



**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

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Volume 2**

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



Form 5 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/div>

Date received: 16/09/2022

Submission Reference Number #17

This is a submission on a change proposed to the following plan (the **proposal**): Plan Change 92 Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters

Address for service:

51 Moehau Street, Te Puke Te Puke Te Puke 3119

New Zealand

Email: wade4@xtra.co.nz

I wish to be heard: No

I am willing to present a joint case: No

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- No

Submission points

Point 17.1

17.1

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section:

Support/Oppose/Amend: Oppose

Submission

I oppose increasing the housing density with multiple three storey residential buildings in existing neighbourhoods without neighbours written consent.

These will be multi unit residences and not a single family home. As such the social costs of this higher density will increase significantly.

The existing residents all bought or built their homes within the existing rules for housing and are mostly single level homes, single level units and some two storey houses. To have this radical change imposed on us by Wellington is not acceptable as it will change neighbourhoods significantly. The removal of residents ability to have a say on what is proposed in their street is also unacceptable. The existing Te Puke road/parking/ sport and recreation/welfare infrastructures are not adequate to support the higher density and it takes many years to upgrade these.

Towns like Te Puke do not have the scale of social welfare capabilities/agencies/medical facilities in the town to meet the needs of the people that will use these higher density dwellings. The Police station is only open limited hours Monday to Friday with delays in responding in the evenings, night and weekends.

The road network in the town since the main street changes has become more congested at peak times with large tailbacks during the morning and evening commutes for work. Adding greater density housing should only occur once the road network has been upgraded in advance to cope with the extra traffic. The recently added roundabouts at No3 Road/ Quarry Road with the Te Puke Highway are an example of poor design creating time wasting long tailbacks. The road width is sufficient to allow a slip lane for traffic entering the town from Papamoa to merge with traffic from the two side roads. This would reduce unnecessary congestion. Te Puke really needs extra roads to provide an alternative route around the town to reduce main road congestion and cater for accident situations both of which will increase with the extra density housing in an already busy kiwifruit town. Perhaps a direct link from the Te Puke township to the Expressway needs to be re-assessed before any of the higher density is allowed.

Thank you for the opportunity to have a say.

John Wade

Relief sought

The decision for Council to make is to say NO to three storey multi unit developments within the existing neighbourhoods of Te Puke.

The people already living in these neighbourhoods that will be immediately affected by these developments must still be able to have a say and give written consent.

Tell Wellington thanks but no thanks and make them listen. Have they provided a large fund to pay for all the extra infrastructures both physical and social?

These sorts of developments can be included in new subdivisions where the whole needs of such high density living can be well considered and planned for.

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



Form 5 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/div>

Date received: 16/09/2022

Submission Reference Number #18

This is a submission on a change proposed to the following plan (the **proposal**): Plan Change 92 Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters

Address for service:

Fire and Emergency New Zealand
PO Box 448, Hamilton 3240
New Zealand
Email: alec.duncan@beca.com

Submission on behalf of:

FENZ

Attachments:

Minimum carriageway width.png

Fire and Emergency New Zealand Submission - Western Bay of Plenty District Council - Proposed Plan Change 92 - 16.09.2022.pdf

I wish to be heard: Yes

I am willing to present a joint case: No

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- Yes

Submission points

Point 18.1

18.1

Section: Section 4B - Transportation Access and Parking

Sub-section: 4B.4.4 Access to Urban Roads (Residential, Medium Density Residential, Rural-Residential, Natural Open Space, Commercial, and Industrial Zones) other than Strategic Roads

Support/Oppose/Amend: Support

Submission

Fire and Emergency recognise that access to urban roads is largely regulated through Council's 2009 Development Code and Rule 4B.4.4 has been amended to include the Medium Density Residential Zone (MDRZ). Fire and Emergency request that Council's Development Code be updated to reflect the changes sought in this submission and the changing urban environment of which PPC92 enables.

Relief sought

No amendment sought.

Point 18.2

Section: Section 4B - Transportation Access and Parking

Sub-section: 4B.4.6 On-site Manoeuvring

Provision

All activities shall provide manoeuvring space onsite so that all vehicles can enter and exit without reversing on to or off the road. Such manoeuvring shall be able to be executed in no more than a three-point turn.

Except that:

Dwellings in the Residential and Medium Density Residential Zone with direct access off a District Road are not required to provide for onsite manoeuvring.

Support/Oppose/Amend: Support in part

Submission

Fire and Emergency support 4B.4.6 insofar that the exception for onsite manoeuvring in the MDRZ applies only where there is direct access off a road only. Where direct access cannot be achieved, it will be important that sufficient onsite manoeuvring is provided for residents as well as emergency service vehicles. Any accessway with a dead end needs a turnaround area so that Fire and Emergency vehicles can move their vehicles quickly in an emergency to protect them.

Relief sought

No amendment sought.

Point 18.3

Section: Section 4B - Transportation Access and Parking

Sub-section: 4B.4.6 On-site Manoeuvring

Support/Oppose/Amend: Oppose

Submission

Where compliance is not achieved with the on-site manoeuvring requirement of Rule 4B.4.6, resource consent is required as a restricted discretionary activity. Fire and Emergency request a new matter of discretion be added to 4B.6.2.

Relief sought

Add new matter of discretion as follows:

[h. the ability for emergency service vehicles to manoeuvre on-site effectively and safely.](#)

Point 18.4

18.4

Section: Section 8 - Natural Hazards

Sub-section: 8.5.1 Restricted Discretionary Activities

Provision

e.

The extent to which lifeline *infrastructure* providing essential services to households or the wider community is avoided within areas known to be susceptible to possible liquefaction or lateral spread.

Support/Oppose/Amend: Support

Submission

Risk reduction is central for Fire and Emergency as a national organisation as set out in the Risk Reduction Strategy 2019–2029. Fire and Emergency's role in relation to natural hazards is embedded in Fire and Emergency New Zealand Act 2017.

Fire and Emergency support the addition of rule 8.3.3(e) to the extent that the rule seeks to manage the effects of liquefaction. This will support in guiding new development to appropriate locations and safeguard well-functioning and resilient communities.

Relief sought

No amendment sought.

Point 18.5

18.5

Section: Section 11 - Financial Contributions

Sub-section: 11.4.2 Council's infrastructure network to which financial contributions apply

Support/Oppose/Amend: Support

Submission

Fire and Emergency support the amendment to Chapter 11 insofar that it enables council to impose a financial contribution as a condition of a resource consent or through the building consent process in the case of one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones.

Where there is additional demand on infrastructure, in particular on the transportation and water supply network, it is important that council ensure that new development does not compromise the existing networks that are currently serving the communities and that additional infrastructure is provided for in order to adequately service future developments. Fire and Emergency specifically support financial contributions for transportation and water supply for the purpose of ensuring that the impacts of growth and intensification are adequately managed.

Relief sought

No amendments sought.

Point 18.6

18.6

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.1 Site Suitability

Provision

g.

Each *lot* in a Residential, Medium Density Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management *infrastructure* of adequate capacity, and formed and sealed roading in accordance with *Council's* Development Code. **18.6**

Support/Oppose/Amend: Support in part

Submission

Fire and Emergency strongly support the amendment to Rule 12.4.1 to include the Medium Density Residential Zone to require each lot to be capable of being connected to reticulated water supply infrastructure of adequate capacity and formed and sealed roading in accordance with Council's Development Code.

Development Code DS7 Water Supply (section 7.1) sets out the minimum requirements for all developments which require all allotments to be provided with a water supply connection which shall be 20mm internal diameter. All water supply connections require application to and approval by Council.

Further, developments without access to a public supply must be "served by a privately owned water supply which satisfies all legislation and guidelines, including but not limited to, drinking water standards, Building Act and the New Zealand Fire Service Code of Practice; SNZ PAS 4509:2008 and subsequent amendments, to the satisfaction of the New Zealand Fire Service".

Section 7.2 (Level of Service) requires "All water supply reticulation shall be to a Water Supply Classification W3, or such higher classification as appropriate in terms of the New Zealand Fire Service Firefighting Water Supplies Code of Practice, SNZ PAS 4509:2008 and subsequent amendments".

The Section 32 Report notes that through Council's Water Conservation Strategy and Asset Management Plan, initiatives exist to measure and manage the water supply giving Council the ability to monitor and report on water usage and pro-actively plan for growth, future source, storage and reticulation infrastructure.

For Te Puke, Fire and Emergency understand that based on the modelling exercise undertaken and the planned identified upgrades, Council's infrastructure staff are comfortable that with the planned upgrades, the water network has sufficient capacity to cater for intensification expected as a result of the plan change.

However, in order for Council to ensure that level of service is maintained, Fire and Emergency strongly suggest that additional mechanisms are put in place to adequately monitor and manage the cumulative effects of the future growth and intensification on the water supply infrastructure in both Ōmokoroa and Te Puke through the district plan.

Fire and Emergency require a rule in the district plan that requires developers to demonstrate and provide evidence that their development can be adequately serviced in accordance with SNZ PAS 4509:2008. This is sought elsewhere in this submission.

Relief sought

No relief sought.

Point 18.7

18.7

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.3 Extension of Services

Provision

12.4.3.2

Residential, Medium Density Residential, Commercial and Industrial Zones

Support/Oppose/Amend: Support

Submission

Fire and Emergency support Rule 12.4.3 to the extent that it requires all existing utility services (i.e. the water supply network) to be extended into all developments in accordance with all other relevant parts of the District Plan and the Development Code, allowing for the connection of each new site within the development, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services where inadequacy exists.

In order to ensure that the cumulative effects on the water supply network are adequately managed, Fire and Emergency request that Council require developers to demonstrate and provide evidence that their development can be adequately serviced in accordance with SNZ PAS 4509:2008. This is sought elsewhere in this submission.

Relief sought

No relief sought.

Point 18.8

18.8

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.3 Extension of Services

Provision

12.4.3.3

Rural, Lifestyle, Rural-Residential and Natural Open Space Zones

Support/Oppose/Amend: Support

Submission

Fire and Emergency support this rule insofar that Natural Open Space Zones are subject to the water supply requirements set out in Council's Development Code.

Relief sought

No relief sought.

Point 18.9

18.9

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.4 Transportation and Property Access

Provision

Table 1: Urban Roads (Residential, Medium Density Residential, Rural-Residential, Commercial and Industrial Zones)

Support/Oppose/Amend: Oppose

Submission

The MDRZ has been added to Table 1 which set out the road reserve and pavement widths and maximum grades based on road function for urban roads.

By way of background, for fire appliances to access an emergency, adequate accessway width, height and gradient is necessary. A 95th percentile pumping appliance has a width of 2.5m, a height of 3.55m and a length of 8.72m. Vehicular roading and access widths, surface and gradients should support the operational requirements of Fire and Emergency appliances. These requirements are set out as follows:

- The minimum roading and carriageway widths should not be less than 4m. This width is required for firefighters to efficiently work around the fire appliance to access hoses and pumps.
- A clear vehicle crossing of no less than 3.5m wide should be provided as site entrances, internal entrances and between buildings.
- The maximum negotiable gradient is 1:5, but in general the roading gradient should not exceed 16%.

Carriageways should be wide enough to allow fire and emergency vehicles to get through them easily and to allow Fire and Emergency to carry out emergency operations. This means that when the fire appliance vehicle is parked, Fire and Emergency personnel can easily open and exit the doors, access equipment from its compartments and safely connect the hose to the pump.

Fire and Emergency request that Table 1 be amended to reflect Fire and Emergency's minimum access requirements for all urban roads and that the Development Code be updated to align with the requirements set out in this submission.

Relief sought

Classification

	Road reserve	Carriageway (includes parking bays)		
Privateway serving up to 2 units	2.7 5.0	2.5 4.0	20 16	Private access: max length 35m
Privateway serving 3-6 units	5.0	3.5 4.0	12.5	Private access: max length 100m with provision for mid point passing <u>and hardstand in accordance with SNZ PAS 4509:2008</u> if greater than 70m <u>from the road frontage</u>

Point 18.10**18.10****Section:** Section 12 - Subdivision and Development**Sub-section:** 12.4.4 Transportation and Property Access**Support/Oppose/Amend:** Oppose**Submission**

Fire and Emergency oppose rule 12.4.4.4(e)(v) to the extent that the reserve and pavement widths required in the Development Code tables can be reduced at the point where the number of lots dependent on access defaults to the next (lower) standard in the tables.

Fire and Emergency has requested above that the minimum access width be 4m. Fire and Emergency request that this rule be removed.

Relief sought

Delete 12.4.4.4(e)(v).

Point 18.11**18.11****Section:** Section 12 - Subdivision and Development**Sub-section:** 12.4.7 Water Supply**Support/Oppose/Amend:** Support**Submission**

Fire and Emergency support Rule 12.4.7.1 insofar that new or existing sites are required to be connected to the reticulated water supply system in accordance with Council's Development Code.

It will be important that Council enforce the requirements of the Development Code which includes compliance with SNZ PAS 4509:2008.

Relief sought

No relief sought.

Point 18.12**18.12****Section:** Section 12 - Subdivision and Development**Sub-section:** 12.4.7 Water Supply**Provision**

12.4.7.2

Within Residential, Medium Density Residential, Industrial and Commercial Zones

Support/Oppose/Amend: Support in part**Submission**

Fire and Emergency supports the amendment made to 12.4.7.2 to include Residential and Medium Density Zones. Fire and Emergency specifically support 12.4.7.2(b) that requires "A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice".

18.12

It will be important that Council ensure that each new connection is able to achieve sufficient capacity and pressure in accordance with SNZ PAS 4509:2008. Fire and Emergency request that, where the reticulated network already exists, that developers are required to demonstrate by way of evidence that the reticulated water supply system will be able to adequately service their sites prior to resource consent being granted. This will be particularly important for intensification developments which will likely be connecting to the existing network.

Where compliance cannot be achieved with 12.4.7.2(b), it is requested that these applications require resource consent as a discretionary activity.

Relief sought

Add new advice note as follows:

Advice note:

1. To demonstrate compliance, applicants must provide evidence to Council (i.e. hydrant testing data) to confirm that the water supply network is able to service their site/s in accordance with SNZ PAS 4509:2008.

Point 18.13

18.13

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

All subdivision, use and *development* in the identified *Structure Plan* areas on Planning Maps U57 to U66 (as applicable) shall provide stormwater management reserves and access thereto, roading and road widening, *public reserves*, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan (except in relation to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) where Rule 12.4.11.4 applies in relation to the location of the *public reserve* area).

Support/Oppose/Amend: Support

Submission

Fire and Emergency support the use of structure plans as a mechanism to ensure comprehensive and integrated development of a growth area. In particular, it enables discussions with service providers (including Fire and Emergency) to occur for a growth cell in a holistic manner.

As the Ōmokoroa Structure Plan is in place, development is required to occur in a more planned and coherent manner. Where compliance with the structure plan does not occur, resource consent is required as a non-complying activity. This is important to Fire and Emergency as this ensures that adequate water supply and roading infrastructure will be in place before enabling the development of these large growth areas, particularly those that are intended to be serviced. This includes reticulated water supply, roading and property access in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and Council's Development Code.

Relief sought

No relief sought.

Point 18.14

18.14

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.14 Te Puke Structure Plan

Provision

12.4.14.3

Compliance with the Te Puke Structure Plan

Submission

Fire and Emergency support the use of structure plans as a mechanism to ensure comprehensive and integrated development of a growth area. In particular, it enables discussions with service providers (including Fire and Emergency) to occur for a growth cell in a holistic manner.

As the Te Puke Structure Plan is in place, development is required to occur in a more planned and coherent manner. This is important to Fire and Emergency as this ensures that adequate water supply and roading infrastructure will be in place before enabling the development of these large growth areas, particularly those that are intended to be serviced. This includes reticulated water supply, roading and property access in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and Council's Development Code.

Relief sought

No relief sought.

Point 18.15

18.15

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.2.1 Objectives

Support/Oppose/Amend: Support

Submission

Fire and Emergency support this objective insofar that it requires Council to provide for a well-functioning urban environment and enables all people and communities to provide for their health and safety, now and into the future. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.

Relief sought

No relief sought.

Point 18.16

18.16

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.2.2 Policies

Provision

4.

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

Support/Oppose/Amend: Support

Submission

Fire and Emergency support this policy insofar that it requires housing to be designed to meet the day-to-day needs of residents. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.

Relief sought

No relief sought.

Point 18.17

18.17

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.2.2 Policies

Provision

6.

Enable a variety of housing *developments* such as infill *development*, comprehensive residential *development*, *retirement villages*, papakāinga and pocket neighbourhoods in a manner which responds to the specific needs of the community which they are designed for.

Support/Oppose/Amend: Support

Submission

As per the explanatory statement for this chapter, these larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments including consistency with activity performance standards, structure plans and good urban design outcomes.

Fire and Emergency support this policy insofar that it directs developers to respond to the specific need of the community of which they are designing for. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.

Relief sought

No relief sought.

Point 18.18

18.18

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.2.2 Policies

Provision

7.

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 urban design outcomes are being achieved.

Support/Oppose/Amend: Support

Submission

As per the explanatory statement for this chapter, these larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments including consistency with activity performance standards, structure plans and good urban design outcomes.

Fire and Emergency support this policy insofar that it requires proposals of four or more residential units on a site to provide integrated assessments which fully assess how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved.

Relief sought

No relief sought.

Point 18.19

18.19

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.2.2 Policies

Support/Oppose/Amend: Oppose

Submission

Fire and Emergency request that a new policy be included within the policy framework to ensure the impacts on the roading network are adequately addressed given that there is no longer a requirement to provide onsite carparking or therefore on-site vehicle access. This would require developers to assess the impacts of their proposal and give Council the ability to assess the impacts on the roading network and impose conditions of consent to manage such effects i.e. to require onsite parking or parking management plans.

The proposed policy has been adopted from the Tauranga City Proposed Plan Change 33.

Relief sought

Insert new Policy 14A.2.2(19) as follows:

[Policy 14A.2.2\(19\) - Access Requirements](#)

Ensuring that all right of ways, private accessways, or legal access lots are designed and constructed to ensure:

a. The activity can be accommodated without compromising the functionality of the access and the effects of traffic generation on the surrounding transport network.

b. The safe and efficient movement of pedestrians and vehicles within the site and the adjacent road network.

c. The functional and operational requirements of activities and development, providing adequate space and location for waste management areas.

d. Access and provision for emergency and waste collection services.

Point 18.20

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.3.4 Discretionary Activities

Support/Oppose/Amend: Oppose

Submission

Fire and Emergency note that emergency service facilities and activities are not provided for in the MDRZ. Given the statement at 4A.1 'Activities Not Specifically Provided For', this means that all emergency service facilities are a non-complying activity.

Fire and Emergency therefore seeks that emergency services activities be included in this activity list as fire stations are an integral component of the urban environment and these facilities (i.e. fire stations) provide for the health, safety and wellbeing of people in the community.

As noted previously, the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount the health, safety and wellbeing of people and the community. Fire stations therefore need to be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively respond to emergency call outs in a timely way, thus avoiding or mitigating the potential for adverse effects associated with fire hazard and other emergencies.

Fire and Emergency therefore seeks that emergency service activities be added to 14A.3.4 Discretionary Activities.

Relief sought

Add new activity:

Discretionary Activities

[j. Emergency Service Activities](#)

Add new definition:

EMERGENCY SERVICE ACTIVITIES

those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, but excluding health care facilities and hospitals.

Point 18.21

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.4.1 Density Standards

Provision

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

Support/Oppose/Amend: Support in part

Submission

Fire and Emergency acknowledge that Rule 14A.4.1 incorporates the density standards required by Part 2 of Schedule 3A of the RMA.

As set out in section 1.2.4 of this submission, Fire and Emergency have concerns around the increased risk of fire spreading as a result of reduced boundary setbacks. Reduced setbacks can inhibit Fire and Emergency personnel from getting to the fire source or other emergency. The difficulty of access may also increase the time for fire to burn, thereby increasing the heat radiation in a confined area.

Fire and Emergency acknowledge that firefighting access requirements and building setback controls are managed through the New Zealand Building Code however consider it important that these controls are brought to the attention of plan users (i.e. developers) early on in the resource consent process so that they can incorporate the NZBC requirements early on in their building design. Fire and Emergency therefore request that, as a minimum, an advice note is included with Rule 14A.4.1(d) directing plan users to the requirements of the NZBC.

Relief sought

Add advice note:

[Advice note:](#)

[Building setback requirements are further controlled by the Building Code. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage.](#)

Point 18.22

18.22

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.4.1 Density Standards

Provision

f.

Outdoor living space (per unit)

Support/Oppose/Amend: Support in part

Submission

Fire and Emergency support the provision of an outdoor living space on the premise that while not directly intended, may provide access for emergency services and space for emergency egress.

As above, Fire and Emergency acknowledge that firefighting access requirements are managed through the NZBC however consider it important that these controls are brought to the attention of plan users (i.e. developers) early on in the resource consent process so that they can incorporate the NZBC requirements early on in their building design. The NZBC requirements will have an influence over how a site is designed and consequential site layout therefore Fire and Emergency consider it important that developers incorporate these requirements into their site layout at resource consent so that Council are able to assess this design to ensure compliance with the RMA.

Fire and Emergency therefore request that, as a minimum, an advice note is included with Rule 14A.4.1(f) directing plan users to the requirements of the NZBC.

Relief sought

Add advice note:

[Advice note:](#)

[Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage.](#)

Point 18.23**Section:** Section 14A - Omokoroa and Te Puke Medium Density Residential**Sub-section:** 14A.4.2 Other standards**Provision**

e.

Vehicle crossing and access

Support/Oppose/Amend: Oppose**Submission**

This rule is opposed by Fire and Emergency as it does not prescribe the minimum vehicle crossing requirements that would ensure well-functioning and resilient communities.

Fire and Emergency requires all sites to provide a minimum vehicle crossing width of no less than 3.5m and a height clearance of 4m at site entrances. This is prescribed in the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD and NZBC.

Fire and Emergency therefore request that this rule be amended to include a vehicle crossing minimum width and height clearance in the MDRZ in order to provide for emergency access.

Should an application not comply with the minimum requirements, resource consent will be required as a restricted discretionary activity and will provide Council the ability to assess a development in accordance with the existing matters of discretion set out in 14A.7.14.

This amendment gives effect to the objectives and policies set out in 14A.2.1 and 14A.2.2, providing for a well-functioning and resilient community.

Fire and Emergency note that all other access provisions are set out in the subdivision and development section. Fire and Emergency suggest that this provision is relocated to 12.4.4 Transportation and Property Access where minimum carriageway widths are located in Table 1 for consistency and to start to align with the national planning standards.

Relief sought

Amend rule 14A.4.2 as follows:

e. ~~Vehicle crossing and access~~

i. For a site with a front boundary the vehicle crossing shall be no less than 3.5m in width and 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. A clear passageway of no less than 4.0m in height at site entrances.

Point 18.24**Section:** Section 14A - Omokoroa and Te Puke Medium Density Residential**Sub-section:** 14A.4.2 Other standards**Provision**

l.

Transportation, Access, Parking and Loading – See Section 4B.

Support/Oppose/Amend: Support in part**Submission**

Fire and Emergency support the addition of 14A.4.2(l) subject to the acceptance of the consequential amendments sought to Section 4B relating to access widths in the MDRZ.

Relief sought

No relief sought.

18.24

Point 18.25

18.25

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.4.2 Other standards

Provision

w.

Natural Hazards – See Section 8.

Support/Oppose/Amend: Support

Submission

Fire and Emergency support the application of Section 8 to the MDRZ insofar that this will ensure that new developments in areas subject to natural hazard risk are avoided or adequately mitigated.

This will ensure consistency with objective 1 that requires 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 as directed by the NPS-UD.

Fire and Emergency support the cross-referencing of other methods such as emergency management plans as a means of providing for public education and preparedness in communities as set out in the Chapter 8 introduction.

Relief sought

No relief sought.

Point 18.26

18.26

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.6.1 Subdivision for the purpose of the construction and use of residential units

Support/Oppose/Amend: Support in part

Submission

Fire and Emergency support the matters of control insofar that they address the provision of roading (c) and infrastructure in accordance with the structure plan as well as compliance with the Development Code or an approved alternative design (d).

Fire and Emergency further support (g) which controls the effects of access to and within the subdivision.

Fire and Emergency request additional matters of control to address the actual and potential effects on the transport network when considering an application for the subdivision of land for the purpose of the construction and use of residential units. This will provide Council the ability to impose conditions of consent (section 108 of the RMA) to address actual and potential effects on the roading network, should this be deemed necessary.

These matters have been adopted from the Tauranga City Proposed Plan Change 33.

Relief sought

Add matters of control as follows:

[j. Whether vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links.](#)

[k. The effects from the proposal on the safe and efficient operation of the transport network \(including the function of roads as identified in the road hierarchy\) and measures to avoid, remedy or mitigate those adverse effect.](#)

[l. Whether the provision for collection points and facilities are readily accessible by emergency services, service vehicles and workers and will not at any time detract visually or generate health risks in the area.](#)

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential**Sub-section:** 14A.7.1 Restricted Discretionary Activities – Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes**Support/Oppose/Amend:** Support**Submission**

Fire and Emergency broadly support the matters of discretion that apply to proposals that require resource consent for 'Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes'.

It is paramount to Fire and Emergency that these matters of discretion are comprehensive and provide Council the ability to decline a resource consent (or impose consent conditions) on the basis that a proposal will not deliver a high quality and well-functioning urban environment.

Fire and Emergency specifically support:

- Objectives and policies: 14A.7.1(a)
- Relevant Structure Plan: 14A.7.1(c-g) on the basis that a proposal must be consistent with the structure plan of which it is subject to.
- Urban Design: 14A.7.1(h-l) specifically (k)(vii) that requires consideration of the provision of efficient access for emergency vehicles.

Overall, Fire and Emergency support these matters of discretion and consider these robust enough to ensure that Council can require and subsequently ensure the delivery of high quality outcomes in the MDRZ.

Relief sought

No relief sought.

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential**Sub-section:** 14A.7.4 Restricted Discretionary Activities – Non-Compliance with Setbacks ProvisionSide and rear *yards***Support/Oppose/Amend:** Oppose**Submission**

In considering an application that does not comply with 'Activity Performance Standard 14A.4.1 (d) Setbacks', Fire and Emergency request a new matter of discretion be included to enable Council the ability to consider the actual and potential effects of the non-compliance on the use of a development in regard to pedestrian access and egress. This will ensure consistency with objective 1 and 2 that requires 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 and that housing is designed to meet the day-to-day needs of residents.

This should also be an indication to Council that the NZBC requirements will need to be considered to ensure that Council are not granting resource consents under the RMA that are inconsistent with the NZBC.

This matter of discretion should go some way in addressing the gaps in the NZBC (C5) of which setback controls do not apply to detached dwellings as discussed in Section 1.2.4 above.

Relief sought

Add new matter of discretion as follows:

Front yard

d. The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.

Side and rear yards

f. The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.

Point 18.29

18.29

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential

Sub-section: 14A.7.14 Restricted Discretionary Activities – Non-Compliance with Vehicle Crossing and Access

Support/Oppose/Amend: Oppose

Submission

In considering an application that does not comply with the 'Activity Performance Standard 14A.4.2 (e) - Vehicle Crossing and Access' Fire and Emergency request a new matter of discretion that considers the impacts of non-compliance on the ability to provide efficient access for emergency vehicles and service vehicles.

This is consistent with matter of discretion 14A.7.1(k)(vii).

Relief sought

Add new matter of discretion as follows:

d. Providing efficient and effective access for emergency vehicles and service vehicles.

Point 18.30

18.30

Section: Other - Not Specified

Sub-section:

Support/Oppose/Amend: Support

Submission

Fire and Emergency generally support the proposed Residential Design Outcomes that recognise high quality urban design principles and provides direction on how to achieve these through good design. To aid delivery of high quality outcomes, Fire and Emergency request that Appendix 8 be updated to reflect best practice as sought throughout its submission, particularly as it relates to providing adequate emergency access to achieve quality residential developments.

Relief sought

Amend subject to amendments sought throughout Fire and Emergency's submission.

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

Intensification Streamlined Planning Process (ISPP)

To: Western Bay of Plenty District Council

Submission from: Fire and Emergency New Zealand

This submission is made on behalf of Fire and Emergency New Zealand (Fire and Emergency) to Western Bay of Plenty District Council (WBOPDC) on Proposed Plan Change 92 (PPC92).

1.1 Context

The primary objective of Fire and Emergency is to reduce the incidence of unwanted fire and the associated risk to life and property. Fire and Emergency seek to:

- protect and preserve life
- prevent or limit injury
- prevent or limit damage to property and land, and
- prevent or limit damage to the environment¹.

Fire and Emergency's main functions² are—

- (a) to promote fire safety, including providing guidance on the safe use of fire as a land management tool; and
- (b) to provide fire prevention, response, and suppression services; and
- (c) to stabilise or render safe incidents that involve hazardous substances; and
- (d) to provide for the safety of persons and property endangered by incidents involving hazardous substances; and
- (e) to rescue persons who are trapped as a result of transport accidents or other incidents; and
- (f) to provide urban search and rescue services.

Fire and Emergency also has secondary functions to assist in matters to the extent that Fire and Emergency has the capability and capacity to do so and the capability to perform their main functions efficiently and effectively. These secondary functions³ are:

- (a) responding to medical emergencies; and
- (b) responding to maritime incidents; and

¹ Fire and Emergency New Zealand Act 2017 section 10(a)(b)

² Fire and Emergency New Zealand Act 2017 section 11(2)

³ Fire and Emergency New Zealand Act 2017 section 12(3)

- (c) performing rescues, including high angle line rescues, rescues from collapsed buildings, rescues from confined spaces, rescues from unrespirable and explosive atmospheres, swift water rescues, and animal rescues; and
- (d) providing assistance at transport accidents (for example, crash scene cordoning and traffic control); and
- (e) responding to severe weather-related events, natural hazard events, and disasters; and
- (f) responding to incidents in which a substance other than a hazardous substance presents a risk to people, property, or the environment; and
- (g) promoting safe handling, labelling, signage, storage, and transportation of hazardous substances; and
- (h) responding to any other situation, if Fire and Emergency has the capability to assist; and
- (i) any other function conferred on Fire and Emergency as an additional function by the Minister in accordance with section 112 of the Crown Entities Act 2004.

With the wider mandate and changing nature of Fire and Emergency response, the volume of incidents that Fire and Emergency responds to has grown, as has the range of incident types.⁴

Fire and Emergency attend on average, 1,128⁵ incidents across the Western Bay of Plenty district annually. This includes an average of:

- 283 fires
- 367 medical emergencies
- 182 vehicle accidents
- 87 rescues and public assists
- 207 'other'⁶ emergencies⁷

Fire and Emergency also faces broad challenges, such as the increasing frequency and severity of extreme weather events, increasing intensification of urban areas, and competing access to resources such as water and transport infrastructure. These challenges make the environment Fire and Emergency operates in more complex and puts greater demands on Fire and Emergency as an organisation.

Territorial authorities have a role in ensuring that Fire and Emergency, as an emergency service provider, can continue to operate effectively and efficiently in a changing urban environment. This includes consideration and management of the actual and potential implications on emergency services when giving effect to the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Act 2021 (Enabling Act).

Fire and Emergency note that Policy 1 of the NPS-UD seeks planning decisions that contribute to well-functioning urban environments, which includes urban environments that, as a minimum, have good accessibility and are resilient to the likely current and future effects of climate change.

⁴ There is an increasing need to respond to a wide range of non-fire emergencies, where Fire and Emergency often coordinate with and assist other emergency services. These include responding to motor vehicle accidents, medical call-outs, technical rescues, hazardous substance incidents such as gas or chemical leaks, and accidents and other incidents at sea. In 2016/17, Fire and Emergency attended more medical emergencies than structure and vegetation fires combined. (Source: NZ Fire Service Annual Report 2016/17)

⁵ Average 2017-2021

⁶ 'Other' emergencies include HAZMAT, heat, pressure and electrical call outs and false alarms.

⁷ Average 2017-2021. Fire and Emergency note the impact of COVID-19 on the number of incidents over the 2020/2021 period. In some urban environments, Fire and Emergency observed a reduction in fires and traffic accidents over this period. It is suspected this may have been due to people being home more during the pandemic and perhaps making them more vigilant around fires and reduction of unwanted fire, and fewer people in the public domain thereby reducing the likelihood of unwanted fires at beaches and parks.

This submission seeks to enable Fire and Emergency to carry out its requirements under the Fire and Emergency New Zealand Act 2017 more effectively in the protection of people, property and the environment in the event of an emergency.

This submission addresses matters relating to activities required to be undertaken to enable an effective emergency response and to provide for the health and safety of people and communities in the Western Bay of Plenty district. Issues of particular interest and relevance to Fire and Emergency broadly include:

- ensuring emergency services appliances and Fire and Emergency personnel can adequately access both built and natural environments across the Western Bay of Plenty district in the event of an emergency, and
- ensuring new development, including infill development, is adequately serviced by firefighting water supply, and
- maintaining and developing Fire and Emergency's property estate (e.g. fire stations) in strategic locations and at appropriate times to enable Fire and Emergency to continue to meet the demands and expectations of communities as they grow and change.

1.2 Emergency services access

Fire and Emergency requires adequate access to new developments, associated structures and the natural environment to ensure that they can respond in emergencies. This includes access in the event of fire, natural hazard, hazardous substances, medical or a rescue or assist.

Within the urban environment, the NPS-UD encourages higher residential densities, more varied housing typologies such as larger multi-unit development as well as a more compact urban form generally. Intensification and infill housing in the district are already challenging traditional access to properties for fire and other emergencies. This includes both vehicle access to the source as well as physical access by Fire and Emergency personnel to perform rescues and duties, where obstructions and site layout inhibit the use of lifesaving appliances such as ladders, hoses and stretchers.

The changes consequential to the NPS-UD will create new challenges for emergency services. Fire and Emergency consider it is vital for the health, safety and wellbeing of communities that the needs of emergency services are taken into account as new urban development is being planned. It is also important that future development areas are designed to be well-functioning and resilient to ensure that communities are able to evacuate in the event of an emergency. If emergency response cannot access people in the event of an emergency, this will not enable and provide for well-functioning and resilient communities and will not achieve Policy 1 of the NPS-UD.

Some of the implications of these aspects are set out in the following sections.

1.2.1 Pedestrian only developments

Fire and Emergency note that as a result of the NPS-UD, the requirement for onsite parking in all residential developments has been removed, increasing the number of developments that provide only pedestrian access on-site.

Fire and Emergency acknowledge that the New Zealand Building Code (NZBC) C5 specifies access and safety requirements for firefighting operations, where certain buildings must be designed and constructed so that there is a low probability of firefighters or other emergency services personnel being delayed in or impeded from assisting in rescue operations and performing firefighting operations. Buildings must also be designed and constructed so that there is a low probability of illness or injury to firefighters or other emergency services personnel during rescue and firefighting operations.

Of particular note, a performance requirement of C5 is that buildings must be provided with access for fire service vehicles to a hard-standing from which there is an unobstructed path to the building within 20m of

the firefighter access into the building and the inlets to automatic fire sprinkler systems or fire hydrant systems, where these are installed (among other requirements). These performance requirements do however not apply to detached dwellings, within household units in multi-unit dwellings, or to outbuildings and ancillary buildings, therefore there is a significant regulatory gap in the NZBC. Consequently, Fire and Emergency vehicular access requirements and firefighter access is not provided for within many types of developments of which WBOPDC are likely to expect.

While it is unclear how WBOPDC intend to manage such developments that intend to be pedestrian only, Fire and Emergency are concerned that the requirements of PPC92 for pedestrian only access developments will not be adequate for responders to efficiently access properties in event of a fire or emergency or to use tools and equipment effectively if required. This has the potential to significantly increase the risk to life and property.

Until such time as there is a review of the NZBC to 'catch up' with the changing urban environment, Fire and Emergency consider that the Resource Management Act 1991 (RMA) needs to address this matter up front in order to manage the use, development and protection of natural and physical resources which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety in accordance with Section 5 of the RMA.

To support effective and efficient access and manoeuvring of crew and equipment for firefighting, medical, rescue and other emergency response to pedestrian only access developments across Western Bay of Plenty district (should such developments be provided for), Fire and Emergency seek:

- pedestrian accessways are designed to be clear and unobstructed,
- pedestrian accessways have a minimum width of:
 - 3m on a straight accessway.
 - 6.2m on a curved or cornered accessway, and a
 - 4.5m space to position the ladder and perform operational tasks.
- wayfinding for different properties on a development are clear in day and night,
- developments give effect to the guidance provided in Fire and Emergency's 'Designer's Guide' to Firefighting Operations Emergency Vehicle Access' (December 2021) (Firefighting Operations Emergency Vehicle Access Guide)⁸.

Where resource consent is required for sites with no on-site vehicle access, matters of discretion should include consideration of the extent to which emergency service vehicle access is provided for. Urban design guidelines should also consider and reflect good practice examples that, where no vehicle access is provided to a lot/site, that an unobstructed path must be provided either, between buildings on the same site or between buildings and the property boundary to provide for sufficient firefighter access to the site/buildings. This can then be assessed on a case-by-case basis and councils' urban design guides could assist in the regard.

1.2.2 Emergency vehicle access

Adequate fire appliance access to both the source of a fire (or other emergency) and a firefighting water supply is essential to the efficient operation of Fire and Emergency. The requirements for firefighting access are set out in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008)⁹, are further detailed in Firefighting Operations Emergency Vehicle Access Guide and prescribed in Acceptable Solutions Part 6 of C/AS1 and C/AS2.

⁸ The Fire and Emergency Designers Guide to Firefighting Operations for emergency vehicle access provides help to ensure building designs comply with the NZBC C5 and can be found here: <https://www.fireandemergency.nz/assets/Documents/Business-and-Landlords/Building-and-designing-for-fire-safety/F5-02-GD-FFO-emergency-vehicle-access.pdf>

⁹ The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 can be found here: <https://fireandemergency.nz/assets/Documents/Files/N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf>

These requirements are necessary for Fire and Emergency to be able to operate pumping appliances from a hard standing. Often, this can be done from the public road, and this is how Fire and Emergency prefers to operate where possible. Pumping appliances are vehicles used to pump water for firefighting (refer Appendix A of the Firefighting Operations Emergency Vehicle Access Guide). They carry a relatively small amount of water (1,350–2,000 litres) and have a limited length of hose. Accordingly, Fire and Emergency must have access to a water supply and must also be able to base operations near the building, so firefighters can reach the fire with water.

There are however a number of limitations and subsequent concerns Fire and Emergency have in relation to the requirements of the NZBC:

- Performance requirements in clauses C5.3 to C5.8 do not apply to detached dwellings, within household units in multi-unit dwellings, or to outbuildings and ancillary buildings and therefore there is a significant shortfall in access requirements for firefighter access to these particular buildings in the urban environment.
- For buildings to which C5 vehicle access requirements apply, Fire and Emergency observe developments that have obtained building consent however do not provide adequate firefighting access to allow Fire and Emergency to operate effectively or efficiently in a fire or other emergency.

Fire and Emergency has strong concerns that even in situations where the NZBC applies, many recent developments do not achieve the performance criteria of C5 and therefore do not comply with the NZBC (in particular 20m access to the building for firefighting or 75m hose length to the furthest point).

For this reason, WBOPDC need to carefully consider how emergency vehicle access will be provided for within new residential developments.

Given the statutory gap in the NZBC, significant consideration needs to be given to new district plan rules and a related policy framework to require adequate access to buildings including detached residential dwellings by emergency vehicles and personnel (i.e. SH risk group buildings not covered by the NZBC). It is requested that these requirements align with those of the NZBC so as to not be inconsistent.

For all other developments to which C5 applies, Fire and Emergency request that, where not already provided for, the district plan introduce rules that 'duplicate' the appropriate requirements of the Part 6: firefighting of C/AS1 and C/AS2 'Acceptable Solutions'. Fire and Emergency consider that this approach would prevent resource consents being issued that could not be implemented because the layout does not demonstrate compliance with the performance requirements and need to be redesigned to provide sufficient firefighter access. This could mitigate some risks, especially when activities that currently require resource consent move to permitted.

Further, Fire and Emergency seek the provision of adequate access through voluntary measures such as "best practice" recommendations in the Residential Design Outcomes. These proposed measures would encourage developments to consider early in their design the requirements of emergency services. Fire and Emergency recommends developments give effect to the guidance provided in the Firefighting Operations Emergency Vehicle Access Guide.

Adequate provision for emergency access will enable Fire and Emergency to:

- Get into the building and to move freely around their vehicles.
- Gain access to rear dwellings on long sites where hose run lengths become an issue.
- Ensure the safety of firefighters and enable firefighters to deal quickly to smaller undeveloped fires before they develop and endanger members of the public and the firefighters who may need to assist them in either rescues and/or firefighting.

1.2.3 Carparking

Fire and Emergency is already encountering new development where emergency vehicle access along the roading corridor has been challenging. Issues with emergency vehicle access in these locations can be caused by narrow roads / laneways, higher density typologies and a lack of off-street parking available resulting in cars parking along both sides of already narrow residential streets. Implications for emergency services include on-road obstructions, meaning emergency vehicles have difficulty or are unable to manoeuvre, as well as an inability to access buildings and locate fire hydrants in an emergency. Inadequate parking lengths along frontages also have been encountered generally from vehicles parking over footpaths and in driveways, blocking access.

Fire and Emergency acknowledges that, where no off-street parking is required, there may also be no requirement to provide for vehicular access to a property. In these situations, emergency service staff would need to enter a property on foot and/or remove fences and other structures to provide access. Regardless, there needs to be sufficient clearance to access properties with heavy emergency equipment.

Despite Policy 11 and clause 3.38 of the NPS-UD, consent authorities can continue to consider the wider effects of car parking supply and demand in resource consent applications. This includes where on-site car parking is provided voluntarily, that any such car parking is provided with dimensions that the spaces do not protrude onto footpaths or otherwise create obstructions. Given that section 104(1) requires a consent authority to have regard to 'any actual and potential effects on the environment of allowing [an] activity', an adverse effect of a particular activity could include adverse traffic effects on the local or wider road network.

Section 108AA of the RMA relates to requirements for conditions of resource consents. Section 108AA(1)(b) provides that a condition must not be included in a resource consent for an activity unless the condition is directly connected to one or both of: an adverse effect of the activity on the environment and/or an applicable district or regional rule, or a national environmental standard.

Fire and Emergency request that WBOPDC retain a policy framework that would enable such conditions to be imposed on a case-by-case basis, having regard to the effects of a particular activity. This could include, for example, matters of discretion relating to the safety of pedestrians and cyclists, surrounding car parking supply, and on and off-street amenity effects.

This will see that WBOPDC, and the community are still able to consider any positive or adverse effects, and ensure any adverse effects can be avoided, remedied and mitigated. This would likely be most appropriate for large development applications with a significant under-provision of parking for the type and location of the activity. Consideration should also be given to the requirements for a transportation assessment to determine the impact of development on the roading network. It could also be necessary to use a condition of consent to tie a development application to preparing or updating a comprehensive parking management plan.

1.2.4 Reduced setbacks

The minimum building setbacks from boundaries and between buildings in the Medium Density Residential Standards to 1m on side boundaries from buildings on all sides increase the risk of fire spreading and can inhibit Fire and Emergency personnel from getting to the fire source. The difficulty of access may also increase the time for fire to burn, thereby increasing the heat radiation in a confined area.

Clause C3 of the NZBC is relevant here whereby buildings must be designed and constructed so that there is a low probability of fire spread to other property vertically or horizontally across a relevant boundary. Achieving this functional requirement is however limited by the mechanisms by which this is achieved (i.e. Acceptable Solutions) and buildings of which such requirements apply.

It is therefore vital that the NZBC is enforced and complied with to reduce the risk of fire spread in the intensified urban areas. This includes careful consideration of requirements to use non-combustible building materials to slow the vertical and horizontal spread of fire.

Fire and Emergency encourage WBOPDC to consider integrating these considerations into the Residential Design Outcomes to align with the NZBC and prompt developments to consider fire risk mitigations early on in design. This should also be included as an advice note with the relevant front, side and rear boundary setback rules within PPC92.

1.3 Firefighting water supply

The primary objective of Fire and Emergency is to reduce the incidence of unwanted fire and the associated risk to life and property. To achieve this objective Fire and Emergency requires adequate water supply be available for firefighting activities.

It is critical for Fire and Emergency that water supply infrastructure is in place prior to any development commencing and that this water supply has adequate capacity and pressures available to service the future growth. Fire appliances carry a limited amount of water; therefore, it is necessary that adequate water capacity and pressure be available to Fire and Emergency to control or extinguish a fire. In the urban areas of Western Bay of Plenty district, water is sourced from the reticulated water supply network, however where reticulation is not available or limited (i.e. trickle fed), alternative water sources will be required. This may be in the form of dedicated water tanks or ponds for firefighting. Adequate physical access to this water supply for new development (whether reticulated or non-reticulated) is also essential.

Adequate capacity and pressure for each development can be determined through the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008)¹⁰. SNZ PAS 4509:2008 is a non-mandatory New Zealand Standard that sets out the minimum requirements for firefighting water and access in order for Fire and Emergency to operate effectively and efficiently in an emergency. Fire and Emergency note that Council's Development Code requires the water supply network to comply with SNZ PAS 4509:2008.

Fire and Emergency consider it essential that urban development does not occur out of sequence with the delivery of key strategic infrastructure (network extensions or upgrades), or development is not enabled where there is potential or known infrastructure capacity constraints in relation to the Three Waters, in particular the water supply network (unless the urban development itself includes necessary upgrades).

Fire and Emergency note that the s32 analysis indicates that based on the modelling exercise undertaken and the planned identified upgrades, Council's infrastructure staff are comfortable that with the planned upgrades, the water network has sufficient capacity to cater for intensification expected as a result of PPC92. Fire and Emergency consider that WBOPDC will need to develop more sophisticated water network models where they do not already exist. This will assist WBOPDC in identifying areas across the district where there is potential or known infrastructure capacity constraints and will enable WBOPDC to manage the cumulative impacts of urban intensification on the water supply network.

To manage this, Fire and Emergency considers that all subsequent subdivision and development should be subject to development standards within the district plan requiring all applicants to demonstrate by way of providing evidence (i.e. hydrant flow testing) that their development can be adequately serviced for firefighting water supply in accordance with SNZ PAS 4509:2008 across all zones. If this does not become part of the consenting regime, there will likely be development with inadequate firefighting water supply with potentially serious consequences for life and property. Particular consideration should be given to high rise buildings and the network's capacity to maintain pressures.

¹⁰ The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 can be found here: <https://fireandemergency.nz/assets/Documents/Files/N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf>

1.4 Demand on emergency services

Fire and Emergency has a Statement of Performance Expectations¹¹ which sets out targets to delivering timely and effective fire response and suppression services as well as other services¹². Community need for Fire and Emergency services has been increasing, thereby increasing Fire and Emergency's presence on the roads and need for fast and efficient access to incidents across the district.

Urban growth and intensification coupled with the increasing rate of extreme weather events and risk from natural hazards as a result of climate change and other environmental and demographic changes across communities is likely to result in a greater demand on emergency services and consequently can affect response times if not managed.

Fire and Emergency's response time commitments to the government and community are key determinants for the location of new, or expansion of existing fire stations. Fire stations therefore need to be strategically located within and throughout communities to maximise their coverage and maintain appropriate response times and efficiently provide for the health and safety of people and communities.

As urban areas develop and intensify, the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is critical for the health, safety and wellbeing of people in the community. In this regard it is noted that Fire and Emergency is not a requiring authority under section 166 of the RMA and therefore does not have the ability to designate land for the purposes of fire stations.

Provisions within the rules of the district plan therefore may be the best way to facilitate the development of any new emergency service facilities as the city grows. Ongoing, and more frequent engagement with Fire and Emergency in terms of growth projections and demographic changes will assist Fire and Emergency in understanding where there is a need for new emergency service facilities in the future. This will be particularly important during plan review and plan changes that seek to re-zone large portions of land to facilitate development.

Fire and Emergency seeks the following decision from the local authority:

Appendix A set out the details of Fire and Emergency's submission, including the amendments sought by Fire and Emergency to specific provisions in PPC92, and the reasons for the amendments.

Fire and Emergency would welcome any questions or further engagement on matters raised in the submission within.

Fire and Emergency may wish to be heard in support of its submission depending upon the proposed amendments recommended to the Plan Change provisions as notified.

Signature of person authorised to sign on behalf of Fire and Emergency

Date: 16/09/2022
Electronic address for service: alec.duncan@beca.com
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Contact person: Alec Duncan

¹¹ Statement of Performance Expectations 2021/2022 can be found here: <https://www.fireandemergency.nz/assets/Documents/About-FENZ/Key-documents/FENZ-Statement-of-Performance-Expectations-2021-2022.pdf>

¹² Fire and Emergency Act 2017 sections 10-12

Appendix A

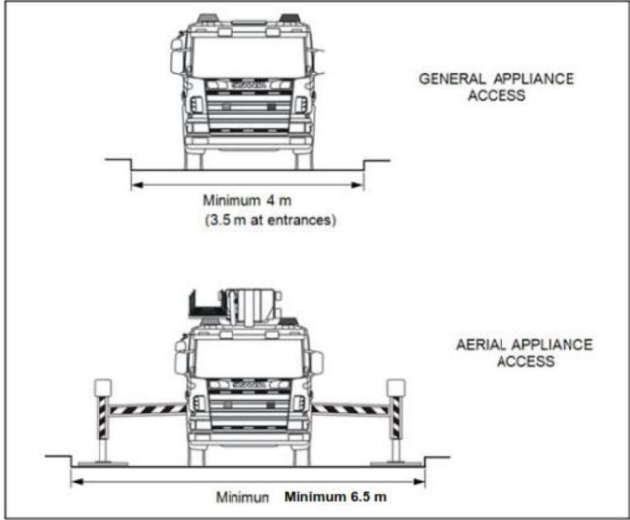
The following table sets out the specific position and any amendments sought by Fire and Emergency. Where specific amendments to provisions of PPC92 are sought, these amendments are shown as red underline (for new text sought) and ~~word~~ (for deletion).

ID	Provision	Support / oppose	Submission	Requested amendment
4B. Transportation, Access, Parking & Loading				
1	<p>4B.4 Activity Performance Standards</p> <p>4B.4.4 Access to Urban Roads (Residential, <u>Medium Density Residential</u>, Rural Residential, <u>Natural Open Space</u>, Commercial, and Industrial Zones) other than Strategic Roads</p>	Support	<p>Fire and Emergency recognise that access to urban roads is largely regulated through Council's 2009 Development Code and Rule 4B.4.4 has been amended to include the Medium Density Residential Zone (MDRZ).</p> <p>Fire and Emergency request that Council's Development Code be updated to reflect the changes sought in this submission and the changing urban environment of which PPC92 enables.</p>	No amendments sought.
2	<p>4B.4.6 On-site Manoeuvring</p> <p>All activities shall provide manoeuvring space onsite so that all vehicles can enter and exit without reversing on to or off the road. Such manoeuvring shall be able to be executed in no more than a three-point turn. Except that: Dwellings in the Residential <u>and Medium Density Residential Zone with direct access off a District Road are not required to provide for onsite manoeuvring.</u></p>	Support in part	<p>Fire and Emergency support 4B.4.6 insofar that the exception for onsite manoeuvring in the MDRZ applies only where there is direct access off a road only.</p> <p>Where direct access cannot be achieved, it will be important that sufficient onsite manoeuvring is provided for residents as well as emergency service vehicles. Any accessway with a dead end needs a turnaround area so that Fire and Emergency vehicles can move their vehicles quickly in an emergency to protect them.</p>	No amendments sought.
3	4B.6.2 Non Compliance with Rules 4B.4.4 – 4B.4.7 and Rules 4B.4.9 – 4B.4.12 (inclusive)	Oppose	Where compliance is not achieved with the on-site manoeuvring requirement of Rule 4B.4.6, resource consent is required as a restricted discretionary activity. Fire and Emergency request a new matter of discretion be added to 4B.6.2.	<p>Add new matter of discretion as follows:</p> <p><u>h. the ability for emergency service vehicles to manoeuvre on-site effectively and safely.</u></p>
8. Natural Hazards				
4	8.3.3 Restricted Discretionary Activities	Support	<p>Risk reduction is central for Fire and Emergency as a national organisation as set out in the Risk Reduction Strategy 2019–2029¹³. Fire and Emergency's role in relation to natural hazards is embedded in Fire and Emergency New Zealand Act 2017.</p> <p>Fire and Emergency support the addition of rule 8.3.3(e) to the extent that the rule seeks to manage the effects of liquefaction. This will support in guiding new development to appropriate locations and safeguard well-functioning and resilient communities.</p>	No amendments sought.
11. Financial Contributions				
5	<p>11.4.2</p> <p>Council's infrastructure network to which financial contributions apply</p>	Support	Fire and Emergency support the amendment to Chapter 11 insofar that it enables council to impose a financial contribution as a condition of a resource consent or	No amendments sought.

¹³ Risk Reduction Strategy 2019–2029: <https://fireandemergency.nz/assets/Documents/Files/RiskReductionStrategy-2019-2029.pdf>

ID	Provision	Support / oppose	Submission	Requested amendment
	<p>a. <i>Transportation</i></p> <p>b. <i>Water and Wastewater</i></p>		<p>through the building consent process in the case of one or two additional residential units in the Ōmokoroa and Te Puke Medium Density Residential Zones.</p> <p>Where there is additional demand on infrastructure, in particular on the transportation and water supply network, it is important that council ensure that new development does not compromise the existing networks that are currently serving the communities and that additional infrastructure is provided for in order to adequately service future developments. Fire and Emergency specifically support financial contributions for transportation and water supply for the purpose of ensuring that the impacts of growth and intensification are adequately managed.</p>	
12. Subdivision and Development				
6	<p>12.4 Activity Performance Standards</p> <p>12.4.1 Site Suitability</p> <p>...</p> <p><i>g. Each lot in a Residential, Medium Density Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management infrastructure of adequate capacity, and formed and sealed roading in accordance with Council's Development Code.</i></p>	Support in part	<p>Fire and Emergency strongly support the amendment to Rule 12.4.1 to include the Medium Density Residential Zone to require each lot to be capable of being connected to reticulated water supply infrastructure of adequate capacity and formed and sealed roading in accordance with Council's Development Code.</p> <p>Development Code DS7 Water Supply (section 7.1) sets out the minimum requirements for all developments which require all allotments to be provided with a water supply connection which shall be 20mm internal diameter. All water supply connections require application to and approval by Council.</p> <p>Further, developments without access to a public supply must be "served by a privately owned water supply which satisfies all legislation and guidelines, including but not limited to, drinking water standards, Building Act and the New Zealand Fire Service Code of Practice; SNZ PAS 4509:2008 and subsequent amendments, to the satisfaction of the New Zealand Fire Service".</p> <p>Section 7.2 (Level of Service) requires "All water supply reticulation shall be to a Water Supply Classification W3, or such higher classification as appropriate in terms of the New Zealand Fire Service Firefighting Water Supplies Code of Practice, SNZ PAS 4509:2008 and subsequent amendments".</p> <p>The Section 32 Report notes that through Council's Water Conservation Strategy and Asset Management Plan, initiatives exist to measure and manage the water supply giving Council the ability to monitor and report on water usage and pro-actively plan for growth, future source, storage and reticulation infrastructure.</p> <p>For Te Puke, Fire and Emergency understand that based on the modelling exercise undertaken and the planned identified upgrades, Council's infrastructure staff are comfortable that with the planned upgrades, the water network has sufficient capacity to cater for intensification expected as a result of the plan change.</p> <p>However, in order for Council to ensure that level of service is maintained, Fire and Emergency strongly suggest that additional mechanisms are put in place to adequately monitor and manage the cumulative effects of the future growth and intensification on the water supply infrastructure in both Ōmokoroa and Te Puke through the district plan.</p> <p>Fire and Emergency require a rule in the district plan that requires developers to demonstrate and provide evidence that their development can be adequately</p>	No amendment sought.

ID	Provision	Support / oppose	Submission	Requested amendment																				
			serviced in accordance with SNZ PAS 4509:2008. This is sought elsewhere in this submission.																					
7	12.4.3 Extension of Services 12.4.3.2 Residential, Medium Density Residential, Commercial and Industrial Zones	Support	<p>Fire and Emergency support Rule 12.4.3 to the extent that it requires all existing utility services (i.e. the water supply network) to be extended into all developments in accordance with all other relevant parts of the District Plan and the Development Code, allowing for the connection of each new site within the development, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services where inadequacy exists.</p> <p>In order to ensure that the cumulative effects on the water supply network are adequately managed, Fire and Emergency request that Council require developers to demonstrate and provide evidence that their development can be adequately serviced in accordance with SNZ PAS 4509:2008. This is sought elsewhere in this submission.</p>	No amendments sought.																				
8	12.4.3.3 Rural, Lifestyle and, Rural-Residential and Natural Open Space Zones	Support	Fire and Emergency support this rule insofar that Natural Open Space Zones are subject to the water supply requirements set out in Council's Development Code.	No amendments sought.																				
9	12.4.4 Transportation and Property Access 12.4.4.2 Proposed Roads Table 1: Urban Roads (Residential, Medium Density Residential, Rural-Residential, Commercial and Industrial Zones)	Oppose	<p>The MDRZ has been added to Table 1 which set out the road reserve and pavement widths and maximum grades based on road function for urban roads.</p> <p>By way of background, for fire appliances to access an emergency, adequate accessway width, height and gradient is necessary. A 95th percentile pumping appliance has a width of 2.5m, a height of 3.55m and a length of 8.72m. Vehicular roading and access widths, surface and gradients should support the operational requirements of Fire and Emergency appliances. These requirements are set out as follows:</p> <ul style="list-style-type: none"> The minimum roading and carriageway widths should not be less than 4m. This width is required for firefighters to efficiently work around the fire appliance to access hoses and pumps. A clear vehicle crossing of no less than 3.5m wide should be provided as site entrances, internal entrances and between buildings. The maximum negotiable gradient is 1:5, but in general the roading gradient should not exceed 16%. <p>Carriageways should be wide enough to allow fire and emergency vehicles to get through them easily and to allow Fire and Emergency to carry out emergency operations. This means that when the fire appliance vehicle is parked, Fire and Emergency personnel can easily open and exit the doors, access equipment from its compartments and safely connect the hose to the pump.</p> <p>To accommodate a Fire and Emergency vehicle, carriageways should have a minimum width of 4m which excludes parking bays as parked cars on a narrow road or private way will obstruct Fire and Emergency from moving along the carriageway. This can be reduced to a minimum width of 3.5m at site entrances, provided tight turns are not required. Refer figure below and the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD.</p>	<p>Amend as follows:</p> <table border="1"> <thead> <tr> <th>Classification</th> <th colspan="2">Minimum width – m</th> <th>Max grade - %</th> <th>Road function</th> </tr> <tr> <td></td> <th>Road reserve</th> <th>Carriageway (includes parking bays)</th> <td></td> <td></td> </tr> </thead> <tbody> <tr> <td>Privateway serving up to 2 units</td> <td>2.7 5.0</td> <td>2.5 4.0</td> <td>20 16</td> <td>Private access: max length 35m</td> </tr> <tr> <td>Privateway serving 3-6 units</td> <td>5.0</td> <td>3.5 4.0</td> <td>12.5</td> <td>Private access: max length 100m with provision for mid point passing and hardstand in accordance with SNZ PAS 4509:2008 if greater than 70m from the road frontage</td> </tr> </tbody> </table>	Classification	Minimum width – m		Max grade - %	Road function		Road reserve	Carriageway (includes parking bays)			Privateway serving up to 2 units	2.7 5.0	2.5 4.0	20 16	Private access: max length 35m	Privateway serving 3-6 units	5.0	3.5 4.0	12.5	Private access: max length 100m with provision for mid point passing and hardstand in accordance with SNZ PAS 4509:2008 if greater than 70m from the road frontage
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ID	Provision	Support / oppose	Submission	Requested amendment
			<p>Fire and Emergency request that Table 1 be amended to reflect Fire and Emergency's minimum access requirements for all urban roads and that the Development Code be updated to align with the requirements set out in this submission.</p>  <p>The diagram illustrates two scenarios for vehicle access. The top scenario, labeled 'GENERAL APPLIANCE ACCESS', shows a truck with a horizontal dimension line below it indicating a 'Minimum 4 m (3.5 m at entrances)' width. The bottom scenario, labeled 'AERIAL APPLIANCE ACCESS', shows a truck with a horizontal dimension line below it indicating a 'Minimum 6.5 m' width.</p>	
10	<p>12.4.4 Transportation and Property Access</p> <p>12.4.4.4 Property Access</p> <p>e. Privateways</p>	Oppose	<p>Fire and Emergency oppose rule 12.4.4.4(e)(v) to the extent that the reserve and pavement widths required in the Development Code tables can be reduced at the point where the number of lots dependant on access defaults to the next (lower) standard in the tables.</p> <p>Fire and Emergency has requested above that the minimum access width be 4m. Fire and Emergency request that this rule be removed.</p>	Delete 12.4.4.4(e)(v).
11	<p>12.4.7 Water Supply</p> <p>12.4.7.1 Water Supply</p> <p>Systems shall be:</p> <p>a. Provided or extended in accordance with Rule 12.4.3 and reticulation provided for the subdivision in such a manner as to enable each lot to be connected to the Council system.</p> <p>b. Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with Council's Development Code.</p>	Support	<p>Fire and Emergency support Rule 12.4.7.1 insofar that new or existing sites are required to be connected to the reticulated water supply system in accordance with Council's Development Code.</p> <p>It will be important that Council enforce the requirements of the Development Code which includes compliance with SNZ PAS 4509:2008.</p>	No amendments sought.

ID	Provision	Support / oppose	Submission	Requested amendment
12	12.4.7 Water Supply <i>12.4.7.2 Within Residential, Medium Density Residential, Industrial and Commercial Zones</i>	Support in part	<p>Fire and Emergency supports the amendment made to 12.4.7.2 to include Residential and Medium Density Zones. Fire and Emergency specifically support 12.4.7.2(b) that requires “A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice”.</p> <p>It will be important that Council ensure that each new connection is able to achieve sufficient capacity and pressure in accordance with SNZ PAS 4509:2008. Fire and Emergency request that, where the reticulated network already exists, that developers are required to demonstrate by way of evidence that the reticulated water supply system will be able to adequately service their sites prior to resource consent being granted. This will be particularly important for intensification developments which will likely be connecting to the existing network.</p> <p>Where compliance cannot be achieved with 12.4.7.2(b), it is requested that these applications require resource consent as a discretionary activity.</p>	<p>Add new advice note as follows:</p> <p>Advice note:</p> <ol style="list-style-type: none"> To demonstrate compliance, applicants must provide evidence to Council (i.e. hydrant testing data) to confirm that the water supply network is able to service their site/s in accordance with SNZ PAS 4509:2008.
13	12.4.11 Ōmokoroa Structure Plan <i>12.4.11.5 Compliance with the Ōmokoroa Structure Plan</i>	Support	<p>Fire and Emergency support the use of structure plans as a mechanism to ensure comprehensive and integrated development of a growth area. In particular, it enables discussions with service providers (including Fire and Emergency) to occur for a growth cell in a holistic manner.</p> <p>As the Ōmokoroa Structure Plan is in place, development is required to occur in a more planned and coherent manner. Where compliance with the structure plan does not occur, resource consent is required as a non-complying activity. This is important to Fire and Emergency as this ensures that adequate water supply and roading infrastructure will be in place before enabling the development of these large growth areas, particularly those that are intended to be serviced. This includes reticulated water supply, roading and property access in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and Council's Development Code.</p>	No amendments sought.
14	12.4.14 Te Puke Structure Plan <i>12.4.14.3 Compliance with the Te Puke Structure Plan</i>	Support	<p>Fire and Emergency support the use of structure plans as a mechanism to ensure comprehensive and integrated development of a growth area. In particular, it enables discussions with service providers (including Fire and Emergency) to occur for a growth cell in a holistic manner.</p> <p>As the Te Puke Structure Plan is in place, development is required to occur in a more planned and coherent manner. This is important to Fire and Emergency as this ensures that adequate water supply and roading infrastructure will be in place before enabling the development of these large growth areas, particularly those that are intended to be serviced. This includes reticulated water supply, roading and property access in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and Council's Development Code.</p>	No amendments sought.
14A. Ōmokoroa and Te Puke Medium Density Residential				
15	14A.2.1 Objectives	Support	Fire and Emergency recognise that this is a provision which incorporates the objectives in clause 6 of Schedule 3A of the RMA.	No amendments sought.

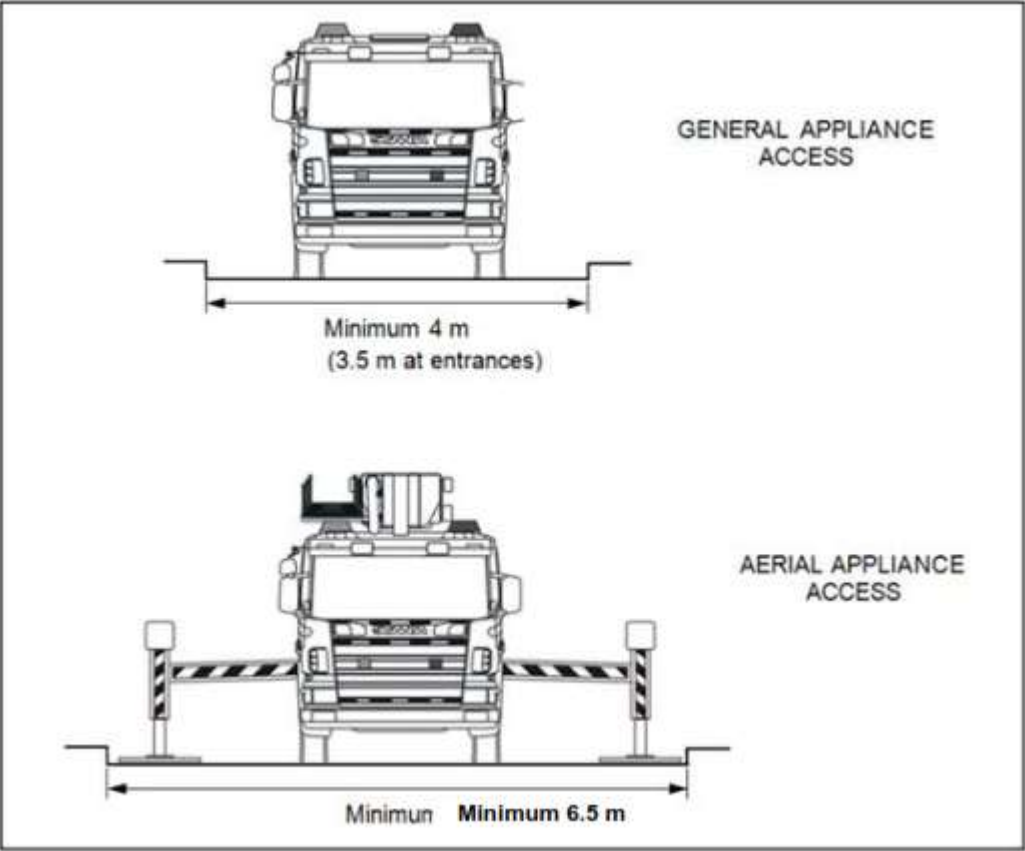
ID	Provision	Support / oppose	Submission	Requested amendment
	<i>1. A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>		Fire and Emergency support this objective insofar that it requires Council to provide for a well-functioning urban environment and enables all people and communities to provide for their health and safety, now and into the future. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.	
16	14A.2.2 Policies <i>4. Enable housing to be designed to meet the day-to-day needs of residents.</i>	Support	Fire and Emergency support this policy insofar that it requires housing to be designed to meet the day-to-day needs of residents. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.	No amendments sought.
17	14A.2.2 Policies <i>6. Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, papakāinga and pocket neighbourhoods in a manner which responds to the specific needs of the community which they are designed for.</i>	Support	As per the explanatory statement for this chapter, these larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments including consistency with activity performance standards, structure plans and good urban design outcomes. Fire and Emergency support this policy insofar that it directs developers to respond to the specific need of the community of which they are designing for. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency.	No amendments sought.
18	14A.2.2 Policies <i>7. 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 urban design outcomes are being achieved.</i>	Support	As per the explanatory statement for this chapter, these larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments including consistency with activity performance standards, structure plans and good urban design outcomes. Fire and Emergency support this policy insofar that it requires proposals of four or more residential units on a site to provide integrated assessments which fully assess how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved.	No amendments sought.
19	New policy	New	Fire and Emergency request that a new policy be included within the policy framework to ensure the impacts on the roading network are adequately addressed given that there is no longer a requirement to provide onsite carparking or therefore on-site vehicle access. This would require developers to assess the impacts of their proposal and give Council the ability to assess the impacts on the roading network and impose conditions of consent to manage such effects i.e. to require onsite parking or parking management plans. The proposed policy has been adopted from the Tauranga City Proposed Plan Change 33.	Insert new Policy 14A.2.2(19) as follows: <u>Policy 14A.2.2(19) - Access Requirements</u> <u>Ensuring that all right of ways, private accessways, or legal access lots are designed and constructed to ensure:</u> <u>a. The activity can be accommodated without compromising the functionality of the access and the effects of traffic generation on the surrounding transport network,</u> <u>b. The safe and efficient movement of pedestrians and vehicles within the site and the adjacent road network,</u> <u>c. The functional and operational requirements of activities and development, providing adequate space and location for waste management areas,</u> <u>d. Access and provision for emergency and waste collection services.</u>

ID	Provision	Support / oppose	Submission	Requested amendment
20	14A.3 Activity Lists 14A.3.4 Discretionary Activities	Oppose	<p>Fire and Emergency note that emergency service facilities and activities are not provided for in the MDRZ. Given the statement at 4A.1 'Activities Not Specifically Provided For', this means that all emergency service facilities are a non-complying activity.</p> <p>Fire and Emergency therefore seeks that emergency services activities be included in this activity list as fire stations are an integral component of the urban environment and these facilities (i.e. fire stations) provide for the health, safety and wellbeing of people in the community.</p> <p>As noted previously, the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies is paramount the health, safety and wellbeing of people and the community. Fire stations therefore need to be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively respond to emergency call outs in a timely way, thus avoiding or mitigating the potential for adverse effects associated with fire hazard and other emergencies.</p> <p>Fire and Emergency therefore seeks that emergency service activities be added to 14A.3.4 Discretionary Activities.</p>	<p>Add new activity: Discretionary Activities i. Emergency Service Activities</p> <p>Add new definition: EMERGENCY SERVICE ACTIVITIES those activities and associated facilities that respond to emergency call-outs, including police, fire, civil defence and ambulance services, but excluding health care facilities and hospitals.</p>
21	14A.4 Activity Performance Standards 14A.4.1 Density Standards d. Setbacks	Support in part	<p>Fire and Emergency acknowledge that Rule 14A.4.1 incorporates the density standards required by Part 2 of Schedule 3A of the RMA.</p> <p>As set out in section 1.2.4 of this submission, Fire and Emergency have concerns around the increased risk of fire spreading as a result of reduced boundary setbacks. Reduced setbacks can inhibit Fire and Emergency personnel from getting to the fire source or other emergency. The difficulty of access may also increase the time for fire to burn, thereby increasing the heat radiation in a confined area.</p> <p>Fire and Emergency acknowledge that firefighting access requirements and building setback controls are managed through the New Zealand Building Code however consider it important that these controls are brought to the attention of plan users (i.e. developers) early on in the resource consent process so that they can incorporate the NZBC requirements early on in their building design. Fire and Emergency therefore request that, as a minimum, an advice note is included with Rule 14A.4.1(d) directing plan users to the requirements of the NZBC.</p>	<p>Add advice note: Advice note: Building setback requirements are further controlled by the Building Code. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage.</p>
22	14A.4 Activity Performance Standards 14A.4.1 Density Standards f. Outdoor living space (per unit)	Support in part	<p>Fire and Emergency support the provision of an outdoor living space on the premise that while not directly intended, may provide access for emergency services and space for emergency egress.</p> <p>As above, Fire and Emergency acknowledge that firefighting access requirements are managed through the NZBC however consider it important that these controls are brought to the attention of plan users (i.e. developers) early on in the resource consent process so that they can incorporate the NZBC requirements early on in their building design. The NZBC requirements will have an influence over how a site is designed and consequential site layout therefore Fire and Emergency consider it important that developers incorporate these requirements into their site layout at resource consent so that Council are able to assess this design to ensure compliance with the RMA.</p>	<p>Add advice note: Advice note: Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage.</p>

ID	Provision	Support / oppose	Submission	Requested amendment
			Fire and Emergency therefore request that, as a minimum, an advice note is included with Rule 14A.4.1(f) directing plan users to the requirements of the NZBC.	
23	<p>14A.4.2 Other standards</p> <p>e. Vehicle crossing and access</p>	Oppose	<p>This rule is opposed by Fire and Emergency as it does not prescribe the minimum vehicle crossing requirements that would ensure well-functioning and resilient communities.</p> <p>Fire and Emergency requires all sites to provide a minimum vehicle crossing width of no less than 3.5m and a height clearance of 4m at site entrances. This is prescribed in the Designers' guide to firefighting operations Emergency vehicle access F5-02 GD and NZBC.</p> <p>Fire and Emergency therefore request that this rule be amended to include a vehicle crossing minimum width and height clearance in the MDRZ in order to provide for emergency access.</p> <p>Should an application not comply with the minimum requirements, resource consent will be required as a restricted discretionary activity and will provide Council the ability to assess a development in accordance with the existing matters of discretion set out in 14A.7.14.</p> <p>This amendment gives effect to the objectives and policies set out in 14A.2.1 and 14A.2.2, providing for a well-functioning and resilient community.</p> <p>Fire and Emergency note that all other access provisions are set out in the subdivision and development section. Fire and Emergency suggest that this provision is relocated to 12.4.4 Transportation and Property Access where minimum carriageway widths are located in Table 1 for consistency and to start to align with the national planning standards.</p>	<p>Amend rule 14A.4.2 as follows:</p> <p><u>e. Vehicle crossing and access</u></p> <p><u>i. For a site with a front boundary the vehicle crossing shall be no less than 3.5m in width and 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. A clear passageway of no less than 4.0m in height at site entrances.</u></p>
24	<p>14A.4.2 Other standards</p> <p>i. Transportation, Access, Parking and Loading – See Section 4B.</p>	Support in part	Fire and Emergency support the addition of 14A.4.2(l) subject to the acceptance of the consequential amendments sought to Section 4B relating to access widths in the MDRZ.	No amendment sought.
25	<p>14A.4.2 Other standards</p> <p>w. Natural Hazards – See Section 8.</p>	Support	<p>Fire and Emergency support the application of Section 8 to the MDRZ insofar that this will ensure that new developments in areas subject to natural hazard risk are avoided or adequately mitigated.</p> <p>This will ensure consistency with objective 1 that requires 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 as directed by the NPS-UD.</p> <p>Fire and Emergency support the cross-referencing of other methods such as emergency management plans as a means of providing for public education and preparedness in communities as set out in the Chapter 8 introduction.</p>	No amendment sought.
26	<p>14A.6 Matters of Control</p> <p>14A.6.1 Subdivision for the purpose of the construction and use of residential units</p>	Support in part	Fire and Emergency support the matters of control insofar that they address the provision of roading (c) and infrastructure in accordance with the structure plan as well as compliance with the Development Code or an approved alternative design (d).	Add matters of control as follows:

ID	Provision	Support / oppose	Submission	Requested amendment
			<p>Fire and Emergency further support (g) which controls the effects of access to and within the subdivision.</p> <p>Fire and Emergency request additional matters of control to address the actual and potential effects on the transport network when considering an application for the subdivision of land for the purpose of the construction and use of residential units. This will provide Council the ability to impose conditions of consent (section 108 of the RMA) to address actual and potential effects on the roading network, should this be deemed necessary.</p> <p>These matters have been adopted from the Tauranga City Proposed Plan Change 33.</p>	<p>j. Whether vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links.</p> <p>k. The effects from the proposal on the safe and efficient operation of the transport network (including the function of roads as identified in the road hierarchy) and measures to avoid, remedy or mitigate those adverse effect.</p> <p>l. Whether the provision for collection points and facilities are readily accessible by emergency services, service vehicles and workers and will not at any time detract visually or generate health risks in the area.</p>
27	<p>14A.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>	Support	<p>Fire and Emergency broadly support the matters of discretion that apply to proposals that require resource consent for 'Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes'.</p> <p>It is paramount to Fire and Emergency that these matters of discretion are comprehensive and provide Council the ability to decline a resource consent (or impose consent conditions) on the basis that a proposal will not deliver a high quality and well-functioning urban environment.</p> <p>Fire and Emergency specifically support:</p> <ul style="list-style-type: none"> Objectives and policies: 14A.7.1(a) Relevant Structure Plan: 14A.7.1(c-g) on the basis that a proposal must be consistent with the structure plan of which it is subject to. Urban Design: 14A.7.1(h-l) specifically (k)(vii) that requires consideration of the provision of efficient access for emergency vehicles. <p>Overall, Fire and Emergency support these matters of discretion and consider these robust enough to ensure that Council can require and subsequently ensure the delivery of high quality outcomes in the MDRZ.</p>	No amendments sought.
28	<p>14A.7 Matters of Discretion</p> <p>14A.7.4 Restricted Discretionary Activities – Non-Compliance with Setbacks</p>	Oppose	<p>In considering an application that does not comply with 'Activity Performance Standard 14A.4.1 (d) Setbacks', Fire and Emergency request a new matter of discretion be included to enable Council the ability to consider the actual and potential effects of the non-compliance on the use of a development in regard to pedestrian access and egress. This will ensure consistency with objective 1 and 2 that requires 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 and that housing is designed to meet the day-to-day needs of residents.</p> <p>This should also be an indication to Council that the NZBC requirements will need to be considered to ensure that Council are not granting resource consents under the RMA that are inconsistent with the NZBC.</p> <p>This matter of discretion should go some way in addressing the gaps in the NZBC (C5) of which setback controls do not apply to detached dwellings as discussed in Section 1.2.4 above.</p>	<p>Add new matter of discretion as follows:</p> <p>Front yard</p> <p>d. The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.</p> <p>Side and rear yards</p> <p>f. The extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.</p>

ID	Provision	Support / oppose	Submission	Requested amendment
29	<p>14A.7 Matters of Discretion</p> <p>14A.7.14 Restricted Discretionary Activities – Non Compliance with Vehicle Crossing and Access</p>	Oppose	<p>In considering an application that does not comply with the 'Activity Performance Standard 14A.4.2 (e) - Vehicle Crossing and Access' Fire and Emergency request a new matter of discretion that considers the impacts of non-compliance on the ability to provide efficient access for emergency vehicles and service vehicles.</p> <p>This is consistent with matter of discretion 14A.7.1(k)(vii).</p>	<p>Add new matter of discretion as follows:</p> <p>d. Providing efficient and effective access for emergency vehicles and service vehicles.</p>
Appendix 8 – Residential Design Outcomes				
30	<i>General</i>	Support	<p>Fire and Emergency generally support the proposed Residential Design Outcomes that recognise high quality urban design principles and provides direction on how to achieve these through good design. To aid delivery of high quality outcomes, Fire and Emergency request that Appendix 8 be updated to reflect best practice as sought throughout its submission, particularly as it relates to providing adequate emergency access to achieve quality residential developments.</p>	<p>Amend subject to amendments sought throughout Fire and Emergency's submission.</p>



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



Form 5 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/div>

Date received: 16/09/2022

Submission Reference Number #19

This is a submission on a change proposed to the following plan (the **proposal**): Plan Change 92 Omokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters

Address for service:

PO Box 15607 Tauranga Tauranga 3144

New Zealand

Email: pete@blackridge-group.com

Attachments:

22.09.14 - 60 Prole Road - Appendix 1 Requested Updates to Omokoroa Structure Plan - pdf.pdf

22.09.14 - 60 Prole Road - Appendix 1 Requested Updates to Omokoroa Structure Plan - pdf.pdf

22.09.06 - 60 Prole Road - Appendix 2 - Proposed extent of Natural Open Space Zone - PDF.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- Yes

Submission points

Point 19.1

19.1

Section: Appendix 7 - Section 4: Omokoroa Structure Plan

Sub-section: 4.3 Omokoroa Structure Plan - Three Waters Infrastructure

Support/Oppose/Amend: Support in part

Submission

Support in part (subject to changes requested in submission points below), the use of structure plan to support planning maps for identifying locations of key areas referenced in District Plan provisions, and to show interrelationships of indicatively planned infrastructure routes.

Relief sought

Use of structure plan maps and associated documents to support changes to planning provisions in District Plan

Point 19.2

19.2

Section: Section 12 - Subdivision and Development

Sub-section:

19.21

19.22

Support/Oppose/Amend: Support in part

Submission

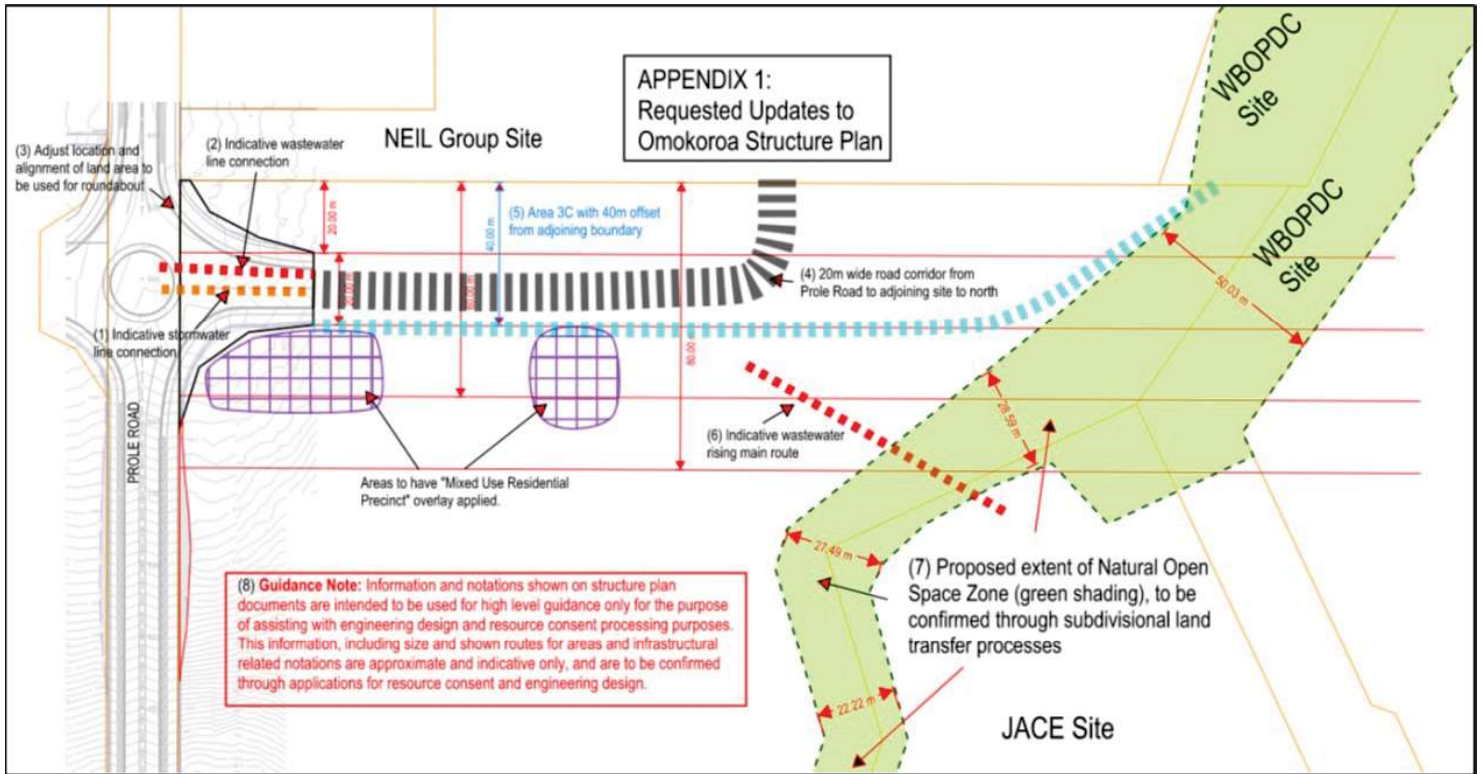
Sections 12 & 14A Policies and Matters of Discretion generally. It would be good to take a more positive stance for by using the terms "support", "encourage" and "promote" more in the drafting of District Plan Objectives, Policies and Matters of Discretion.

In recent times there is recognition by Government and Councils that we need to be doing better to ensure towns and cities in New Zealand are well-functioning urban environments,

Relief sought

It is requested that two areas (approx. 950m2 and 600m2) as shown below that are located towards the north-west corner of the property located at 60 Prole Road have "Omokoroa Mixed Use Residential Precinct" overlay included over them as indicated.

Preliminary planning and discussion held with Council staff that these areas can support opportunity for appropriate mixed use development due to their proximity to planned higher density residential living; good connection and access to planned public travel routes; these sites will have appropriate buffering setbacks from nearby adjacent land by roading.



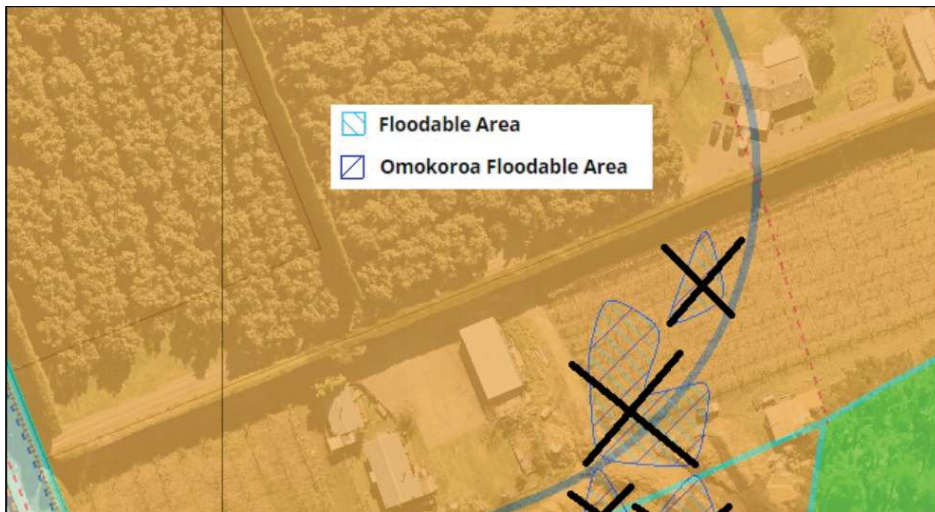
Point 19.5

Section: Planning Maps
Sub-section:

Support/Oppose/Amend: Oppose

Submission

Oppose the Floodable areas shown on the property at 60 Prole Road. Request the removal of isolated ponded and flood hazard areas shown on structure plan and planning maps on the elevated portion of the site at 60 Prole Road. They are not accurate or necessary, rainwater will drain to eastern gully that travels along east of the site at 60 Prole Road.





Relief sought

Remove isolated ponded and flood hazard areas shown on structure plan and planning maps on the elevated portion of the site at 60 Prole Road.



Reasons:

They are not accurate or necessary, rainwater will drain to eastern gully that travels along east of the site at 60 Prole Road.

Point 19.6

Section: Appendix 7 - Section 4: Omokoroa Structure Plan
Sub-section:

Support/Oppose/Amend: Support in part

Submission

Support in part retention of displaying on structure plan maps and diagrams for how infrastructure and services for stormwater, wastewater, water, roading, walkway and cycleways are envisaged to be generally provided for, including indicative routes for these services.

It is requested however that the additional notations listed below and illustrated on **Appendix 1** to this submission) are supplied on the structure plan that apply to the site at 60 Prole Road.

The points 1 to 7 set out in this submission point have been raised with WBOPDC to varying degrees prior to notification of the Plan Change 92 documentation. These changes are requested to reflect the intent and evolution of these discussions through future development.

For point 8 - Without such guidance, proposed new Rule 12.4.11.5 as currently worded is likely to result in applications for resource consent un-necessarily stepping to be a non-complying activity when could more appropriately be assessed as a restricted discretionary activity.

Relief sought

It is requested however that the additional notations listed below and illustrated on **Appendix 1** to this submission) are supplied on the structure plan that apply to the site at 60 Prole Road.

1. Add indicative stormwater line connection from Prole Road to 60 Prole Road site
2. Add indicative wastewater line connection from Prole Road to 60 Prole Road site.

19.6
 19.25
 19.26
 19.27
 19.28
 19.29

3. Adjust location and alignment of land area to be used for roundabout leading into 60 Prole Road to be consistent with understood agreed locations and alignments for where this will be positioned, include notations.

4. Adjust location and alignment of land area to be used for roading leading into 60 Prole Road to be consistent with understood alignments for where this will be positioned, include notations.

5. Suggest including measurement of 40m to define offset of Area 3B with Area 3C boundary from the adjoining property to the north to assist design, setout and administration of associated District Plan provisions. 19.26

6. Show indicative route for a wastewater rising main to travel across gully area. 19.6

7. Include appropriate note on Omokoroa Structure Plans "Proposed extent of Natural Open Space Zone (green shading), to be confirmed through subdivisional land transfer processes", and amend extent of Natural Open Space Zone to that shown on **Appendix 2** to this submission. 19.27 19.28

8. Include appropriate guidance note on structure plan plans and in relevant sections of the District Plan to be used for engineering design and resource consent processing purposes that the size and shown routes for these services are high-level only, and are to be confirmed through applications for resource consent and engineering design. This guidance note should be supported by inclusion of policies within the zone chapters (Section 14A) & Natural Open Space (section 24), as well as other relevant section including the Subdivision and Development (Section 12), Natural Hazards (Section 8). 19.29

Suggested wording:

"Guidance Note: Information and notations shown on structure plan documents are intended to be used for high level guidance only for the purpose of assisting with engineering design and resource consent processing purposes. This information, including size and shown routes for areas and infrastructural related notations are approximate and indicative only, and are to be confirmed through applications for resource consent and engineering design."

Point 19.7 19.7

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

All subdivision, use and *development* in the identified *Structure Plan* areas on Planning Maps U57 to U66 (as applicable) shall provide stormwater management reserves and access thereto, roading and road widening, *public reserves*, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan (except in relation to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) where Rule 12.4.11.4 applies in relation to the location of the *public reserve* area).

Support/Oppose/Amend: Support in part

Submission

Decision Sought:

Proposed new Rule "(iii). *No subdivision or development shall utilise Prole Road for direct vehicular property access.*"

Include new / additional rule or clause that allows for "*Temporary (up to 6 months continuous use) direct vehicle property access can be provided from a site to Prole Road where written approval from the WBOPDC is obtained. Such a vehicular access may require compliance with roading relating provisions or conditional implementation of traffic management measures during the course of planned use.*"

Include new / additional policy to support this new rule / clause in section 12, however it is believed existing Policies 12.2.2.5 and 12.2.2.9 below can used to adequately justify such a rule / clause being used.

12.2.2.5 - Require subdivision and development to comply with the minimum standards in the Development Code for the provision of infrastructure and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes.

12.2.2.9 - Adverse effects of traffic generation from subdivision and development on the transport network will be avoided, remedied or mitigated.

Reasons:

It is understood temporary and formal direct vehicular property access is to be provided for as part of the planned Prole Road upgrading works (along with installation of other infrastructure related services). These temporary and formal direct vehicular property accesses should be shown on the structure plan to avoid the need to first obtain land use resource consents as per Rule 12.4.11.5.(c). Similarly with temporary construction traffic haul roads – instead of causing undesirable traffic related effects on a newly formed vested road, a more appropriately located temporary roadway and / or vehicular access point could be used. To assist, direct vehicular access points that are already planned to be provided for with the Prole Road urbanisation works can be shown on the structure plan document "APP7 - OSP - Roading, Walkway & Cycleway Infrastructure".

Relief sought

Delete proposed new Rule "(iii). *No subdivision or development shall utilise Prole Road for direct vehicular property access.*"

Replace / include new / additional rule or clause that allows for "*Temporary (up to 6 months continuous use) direct vehicle property access can be provided from a site to Prole Road where written approval from the WBOPDC is obtained. Such a vehicular access may require compliance with roading relating provisions or conditional implementation of traffic management measures during the course of planned use.*"

Point 19.8 19.8

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

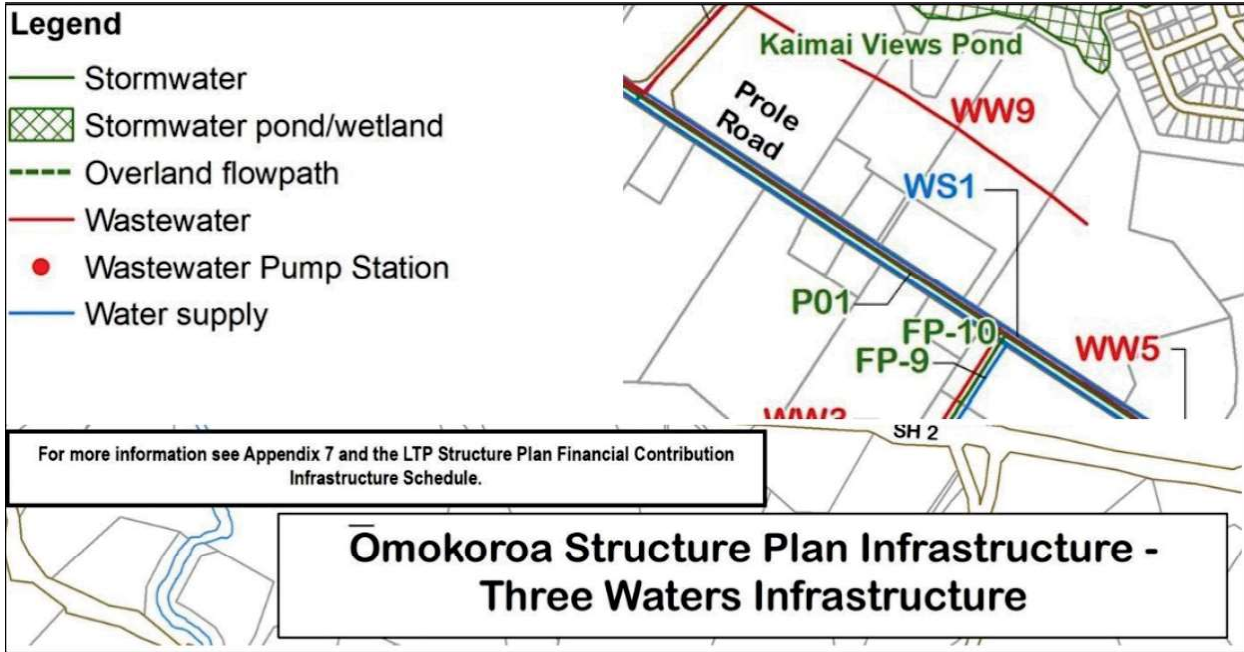
a.

Council shall reimburse developers for the costs of providing completed *infrastructure* as identified in the *Omokoroa Structure Plan Infrastructure Schedule*. For the purpose of this rule "completed" shall mean *infrastructure* that is constructed, approved by *Council* and vested in *Council*.

Support/Oppose/Amend: Support

Submission

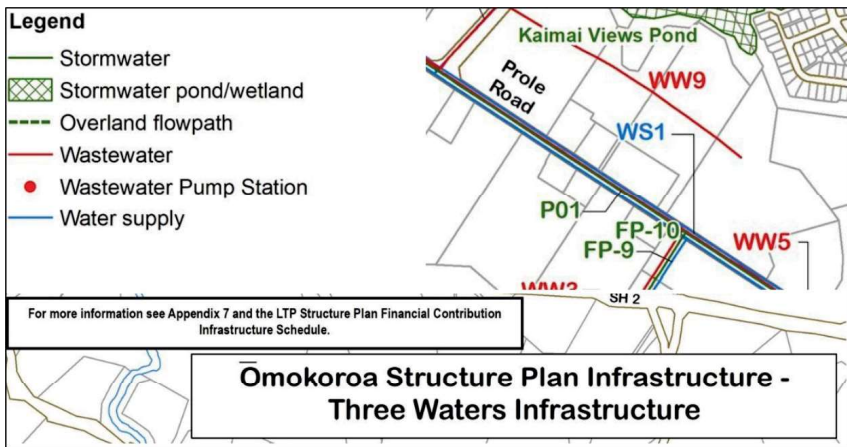
Support retention of proposed Rule and the extent of wastewater line WW9 as shown on "OSP Infrastructure – Three Waters Infrastructure" below, and for reimbursement of cost to developers providing this infrastructure as complete.



As part of the infrastructure network to be used and vested with Council, it is appropriate to reasonably reimburse developers for the costs to supply it.

Relief sought

Support retention of the extent of wastewater line WW9 as shown on "OSP Infrastructure – Three Waters Infrastructure" below, and for reimbursement of cost to developers providing this infrastructure as complete.



Point 19.9

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

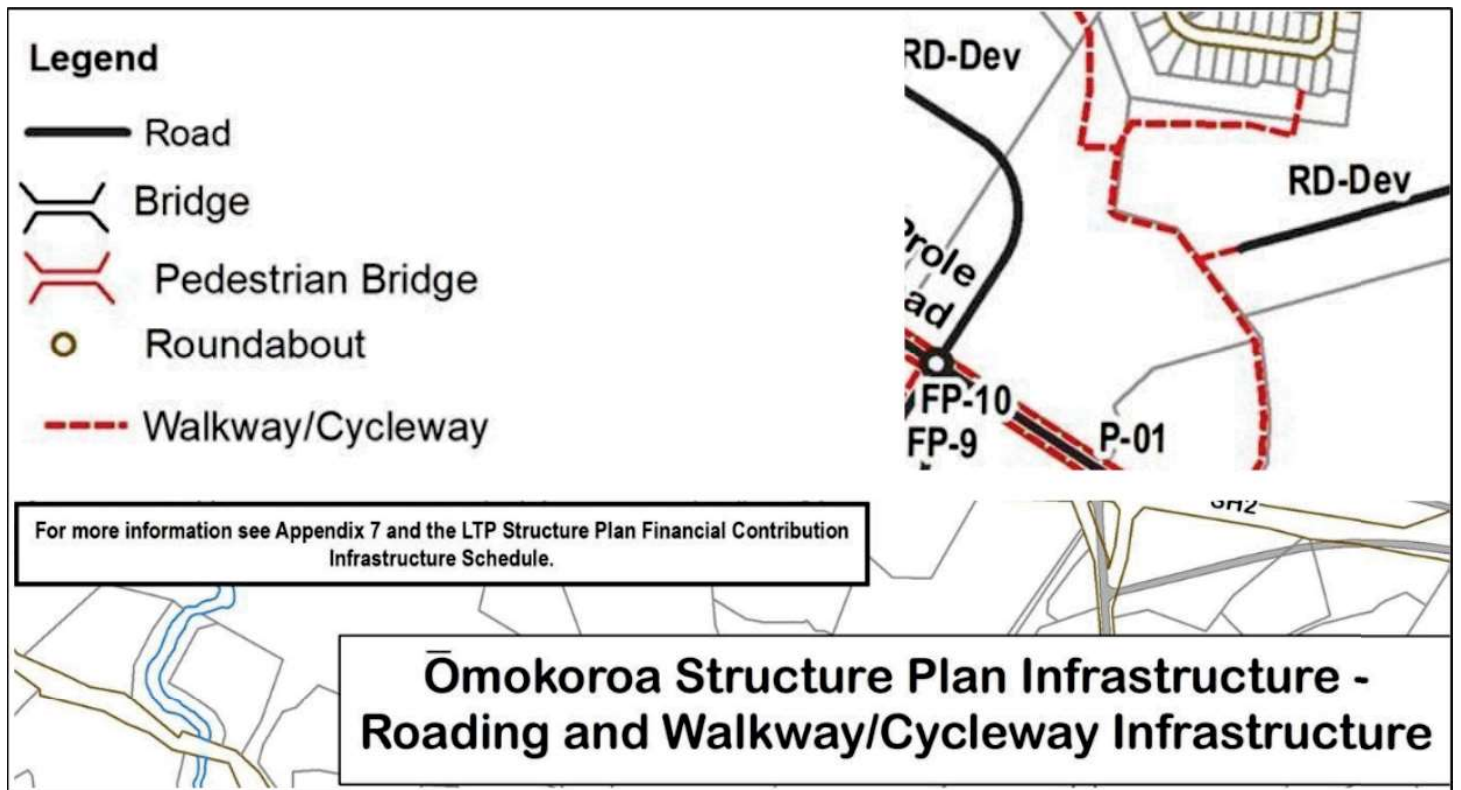
a.

Council shall reimburse developers for the costs of providing completed infrastructure as identified in the Omokoroa Structure Plan Infrastructure Schedule. For the purpose of this rule "completed" shall mean infrastructure that is constructed, approved by Council and vested in Council.

Support/Oppose/Amend: Support

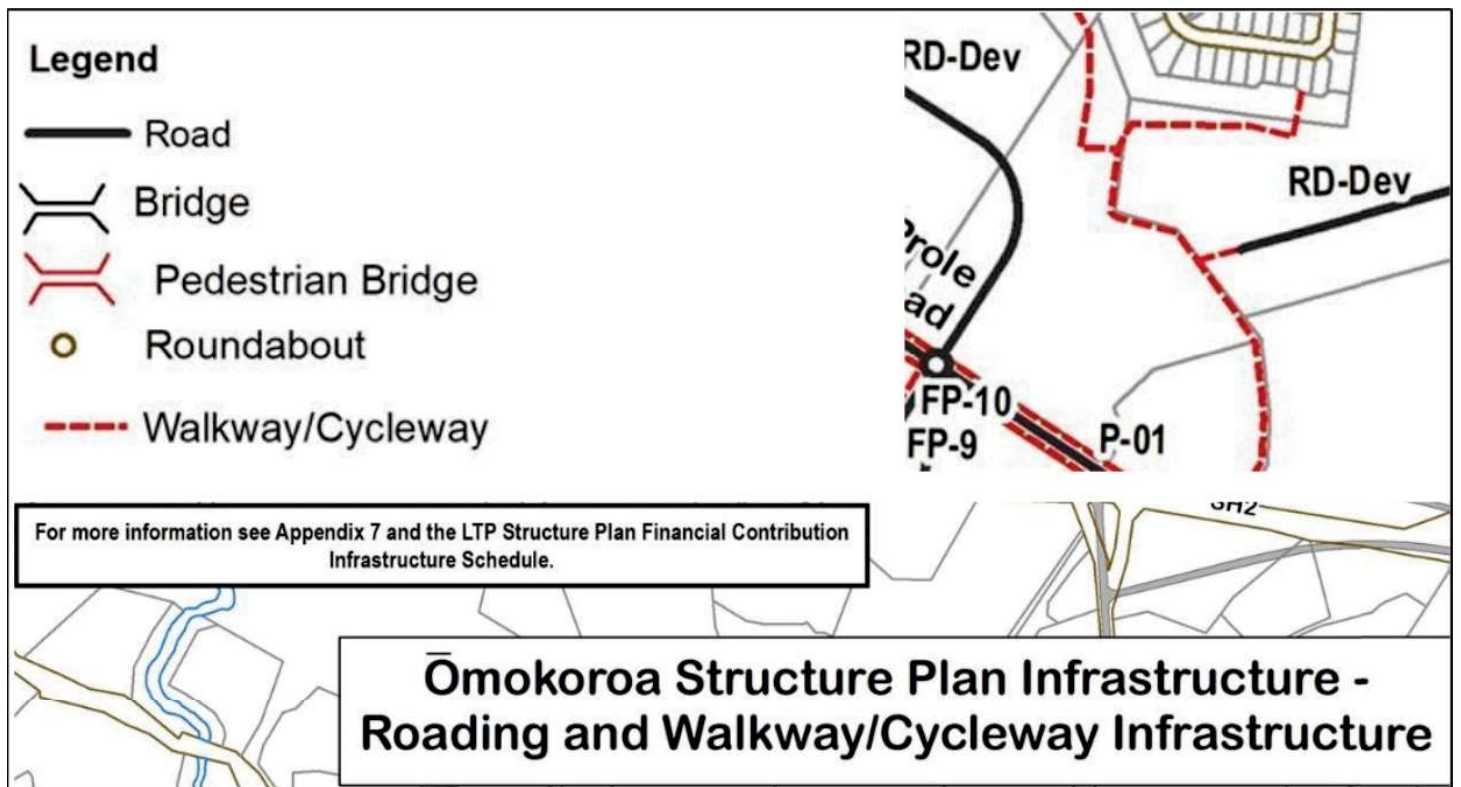
Submission

As part of the infrastructure network to be used and vested with Council, it is appropriate to reasonably reimburse developers for the costs to supply it.



Relief sought

Retention of the Walkway / Cycleway extent as shown on "OSP Infrastructure – Roding and Walkway / Cycleway Infrastructure" below, and for reimbursement of cost to developers providing this infrastructure as complete. However it is noted that the definition of "Public Trails" has been added as a definition and included as an activity that is provided for within Table 10.3(bc). Suggest changing references to "Walkway / Cycleway" to become "Public Trails" on Structure Planning documents and plans to use consistent with wording.



Point 19.10

Support/Oppose/Amend: Support in part

Submission

A "Public Trail" is defined in the District Plan as per below, and is provided for as a permitted activity when located in a Natural Open Space Zone. We support inclusion of this activity however there are standards applicable to when this activity is undertaken under 10.4(r).

There appears however to be a gap in the rule framework for when the land a public trail is formed on is still in private ownership instead of being in Council/public ownership. A variety of walkway / cycleways are shown on the Omokoroa Structure Plan Infrastructure – Roading and Walkway / Cycleway Infrastructure Plans in close proximity to property boundaries. As they are shown on this plan, it may well be interpreted as being a "plan" prepared under the RMA 1991; if not, development of sites are required to be in compliance with the Omokoroa Structure Plans (Rule 12.4.11.5.(c)) or resource consent as a non-complying activity is required that starts to create an ultra vires consenting situation. The requested additional words as suggested are considered to be a tidy way of closing this apparent gap and allowing this public trail to be formed prior to land being vested with Council.

Definition: "Public Trail" means a path either on or off road for the purpose of public recreational or commuter cycle or pedestrian transport or can be a bridle trail or similar. Public trail includes activities associated with creating the path, which includes pathways, bridging, boardwalks, walkways and steps, and includes related signage and maintenance activities, but excludes public trail support infrastructure such as public toilets and carparks.

Relief sought

It is requested that the following amendment in underline be made to Rule 10.4(r):

10.4(r) Public trails

i. Any part of a public trail shall be a minimum of 30m from any title boundary.

Except that:

ii. Clause i. shall not apply if the public trail location is closer than 30m from a title boundary and the public trail:

- Has been identified in a plan prepared under the Reserves Act 1977, the Local Government Act 2002, or the Resource Management Act 1991; or
- Is on land that is an esplanade reserve, esplanade strip, formed or unformed road, or an access strip.
- Located on land zoned Natural Open Space.

Provided that:

iii. A public trail may be located closer than 30m to a title boundary where the written approval of the owner/s of the title/s has been obtained.

Point 19.11

Section: Section 12 - Subdivision and Development
 Sub-section: 12.4.11 Omokoroa Structure Plan
 Provision

Non compliance with the Omokoroa Structure Plans will require a resource consent for a non-complying activity, except that non compliance with the provision for new road access to Omokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity.

Support/Oppose/Amend: Support in part

Submission

12.4.11.5(c) sets out that non compliance with the Omokoroa Structure Plans will require a resource consent for a non-complying activity. Plan Change 92 was notified with an Appendix 10 called Omokoroa Gully Reserve Concept Plan. Within this there is a "Pocket Park" is shown to be located on the north-eastern corner of Prole Road and the site at 60 Prole Road. There is support for such a park to be provided for generally in this area, however it is requested that there be notes included that clearly advise the location shown on this map is indicative only, and the final location be confirmed through it being pro-offered in an application for resource consent instead of it strictly needing to be in the illustrated shown size and location. Similarly with the "Pedestrian Connectors" shown in that they're shown location and form are only indicative.



6. **POCKET PARKS** - Located at key points along the gully reserve network where widened access to the adjacent residential land and suburban road ends is preferred. Some act as 'stepping stones' or 'trail heads' for the reserve track networks. Minor reserve amenities proposed.

For structure planning purposes it is helpful to show how an area might be developed in a coordinated and considered manner, however appropriate guidance notes advising that these sorts of developmental documents are high level only are considered warranted to avoid misleading confirmation of what will actually be established.

Relief sought

There is support for such a park to be provided for generally in this area, however it is requested that there be notes included that clearly advise the location shown on this map is indicative only, and the final location be confirmed through it being pro-offered in an application for resource consent instead of it strictly needing to be in the illustrated shown size and location. Similarly with the "Pedestrian Connectors" shown in that they're shown location and form are only indicative. Include appropriate guidance note on structure plan plans and in relevant sections of the District Plan to be used for engineering design and resource consent processing purposes that the size and shown routes for these services are high-level only, and are to be confirmed through applications for resource consent and engineering design. This guidance note should be supported by inclusion of policies within the zone chapters (Section 14A) & Natural Open Space (section 24), as well as other relevant section including the Subdivision and Development (Section 12), Natural Hazards (Section 8).

Suggested wording:

"Guidance Note: Information and notations shown on structure plan documents are intended to be used for high level guidance only for the purpose of assisting with engineering design and resource consent processing purposes. This information, including size and shown routes for areas and infrastructural related notations are approximate and indicative only, and are to be confirmed through applications for resource consent and engineering design."

Point 19.12

19.12

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

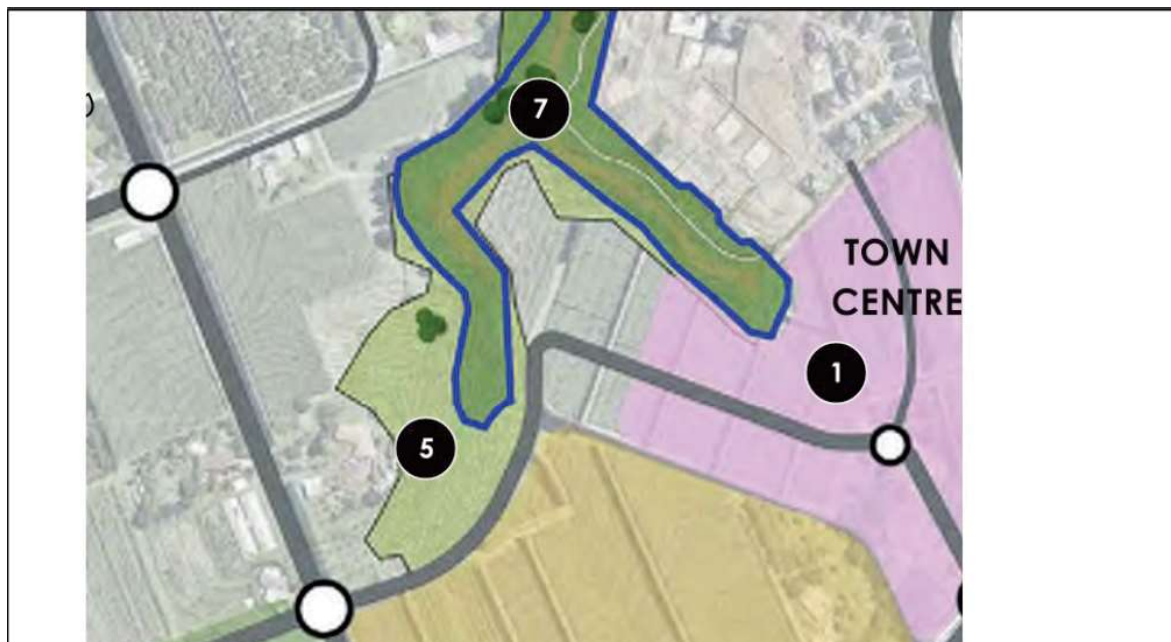
Provision

Non compliance with the Ōmokoroa *Structure Plans* will require a resource consent for a non-complying activity, except that non compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity.

Support/Oppose/Amend: Support in part

Submission

For structure planning purposes it is helpful to show how an area might be developed in a coordinated and considered manner, however appropriate guidance notes advising that these sorts of developmental documents are high level only are considered warranted to avoid misleading confirmation of what will actually be established. Rule 12.4.11.5(c) sets out that non compliance with the Ōmokoroa *Structure Plans* will require a resource consent for a non-complying activity. Plan Change 92 was notified with an Appendix 10 called Omokoroa Gully Reserve Concept Plan. An "Ecological Linkage" is indicatively shown to be located in the lower gully area in the north-east corner of 60 Prole Road. The indicative location of such an area is supported in part, however request that the final location be confirmed through it being pro-offered in an application for resource consent instead of it strictly needing to be in the illustrated shown size and location.



7. ECOLOGICAL LINKAGES (These areas are typically inside the gully network and are located between the various neighbourhood reserves. Amenities would include: restored native shrubland habitat, native wetland habitats and wildlife corridors for native birds, pedestrian and cycleway connections (shared paths))

Relief sought

Include appropriate guidance note on structure plan plans and in relevant sections of the District Plan to be used for engineering design and resource consent processing purposes that the size and shown routes for these services are high-level only, and are to be confirmed through applications for resource consent and engineering design. This guidance note should be supported by inclusion of policies within the zone chapters (Section 14A) & Natural Open Space (section 24), as well as other relevant section including the Subdivision and Development (Section 12), Natural Hazards (Section 8).

Suggested wording:

"Guidance Note: Information and notations shown on structure plan documents are intended to be used for high level guidance only for the purpose of assisting with engineering design and resource consent processing purposes. This information, including size and shown routes for areas and infrastructural related notations are approximate and indicative only, and are to be confirmed through applications for resource consent and engineering design."

Point 19.13

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

12.4.11.6

Reimbursement for Provision of Infrastructure

Support/Oppose/Amend: Support in part

Submission

For land shown to be zoned Natural Open Space that is still in private ownership, reimbursement or compensation requested for significant tracts of privately owned land zoned Natural Open Space where it will be used for infrastructural purposes such as conveyance (and in some instances storage and treatment) of water, stormwater, wastewater, and transportation purposes until it is vested with Council.

Relief sought

Insert following underline:

[12.4.11.6 Reimbursement for Provision of Infrastructure](#)

a. Council shall reimburse developers for the costs of providing completed *infrastructure (and Natural Open Space Zoned land to be vested with Council)* as identified in the Omokoroa Structure Plan Infrastructure Schedule. For the purpose of this rule "completed" shall mean *infrastructure* that is constructed, approved by Council and vested in Council.

Point 19.14

Section: Section 12 - Subdivision and Development

Sub-section: 12.4.11 Omokoroa Structure Plan

Provision

c.

Non-compliance

Support/Oppose/Amend: Oppose

Submission

Structure planning is quite a high-level combination of guidance documents that more specific design is to generally accord to when further investigation / assessment of a matter is undertaken. The proposed rule is drafted so vague, it is anticipated it will be problematic for both Council as administrator of the District Plan, and person/s undertaking an act as to when compliance is adequately achieved. It is considered there are plenty of other resource consent triggers in the zone and other District Plan sections that would capture when an act or activity would require a resource consent, and when it is, should more readily be assigned a restricted discretionary activity status.

Relief sought

In the first instance delete the proposed rule as notified due to it being so vague as to when the non-compliance would occur.

If such a rule is considered necessary, request the activity status be downgraded to restricted discretionary from non-complying.

12.4.11.5(c) Non-compliance – Non compliance with the Omokoroa Structure Plans will require a resource consent for a ~~non-complying restricted discretionary~~ activity, except that non compliance with the provision for new road access to Omokoroa Road in the vicinity of the approved town centre shall be a restricted Discretionary Activity.

Point 19.15

Section: Section 3 - Definitions

Sub-section: Definitions

Provision

"**Net Site Area**" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of "building coverage" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of the site, but excludes:

- a. any part of the site that provides legal access to another site;
- b. any part of a rear site that provides legal access to that site;
- c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.

Support/Oppose/Amend: Oppose

19.15

Submission

Aim for consistency of definitions used by neighbouring Council.

A diagram is considered useful to complement the worded definition, although in this instance, suggest including a note beside diagram advising reader to check corresponding definitions as just using italics for defined terms might not be a sufficiently effective method.

Relief sought

It is requested the proposed definition for Net Site Area below is deleted and instead more closely adopt the definition being used in the Tauranga City Plan (including the illustrative diagram).

WBOPDC –

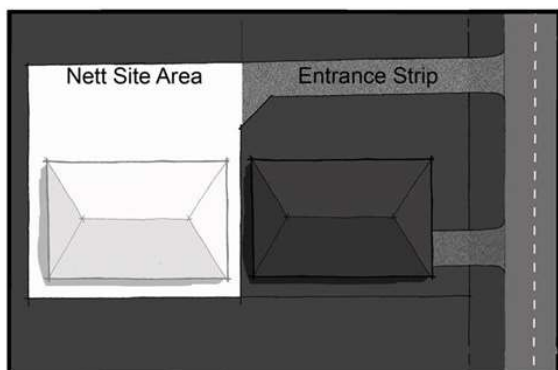
~~"Net Site Area" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of "building coverage" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of the site, but excludes:~~

- ~~a. any part of the site that provides legal access to another site;~~
- ~~b. any part of a rear site that provides legal access to that site;~~
- ~~c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.~~

Tauranga City Plan -

Nett site area - The area of a site less any area of that site that is solely for the purpose of providing access to the site, and for clarity also excludes:

- a. An entrance strip owned in common with the owners of other sites;
- b. Any area in a cross-lease, company lease or unit title subdivision that is not covered by an independent dwelling unit, the accessory buildings of that independent dwelling unit, or other area set aside for the exclusive use of the occupants of that independent dwelling unit.



Point 19.16

Section: Section 3 - Definitions

Sub-section: Definitions

Provision

"**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:

- a. Roofs (whether fixed or retractable);
- b. Paved areas including paths, driveways, and sealed/compacted metal parking areas;
- c. Patios;
- d. Swimming pools; and
- e. Soil layers engineered to be impervious such as compacted clay.

For the purposes of this definition impervious surfaces excludes:

- a. Any natural surface;
- b. Grass and bush areas;
- c. Gardens and other vegetated areas;
- d. Porous or permeable paving and living roofs;
- e. Permeable artificial surfaces, fields or lawns;
- f. Slatted decks; and
- g. Stormwater management devices.

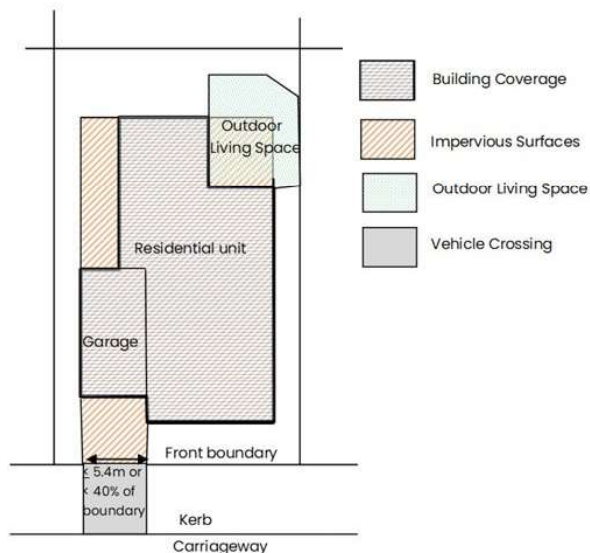
Support/Oppose/Amend: Support in part

Submission

It is considered the definition of "impervious surface" is so broad, the simplistic diagram for impervious surface is a bit misleading, in particular when clause "e" of the definition for impervious surface is applied.

Aim for consistency of definitions used by neighbouring Council who has recently been through hearings with Commissioners.

A diagram is considered useful to complement the worded definitions for "impervious surface", "building coverage" and "outdoor living space", although in this instance, suggest including a note beside diagram advising reader to check corresponding definitions as just using italics for defined terms might not be a sufficiently effective method.



Relief sought

Amend definition drawing and it is also of note that the recent decision on Tauranga City Council's Plan Change 27 definition for impervious surface included the following additional wording to clause g as follows:

"g. *stormwater management devices not located beneath sealed or compacted surfaces*". WBOPDC may considered it appropriate to amend the definition to reflect this change.

"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:

- a. Roofs (whether fixed or retractable);
- b. Paved areas including paths, driveways, and sealed/compacted metal parking areas;
- c. Patios;
- d. Swimming pools; and
- e. Soil layers engineered to be impervious such as compacted clay.

For the purposes of this definition impervious surfaces excludes:

- a. Any natural surface;
- b. Grass and bush areas;
- c. Gardens and other vegetated areas;
- d. Porous or permeable paving and living roofs;
- e. Permeable artificial surfaces, fields or lawns;
- f. Slatted decks; and
- g. *Stormwater management devices not located beneath sealed or compacted surfaces*.

Request include of additional text to align with Tauranga City Council.

Point 19.17

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential
Sub-section: 14A.7.13 Restricted Discretionary Activities – Non-Compliance with Impervious Surfaces
Provision
b.

Whether the amount of *impervious surfaces* can be reduced by providing an additional storey.

Support/Oppose/Amend: Oppose

19.17

Submission

While providing an additional storey to something may indeed reduce the amount of non-compliance of the 70% impervious surface standard, don't believe it would be reasonable for Council to require a development proposal to add another storey to assist compliance with the 70% impervious standard via a condition. Not sure how Council could request an additional storey, and such a change would likely result in a material change to a development proposal, so recommend not even mentioning it.

Relief sought

Delete - b. Whether the amount of impervious surfaces can be reduced by providing an additional storey.

Point 19.18

Section: Section 14A - Omokoroa and Te Puke Medium Density Residential
Sub-section: 14A.7.4 Restricted Discretionary Activities – Non-Compliance with Setbacks
Provision

Front yard

Support/Oppose/Amend: Support in part

19.18

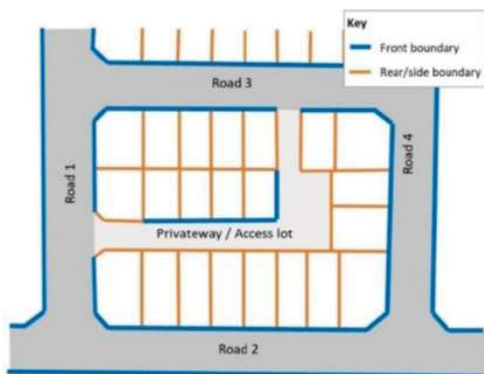
Submission

The definition for front boundary is included below:

"Front Boundary" when used in Section 14A (Omokoroa and Te Puke Medium Density Residential) and within the definition of "Front Yard" means all of the following:

- Road boundary (including the boundary of any structure plan road or designated road or paper road);
- Privateway boundary (for a privateway that serves three or more sites);
- Access lot boundary (for an access lot that serves three or more sites).

Except that: Where a site has a road boundary, any other boundary of that site which is adjacent to any privateway or access lot shall be a side or rear boundary (see the figure below).



For residential units that only have access off a privateway / Access Lot, often this vacant part of a development site can be activated / used for outlook and visibility out towards a formal public road. Upper level living areas and other habitable spaces can be designed to utilise this setback in an effective manner to optimise these view corridors. Inclusion of a matter of discretion and supporting policy should be available to aide consideration of efficient use of these areas when infringement is proposed / resource consent sought.





Relief sought

It is requested that a specific Matter of Discretion with linkage to supporting Policies is inserted: "Support site design measures and methods that seek to more effectively utilise available environmental opportunities to provide enhanced character and amenity experiences where adverse environmental effects are still reasonably internalised with development site boundaries".

Point 19.19

Section: Section 3 - Definitions

Sub-section: Definitions

Provision

"**Developable Area**" when used in Section 11 (Financial Contributions) and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means all land zoned Medium Density Residential except for the following:

- Road reserves of Ōmokoroa Road, Prole Road and Francis Road (including its extension to Ōmokoroa Road);
- Identified *structure plan* link road between Prole Road and Francis Road;
- Identified *structure plan* active reserve.
- As part of a resource consent, areas identified as unsuitable for the construction of a *residential unit* by a suitably qualified and experienced:
 - geotechnical engineer or equivalent, or
 - stormwater engineer or equivalent due to the land having stormwater management as its primary function, or
 - natural hazards engineer or equivalent due to the land being subject to one or more natural hazards.

Note: Other areas in Ōmokoroa unsuitable for the *construction of residential units* have already been excluded through the creation of a Natural Open Space Zone.

Support/Oppose/Amend: Support in part

Submission

Generally support the definition, although would prefer it be consistent with what is used for Tauranga City Council. The note at the end has a presumption that land areas are unsuitable for residential units by being zoned Natural Open Space that is not accurate, and not appropriate to include as part of the definition of Developable Area and should be deleted.

Relief sought

The note at the end has a presumption that land areas are unsuitable for residential units by being zoned Natural Open Space that is not accurate, and not appropriate to include as part of the definition of Developable Area and should be deleted.

"**Developable Area**" when used in Section 11 (Financial Contributions) and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means all land zoned Medium Density Residential except for the following:

- Road reserves of Ōmokoroa Road, Prole Road and Francis Road (including its extension to Ōmokoroa Road);
- Identified structure plan link road between Prole Road and Francis Road;
- Identified structure plan active reserve.

As part of a resource consent, areas identified as unsuitable for the construction of a residential unit by a suitably qualified and experienced:

- geotechnical engineer or equivalent, or
- stormwater engineer or equivalent due to the land having stormwater management as its primary function, or
- natural hazards engineer or equivalent due to the land being subject to one or more natural hazards.

Point 19.20

Section: Section 24 - Natural Open Space

Sub-section:

Support/Oppose/Amend: Support in part

Submission

1. Requested changes to Explanatory Statement

19.20

Requested changes sought to more accurately reflect the understood the purpose of the Natural Open Space Zone without unduly setting barriers and limitations to what can be considered appropriate use and activity on the land within it.

2. Requested changes to the Significant Issues

19.31

Requested changes sought to more appropriately align with the understood the purpose of the Natural Open Space Zone without unduly setting barriers and limitations to what can be considered appropriate use and activity on the land within it.

3. Requested changes to the Objectives and Policies

19.32 19.33

Requested changes sought to use more appropriate non-fictional prose in the wording used, in particular that these objectives and policies are to be given specific examination when considering an application for resource consent under section 104 of the RMA.

4. Requested changes to notified prescribed activities

19.34

The notified thresholds / triggers for when an activity requires resource consent are considered to be set extremely low to be unreasonable. 24.3.3(a)(iii) in particular (The deposition of fill or any other material) seems very casual drafting given its importance as a trigger for when a resource consent is required. To still capture this type of activity to a reasonable extent, "deposition of more than 10m3 of soil or material" is suggested to instead be added to 24.3.3(a)(i); The requested changes to the area and volume triggers are considered to be more appropriate considering the dual functions and objectives for the Natural Open Space Zone land.

5. Requested change to delete Rule 24.3.5(a).

19.35

Structure planning is quite a high-level combination of guidance documents that more specific design is to generally accord to when further investigation / assessment of a matter is undertaken. The proposed rule is drafted so vague, it is anticipated it will be problematic for both Council as administrator of the District Plan, and person/s undertaking an act as to when compliance is adequately achieved. It is considered there are plenty of other resource consent triggers in the zone and other District Plan sections that would capture when an act or activity would require a resource consent, and when it is, should more readily be assigned a restricted discretionary activity status.

6. Requested changes to Matters of Discretion.

19.36 19.37

The requested changes are sought to help complete the sentence; or align wording and phrasing with that used in Natural Open Space Zone provisions to help with assessments made during resource consent report writing.

Relief sought

Request changes set out below with underline for insertions and ~~strikeout~~ for deletions.

19.20

24. Natural Open Space

Explanatory Statement

The Natural Open Space Zone applies to land within Ōmokoroa Stage 3 that is currently likely to be unsuitable for urban building development due to steep terrane contour and /or natural hazards. The Zone has stormwater and/or coastal inundation management functions as it contains the generally natural drainage systems (including gullies) directing overland run-off towards Tauranga Harbour. The Zone will ideally also provides for open space, maintenance and restoration of natural character, green corridor links and visual separation between areas that are planned to be fully urbanised. These areas can also contains a variety and combination of ecological, cultural, recreational and amenity values.

Land within the Zone is currently largely in private ownership but due to physical geotechnical natural constraints, is anticipated to have ~~has~~ very limited development potential. This Section allows for activities that are compatible with the Zone's values and attributes including activities required for reserve purposes and the management of the stormwater network. As appropriate, areas may be obtained by Council for stormwater management, walkways and cycleways, other recreational purposes or to provide for the maintenance and enhancement of natural and cultural values. Subdivision will generally be required to facilitate this transfer of land from private ownership to Council.

24.1 Significant Issues

19.31

1. The area is unlikely to be unsuitable for residential subdivision and urban development due to geotechnical constraints associated with topography and natural hazards.
2. The area contains land that has stormwater and/or coastal inundation management functions, and in ~~an~~ inappropriate development could compromise its ability to perform this role.
3. Inappropriate development of the land within this Zone area for urban activities would result in a loss of in open space, natural character and ecological, cultural, recreational and amenity values.
4. People living in more intensive living environments will likely desire require easy access to quality open space and nature areas to provide for their physical and mental wellbeing.

24.2 Objectives and Policies

24.2.1 Objectives

19.32

1. Subdivision and land use can occur when it that is compatible with the underlying topographical and natural hazard constraints.
2. Maintenance and enhancement of the stormwater and coastal inundation management functions of the area.
3. Maintenance and enhancement of open space, natural character and the ecological, cultural, recreational and amenity values of the Tauranga Harbour coastal margins and inland gully systems within the area.

24.2.2 Policies

19.33

1. Avoid or control subdivision and *development within this Zone that is not complimentary to its purpose.* ~~Which is for urban purposes.~~

19.33

2. Provide for subdivision and *development* which is for public stormwater management purposes.

3. Avoid or control the obstruction, modification or diversion of natural watercourses in a manner that could ~~which~~ adversely affects their stormwater management functions.

4. Provide for subdivision and development which is for the creation and / or management of *public reserves*.

5. Provide for recreational activities and the enjoyment of the natural environment in areas where the landform is suitable and safe for public use.

6. Land use should be restricted to activities that are unlikely to adversely affect the natural character, ecological, cultural, recreational and amenity values of the area.

24.3.3 Restricted Discretionary Activities

19.34

a. The following activities within a Floodable Area and/or Coastal Inundation Area as identified on the District Plan Maps (except where associated with activities which are permitted under 24.3.1 (b) – (e)):

i. The disturbance or deposition of more than ~~greater than~~ $4m^3-10m^3$ of soil or material;

ii. The disturbance of greater than $4m^2-50m^2$ of vegetation (including natural ground cover);

~~iii. The deposition of fill or any other material;~~

iv. The diversion or modification of any natural watercourse.

b. Native vegetation removal, destruction or clearance greater than $2m^2-50m^2$ except as identified in (a) above or where associated with activities which are permitted under 24.3.1 (b) – (e).

24.3.5 Non-Complying Activities

19.35

a. Subdivision or development that is not in general accordance with the respective structure plan.

24.5 Matters of Discretion

24.5.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

24.5.2 Restricted Discretionary Activities – All

19.36

In assessing a Restricted Discretionary Activity, *Council* shall consider the following:

a. The potential adverse effects balanced against the positive effects on the natural character, ecological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.

b. The extent to which a natural watercourse will be obstructed, modified or diverted, and for what purpose.

c. Retaining the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour in accordance with the requirements of relevant stormwater management plans and *Regional Council* resource consents.

d. The extent to which ~~the a proposed activity to disturb soil or remove vegetation would exacerbate proposal would cause~~ land to be susceptible to erosion or instability. ~~including from the disturbance of soil or the removal of ground cover or vegetation.~~

e. Whether the proposal will affect in a positive or negative way the function and/or public amenity values of reserves including *public trails*.

24.5.3 Restricted Discretionary Activities – Subdivision

19.37

In assessing a Restricted Discretionary Activity for a subdivision, *Council* shall consider the following in addition to the matters above:

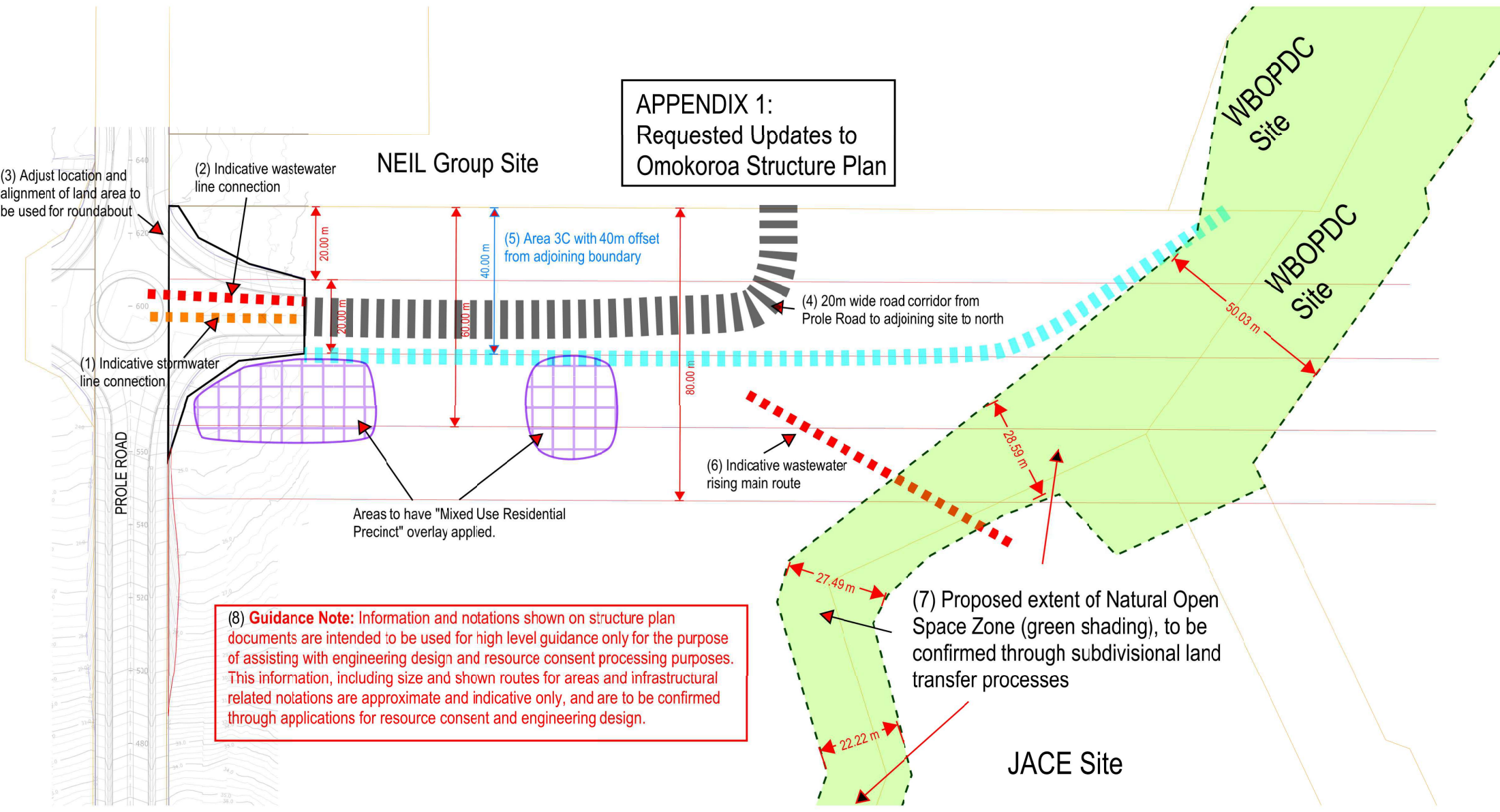
a. Whether the subdivision will be assisting to facilitate a positive effect on the stormwater and coastal inundation management functions of the area and purpose of the Natural Open Space Zone set out in the Explanatory Statement.

b. Whether the subdivision will facilitate provision of land for the creation and/or management of *public reserves*.

c. Whether the *lots* are usable for an intended purpose which is consistent with those described in a. and b. above.

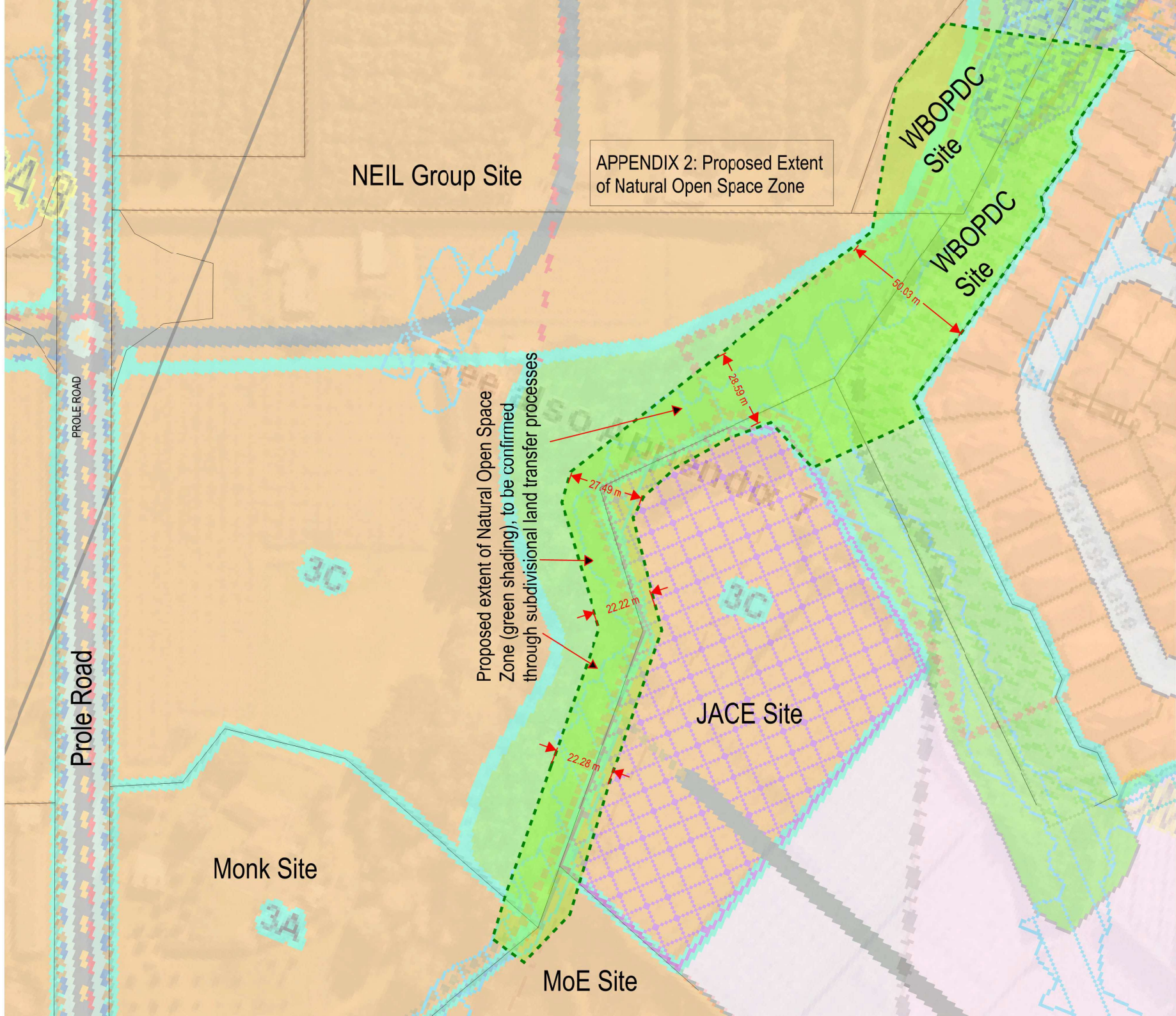
d. The ability for any *lot* to be amalgamated or otherwise incorporated into a residential zoned *lot* to enable a house site to be created in the medium density residential zone.

APPENDIX 1:
Requested Updates to
Omokoroa Structure Plan



(8) **Guidance Note:** Information and notations shown on structure plan documents are intended to be used for high level guidance only for the purpose of assisting with engineering design and resource consent processing purposes. This information, including size and shown routes for areas and infrastructural related notations are approximate and indicative only, and are to be confirmed through applications for resource consent and engineering design.

(7) Proposed extent of Natural Open Space Zone (green shading), to be confirmed through subdivisional land transfer processes



From: Customer Service <info@westernbay.govt.nz>
Sent: Monday, 29 August 2022 11:10 am
To: Duty Planner Mailbox <Duty.Planner@westernbay.govt.nz>
Cc: joshua.marshall.nz@gmail.com
Subject: Josh Marshall - Submission on Proposed Plan Change 26

Hi Team,

Please see below a submission from Josh Marshall. I have copied him in this message.

Frances Harman
Customer Service Representative
Māngai Ratonga Kiritaki



E frances.harman@westernbay.govt.nz
P 07 571 8008 | FP 0800 926 732
1484 Cameron Road, Greerton, Tauranga 3112

westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: Josh Marshall <joshua.marshall.nz@gmail.com>
Sent: Friday, 26 August 2022 8:59 pm
To: Customer Service <info@westernbay.govt.nz>
Subject: Submission on Proposed Plan Change 26

Kia ora,

Please find **attached** my submission on Proposed Plan Change 26.

Despite looking closely, I was unable to find the prescribed plan change submission form on your website for Proposed Plan change 26. The way your website is structured suggests that making an electronic submission on your ePlan is the only way to make a submission. However, [Regulation 6](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 requires that Form 5 in those regulations must "generally be followed".

21.1

The ability to submit on a plan change directly through the ePlan is innovative and I can understand why the Council would want to encourage people to do this. However, I can think of many reasons why an individual may prefer to make a submission using a traditional written form instead. Such people have the right under the regulations to do so. I submit that it is inappropriate for the council not to include Form 5 on their website as a way to make submissions. Leaving it off gives the false impression that a person is only allowed to make submissions through the ePlan and is inconsistent with the regulations. I strongly urge you to publish Form 5 on your plan change page as soon as possible.

In the meantime, I have drawn up my own copy of form 5 in accordance with the regulations on which I have based my submission.

Ngā mihi

Josh Marshall

Mobile: (+64) 27 342 5491

Email: joshua.marshall.nz@gmail.com

Form 5 Submission on 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: **Joshua Sean Marshall**

This is a submission on the following proposed policy statement (*or* on the following proposed plan *or* on a change proposed to the following policy statement *or* plan *or* on the following proposed variation to a proposed policy statement *or* on the following proposed variation to a proposed plan *or* on the following proposed variation to a change to an existing policy statement *or* plan) (the **proposal**):

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

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

The specific provisions of the proposal that my submission relates to are:

as further set out in the appendix to this form

My submission is:

see the appendix to this form

I seek the following decision from the local authority:

see appendix to this form

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.

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

Date **26 August 2022**

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

Electronic address for service of submitter: joshua.marshall.nz@gmail.com

Telephone: **027 342 5491**

Postal address (or alternative method of service under [section 352](#) of the Act): **N/A (electronic address provided)**

Contact person: **N/A**

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 the 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 1991.

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.

Submissions of Josh Marshall on Proposed Plan Change 92 to Western Bay of Plenty District Plan

Provision	Support / Oppose / Amend	Reasons	Relief Sought
Implementation in urban environments outside Ōmokoroa and Te Puke	Amend	<p>The s 32 report states: “Urban environments are defined as areas having a population greater than 5,000 at the 2018 Census or are planned to grow to greater than 10,000 people.” While this is an understandable mistake, this does not accord with the legal definition of urban environment in the NPS-UD.</p> <p>Urban Environment is defined as any area of land (<u>regardless of size</u>, and irrespective of local authority or statistical boundaries) that:¹</p> <ol style="list-style-type: none"> 1. is, or is intended to be, predominantly urban in character; and 2. is, or is intended to be, <u>part of a housing and labour market</u> of at least 10,000 people. <p>Note that (contrary to the ordinary meaning of the expression and the way the s 32 report writers have interpreted it) a settlement may be an urban environment even if the settlement is less than 10,000 people. If a settlement is “predominantly urban in character” and is or intended to be part of a housing and labour market of more than 10,000 (e.g. Tauranga) then even a small village will be an urban environment.²</p>	<p>Investigate the compliance of the zoning in urban environments other than Ōmokoroa and Te Puke (as defined in the NPS-UD) for compliance with the policy 3 of the NPS-UD.</p> <p>Where the zoning is not in accordance with policy 3 in those settlements (that is, where building heights and densities of urban form are not commensurate with the level of commercial activity and community services in of adjacent to those settlements) amend the zoning accordingly.</p>

¹ Emphasis added.

² For a real world example, I refer you to the recent resource consent and plan change issued for a proposed Sleepyhead factory development at Ohinewai in the Waikato District.

Provision	Support / Oppose / Amend	Reasons	Relief Sought
		<p>In contrast, the definition of “relevant residential zone” is limited to settlements of at least 5,000 at the 2018 census (s 2).</p> <p>Only relevant residential zones are required to incorporate the MDRS (s 77G(1)). However, policy 3 is required to be implemented in every residential and urban non-residential zone in EVERY urban environment whether it is a relevant residential zone or not (ss 77G(2) and 77N(2)). This must be done using an IPI and the ISPP (ss 77G(3) and 77N(1)). Since the Council may only ever use the IPI once, that must be done as part of this IPI.</p> <p>Although Ōmokoroa and Te Puke may be the only “relevant residential zones” in the District (and thus the only towns where the MDRS is required to be implemented), the IPI is still required to reconcile policy 3 of the NPS-UD across all other urban environments (such as those close to Tauranga).</p> <p>In particular, this means areas “within or adjacent” to neighbourhood centre zones, local centre zones and town centre zones³ must be amended to have “building heights and densities of urban form commensurate with the level of commercial activity and community services”.</p>	

³ Since the Western Bay of Plenty District Plan has not yet implemented the Zone Framework in the National Planning Standard, clause 1.4(4)(b) of the NPS-UD requires reference to the “nearest equivalent zone”.

Provision	Support / Oppose / Amend	Reasons	Relief Sought
		<p>This exercise has not been done. This exercise is mandatory, not discretionary, and must be done for this IPI to be legally compliant.</p> <p>This exercise should have been done by the Council before notifying the IPI. As a single submitter, it is beyond my means to undertake this exercise myself now. However, I submit that the hearings panel is legally required to see that this exercise is undertaken now before it makes its recommendations on the IPI.</p>	

From: Carolyn McAlley <CMcAlley@heritage.org.nz>
Sent: Monday, 12 September 2022 11:16 am
To: District Plan
Subject: HNZPT submission to WBOPDP PC 92 and NOR for an Active Reserve
Attachments: HNZPT submission to WBOPDC Plan Change 92 NOR FINAL.pdf; HNZPT submission point table to WBOPDC- Plan Change 92 and NOR for Active Reserve FINAL.pdf

Kia ora

Please find attached the combined submission and submission point table of HNZPT to PC 92 and the NOR for the Active Reserve at Omokoroa. Please contact myself in the first instance should you have any queries.

Ngā Mihi

Carolyn

Carolyn McAlley | Tuakana Kaiwhakamāhere-Senior Planner | Heritage New Zealand Pouhere Taonga | P O Box 13339 Tauranga 3141 | Ph: (64 07) 577 4530 | DDI: 577 4535 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei – Honouring the past; Inspiring the future

This communication may be a privileged communication. If you are not the intended recipient, then you are not authorised to retain, copy or distribute it. Please notify the sender and delete the message in its entirety.



06 September 2022

File ref: LAO69

John Holyoake,
The Chief Executive Officer,
Western Bay of Plenty District Council,
Private Bag 12803,
Tauranga Mail Centre,
Tauranga 3143.

Tēnā koe John,

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO WESTERN BAY OF PLENTY DISTRICT COUNCIL PLAN CHANGE 92-OMOKOROA AND TE PUKE ENABLING HOUSING SUPPLY AND OTHER SUPPORTING MATTERS, AND A NOTICE OF REQUIREMENT (NOR) FOR THE OMOKOROA ACTIVE RESERVE

To: Western Bay of Plenty District Council

Name of submitter: Heritage New Zealand Pouhere Taonga

1. Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.
2. The Resource Management Act requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and the protection of historic heritage should be *recognised and provided for* as a Matters of National Importance-Section 6(e) & (f). As subdivision, use and development have the potential to significantly detract from these matters, it is important that any changes to the Plan limits the potential for adverse effects to occur.
3. Heritage New Zealand Pouhere Taonga could not gain an advantage in trade competition through this submission.
4. This is a submission to Plan Change 92 and the NOR by the Western Bay of Plenty District Council. Western Bay of Plenty District Council advises that:
 - a) *Plan Change 92 Plan Change 92 introduces new Medium Density Residential Standards for all the residential areas of Omokoroa and Te Puke. In addition to the residential intensification changes,*



new residential areas are being added to those towns. For Omokoroa provision is also being made for additional industrial land, a new Natural Open Space zone to protect the gullies, and a large active reserve.

b) Notice of requirement by Territorial Authority *The site is located generally at the corner of Ōmokoroa Road and Prole Road extending approximately 340m along Ōmokoroa Road toward SH2. The purpose is to establish an Active Reserve to provide additional recreational facilities to serve the projected population growth. The Active Reserve will consist of playing fields, changing sheds and clubrooms, playgrounds, access, car parking, public amenities, and could include an indoor sports venue and an aquatic centre.*

5. HNZPT supports Plan Change 92 and the NOR. The specific parts of this Plan Change and NOR that the HNZPT's submission relates to are:
 - Recognising and supporting that the Plan provides advice and information to those parties that are developing a site with an historic heritage or cultural feature or require an archaeological assessment and/or HNZPT archaeological authority for the modification and destruction of an archaeological site at the time of subdivision, use or development.
 - Recognising and supporting the intention of the applicant to apply to HNZPT for an Archaeological Authority for the development of the Active Reserve.

6. HNZPT's submission is:

As per the submission points within Appendix 1 attached to this submission.

7. The reasons for HNZPT's position are as follows:

As per the submission points within Appendix 1 attached to this submission.

8. New Zealand seeks the following decision:

As per the submission points within Appendix 1 attached to this submission.

9. Heritage New Zealand does not wish to be heard in support of our submission.



HERITAGE NEW ZEALAND
POUHERE TAONGA

Yours sincerely

PP.

Sherry Reynolds, Director, Northern

Address for service

Heritage New Zealand Pouhere Taonga
Lower Northern Office
P O Box 13339
Tauranga 3141
Attn: Carolyn McAlley
PH: 07 577 4535
Email cmcalley@heritage.org.nz

Attachment: Appendix 1-Submission points table of HNZPT to PC 92 and the NOR

Appendix 1

Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 92 to the Operative Western Bay of Plenty District Plan (the Plan) and the NOR for an Active Reserve at Omokoroa

(Strike: ~~abc~~ =delete and underline: abc = addition)

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Plan Change 92			
Omokoroa and Te Puke Medium Density Residential, 14A.4 Activity Performance Standards, 14A.4.2-Other Standards, V. Historic Heritage	Support	<p>HNZPT supports the inclusion, in the proposed new section of the Plan entitled; “Omokoroa and Te Puke Medium Density Residential,” of a link to the Historic Heritage section, section 7 of the Plan.</p> <p>This reference is important as the areas chosen to accommodate Medium Density Residential housing, in Omokoroa and Te Puke, contain a number of scheduled, not listed, built heritage items (10), a cultural heritage item (1), and a considerable number of recorded archaeological sites recognised in the New Zealand Archaeological Association recording scheme. Given the presence of these recorded archaeological sites, there is an extremely high likelihood of additional unrecorded sites.</p> <p>The historic heritage section of the Plan provides guidance in the form of objectives, policies, and rules relating the need for resource consents if development, use, or subdivision is on the same site as scheduled built heritage or cultural heritage items. These consenting processes seek to retain the important historic heritage values of the items at the time of such works. These rules enable the Plan to provide for matters of National Importance, RMA s6(e) and s6(f).</p> <p>This section also provides advice and information related to the HNZPT processes around archaeology and the need or otherwise to obtain an archaeological authority at the time of earthworks. HNZPT looks forward to collaborating with parties that require archaeological authorities as early as possible in their development processes. This advice assists the applicants to fulfil their obligations under the Heritage New Zealand Pouhere Taonga Act 2014.</p>	That the link to the Historic Heritage Section, contained at 14A.4 Activity Performance Standards, 14A.4.2-Other Standards, V. Historic Heritage-See Section 7, is retained.

22.1

Appendix 1

Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 92 to the Operative Western Bay of Plenty District Plan (the Plan) and the NOR for an Active Reserve at Omokoroa

(Strike: ~~abc~~ =delete and underline: abc = addition)

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Notice of Requirement for a designation an Active Reserve at Omokoroa	Support	<p>The Omokoroa Peninsula is a rich archaeological landscape. Many previous developments have been subject to the need for a HNZPT archaeological authority.</p> <p>HNZPT welcomes the recognition, in the notice of requirement, on page 27, para 48, that as part of the development of the Active Reserve at Omokoroa, that there is a need for a HNZPT Archaeological authority. HNZPT looks forward to working with the WBOPDC to assist them to fulfil their obligations under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>HNZPT considers that the need for an archaeological authority should be recognised in both the Outline Plan and the associated Reserve Management Plan, to ensure that it is obtained.</p>	<p>That the approval of the designation includes recognition of the need for an HNZPT archaeological authority to be obtained as part of the development of this recreation reserve, and that this need for an archaeological authority must become part of the Outline Plan and the Reserve Management Plan.</p>

From: Frank Hodgson <frank.hodgson.nz@icloud.com>
Sent: Thursday, 15 September 2022 2:53 pm
To: District Plan
Cc: <planchange92@resourceplanning.nz>
Subject: Submission to Change 92 - WBOP District Plan

Hi there

Please download from the Dropbox links attached our submission to WBOP District Plan - Change 92. There are two pdfs to download firstly our submission and secondly a copy of the council files for our property at 15 Lomay Place, Te Puke.

<https://www.dropbox.com/s/pg0772f5gklj1z5/Hodgson%20-%20Submission%20to%20Change%2092%20WBOP.pdf?dl=0>

https://www.dropbox.com/s/jk97kjozlf4gf6j/BC91951_Supporting_Documents.pdf?dl=0

We have submitted this to the Belinda Messenger from the “Friend of a Submitter” service for review. She recommended we submit it via the district plan email address.

We would appreciate acknowledgement of the receipt of this email, and that the downloads has been successfully received.

Your faithfully,
Frank & Sandra Hodgson

15 Lomay Place, Te Puke.

From:
 Frank & Sandra Hodgson
 15 Lomay Place, Te Puke
 hodgsonclan2019@gmail.com
 027 279 5228

8 September 2022

Submission to Change 92 - 15 Lomay Place, Te Puke

23.1

Summary of Submission

We believe there is a mistake or generalisation in the mapping that affects our property.

Hearing Attendance

We do not require to attend a hearing to be heard in support of this submission.

Potential Loss in Property Value

There is no commercial trade advantage to be gained in this submission. We own and live at 15 Lomay Place as our place of residence. There is a potential that future resale value of the property may be affected by leaving the mapping as it is now proposed on Council documentation.

Inaccurate Mapping

- We believe incorrect mapping has taken place, which has not taken into account, the development of section with retaining walls, when the land development was done in 2018 for building.
- Two flooding areas are noted on the plan by our property on the western boundary.
 Firstly, the “District Plan Natural Hazards” “Floodable Areas” in light blue cross hatch pattern.
 Secondly, under “Other Natural Hazards” “Te Puke Floodable Areas” in purple cross hatch pattern.
- * When our section was developed for building, the developer was required to do ground works. A substantial retaining wall was constructed on the western boundary.
- Fill was taken from a knoll on the adjacent section at 17 Lomay Place and elsewhere to level the two sections to the same height. The retaining wall is 1.5 metres high approx, our section is elevated above the existing District Plan Natural Hazards, Floodable Area.
- We don’t believe the “Other Natural Hazards, Te Puke Floodable Area” would affect our property. There is an area on the new projection, invasive of our section, that probably depicts an old gully line that was on the land before the

development work was done. We question: has the new modelling picked up old contours lines data on the western edge of our property?

- The height of our retaining wall is almost at the same contour level of Cannell Farm Road opposite us over the floodable farm land, which is above the new proposed flood modelling.

Stormwater Drainage

- Stormwater drainage in the whole Lomay Place development, has overall improved the drainage of the catchment from No. 1 Road down the street. All the individual sections in Lomay Place, as building regulations, have their own soak pits for stormwater catchment. The amount of stormwater freely draining down the landscape has therefore been considerably reduced by this improvement.
- Lomay Place is a steep street and a second mitigating point is the stormwater collected on the sealed road in the street, is redirected through drains to exit Lomay Place to the north into a large sump by the properties at 16 and 19 Lomay Place, at the area designated as 14 Lomay on Council mapping. This low lying area, adjacent to the fields to the west, has no property on it.

Supporting Reference Material

- Please review photos on page 3 showing the retaining wall in relation to the adjacent property at No. 17 Lomay which is unaffected by the proposed mapping.
- Jpeg picture on page 4, taken from the WBOP website of the new proposed plan, depicting our property.
- Refer to Stratum ground work documents attached for reference, sections 9 & 10 which refer to ground works undertaken at time of development.

CONCLUSION

- We believe the “Other Natural Hazards, Te Puke Floodable Area” should be corrected by our property, to be the same as the existing “District Plan Natural Hazard - Floodable Areas”.
- We would appreciate the above be taken into consideration. In that the new district plan proposal should be changed, to indicate the new flood prone area be the same as the old Te Puke Flood plan. This to run parallel to our retaining wall on the western facing side of our property. Removing from our land, small area of flooding marked on the plan.

Your faithfully

Frank & Sandra Hodgson

These two photos are taken from Cannell Farm Road which is across farm land to the west of our property.



This photo shows our property on the right with retaining wall. No. 17 Lomay to the left. At the deepest point the retaining wall is 1.5 metres high from the farm land.



This photo shows from the left the house at 19, 17 & 15 Lomay Place.



Pan



Zoom In



Zoom Out



Full Extent



Previous Extent



Next Extent



Bookmarks



Identify



Print



Export

Navigation

Find Data

Tasks

Layers

Filter Layers...

Filter

 Tauranga Harbour Coastal Inundation Katikati Floodable Area Ōmokoroa Floodable Area Te Puke Floodable Area Waihi Beach Floodable Area Wairoa Floodable Area Rural / Small Settlements Floodable

Area

 Maketu/Pukehina Tsunami

Layers



0 10 20m

This is a screenshot from the WBOP website showing the flooding line on our property at 15 Lomay Place, that we are questioning in this submission. We have added the red line to highlight the area of concern.

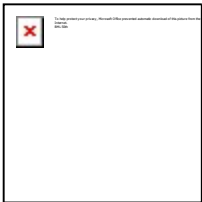
From: Sean Grace <sean.grace@boffamiskell.co.nz>
Sent: Friday, 16 September 2022 1:45 pm
To: District Plan
Cc: MILLAR, Andrea (WELLHO); Maurice Dale
Subject: Ara Poutama Aotearoa the Department of Corrections: Submission on Plan Change 92 to the WBOPDP
Attachments: Ara Poutama Submission on Plan Change 92 to the WBOPDP.pdf

Kia ora,

Please find **attached** a submission from Ara Poutama Aotearoa the Department of Corrections on Plan Change 92 to the Western Bay of Plenty District Plan.

It would be appreciated if receipt of this submission could be acknowledged by way of return email.

Kind regards



Sean Grace | Planner | Senior Principal | Full Member, New Zealand Planning Institute

E: sean.grace@boffamiskell.co.nz | D: +64 7 571 5636 | M: +64 27 836 1946 | LEVEL 5 | 35 GREY STREET | TAURANGA 3110 | NEW ZEALAND

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ARA POUTAMA AOTEAROA, THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON PLAN CHANGE 92 TO THE OPERATIVE WESTERN BAY OF PLENTY DISTRICT PLAN

To: Western Bay of Plenty District Council
Private Bag 12803, Tauranga Mail Centre
Tauranga 3143

Email: districtplan@westernbay.govt.nz

Submitter: Ara Poutama Aotearoa the Department of Corrections
Private Box 1206
Wellington 6140

Attention: Andrea Millar – Manager, Resource Management and Land Management
Phone: 027 216 7741
Email: andrea.millar@corrections.govt.nz

Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**) makes submissions on Plan Change 92 (**PC92**) to the Operative Western Bay of Plenty District Plan (**Operative District Plan**) in the **attached** document.

Ara Poutama confirms it could not gain an advantage in trade competition through this submission.

Ara Poutama would like to be heard in support of its submission. If other submitters make a similar submission, Ara Poutama will consider presenting a joint case with them at a hearing.

A handwritten signature in blue ink, appearing to read 'Andrea Millar', is positioned above a horizontal line.

Andrea Millar – Manager, Resource Management and Land Management

For and behalf of Ara Poutama Aotearoa, the Department of Corrections

Dated this 16th day of September 2022

Introduction

Ara Poutama is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, Ara Poutama establishes and operates custodial and non-custodial corrections facilities, monitors people in the care of the Ara Poutama serving their sentences in the community, and provides supported and transitional accommodation to assist people to reintegrate back into the community.

Custodial Corrections Facilities

Custodial corrections facilities include prisons and detention facilities and may also include non-custodial transitional accommodation (i.e. on a custodial facility site) for people with high and complex needs, who have completed a prison sentence and are being supported and prepared for reintegration and transition back into the community. Non-custodial rehabilitation activities and programmes may also occur on-site.

There are currently no custodial facilities in the Western Bay of Plenty District.

Non-Custodial Community Corrections Sites

Non-custodial community corrections sites include service centres and community work facilities and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and to give back to their community, and in return the community benefits from improved amenities. Ara Poutama considers that its services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the Resource Management Act 1991 (**RMA**).

The service centres provide for probation, rehabilitation, and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama's staff use service centres to undertake assessments and compile reports for the courts, police, and probation officers. Service centres may also be used as administrative bases for staff involved in community-based activities or used as a place for therapeutic services (e.g., psychological assessments). The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.

In addition to these service centres, Ara Poutama operates community work facilities. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage.

Service centres and community work facilities may also be co-located on the same site.

Community corrections sites support offenders living in that community. Ara Poutama therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations. As community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity.

Ara Poutama currently operates one non-custodial community corrections site in the Western Bay of Plenty District, located at 10 King Street in Te Puke.¹ This site is a community corrections service centre, and is located within the Commercial Zone in the Operative District Plan. Ara Poutama requires that the District

¹ Site located in the Commercial Zone under the Operative District Plan, and is unmodified by PC92.

Plan also provides for community corrections facilities in other appropriate locations, should they be required in the future.

Demand for these services exist nationally, and it is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas, which may include areas of housing intensification.

Residential Activities

Ara Poutama operates residential housing in the community throughout New Zealand, providing support for some people in its care to assist with their transition and/or integration in the community. There is a range of rehabilitation, reintegration and support provided in these houses, depending on the needs of the residents. Housing and associated support services may be for people following their release from prison, or may be used to accommodate those on bail or community-based sentences (such as home detention).

Residential accommodation (with support) provides necessary facilities, such as sleeping, cooking, bathing and toilet facilities, which encompass a typical household living scenario; and a typical residential dwelling, within a residential setting, is utilised for such purposes. People living in this residential environment are not detained on-site, the same as anyone else living in the community, except that some people may be electronically monitored and/or supervised. In some instances, supervisory staff are present on-site to provide a level of care (being a range of rehabilitation, re-integration and support services) appropriate to meet the needs of the individual(s) residing at the site. It is noted that these support staff do not reside on-site and have an alternative residential address. In other instances, supervisory staff will provide support on a part-time basis.

The Courts may sentence an offender to home detention as an alternative to imprisonment. Individuals on home detention serve a home-based sentence at a suitable and approved residence and are electronically monitored 24 hours a day, seven days a week. The purpose of electronic monitoring is to deter the offender from breaching conditions that relate to his or her whereabouts and monitor compliance with those conditions.² Home detention and electronic monitoring allow individuals to seek or maintain employment, complete a sentence of community work if imposed, access programmes to address their offending, be involved in prosocial activities, and maintain their family relationships. It is an increasingly common sentence for many individuals in our care who otherwise would have received a short prison sentence for their offending (they can be sentenced to home detention from 14 days to one year). People on a home detention sentence are generally required to remain at a typical residential dwelling.

Ara Poutama is responsible for a range of residential accommodation (with support), which vary in nature and scale, of all which fall within the ambit of a residential activity.

Demand for these services exist nationally, including in the Western Bay of Plenty. It is important that provision is made to enable residential accommodation activities (with support) to establish, operate and redevelop, within appropriate areas, which is likely to include areas subject to housing intensification.

Ara Poutama's Submission on Plan Change 92

Ara Poutama has an interest in the implications that PC92 will have on the establishment and operation of non-custodial community corrections facilities and residential accommodation (with support), in the Western Bay of Plenty.

PC92 introduces the Medium Density Residential Standards (**MDRS**), which are being proposed via an Intensification Planning Instrument (**IPI**). Intensification and population growth in urban areas has an implication for the delivery of the services Ara Poutama is required to provide in the Western Bay of Plenty.

Ara Poutama's specific submissions on the IPI / PC92 are outlined in the following table.

² Sentencing Act 2002, section 80E.

Submissions

Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in strikethrough)
<p>Section 3 – Definitions</p> <p>“Community corrections activity”</p>	<p>Oppose</p> <p>Ara Poutama requests the addition of a definition of “community corrections activity”, consistent with the National Planning Standard definition.</p> <p>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They build strong and resilient communities and enable people and communities to provide for their social and cultural well-being and for their health and safety to achieve the purpose of the RMA.</p> <p>Intensification and population growth in urban areas creates more demand for these types of facilities. Specifically with the higher population, the proportion of those people needing community corrections services will correspondingly increase. It is therefore important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas.</p>	<p>1. Add the following definition to <i>Section 3 Definitions</i>:</p> <p><u>“Community Corrections Activity” means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.</u></p>
<p>Section 3 – Definitions</p> <p>“Household”</p>	<p>Oppose</p> <p>The National Planning Standards includes definitions for “residential activity” and “residential unit” that must be used when a local authority includes a definition for such in its plan. PC92 includes both of these definitions, which is supported.</p> <p>However, the definition of “residential unit” (as well as the definition of “dwelling” in the Operative District Plan) refers to a “household” which is not defined in the Operative District Plan, nor PC92. Ara Poutama seeks that a new definition be added, to clarify that a household is not necessarily limited to a family unit or a flatting arrangement (which are more commonly perceived household situations).</p>	<p>1. Add the following definition to <i>Section 3 Definitions</i>:</p> <p><u>“Household” means a person or group of people who live together as a unit whether or not:</u></p> <p><u>a. any or all of them are members of the same family; or</u></p> <p><u>b. one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.</u></p>
<p>Section 3 – Definitions</p> <p>“Residential activity”</p>	<p>Support</p> <p>Ara Poutama requests that the definition of “residential activity” is retained.</p> <p>The definition is consistent with the wording provided for in the National Planning Standards.</p> <p>This definition applies to supported and transitional accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama. Providing reintegration and rehabilitation support is an important component of the reintegration process for people under Ara Poutama’s</p>	<p>1. Retain the definition of “residential activity” as proposed in <i>Section 3 Definitions</i>.</p>

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Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in strikethrough)
	supervision. It enables people and communities to provide for their social and cultural well-being and for their health and safety.	
Section 3 – Definitions “Residential unit”	<p>Support</p> <p>Ara Poutama requests that the definition of “residential unit” is retained.</p> <p>The definition is consistent with the wording provided for in the National Planning Standards.</p> <p>This definition applies to supported and transitional accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama. Providing reintegration and rehabilitation support is an important component of the reintegration process for people under Ara Poutama’s supervision. It enables people and communities to provide for their social and cultural well-being and for their health and safety.</p>	1. Retain the definition of “residential unit” as proposed in <i>Section 3 Definitions</i> .
Section 14A – Ōmokoroa and Te Puke Medium Density Residential Zone Policies and rules	<p>Support in part</p> <p>Ara Poutama requests that the policies and permitted activity rules applying to residential units in the Ōmokoroa and Te Puke Medium Density Residential Zone are retained.</p> <p>The permitted activity status (enabled by the associated policies) is appropriate in the context of the establishment and operation of supported and transitional accommodation activities.</p> <p>Ara Poutama requests Policy 14A.2.2.1 is retained but amended so that a variety of household types that meet the community’s diverse social and economic housing needs are provided for in the zone, including households that involve an element of supervision, assistance, care and/or treatment support.</p> <p>This includes residential activities provided by Ara Poutama that provide housing, and associated care and support for people following their release, to assist with their transition and integration back into the community; and housing for those on bail or community-based sentences.</p> <p>Providing for a range of residential activities with support in the zone is important to meet community needs, build strong and resilient communities, and enable people and communities to provide for their social and cultural well-being and health and safety to achieve the purpose of the RMA and give effect to the NPS-UD.</p>	<p>1. Retain the policies within section 14A.2.2 applying to “residential units” in the Ōmokoroa and Te Puke Medium Density Residential Zone, but with an amendment to Policy 14A.2.2.1:</p> <p><i>Enable a variety of housing types with a mix of densities within the zone to provide for a range of households, including three-storey attached and detached residential units, and low-rise apartments.</i></p> <p>2. Retain the Activity List rules permitting “residential units” in the Ōmokoroa and Te Puke Medium Density Residential Zone. These include:</p> <ul style="list-style-type: none"> • Rule 14A.3.1.a • Rule 14A.3.1.b
Sections 19, 20 and 21 – Commercial Zone, Commercial Transition	<p>Oppose</p> <p>Ara Poutama requests the amendment of the rules for the Commercial</p>	1. Amend the Activity List in the Commercial Zone to enable “community corrections activities” to be undertaken as a permitted activity:

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Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in strikethrough)
<p>Zone and Industrial Zone</p> <p>Rules for community corrections activities</p>	<p>Zone, Commercial Transition Zone and Industrial Zone to enable “community corrections activities” as a permitted activity.</p> <p>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They build strong and resilient communities and enable people and communities to provide for their social and cultural well-being and for their health and safety to achieve the purpose of the RMA.</p> <p>Intensification and population growth in urban areas creates more demand for these types of facilities. Specifically with the higher population, the proportion of those people needing community corrections services will correspondingly increase. It is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas.</p>	<p>19.3.1 Permitted activities</p> <p><i>Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:</i></p> <p>...</p> <p><u>o. Community corrections activities.</u></p> <p>2. Amend the Activity List in the Commercial Transition Zone to enable “community corrections activities” to be undertaken as a permitted activity:</p> <p>20.3.1 Permitted activities</p> <p><i>Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:</i></p> <p>...</p> <p><u>k. Community corrections activities.</u></p> <p>3. Amend the Activity List in the Industrial Zone to enable “community corrections activities” to be undertaken as a permitted activity:</p> <p>21.3.1 Permitted Activities (all areas except for the Comvita Campus Structure Plan Area (see 21.3.4) and where otherwise specified)</p> <p>...</p> <p><u>s. Community corrections activities.</u></p>

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From: Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>
Sent: Friday, 16 September 2022 4:00 pm
To: District Plan
Subject: BOPRC Submission on WBOPDC's Plan Change 92
Attachments: 2022-09-16 BOPRC Cover Letter to Submission on PC92 signed.pdf; 2022-09-16 BOPRC Submission to Plan Change 92 Final.pdf

Kia ora,

Please find attached Bay of Plenty Regional Council's cover letter and submission on WBOPDC's Plan Change 92.

We appreciate the opportunity to comment.

Ngā mihi
Sharlene

Sharlene Pardy

Team Leader Environmental Policy and Planning
Bay of Plenty Regional Council Toi Moana

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E: Sharlene.Pardy@boprc.govt.nz

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16 September 2022



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

Tēnā koe John

Bay of Plenty Regional Council Submission to proposed Plan Change 92 to the Western Bay of Plenty District Plan

Bay of Plenty Regional Council (BOPRC) acknowledges the substantial effort that Western Bay of Plenty District Council (WBOPDC) staff have put into developing an integrated planning package in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

BOPRC strongly supports integrated approaches to managing stormwater including the use of catchment management plans and planning of provisions to achieve better stormwater management.

BOPRC appreciated the opportunity to provide input into the plan changes prior to public notification as it has enabled a number of issues relating to the implementation of the NPS-FM to be addressed.

This is particularly the case for the Ōmokoroa Structure Plan which has enabled an innovative and integrated response to managing the effects of post-development stormwater on the gully system and coastal receiving environment via catchment management planning.

To support implementation and greater integration of land use and stormwater management effects on receiving environments, specific relief is sought at the subdivision plan stage. Greater clarity and certainty are also sought in the plan provisions to ensure subdivision is required to comply with existing and future catchment management plans to ensure stormwater management occurs in the manner anticipated.

BOPRC strongly supports the introduction of the Natural Open Space zone as a method of protecting water bodies and freshwater ecosystems contained within the various gully systems and for providing for public stormwater infrastructure.

As detailed mapping and values assessments have not been completed, relief to resolve potential conflicts between waterbodies and indicative locations of stormwater wetlands within the Natural Open Space zone is sought. Other locations where water bodies have been identified for further consideration are set out in the attached submission.

BOPRC welcomes the inclusion of specific provisions to manage impermeable surface

Objective ID A4209213

coverage and incorporate water sensitive design methods as a means of offsetting the effects of intensification on the receiving environment and the Te Puke flood scheme.

BOPRC supports the introduction of a 50% impermeable surface coverage rule within the proposed Stormwater Management Area in Te Puke. Similarly, BOPRC strongly supports the greater consideration of the attenuation requirements of the comprehensive stormwater consents as a means of managing the cumulative effects of increased stormwater run-off, particularly in Te Puke where the council manages a flood scheme.

BOPRC acknowledges WBOPDC's efforts to complete the DHI model to understand the impacts of existing and future development on the downstream flood scheme. BOPRC also appreciates the work completed to update the flood, inundation and erosion mapping to support the plan change and the collaborative approach taken to complete this work. BOPRC looks forward to working on future updates to the Western Bay of Plenty District Plan to give full effect to the natural hazard provisions of the Bay of Plenty Regional Policy Statement.

As the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 does not provide the opportunity to exclude areas potentially undesirable for development, BOPRC would appreciate the opportunity to work closely with WBOPDC to consider this when the Western Bay of Plenty District Plan is reviewed in the future.

BOPRC wishes to be heard in support of this submission.

For matters relating to this submission please contact Sharlene Pardy at sharlene.pardy@boprc.govt.nz.

Nāku noa, nā,



Namouta Poutasi
General Manager Strategy and Science

BOPRC submission to proposed Plan Change 92 to the Western Bay of Plenty District Plan

Issue or specific reference	Position	Reason	Relief sought
Stage 3 of the Ōmokoroa Structure Plan			
General	Support	Support the inclusion of a structure plan for Ōmokoroa Stage 3 in Plan Change 92 (PC 92) to implement directives of the National Policy Statement for Urban Development.	Retain as notified.
Mapping	Support and amend	The Natural Open Space zone is supported as the most appropriate method to protect the extent of streams, wetlands and freshwater ecosystems for the purposes of this plan change and in the interim period until such time as full effect is given to the National Policy Statement for Freshwater Management (2020) (NPS-FM).	Ensure that the Natural Open Space zone is applied to waterbodies and freshwater ecosystems that require management and protection under the NPS-FM, including the consideration of including waterbodies at 51 Francis Road, 42 Francis Road and the gully system above and below the area for proposed stormwater wetland E1.
Ōmokoroa Structure Plan Infrastructure – Three Waters Infrastructure; and		There appears to be conflicts with the indicative locations of stormwater wetlands E1 and N1a and areas that potentially contain water bodies that benefit from protection and management under the NPS-FM.	<p>The following relief is sought:</p> <ul style="list-style-type: none"> (i) Detailed mapping identifying wetlands, streams and freshwater ecosystems in close proximity to proposed stormwater

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<p>Ōmokoroa Plan Change 92: Zoning Map.</p>		<p>To resolve any conflict that may occur (at subdivision stage) between the sizing requirements of the proposed stormwater wetlands (as identified in the Table 14.1 of the draft Catchment Management Plan) and any protected water body and Natural Open Space zone, further mapping is sought.</p> <p>The Natural Open Space zone (Section 24) provides for subdivision and development for public stormwater. The use of this zone for this purpose is supported.</p> <p>There are concerns however, with the adequacy of the extent of the zone in these locations which will be confirmed through this plan change process, unless other methods are available to secure space for stormwater reserves and infrastructure i.e. subdivision or otherwise.</p>	<p>wetlands, in particular, N1a and E1 be undertaken as part of the structure plan before confirming the extent of the Natural Open Space zone and/or the proposed locations of the indicative wetlands shown on 'Ōmokoroa Structure Plan Infrastructure – Three Waters Infrastructure'; and</p> <p>(ii) Consider methods including as set out below with regards to stormwater reserves, subdivision and financial contributions.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.</p>
<p>Stormwater reserves, subdivision and financial contributions</p>	<p>Clarify</p>	<p>It is unclear how additional land for the purposes of stormwater management reserves can be secured if required at subdivision stage, in addition to the areas identified as Natural Open Space zone, as notified.</p> <p>For example, whether the intention is to take the land as a financial contribution under s108 RMA and if so, how the requirements of s108(10) are to be met about specifying the purpose of taking the land and the level of</p>	<p>Clarify the method in the District Plan, including by way of additional provisions if required, by which additional land can be required as part of subdivision, or as financial contribution or otherwise, for the purposes of providing stormwater wetlands beyond the extent of the National Open Space zone.</p>

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		contribution being determined in the manner specified in the District Plan. If another method is contemplated for obtaining and securing stormwater reserves, then further clarification of this is sought to ensure that the plan change /existing provisions can give effect to the requirement for stormwater reserves.		25.5
Clause (f) of 12.4.5.17.	Amend/or delete	Stormwater management plans are not considered the most appropriate method for confirming details for stormwater reserves.	Subject to the resolution of the above, refer to the relevant map(s) and/or method(s) to clarify the details of stormwater reserves in the District Plan. Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.	25.6
Planning provisions – Stage 3 of the Ōmokoroa Structure Plan				
Stormwater wetlands/ponds	Amend	Stormwater ponds are not considered appropriate technology to achieve water quality outcomes sought by the ‘treatment train’ approach for Stage 3 of the Ōmokoroa Structure Plan.	Clarify or amend as appropriate, references to stormwater management methods that provide for stormwater ponds in Ōmokoroa Stage 3 including Restricted Discretionary Activity 21.3.8(d)(iii) in favour of stormwater wetlands.	25.7
Clause (a) 12.4.5.17 (stormwater)	Oppose	The flooding management standard in Clause (a) is at odds with the various attenuation requirements anticipated or approved in the existing catchment management plans for Ōmokoroa and Te Puke.	Delete 12.4.5.17 Clause (a) in favour of relief sought for 12.4.5.17 (b) to ensure that attenuation is managed at the subdivision stage by the relevant catchment management documents and associated management plans.	25.8

<p>Clause (b) 12.4.5.17 (stormwater)</p>	<p>Support in part</p>	<p>Recognise the intent to rely on the existing and future catchment management documents and manage attenuation and water quality to give effect to the NPS-FM, the relevant provision in the Bay of Plenty Regional Policy Statement (RPS) and, ensure consistency with the Bay of Plenty Coastal Environment Plan (2019) (RCEP) and BOP Regional Natural Resources Plan (2008) (RNRP).</p> <p>Further clarification is sought as to the method by which subdivision is managed by existing and, in particular, future catchment management documents to recognise that this is an interim period, and that more comprehensive planning is being developed that will better manage these effects and give effect to national and regional policy and planning requirements.</p>	<p>Clarify and strengthen the 'linking' method in 12.4.5.17 (b) to ensure:</p> <ul style="list-style-type: none"> (i) that future subdivision must comply with existing and future comprehensive stormwater consent(s) <u>and</u> associated management documents; (ii) that the relevant catchment management documents and associated management plans will give effect to the NPS-FM, and the RPS and not be inconsistent with the RCEP and RNRP; (iii) And in the interim: ensure that the plan does not foreclose on or predetermine options or outcomes in the interim period before full effect is given to the NPS-FM and the National Environmental Standards for Freshwater (NES-F).
<p>Appendix 7 (structure plans) of the Western Bay of Plenty District Plan and elsewhere as appropriate.</p>	<p>Amend</p>	<p>The need to provide interim management via the 'Appendix Ōmokoroa Stage 3: Stormwater Management Concept' should also be addressed in the provisions.</p> <p>A planning response is required to ensure that the plan does not foreclose on or predetermine options or outcomes in the interim period before full effect is given to the NPS-FM and NES-F.</p>	<p>The following relief is sought:</p> <ul style="list-style-type: none"> (i) To support implementation and, in the interim until a new Catchment Management Plan is approved for Ōmokoroa Stage 3, append 'Appendix A: Ōmokoroa Stage 3: Stormwater Management Concept' of the draft Catchment Management Plan in Appendix 7 (structure plans) and include cross references within provisions as appropriate; and

			<p>(ii) Seek amendments for the 'Medium Density Residential' areas to include reference to rain tanks/paving/swales/bioretenion'.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.</p>
Clause (b) of 12.4.5.17	Amend	Amend wording to better align with the wider stormwater management objectives of the relevant catchment management documents and plans.	<p>In addition to relief sought elsewhere to 12.4.5.17(b), the following or similar relief is sought:</p> <p>(i) <i>All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan and the Te Puke Stormwater Management Plan and shall incorporate <u>best practicable options</u> for water sensitive urban design practices (such as swales, wetlands and pervious pavement) as far as practicable to manage hydrology and <u>water quality</u>.</i></p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
Clause (b) of 12.4.5.17 (stormwater)	Amend	Various terms are referred to in the s.32 report and provisions regarding the various catchment and stormwater management documents that may lead to confusion.	Ensure a clear and consistent terminology is used for the catchment management documents i.e. catchment management plans, stormwater

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			management plans and comprehensive stormwater consents.
NEW Clause relating to 'integrated management' to be added to 12.4.11 for the Ōmokoroa Structure Plan; and	Amend	<p>To ensure stormwater management, landform and subdivision are considered in an integrated manner at subdivision stage.</p> <p>This method recognises the sensitivity of the receiving freshwater and coastal environment and the wider approach undertaken as part of the catchment management plan for Stage 3 Ōmokoroa.</p>	<p>The following relief or similar is sought:</p> <ul style="list-style-type: none"> (i) Provide provisions and information requirements for recognising the necessity for considering subdivision applications in parallel with discharge and earthworks consents for Ōmokoroa Stage 3; and (ii) Recognise and give effect to the integrated management direction in the NPS-FM 3.5 and, Method 3 and Method 18 and IR 5B of the RPS, including by providing stormwater management plans as a method for Stage 3 only of the Ōmokoroa Structure Plan to ensure stormwater management, landform and subdivision are considered in an integrated manner at subdivision stage. <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p> <p>Further relief to 12.3.8 or 12.4.11 is sought below, or otherwise as appropriate.</p>
NEW Clause 12.4.11 (integrated management) for the	Amend	The Catchment Management Plan for Ōmokoroa Stage 3 (which sits outside of the district plan) provides a specific framework for the integrated management of stormwater.	Further provision(s) are sought to require that subdivision within Stage 3 of the Ōmokoroa Structure Plan demonstrates consistency with the stormwater management approach in the relevant catchment

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<p>Ōmokoroa Structure Plan; and</p> <p>12.3.8 (information requirements – application report) relating to subdivision consent.</p>		<p>In addition to 12.4.5.17 (b) (as amended) and the relief above, a further method is sought to ensure subdivision demonstrates consistency with the specific methods and outcomes anticipated by the catchment management plan for Ōmokoroa Stage 3 only.</p> <p>To give effect to the higher order documents, including the integrated management directives of the NPS-FM which seeks to ensure that freshwater, and land use and development in catchments is managed in an integrated manner, and the relevant provisions of the RPS.</p>	<p>management documents and the 'Stormwater Management Concept: Ōmokoroa Stage 3', in Appendix 7 (Structure Plans) with regards to water quantity, volume reduction and water quality.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
<p>Clause (c) of 12.4.5.17 (stormwater)</p>	<p>Support</p>	<p>At source controls contribute to water quality outcomes.</p>	<p>Retain as notified.</p>
<p>NEW Clause 12.3.7(r) (information requirements – subdivision plan)</p>	<p>Amend</p>	<p>Ensure that subdivision plans identify and consider the location of stormwater infrastructure within the plan change area.</p>	<p>The following specific relief (new clause (r)) is sought:</p> <p><i>r. <u>The indicative or approved locations of all stormwater infrastructure (at source and subdivision-wide) within the subdivision area in Te Puke Structure Plan and Ōmokoroa Structure Plan for Stage 3.</u></i></p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>

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Risk management	Amend	Inappropriate development in sub-catchment N1 in the Stage 3 of the Ōmokoroa Structure Plan could result in effects on nationally significant infrastructure i.e. KiwiRail owned land/assets) from increased or prolonged elevated water levels behind the railway embankment affecting the engineering performance of the embankment or increased flows and velocities at the inlet and outlet of the culvert leading to potential scour.	<p>The following relief or similar is sought:</p> <p>(i) Any subdivision contributing to sub-catchment N1 in Ōmokoroa Stage 3 shall undertake a detailed hydraulic assessment as part of the design to identify potential effects on the railway infrastructure.</p> <p>In addition to any specific requirements sought by KiwiRail, the assessment should consider the culvert's capacity to pass increased peak flows and volume of the stormwater resulting from land use changes within the site and whether any upgrade of the culvert and inlet/outlet protection is required.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
12.4.11.2(c) (Ōmokoroa Structure Plan - Streetscape).	Amend	Deciduous trees, such as maple trees, can increase the cost burden on Council and ratepayers due to increased blockages caused by autumn leaf falls. Additionally, they increase the difficulty and cost of maintaining stormwater infrastructure such as catchpits, swales and rain gardens encouraged in 12.4.5.17(c).	Consider using alternative trees, such a native or evergreen trees, to support the provision of requiring street trees along Ōmokoroa Road in 12.4.11.2(c).

12.4.11.5(c) (Ōmokoroa Structure Plan – Non-compliance).	Support	Non-compliance with 12.4.5.17 should be appropriately considered as a non-complying activity, particularly with regards to deviations from the relevant comprehensive stormwater consent or associated catchment management plan.	Retain as notified.
19.7.2 (a) (iv) (Restricted Discretionary Activities – Ōmokoroa Stage 3 Structure Plan) and 21.6.4(b) (Restricted Discretionary Activities – Stormwater Management Reserves and Private Conservation areas in Ōmokoroa)	Amend	To ensure explicit reference to ‘treatment’ is included in the identified methods to achieve stormwater management.	Seek the following amendment to 19.7.2 (a) (iv): <i>“In the Ōmokoroa Stage 3 Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, <u>treatment</u>, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.”</i> ; and Ensure that references to the catchment management documents are consistent including references in 21.6.4 (b).
Ōmokoroa Stage 1 and 2			
Outstanding Natural Feature Landscape (ONFL)	Amend/clarify	ONFLs are identified as a qualifying matter (see s(77)(l)(b)). To ensure the plan change addresses the potential for effects on coastal ONFLs and is consistent with New Zealand Coastal Policy Statement (2010) (NZCPS). In particular, the following NZCPS policies are	The following relief is sought: (i) A further landscape analysis be undertaken to understand the effects of the plan change on ONFL 3 (Te Awanui Tauranga Harbour, Waimapu Estuary &

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		<p>particularly relevant Policy 4(c), Policy 6.1 (b), (c), (f), (h), (i), (j), Policy 7.1 (b), Policy 13 and Policy 15.</p> <p>The NZCPS policies have been cascaded to the RCEP Objective and Policies NH5, NH6. The outstanding natural features and outstanding natural landscapes are identified on the RCEP maps and summary information on why each area is identified is included in Schedule 3.</p> <p>The ONFL matter has also been raised as part of Tauranga City Council's (TCC) Plan Change 33. It is necessary to provide a consistent approach across the region, and for issues that apply across territorial authority boundaries. (s75(2)(f) RMA).</p>	<p>Welcome Bay) to determine whether a planning response may be required on land within the coastal environment (as identified in the RPS) that is subject to the Medium Density Residential Standards; and</p> <p>(ii) Any additional relief to execute the outcomes of the landscape analysis by way of additional planning provisions to ensure integration of provisions cross-boundary with TCC where appropriate.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.</p>
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Related schedules and other documents

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Appendix 8: Residential Design outcomes	Amend	Water sensitive design should be considered in an integrated manner. This reflects accepted good practices which has been increasingly incorporated in catchment management plans and district plan documents.	Update the Residential Design Outcomes document to refer to water sensitive design principles in the areas covered by the plan change.
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Schedule – Ōmokoroa Stormwater (see pdf page 358 of 380 in	Amend	Inclusion of key stormwater infrastructure in the relevant schedules ensures that bulk site-wide stormwater management solutions are secured by the Structure Plan and that	Include the indicative stormwater wetlands (N1a, N1, W2a, W1, W2b and E1) identified in the Ōmokoroa Structure Plan – Three Waters Infrastructure (4.3) in the Schedule, 'Ōmokoroa Stormwater'.
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Appendix 2 – Proposed Plan Change 92).		financial contributions are required at the time of subdivision.	
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Te Puke Structure Plan			
Seddon Street Structure Plan	Support	Support the inclusion of the Seddon Street Structure Plan in PC 92 in principle.	Retain as notified with amendments shown below.
Stormwater Management (NEW) - Seddon Street Structure Plan.	Amend	<p>The Structure Plan area sits outside of the Comprehensive Stormwater Consent for the Eastern Catchments Comprehensive Stormwater Discharge Consent for Te Puke (ref: 67481).</p> <p>It is understood that earthworks and discharge consent applications are being prepared for Seddon Street.</p> <p>Until such time that these are approved in accordance with the BOPRC Stormwater Management Guidelines (2012, updated 2015 https://www.boprc.govt.nz/media/520746/guidelines-2012-01-stormwater-management-guidelines-for-the-bay-of-plenty-region2.pdf), the following relief is sought to ensure the attenuation requirements for this location are achieved to ensure cumulative effects on the flood scheme can be managed in the Te Puke area.</p>	<p>The following specific relief is sought:</p> <p>(i) <u>All subdivision shall be designed to ensure that displacement effects on the storage capacity can be appropriately managed within the development site to ensure that the post development peak discharge for the 100-year return period storm for a new development be limited to 80% of the pre-development peak discharge; and</u></p> <p>(ii) <u>Advice note: All subdivision shall be undertaken in accordance with relevant water quality guidelines of the BOPRC Stormwater Management Guidelines (2012, updated 2015).</u></p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>

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<p>Appendix 4: (Report 26) Natural Hazard Risk Assessment for Seddon Street Development).</p>	<p>Clarify</p>	<p>A risk assessment was prepared for Seddon Street in accordance with Policy NH 9B of the RPS. Policy NH 4B of the RPS provides the risk outcomes required for new development, specifically natural hazard risk shall not be increased off-site once the development is complete. The risk assessment does not clearly state if this requirement of NH 4B will be achieved.</p> <p>It is also noted that new flood modelling has been released for Te Puke as part of PC92, which was not available at the time of the risk assessment for Seddon Street.</p> <p>Therefore, clarity is required that the development can achieve the risk management outcomes of Policy NH 4B of the RPS taking into account the new flood modelling for Te Puke. In particular, confirm the flood risk is not increased in the existing residential area located directly south of the site.</p>	<p>Further clarification is sought to confirm there is no increase in flood risk outside the Seddon Street development and it can achieve the risk management outcomes required under Policy NH 4B of the RPS. In particular, risk is not increased off-site after the completion of the development.</p>
<p>Appendix 4: (Report 15) - Stormwater Management Guidelines for Te Puke.</p>	<p>Amend</p>	<p>The proposed Te Puke Stormwater Management Guidelines are brief and do not adequately cover the need to reduce runoff to 80% of the predevelopment runoff to account for the effects of volume increase on downstream flood protection assets or other relevant consideration in the comprehensive stormwater consent for Te Puke (ref: 67481).</p> <p>There is an error in one of the bullet points with regard to impermeable surfaces.</p>	<p>Update to ensure that the relevant provisions of the comprehensive stormwater consent for Te Puke (ref: 67481) are included in the guidelines with specific mention of ensuring attenuation achieves 80% of pre-development run-off.</p> <p>Change “impermeable pavement will also be encouraged” to “permeable pavement will also be encouraged”.</p> <p>Amend to encourage the use of stormwater wetlands over ponds.</p>

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Appendix 4: Infrastructure Assessment (Report 20) - Te Puke Stormwater Modelling Report (DHI) Table 3	Clarify	It is not clear why there would be an increase in water levels i.e. climate change or, as a result of the plan change, or otherwise.	Seek clarification as to the reason why there would be an increase in water levels i.e. climate change or, as a result of the plan change, or otherwise. If the reason is as a result of the plan change then provide provisions or methods to address that adverse effect.
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Definitions			
Section 3: Definitions: 'Net Site Area'	Amend	For infill areas, driveways can form a significant part of the impervious area on a site, especially when accessing rear sites. Impervious surface 'creep' from infill developments leads to cumulative effects on the stormwater network and can compromise existing levels of service if not mitigated.	Remove the exclusions (items a, b and c) from the definition for 'net site area' in relation to its use as an activity standard to determine the impervious surface percentage limit within the net site area (14A.4.2 (d)(i)).

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Section 8: Natural Hazard Provisions and related mapping			
Natural Hazard Maps: Flooding	Support	Support inclusion of flood planning maps for Te Puke and Ōmokoroa based on the 1% AEP and climate change to 2130 at the RCP 8.5 scenario and the explanatory statement clarifying this matter under the natural hazards mapping section.	Retain the maps and explanation as notified.

<p>Natural Hazard Maps: Coastal Inundation & Erosion</p>	<p>Support</p>	<p>Support the inclusion of the coastal erosion and inundation planning maps for Ōmokoroa based on the 1% AEP and climate change to 2130 at the RCP 8.5 scenario and the explanatory statement clarifying this matter under the natural hazards mapping section.</p>	<p>Retain the maps as notified.</p>
<p>Natural Hazard Maps Liquefaction; and Provisions: 8.3.1(e), 8.3.3(e), 8.5.1.5(a)-(j) and 8.6.2.</p>	<p>Oppose</p>	<p>Oppose the inclusion of liquefaction maps and related provisions because the information base is mostly at Level A (regional) scale. Based on the available liquefaction mapping, BOPRC do not consider liquefaction to be a significant risk for Ōmokoroa or Te Puke and therefore not a Qualifying Matter in the context of PC92.</p> <p>Due to recent changes in the Building Act and outcomes of the regional liquefaction study and the liquefaction assessment for Ōmokoroa undertaken by Western Bay of Plenty District Council, BOPRC consider liquefaction risk can be appropriately managed at Ōmokoroa and Te Puke by methods outside of the district plan, including assessment at subdivision through s106 of the RMA.</p>	<p>Remove liquefaction maps, explanation and associated liquefaction provisions from PC92.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
<p>Section 8: Natural Hazards Matters for Discretion Floodable Areas and Coastal</p>	<p>Amend</p>	<p>In response to new flooding information for Te Puke and Ōmokoroa and to manage significant risk from flooding as a qualifying matter, it is proposed that a new matter of discretion (d) for floodable areas and coastal inundation areas to manage the potential risk to life be added.</p>	<p>The following specific relief is sought:</p> <p><i><u>d) The development shall provide a safe evacuation route to ensure a low level of risk to life in the design event.</u></i></p> <p><i><u>Explanatory notes:</u></i></p>

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<p>Inundation Areas: Section 8.5.1.3; and</p> <p>Natural Hazard Maps: Flooding.</p>		<p>Evacuation can become difficult for children and elderly when flood depths are greater than 500mm¹. Therefore, in these situations, development should provide a safe evacuation route to ensure a low level of risk to life can be achieved during the design event. BOPRC considers development should be avoided if safe evacuation cannot be provided in this situation.</p> <p>¹<i>Australian Institute for Disaster Resilience (AIDR) 2017, Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia, Melbourne</i></p>	<p><u><i>The threshold for risk to life for the purpose of providing safe evacuation is a flood depth >500mm; and</i></u></p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
Section 14A: Medium Density Residential			
<p>14A.2.2: Policy 14</p>	<p>Amend</p>	<p>The impacts of increased stormwater run-off should be considered on the receiving environment as well as the stormwater network.</p>	<p>The following specific relief is sought:</p> <p><i>The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network <u>or the receiving environment.</u></i>"</p>
<p>Policy 14A.2.2.7</p>	<p>Amend</p>	<p>Explicit reference is made for provision of the water sensitive design in performance standard 14A.7.1(xi) and consideration of water sensitive design as a matter of discretion in 14A.7.10 and to support the general approach of integrated assessment of infrastructure and high quality urban design.</p>	<p>Consider an amendment to make explicit reference to water sensitive urban design.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>

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<p>14A.7.13 (g) (Restricted discretionary Activities: non-compliance with impervious surfaces)</p>	<p>Amend</p>	<p>Support implementation of the catchment management documents in land use and, in addition to subdivision controls (as provided for in 12.4.5.17), to implement the overarching stormwater management outcomes for the respective catchments.</p>	<p>To support increased reference (12.4.5.17 and in relief sought for Ōmokoroa Stage 3) and consideration of catchment management documents, amend to ensure compliance with the relevant stormwater infiltration, treatment, detention and discharge requirements of the relevant catchment management plans and comprehensive stormwater consents.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>
<p>14A.4.2 (d)(i) impermeable surface coverage as it applies to Te Puke and Ōmokoroa</p>	<p>Support in part</p>	<p>Restricting surface runoff from the intensification existing levels will have a minimal effect on downstream flood protection assets.</p>	<p>If the definition of 'net site area' is not amended, remove reference to 'net site area' so that all impervious surfaces (including accessways) within a site are considered.</p> <p>Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.</p>

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<p>Section 24: Natural Open Space zone</p>			
<p>24.2.2 – Policy 3</p>	<p>Support in part</p>	<p>Support the intent. This needs to be framed in a way that is able to be linked back clearly to a district council's functions under the RMA, rather than reading like regional provisions.</p>	<p>Seek amendments and consider redrafting to confine matters to obstruction, modification and diversion of overland flow paths and flood plains which can be controlled through district planning rules.</p>

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			Suggest replacing 'natural watercourse' with overland flow path/flood plain or other changes to ensure the provisions are clearly within the scope of a district council's functions.
24.3.3 (a)(iv) – Restricted Discretionary Activities	Support in part	Support the intent. This needs to be framed in a way that is able to be linked back clearly to a district council's functions under the RMA, rather than reading like regional provisions.	Seek amendments and consider redrafting to confine matters to obstruction, modification and diversion of overland flow paths and flood plains which can be controlled through district planning rules. Suggest replacing 'natural watercourse' with overland flow path/flood plain or other changes to ensure the provisions are clearly within the scope of a district council's functions.
24.5.2 (b) - Matters of Discretion	Support in part	Support the intent. This needs to be framed in a way that is able to be linked back clearly to a district council's functions under the RMA, rather than reading like regional provisions.	Seek amendments and consider redrafting to confine matters to obstruction, modification and diversion of overland flow paths and flood plains which can be controlled through district planning rules. Suggest replacing 'natural watercourse' with overland flow path/flood plain or other changes to ensure the provisions are clearly within the scope of a district council's functions.

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From: Vanessa Stewart <Vanessa.Stewart@classicbuilders.co.nz>
Sent: Friday, 16 September 2022 3:58 pm
To: District Plan
Subject: Classic Group Plan Change 92 submission
Attachments: 220916 Classic Group - Submission Plan Change 92 Final.pdf

Good afternoon

Please find attached a submission from Classic Group for Plan Change 92.

Thank you

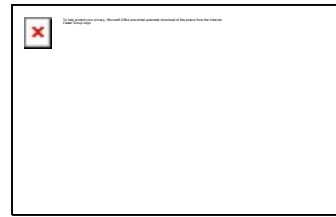


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Western Bay of Plenty District Council
1484 Cameron Road
Greerton
Tauranga 3112

Name of submitter: Classic Group
Contact person: Libby Gosling, Urban Design Manager
Date: 16 September 2022

This is a submission on Plan Change 92.

Classic Group welcomes the opportunity to submit on Plan Change 92.

The Classic Group of companies includes Classic Builders, and Classic Developments. Classic Builders is the second largest residential home builder in New Zealand. Classic Developments is our development company which undertakes a variety of commercial and residential developments throughout New Zealand. In terms of residential development, we undertake a combination of greenfields, brownfields redevelopment, medium density, and retirement villages. Though now nation-wide, our companies have started, and have our head offices in Tauranga. We are the largest residential builder in the Western Bay of Plenty District.

Classic Group supports 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.

Reason for Submission

Classic Group'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. We also administer the Western Bay District Plan, alongside numerous other District Plans on a daily basis. We are uniquely positioned to provide feedback in this respect. Classic Group consider that changes to the Western Bay of Plenty District Plan to provide for medium density residential development should be based on sound planning policy which will increase housing capacity, whilst also avoiding unnecessary and inefficient process and uncertainty. Classic Group'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.

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. In particular, there are some provisions that have been incorporated in PC 92 which are more restrictive than those in the current District Plan. These provisions are clearly contrary to the intent of the legislation and should be removed.

Classic Group provides reasons for its submission and the changes sought to the provisions in the table below.

Decision sought

The decision Classic Group seeks from the Council is that Plan Change 92 be approved with:

- (a) amendments to address Classic Group's 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.

Classic Group wish to be heard in support of their submission.

Classic Group would not gain an advantage in trade competition through their submission.

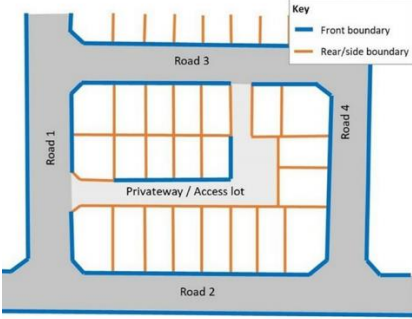
If others make a similar submission, Classic Group are prepared to consider presenting a joint case with them at any hearing.

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

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Page 4 (Definitions)	Definition of developable area	Support in part	<p>We support the proposed definition but seek that the following be added to the exceptions:</p> <ul style="list-style-type: none"> • <u>Local purpose stormwater and neighbourhood reserves to be vested</u> • <u>Pedestrian accessways to be vested</u> 	<p><i>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.</i></p>
Page 7 (Definitions)	Definition of front boundary	Support in part	<p>We support the proposed definition but seek that the following be deleted:</p> <p>Front Boundary" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of "Front Yard" means all of the following:</p> <ul style="list-style-type: none"> • Road boundary (including the boundary of any structure plan road or designated road or paper road); • Privateway boundary (for a privateway that serves three or more sites); • Access lot boundary (for an access lot that serves three or more sites). <p>Except that:</p>	<p><i>Inconsistent with other Councils, including Tauranga City Council. Also, this definition is not effects-based. The Council should either seek for the Access Lot to be addressed the same way as road would be, or not. The definition should be the same regardless of whether a property has another frontage or not.</i></p> <p><i>We seek the Council remove Access Lot from definition of road boundary. This aligns with other Council's interpretation.</i></p>

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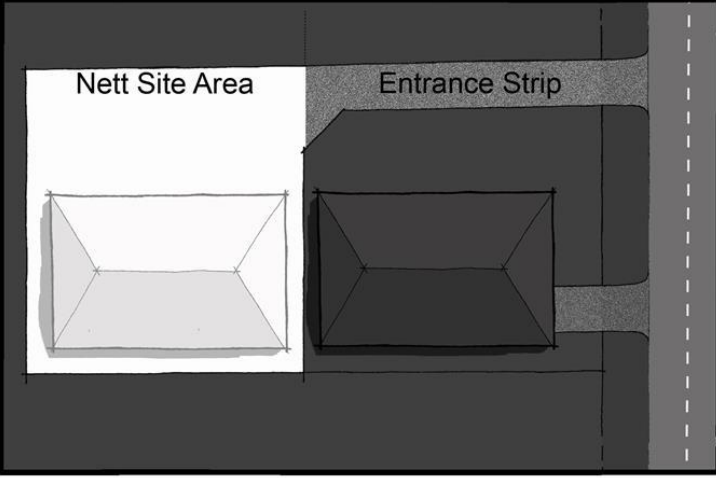
Page No	Reference	Support/Oppose	Decision Sought	Reasons
			<p>Where a site has a road boundary, any other boundary of that site which is adjacent to any private way or access lot shall be a side or rear boundary (see the figure below).</p> 	
Page 11 (Definitions)	Impervious surfaces (inclusions)	Support in part	<p>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 rainfa</i> <i>ll into the ground and includes:</i></p> <ul style="list-style-type: none"> <i>a. Roofs (whether fixed or retractable);</i> <i>b. Paved areas including paths, driveways, and sealed/compa</i> <i>cted metal parking areas; <u>unless these are specifically</u></i> <i><u>designed to allow the penetration of stormwater</u></i> <i>c. Patios;</i> <i>d. Swimming pools; and</i> <i>e. Soil layers engineered to be impervious such as compacted</i> 	<p><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.</i></p> <p><i>We also seek for Council to recognise advances in technology available through permeable paving.</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
			<i>clay.</i>	
Page 14 Definitions	Net Site Area definition	Support in part	<p>Amend the rule as follows:</p> <p><i>“Net Site Area” when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of “building coverage” when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential)</i></p> <p><i>means the total area of the site, but excludes:</i></p> <p><i>a. any part of the site that provides legal access to another site;</i></p> <p><i>b. any part of a rear site that provides legal access to that site;</i></p> <p><i>c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.</i></p> <p><i>means the area of a site less any area of that site that is solely for the purpose of providing access to the site, and for clarity also excludes:</i></p> <p><i>a. An entrance strip owned in common with the owners of other sites;</i></p> <p><i>b. Any area in a cross-lease, company lease or unit title subdivision that is not covered by an independent dwelling unit, the accessory buildings of</i></p> <p><i>that independent dwelling unit, or other area set aside for the exclusive use of the occupants of that independent dwelling unit.</i></p>	<p><i>Aim for consistency of definitions used by neighbouring Council.</i></p> <p><i>A diagram is considered useful to complement the worded definition, although in this instance, suggest including a note beside diagram advising reader to check corresponding definitions as just using italics for defined terms might not be a sufficiently effective method.</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
				
Page 1 (Natural hazards)	Natural hazards explanatory statement (natural hazard maps)	Support in part	<p>Amend the explanatory statement as follows:</p> <p><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></p>	<p><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.</i></p>
	Sections 12 & 14A Policies and Matters of Discretion generally	Support in part	<p>It would be good to take a more positive stance by using the terms “support”, “encourage” and “promote” more in the drafting of District Plan Objectives, Policies and Matters of Discretion.</p>	<p><i>In recent times there is recognition by Government and Councils that we need to be doing better to ensure towns and cities in New Zealand are well functioning urban environments, that will meet the changing needs of our diverse communities. The “NPS on Urban Development” and “Enabling</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
				<p><i>Housing Supply and Other Matter Amendment Act” are trying to give Council’s the tools to remove overly restrictive and often obstructive barriers that have flourished in our planning and consenting worlds.</i></p> <p><i>The Purpose and principles of the RMA are considered to be very well set out in section 5 of the RMA. In our efforts to promote sustainable management of natural and physical resources, it is considered there are more opportunities to draft important District Plan provisions in a more positive manner that support, encourage and promote better environmental outcomes.</i></p>
Page 12 (Subdivision and development)	Rule 12.3.10.1.b.i (information requirements)	Oppose	<p>Delete the reference in b. Engineering documents are to include:</p> <p><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></p>	<p><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).</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
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	<i>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.</i>
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 <u>Omokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan</u> 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</i>	<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.</i>

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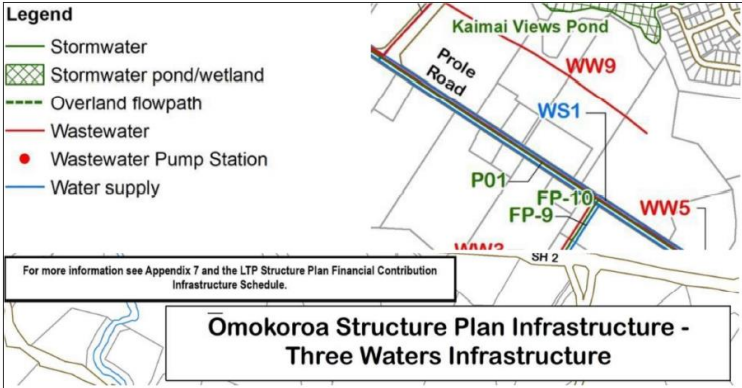
Page No	Reference	Support/Oppose	Decision Sought	Reasons
			<u>quality.</u>	
Page 27 (Omokoroa and Te Puke Medium Density Residential)	Rule 12.4.5.17.f	Oppose	Amend f. to an advice note as follows: <u>Note:</u> <i>The stormwater reserve areas at Omokoroa are shown on the planning maps and described in more detail in the Omokoroa Peninsula Stormwater Management Plan.</i>	<i>Rule 12.4.5.17.f does not act as a rule and should be included as an advice note.</i>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
	Rule 12.4.11.5 (c) - Use of noncomplying activity status	Oppose	Amend the rule as follows: 12.4.11.5(c) Non-compliance – Non-compliance with the Omokoroa Structure Plans will require a resource consent for a non-complying activity, except that non-compliance with the provision for new road access to Omokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity. <u>12.4.11.5(c) Non-compliance – Non-compliance with the Omokoroa Structure Plans will require a resource consent for a non-complying restricted discretionary activity, except that non-compliance with the provision for new road access to Omokoroa Road in the vicinity of the approved town centre shall be a restricted Discretionary Activity.</u>	<i>Structure planning is a high-level combination of guidance documents that more specific design is to generally accord to when further investigation / assessment of a matter is undertaken. The proposed rule is drafted so vague, it is anticipated it will be problematic for both Council as administrator of the District Plan, and person/s undertaking an act as to when compliance is adequately achieved. It is considered there are plenty of other resource consent triggers in the zone and other District Plan sections that would capture when an act or activity would require a resource consent, and when it is, should more readily be assigned a restricted discretionary activity status.</i>
	12.4.11.6 Land shown to be zoned Natural Open Space that is still in private ownership.	Support in part	Amend a as follows: <i>12.4.11.6 Reimbursement for Provision of Infrastructure</i> <i>a. Council shall reimburse developers for the costs of providing completed infrastructure (and Natural Open Space Zoned land to be vested with Council) as identified in the Omokoroa Structure Plan Infrastructure Schedule. For the purpose of this rule “completed” shall mean infrastructure that is constructed, approved by Council and vested in Council.</i>	<i>Reimbursement or compensation requested for significant tracts of privately owned land zoned Natural Open Space where it will be used for infrastructural purposes such as conveyance (and in some instances storage and treatment) of water, stormwater, wastewater, and transportation purposes until it is vested with Council.</i>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
	Rule 12.4.11.6.(a)	Support	Retention of the extent of wastewater line WW9 as shown on “OSP Infrastructure – Three Waters Infrastructure”, and for reimbursement of cost to developers providing this infrastructure as complete. 	As part of the infrastructure network to be used and vested with Council, it is appropriate to reasonably reimburse developers for the costs to supply it.
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>	<i>It is unclear what is meant by pocket neighbourhood typologies, this is not an industry accepted definition and the deletion of this reference removes uncertainty.</i>
Page 1 (Omokoroa and Te Puke Medium Density)	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</i>	<i>The amendment clarifies the reference to the Omokoroa Structure Plan (incorrectly referred to as McLoughlin Drive South and Seddon Street East) and provides for infrastructure (regardless of scale).</i>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons	
Residential)			<i>development in these areas. These structure plans ensure appropriate scale infrastructure is provided including roads, walkways, cycleways, Three Waters infrastructure and reserves.</i>		26.18
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	<i>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.</i>	26.19
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>	<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</i>	26.20

Page No	Reference	Support/Oppose	Decision Sought	Reasons
				NPS-UD. Also, a shift towards medium density recognises that trade-offs are acceptable.
Page 4 (Omokoroa and Te Puke Medium Density Residential)	Objective 14A.2.1.6	Oppose	Delete the objective as follows: 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.	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, and significant construction cost increases 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:: 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	The amendment clarifies and simplifies the intent of the policy.

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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>	<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.</i>
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>	<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.</i>
Page 7 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.3.3.d (restricted discretionary activities –	Oppose	Delete reference to retirement villages as a restricted discretionary activity and provide for them as a controlled activity under Rule 14A.3.2.	<i>Retirement villages are currently a controlled activity under the Operative District Plan.</i>

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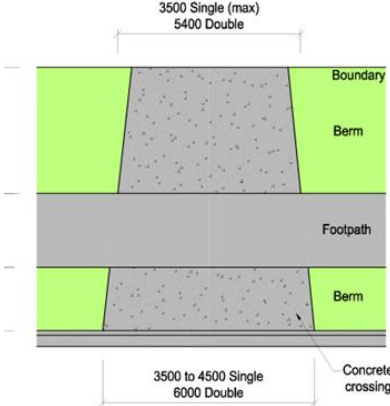
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Page No	Reference	Support/Oppose	Decision Sought	Reasons
Density Residential)	retirement villages (except for residential units which are permitted by complying with the density standards))			<i>The change in activity status of retirement villages 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.</i>
Page 13 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.1.h (windows to street)	Support in part	<p>Add to the definition the detail in the FAQ section of PC92:</p> <p><u>Any form of glazing is acceptable as the level of transparency is not specified in the standard.</u></p> <p><u>The National Planning Standards define both a residential unit and an accessory building i.e. a garage. As long as no part of the accessory building contains a residential unit, the glazing standard would not apply. This is regardless of whether the accessory building is attached to the residential unit or standalone.</u></p>	<i>Further definition and a diagram would provide clarification to the definition.</i>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons	
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>	<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.</i>	26.27
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.d (impervious surfaces)	Oppose	Delete the rule relating to impervious surfaces.	<i>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.</i>	26.28
Page 15 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.e (vehicle crossing and access)	Oppose	Amend the rule as follows: For a <i>site</i> with a <i>front boundary</i> the vehicle crossing shall not exceed 5.4m in width (as measured along the <i>front boundary</i>) or cover more than 40% <u>50%</u> of the length of the <i>front boundary</i> as shown in the diagram below.	<i>40% is too restrictive for narrow sites. This would mean the narrowest width lot for double garage is 14m. 10-14m generic sizing that maximises street spacing and increases our densities and yields which should be higher priority for Council.</i>	26.29

Page No	Reference	Support/Oppose	Decision Sought	Reasons
				<p data-bbox="1606 320 2128 416"><i>The definition drawing also appears to be Inconsistent with the WBOPDC Development Code 2009 (W435) drawing.</i></p>  <p data-bbox="1606 922 2128 1118"><i>This would mean the narrowest width lot for double garage is 14m. 10-14m generic sizing that maximises street spacing and increases our densities and yields which should be higher priority for Council.</i></p>
Page 16 (Omokoroa and Te Puke Medium Density	Rule 14A.4.2.f (streetscape)	Support in part	Amend the rule as follows: Garages <u>as measured at the façade of the dwelling</u> (whether attached to or detached from a <i>residential unit</i>), and other <i>buildings</i> (except <i>residential units</i>), shall not	<p data-bbox="1606 1137 2128 1206"><i>The internal measurement of the garage has no bearing on the streetscape.</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons
Residential)			cumulatively occupy more than 50% of the total width of the building frontage facing the <i>front boundary</i> .	
Page 16 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.4.2.g (earthworks)	Oppose	Delete the rule relating to earthworks	<p><i>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.</i></p> <p><i>Restricting bulk earthworks will inevitably increase the amount of earthworks that are undertaken site-by-site. As those earthworks are far less regulated, there is less control over sediment and erosion control.</i></p> <p><i>It is also important to recognise that a move to higher density housing usually comes with a reduced outdoor living area. It is important that the reduced size is offset by ensuring this is a high quality space ie easily accessible, well oriented for sun, flat for usability, and well landscaped. Such a restriction of landform modification may undermine the ability of developers and builders to provide such a space, and</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons	
				<p><i>the enjoyment of that space by future residents.</i></p> <p><i>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.</i></p>	26.31
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>	<i>The provision is unnecessary and repeat those provisions set out in Section 95 of the Resource Management Act 1991.</i>	26.32
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>	<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.</i>	26.33

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>	<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.</i>	26.34
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 effect of additional driveways on public safety and amenity along footpaths.</i>	<i>The provision is uncertain as it is unclear what the reference to “and amenity along footpaths” would relate to.</i>	26.35
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>	<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.</i>	26.36
Page 21 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1 (restricted discretionary activities – four or more)	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)	<i>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</i>	26.37

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Density Residential)	more residential units on a site, matters of discretion)		Matters) Amendment Act 2021, and the NZ Urban Design Protocol.	<p><i>Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>A stepped and more certain approach is required.</i></p> <p><i>Many of the criteria are unclear, subjective in nature and or create considerable uncertainty (for example assessment criteria a). “whether the proposal is</i></p>

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Page No	Reference	Support/Oppose	Decision Sought	Reasons	
				<p><i>consistent with the objectives and policies of the District Plan”.</i></p> <p><i>There are a significant number of urban design criteria which are subjective and uncertain in their nature.</i></p> <p><i>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.</i></p>	26.37
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.	<i>These assessment criteria for non-compliance are not necessary given our submission on earthworks, impervious surfaces, and residential unit typologies.</i>	26.38
Page 29 (Omokoroa and Te Puke Medium Density Residential)	Rule 14A.7.1.9 (discretionary and non-complying activities – general)	Oppose	Delete the provisions	<i>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.</i>	26.39

If you have any questions in regards the above submission, please do not hesitate to contact Libby Gosling, Urban Design Manager, contact details as below.

Electronic address for service of submitter	libby.gosling@classicdevelopments.co.nz
Telephone	0211938341
Postal address	160 Seventeenth Avenue Tauranga South Tauranga 3112

Yours sincerely

Peter Cooney
Director, Classic Group

From: David Bagley <dbagleynz@gmail.com>
Sent: Friday, 16 September 2022 11:02 am
To: District Plan
Subject: re Omokoroa structure plan
Attachments: David Bagley OSP Plan Change 92 issues - final.pdf

Good morning WBOPDC Planning Team,

Please see attached our submission in response to the proposed structure change for Omokoroa district.

We do not have an electronic signature but have sent this to you as a PDF document so that it can't be altered without our knowledge. The email sending this submission is mine and not used by any other party.

Kind Regards,
David

David Bagley
Email: dbagleynz@gmail.com
Mobile: 021 936 400

20th August 2022

Omokoroa Structure Plan – Plan Change 92,

David & Diana Bagley

70F Francis Road, RD 2 Tauranga

Mob 021 936 400

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

27.1

Proposed industrial zoning to west side of Francis Road up to the strip of “constrained land” at item 14 – we totally oppose this zoning as it will shatter the existing peaceful habitat for current residents, birdlife, and the rural environment. The volume of industrial traffic, including the pollution from heavy vehicles along this country lane style road, will be an absolute nightmare for parents of young children, dog walking owners, and those of us who came to live here to escape such large city activity.

Desired outcome / suggestion

Expand the area described as “industrial land not under review” all the way 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 access for the industrial traffic to SH2, and remove the perils of positioning industrial activities and vehicles adjacent to residential precincts.

2. Residential zoning – We oppose this zoning proposal

27.2

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. We are opposed to the introduction of residential intensification of these orchards with their many 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, then say a 15m strip with 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 be far more attractive to view the peninsular over rural residential lots than a sea of rooftops resulting from the more intensive residential zoning.

3. Summary

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

We believe that it would be highly desirable to preserve the quasi rural environment that attracted us to this locality 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 in our opinion.

I wish to **be** heard at hearing in support of my submission.

I **cannot** gain any trade advantage through this submission.

Kind regards / Yours sincerely etc

David Francis W Bagley & Diana Marie Bagley

From: Matt Norwell <MattN@barker.co.nz>
Sent: Friday, 16 September 2022 1:18 pm
To: District Plan; planchange92@resourceplanning.nz
Cc: Evita Key
Subject: PC 92, Omokoroa
Attachments: Plan Change 92 Submission.pdf

Dear Sir/Madam

Please find attached a submission to plan change 92 on behalf of our client Foodstuffs North Island Limited.

Ngā mihi | Kind regards

MATT NORWELL

Director
029 850 2780
MattN@barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
Level 4, Old South British Building,
3-13 Shortland Street, Auckland

Kerikeri, Whangārei, **Auckland**,
Hamilton, Cambridge, Napier, Wellington,
Christchurch, Queenstown, Wānaka

 **barker.co.nz**



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Foodstuffs North Island Limited

Submission on Plan Change 92 – Omokoroa

Full name: Foodstuffs North Island Limited

Postal Address: c/- Barker & Associates

PO Box 1986, Shortland Street

Auckland 1140

Attention: Matt Norwell

Phone: 029 850 2780

Email: mattn@barker.co.nz

Date: 16 September 2022

Submission Information:

1. Foodstuffs North Island Limited ('FSNI') could not gain an advantage in trade competition through this submission.
2. The specific provisions of the Plan Change that the FSNI submission relate to are as follows:
 - I. The site this submission is associated with is owned by FSNI and is shown below. It is located at 492 Omokoroa Road, Omokoroa.



- II. Under the Operative District Plan, the site is zoned Rural. Under proposed PC 92, the site is intended to be rezoned 'Industrial'. FSNI support the proposed rezoning.

- III. FSNI seeks all such consequential relief required to give effect to the Industrial rezoning of the site.
3. For the proposed plan change provisions not addressed in this submission, FSNI either agrees with, or is indifferent to, the proposed plan provisions as written in their present form. Should the drafting subsequently change, FSNI reserves its ability to file a further submission or provide further comment on those changes.
 4. FSNI supports the specific provisions outlined above for the reasons outlined above.
 5. FSNI seeks for Council to approve the proposed plan change in so far as it relates their submissions outlined above.
 6. FSNI wishes to be heard in support of this submission.
 7. If others make a similar submission, FSNI will consider presenting a joint case with them at a Hearing.

Signed as authorised agent for Foodstuffs North Island Limited

A handwritten signature in black ink, appearing to read 'Matt Norwell', with a stylized flourish at the end.

Matt Norwell

Director, Barker & Associates

16 Sept 2022