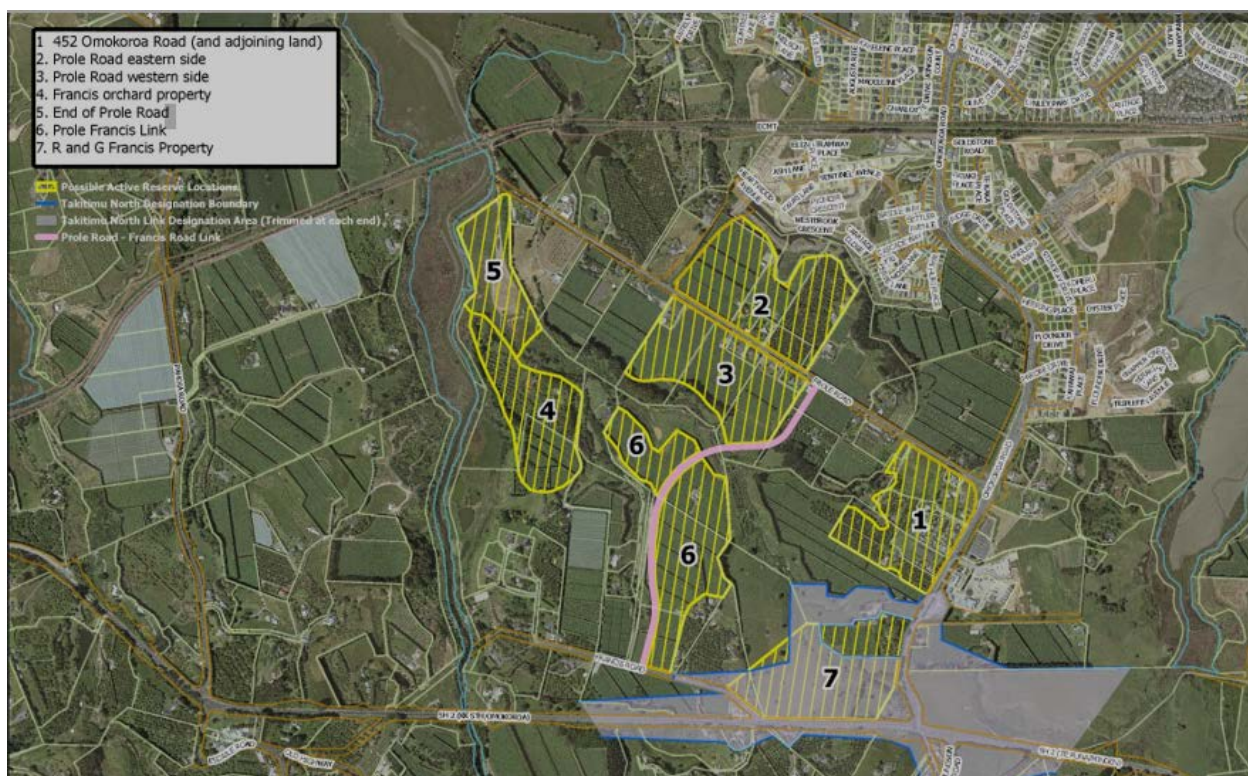


Figure 7 Active Reserve Location Options

68. In summary the site located at the corner of Ōmokoroa Road and Prole Road (Option 1 – 452 Ōmokoroa Road) was identified as having a high level of suitability for future sports fields. The site is partially owned by the Council currently. The report noted the following:

69. This site was identified as having good access opportunities with access from Ōmokoroa Road via the future Francis Road extension as well as Prole Road. The site is also immediately opposite the future school site creating the possibility of shared use and cost sharing of facilities.

70. The Council owned land at 452 Ōmokoroa Road has two distinct levels, both are relatively flat however there is a noticeable distance between the levels. Large structures, such as the aquatic centre could be located on the lower level with sports fields on the top level. The embankment between the two levels is not too dissimilar to the Western Avenue Sportsground.
71. The use of this site for sports fields also provides an additional benefit of providing a high level of amenity as an entranceway into Ōmokoroa. The use of this site for sports fields and active purposes would also mean that Council does not need to purchase land in the middle of Prole Road from developers who already have preliminary development plans for medium/high density residential housing. Land acquisition will be required from private landowners to enable the development of a contiguous area of 10ha. Informal preliminary discussions have been held with potentially affected landowners. The main concerns that were raised were in relation to landowners being able to secure suitable land elsewhere within Ōmokoroa for their business activity.
72. Both options 2 (Prole Road eastern side) and 3 (Prole Road western side) are also suitable for sports field development given their flat topography, well draining soils and contiguous rectangular shape. However, options 2 and 3 will come at significant cost to Council. Both of these sites are currently being progressed by established land development companies who are preparing development plans and resource consent applications to be lodged when the new residential rules are in place for Ōmokoroa.
73. Option 4 (Francis Orchard) and Option 5 (end of Prole Road) are located towards the end of Prole Road adjoining the Waipapa River. The sites do not have good visibility or access for the public when considering the high number of users that will access future sports fields. The sites are not located centrally and do not have good connectivity to the town centre or future school site. Option 5 is also unsuitable due to the soil type and configuration of the site. In addition, Option 5 is likely to be purchased for

the use of stormwater purposes for the development of Prole Road and surrounding residential land.

74. Option 6 (Prole Road /Francis Link) is suitable from a soil type and contour perspective however is limited due to the gully which adjoins the site on either side of the site. In addition, the future Prole to Francis link road will bisect the site which reduces the suitability of the site for contiguous playing fields. The southern end of the site is also very narrow and visibility from Francis Road is reasonably restricted.
75. Option 7 (R&J Francis Property) is significantly impacted by the Waka Kotahi NZ Transport Agency SH2 and Ōmokoroa Interchange upgrade and existing designation. There is some land that could be leftover, however, it is impacted by steep slopes and is not large enough for sportsfield development.
76. Following discussion on the above the Councilors directed that more detailed analysis be undertaken on Option 1 and Option 6 and community feedback be obtained.
77. As part of the public consultation in June 2021 the two main alternative options were provided for the community to comment on. In this process the Prole Road /Francis Link option became Option 2. The community feedback that supported the corner of Ōmokoroa and Prole Roads option included the following reasoning:

Option 1

- Better connectivity to town centre/school and wider Ōmokoroa.
- More logical layout
- Benefits for the school site, particularly the use of indoor stadium and aquatic centre.
- Close proximity to the proposed Park n Ride
- More visible to the community
- Better than Option 2 which is away from the main centre of the population

- Better than Option 2 which creates safety issues with kids accessing on bikes alongside trucks on Francis Road
- Better than Option 2 for which all school aged children will be required to be driven to the grounds resulting in increased road usage and emissions from vehicles.

78. There was a body of support for the Francis / Prole Road Link site especially from residents of the Ōmokoroa Caravan and Motorhome Park who were concerned about being displaced from the holiday park by the Active Reserve. Reasons in support of this option included:

Option 2

- Would not impact as much on local businesses as Option 1 would
- Would provide two road entrances
- The caravan park and childcare centre could remain
- Removes traffic congestions off Ōmokoroa Road
- Removes risk of children crossing four laned road
- More potential for walkway / cycleway access and greater 'park like setting' being surrounded by gullies.

79. In terms of the long-term benefit for the community when the peninsula is fully urbanised, Option 1 was considered the superior option from a place-making perspective due to the close connectivity with the school and town centre and easy access from Ōmokoroa Road.

WHETHER THE WORK AND DESIGNATION ARE REASONABLY NECESSARY FOR ACHIEVING THE OBJECTIVES OF THE REQUIRING AUTHORITY FOR WHICH THE DESIGNATION IS SOUGHT.

80. The area is an identified urban growth area, and to facilitate the next stage of Ōmokoroa's development the Council has been undertaking a structure plan and related plan change process in collaboration with the community. A key part of the structure plan is the identification of the Active Reserve. The designation is required to 'safeguard' the proposed public work in accordance with the proposed structure plan.

ANY OTHER MATTER THE TERRITORIAL AUTHORITY CONSIDERS REASONABLY NECESSARY IN ORDER TO MAKE A DECISION ON THE REQUIREMENT.

81. As previously discussed, the intent to establish a 10 ha Active Reserve has been included in the 2024 and 2026 in the 2021/31 Long Term Plans.
82. The LTP process includes considerable public consultation and engagement with the community and there is a clear community expectation that an Active Reserve will be provided within the new Ōmokoroa growth area.

RESOURCE MANAGEMENT ACT 1991

83. The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources. Sustainable management is defined as: *managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
 - a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - c) *Avoiding remedying or mitigating any adverse effects of activities on the environment.*
84. The proposed Notice of Requirement will provide for the future recreation needs in the local community and will provide for the community's social, economic and cultural wellbeing. The effects of the designation and activity have been discussed in Section 7 of this report where it was concluded that any potential for adverse effects is able to be avoided, remedied or mitigated.

The life supporting capacity of air, water, soil and ecosystems is maintained. For these reasons the proposed designation is consistent with the sustainable management purpose of the RMA as defined in section 5 of the Act.

85. In achieving the purpose of the RMA, all persons exercising functions and powers under it, shall:

- Recognise and provide for matters of national importance as detailed in Part 2, Section 6 of the RMA.
- Have particular regard to other matters as detailed in Part 2 Section 7 of the RMA; and
- Consider the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

MATTERS OF NATIONAL IMPORTANCE (SECTION 6 OF THE RMA)

86. The only matter of national importance that may be considered directly relevant to the NOR is (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The NOR seeks to acquire land for general public use which allows the opportunity for local iwi/hapu to utilise the site. As noted earlier the WBOPDC as part of the Reserve Management Plan process it is expected that the Council will continue working in partnership with in particular, Pirirakau in developing appropriate management responses.

OTHER MATTERS (SECTION 7 OF THE RMA)

87. The Section 7 matters most relevant to this proposal are:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*

88. The proposed designation is considered to be an efficient use of natural and physical resources as it will provide for the well-being of the community by providing recreation and social facilities. The protection of the land for the purpose of an Active Reserve within an area of future higher density residential development is an efficient use of land.

89. The Act defines amenity values as:

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

90. The proposed Active Reserve will provide a key role in providing for amenity values within an area that is designed to be higher density than has traditionally been developed in Ōmokoroa. The Active Reserve will provide natural and physical qualities and characteristics to the area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, cultural and specifically recreational attributes.

91. The site currently has a mixture of land uses. The proposed Active Reserve will provide the opportunity to enhance the quality of the environment through the development of a comprehensive park complex.

PRINCIPLES OF THE TREATY OF WAITANGI

92. Through the overall structure plan process the Council has engaged with iwi/hapu, including the commissioning of an Ōmokoroa Urban Design Cultural Overlay to inform and influence the Stage 3 structure plan.

93. As part of the Reserve Management Plan process, it is expected that the Council will continue working in partnership with in particular, Pirirakau in developing appropriate management responses.

CONSULTATION

94. In addition to the wider consultation processes as part of the various LTP processes and the general development of structure plan alternatives which all identified a 10 ha Active Reserve within the Stage 3 growth area,

more targeted consultation has been undertaken with directly affected parties and the wider community. Initial detailed consultation was scheduled for early April (2021) but was postponed because of the delay in the Jace town centre hearing decision which as previously discussed had a considerable bearing on options.

95. As discussed previously the two selected 'preferred options' were presented at the landowner and public open days held in June 2021 and feedback received. Covid restrictions has also made direct face to face consultation challenging, however subsequent face to face meetings were held with all directly affected parties in September 2021.
96. In summary there was a variation in response with some parties being well aware that their land was highly likely to be subject to change of land use with the urbanisation of the area and in some cases – there were limitations on current resource consents for this reason, to others who felt that their property should be excluded.
97. The representatives of Rascal Holdings Limited – 7 Prole Road (Mr & Mrs Cummins) were the latter who wished to be able to keep the operation of the early childhood centre operating on the site and had significant concerns about being able to find a suitable site to relocate. They explained the difficulties in finding the current site and the uncertainties and expense around obtaining resource consent.
98. Jace Orchards Limited representative Craig Lemon (454 Ōmokoroa Road) had no significant concerns other than to ensure that Council will act in a fair and reasonable manner in regard to purchasing of land and communications in that regard.
99. The representatives of the Ōmokoroa Caravan and Motorhome Park – 468 Ōmokoroa Road (Aaron & Matt Drayson) were concerned about being able to find an alternative site and explained that the operation had a large number of people who considered the Park as being their principal residence and the need to provide housing alternatives to these people.

Their biggest issue was to find an alternative site and time surety around when the current site may be needed.

100. TDD Limited - 474 Ōmokoroa Road representatives (Chris & Antionette Taylor) were well aware that the resource consent for the storage facility included conditions of consent stating that the consent will expire on 18 May 2026. They are keen to continue the operation as long as possible and are willing to look at moving the operation to land within the nearby Industrial Zone.

101. Max Kehoe (476 Ōmokoroa Road) raised no strong objection to the proposal and was looking to re-establish on a site elsewhere. The possibility of selling to Council and leasing back until the land was required for active development was discussed.

102. All parties were wanting assurances from Council that they would be fairly recompensed if the NOR and related designation went through and wanted good communications going forward. Various options such as selling and then leasing back the land until required were discussed and options for alternative sites.

103. Refer to Appendix 5 for the Consultation Record.

PROPOSED CONDITIONS OF DESIGNATION/OUTLINE PLAN

104. Once the subject site is formally designated and land acquired for the proposed use, the Active Reserve will be vested as Recreation Reserve and will be the subject of the Reserves Act 1977. As part of this process a reserves management plan will be prepared which will set out operational and development details for the reserve.

105. The Operative District Plan provides for "Activities on reserves as provided for in the Reserves Act 1977" as "permitted activities". The expectation is that this provision will continue to apply.

106. In the event that building development works are required prior to the reserve being vested an Outline Plan of Works process pursuant to section 176A of the RMA is proposed to apply. An outline plan must show—

(a) the height, shape, and bulk of the public work, project, or work; and

(b) the location on the site of the public work, project, or work; and

(c) the likely finished contour of the site; and

(d) the vehicular access, circulation, and the provision for parking; and

(e) the landscaping proposed; and

(f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

107. As noted previously resource consents will also need to be obtained for earthworks and for activities subject to the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health.

CONCLUSION

108. Pursuant to section 168A of the RMA, the WBOPDC seeks to designate a 9.45 ha site at 7 Prole Road, and 452, 454, 468, 474, 476 Ōmokoroa Road, Ōmokoroa to enable the development of an Active Reserve.

109. The bulk and location of onsite buildings and sports fields, landscaping, parking and access/egress will be confirmed either through a reserve management plan process or through the Outline Plan of Works process following separate detailed design processes subsequent to this designation.

110. The assessment of the actual and potential effects on the environment within section 7 of this report outlines that the proposed designation of the site for an Active Reserve will have positive social, recreational and community effects on the surrounding community. Any potential adverse

effects with respect to amenity and character and traffic generation can be adequately avoided, remedied or mitigated. The designation of the proposed site is in accordance with the proposed structure plan for the area and is a key component in providing necessary facilities to support a well functioning urban environment.

111. It has been assessed that this designation and proposed use of the site is consistent with the purpose of the RMA.
112. The WBOPDC requests that the designation for Reserve Purposes on Lot 1 DP 506806, Lot 1 DPS 67533, Lot 2 DPS 41630, Lot 1 DPS 61801, Part Lot 1 DPS 16684 and Lot 2 DP 506806 (452, 454, 468, 474, 476 Ōmokoroa Road, and 7 Prole Road), be recommended to be confirmed.

LIMITATIONS

113. This report has been prepared for the particular project described and for the purpose of satisfying the statutory information requirements under the Resource Management Act 1991. No responsibility is accepted by Environment Consultants Organization (ECO) Limited (or its directors, agents or employees) for the use of the report or any part of it in any other context or for any other purpose.

APPENDICES

Appendix 1	Records of Titles
Appendix 2	Record of Resource Consents held for subject properties
Appendix 3	Maps/Plans
Appendix 4	Ōmokoroa Gully Reserves Concepts
Appendix 5	Consultation Record
Appendix 6	Active Reserves – Ōmokoroa – Stage 3 Discussion Paper

APPENDIX 1

Records of Title

APPENDIX 2

Record of Resource Consents held for subject properties

APPENDIX 3

Maps/Plans

APPENDIX 4

Ōmokoroa Gully Reserves Concepts

APPENDIX 5

Consultation Record

APPENDIX 6

Active Reserves – Ōmokoroa – Stage 3 Discussion Paper