



**Western
Bay of Plenty**
District Council



Plan Change 93

Copies of Original and
Further Submissions

Numbered to match Summary of
Submissions

Contents

#	Submitter Name	Page
1	Doug Morris	3
2	Toi Te Ora	5
3	Julie Shepherd	9
4	Te Puna Springs Estate Limited	13
5	Zariba Holdings	17
6	Royal Forest and Bird Protection Society of New Zealand Inc	19
7	Tim and Merry Cooney	22
8	Te Puna Heartlands Incorporated	23
9	BP Oil New Zealand Limited	34
10	Bay of Plenty Regional Council	42
11	Lorraine and Sydney Muggeridge	56
12	Te Puna Memorial Hall Committee	58
13	D C Kirk Family Trust	67
14	D C Kirk Family Trust (Further Submission)	78
15	Te Puna Memorial Hall Committee (Further Submission)	108
16	Te Puna Heartlands (Further Submission)	116
17	Bay of Plenty Regional Council (Further Submission)	125
18	BP Oil New Zealand Limited (Further Submission)	130

District Plan Changes 93 – 94

Submission Form

You can deliver your submission to the Katikati, Te Puke, Omakoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Submissions close 4.00pm on Friday 4 February 2022

Name: Doug MORRIS

Organisation
(only if submitting on behalf)

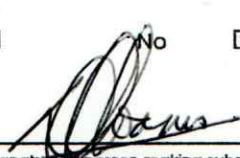
Address for Service: 213a MINDREN ROAD
R.D. 6. TAURANGA Post Code: 3176

E-mail Address: doug_morris@extra.co.nz

Telephone Number: 021 994287

I/We would like to speak in support of my/our submission at the Council hearing.

Yes No Please tick

Signed:  Date: 30/01/22
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Name: **DOUG MORRIS**

Submission Sheet No: **1**

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC 93 TE PUNA SPRINGS	I SUPPORT THE EXPANSION OF COMMERCIAL ZONING AS PUT	I SEE THIS REZONING AS A MEANS TO DEVELOP COMMERCIAL AMENITIES FOR TE PUNA IN A PLANNED AND ORDERLY MANNER	1.1



TOI TE ORA PUBLIC HEALTH

Bay of Plenty + Lakes Districts

Toi Te Ora Public Health
PO Box 2120
TAURANGA 3140

27 January 2022

Chief Executive Officer
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
TAURANGA 3143
districtplan@westernbay.govt.nz

Submission on Plan Change 93 - Te Puna Springs

This is a submission on a private plan change request from Te Puna Springs Estate Limited to Western Bay of Plenty District Council. [Plan Change 93 – Te Puna Springs](#). The purpose of the Te Puna Springs Structure Plan (17 Te Puna Road) is to make provision for a larger commercial area at the existing Te Puna commercial area and remove the split zoning of rural/commercial across this property which is at the northwest corner of the roundabout. Rule changes are proposed for the Structure Plan Area to allow for the Te Puna Hall site and ancillary offices and to restrict ‘sensitive activities’ (such as dwellings) from establishing too close to the adjoining orchard. The Structure Plan also proposes a new link road through the site, with access from Te Puna Road linking into the existing slip lane.

This submission has been prepared by Toi Te Ora Public Health (Toi Te Ora) which is the Public Health Unit for the Bay of Plenty District Health Board. The key role of Toi Te Ora is to promote, protect and improve population health, prevent ill health and minimise the risk of disease and injury through population-based interventions.

Public health approaches wellbeing and health in terms of the social, economic, cultural, environmental and political context and from a “determinants of health” perspective. Many of the crucial underlying factors that contribute to population health and wellbeing are directly influenced by the decisions and activities of consenting authorities.

Designated officers within Toi Te Ora have responsibilities to reduce conditions within the local community which are likely to cause disease. In part this is undertaken by assisting Councils with their responsibilities pursuant to the Resource Management Act.

For these reasons, Toi Te Ora makes this submission and welcomes the opportunity to provide helpful, objective and independent input to inform plan change request decisions for the health of people living in Western Bay of Plenty.

Toi Te Ora Public Health could not gain an advantage in trade competition through this submission.

Toi Te Ora Public Health has no preference whether Council delegate their functions, powers, and duties to hear and decide the application to one or more hearing commissioners who are not members of the local authority.

This submission relates to the entire application and Toi Te Ora opposes the application as notified. Our reasons for opposition are that there is inadequate detail within the plan change request regarding proposed wastewater provisions, the existing provisions of sanitary services have proven to be inadequate within this area, and this plan change request, if approved with a similar approach to the present wastewater arrangements, would likely lead to further 'nuisances' under the Health Act 1956.

The reasons for our objection are explained further below including the decisions Toi Te Ora seek should the private plan change request be granted.

1. There is inadequate detail within the Assessment of Environmental Effects regarding how human sewage and trade waste will be safely managed.

2.1

Sanitary services have a significant impact on the health of individuals and communities. Toi Te Ora advocates for and supports the best practicable sanitary services to protect the health of the public.

Human faeces must be regarded as containing human pathogens which are capable of causing illness and disease. Diseases such as Campylobacter, Salmonella, Giardia Norovirus and now COVID-19 are present in the community. Many of these, particularly viruses, are still infectious, even when sewage has been in the external environment for some time.

Consequently, it is necessary to dispose of sewage in such a way that public health is protected. Effective sewage disposal will separate people from waste, keep pathogens out of the environment and prevent contamination of food and water sources. Te Puna commercial area is not currently serviced by council reticulated sewage infrastructure. Therefore, landowners currently need to manage their wastewater in accordance with the Bay of Plenty Regional Council Onsite Effluent Treatment Plan, or store wastewater for frequent collection by a contractor.

It is noted in the plan change request that "in September 2020 Council approved the proposed connection of the properties in the Te Puna village commercial area to the Ōmokoroa wastewater transfer pipeline. Council has subsequently received funding for the extension of the network reticulation" (Appendix I "Te Puna Village Commercial Area- Wastewater Reticulation Scheme Information Sheet"). However, Toi Te Ora understands that while this will service the existing community, there is no further capacity in that line to service additional growth. Any further development in the area would generate the same environmental and public health issues experienced with the existing wastewater provision, which is clearly not acceptable.

The private plan change request does not set out adequate detail regarding how human sewage and trade waste will be managed, and this in turn means that Toi Te Ora are unable to adequately assess the risk to public health and be assured that public health is protected for years to come.

Decision sought: Toi Te Ora requests further information about how wastewater for the new commercial area and new activities within the existing area will be provided in order to adequately assess the risk to public health.

2. Onsite Effluent Treatment (OSET) is not a suitable technology for an urban environment.

2.2

OSET systems put people at risk of harm because they are known to fail due to inadequate maintenance and operation. Having many individual systems results in multiple separate discharge

locations. Protecting human health is the primary purpose for treating and disposing sewage. Professionally designed, maintained and operated centralized sewerage systems are the most protective of health for individuals and communities, such as those owned and operated by councils.

Te Puna has a history of OSET failure. A number of wastewater issues have already been identified due to failing systems and resultant issues of properties experiencing wastewater overflow.

Council needs to consider whether individual onsite systems are the acceptable sanitary service solution for this situation. From our perspective, disposal of human waste by OSET systems is an acceptable solution to protect public health, but only for isolated and remote dwellings and provided they are properly designed, sited, maintained and operated.

Toi Te Ora considers that onsite systems are not suitable for growing communities and propose that this area should be serviced with appropriate wastewater disposal. We are supportive of community facilities in a safe, well-serviced environment. Experience in this area has shown that reticulation is required. This private plan change should not be approved until a centralized reticulated wastewater scheme is in place.

Decision sought: Should this private plan change request be approved, Toi Te Ora recommends that a condition of approval requires a professionally designed, maintained and operated centralized sewerage system be in place before developments commence.

3. The capacity to connect to a reticulated centralised sanitary system is necessary for all commercial zones. 2.3

The Western Bay of Plenty District Council Operative District Plan section 12.4.1 (g) states that:

Each *lot* in a 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.

At the time of writing, Toi Te Ora understands that there is no further capacity in the municipal reticulation to support further development in this area.

Decision sought: That Council requires the Te Puna Commercial zones to be capable of being connected to reticulated wastewater management.

4. Failures of sanitary sewage system are deemed a nuisance under the Health Act 1956. 2.4

Section 29 of the Health Act 1956 states that the scenario “where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health” is deemed a nuisance. If a nuisance occurs, this nuisance must be investigated and addressed by the local authority under the Health Act 1956.

The wastewater failures already identified in this area constitute a ‘nuisance’. Toi Te Ora is aware of at least one incident in October 2021 where an Environmental Health Officer from WBOPDC attended a significant statutory health nuisance in this area. Toi Te Ora is also aware of compliance issues with the regional onsite effluent treatment and raised intensification concerns with WBOPDC in 2018.

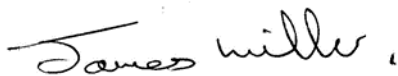
The plan change request has not addressed how wastewater nuisances would be prevented in the interim time before the proposed extension of the network reticulation is completed. Therefore, if the

plan change request were approved, our experience shows that further nuisances under the Health Act 1956 are likely to occur.

Decision sought: That Council takes into consideration their local authority responsibilities to abate and remove potential nuisance situations under the Health Act 1956 before they arise.

Toi Te Ora wishes to be heard in support of this submission. Dr Jim Miller, Medical Officer of Health is willing to meet to discuss the points raised in this submission.

Toi Te Ora would not consider presenting a joint case with others who make a similar submission.

A handwritten signature in black ink that reads "James Miller". The signature is written in a cursive style with a small flourish at the end.

JIM MILLER
Medical Officer of Health

Address for service

Dr Jim Miller
C/O Annaka Davis
Toi Te Ora Public Health
PO Box 2120
TAURANGA 3140
0800 221 555
enquiries@toiteora.govt.nz



Feedback Number and Date Received

Office use only

PC93 - Submission 3

District Plan Changes 93 – 94

Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Submissions close 4.00pm on Friday 4 February 2022

Name:	Julie Shepherd	
Organisation (only if submitting on behalf)		
Address for Service:	32A Paparoa Rd, Te Puna RD4, Tauranga	Post Code: 3174
E-mail Address:	julie.shepherd@xtra.co.nz	
Telephone Number:	0272105522	

I/We would like to speak in support of my/our submission at the Council hearing.

Yes No Please tick

Signed: Julie Shepherd Date: 03/02/2022
(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Specific Plan Change	Submission	Decision Sought	Submission Ref. No. Office Use only
	<p>The proposed commercial name is Te Puna Springs. The local hapū have a deep cultural and environmental association to the naming Te Puna (the spring). Given that the zone will be commercialised, and activities may not reflect the best environmental representation of the name. That the applicant considers an unrelated name of the zone and apply a name change.</p>	<p>To not allow the use of the name Te Puna Springs in association with the commercial zone.</p>	<p>3.1</p>
<p>3.2 page 11 On site Puna</p>	<p>Support statement that the plan change <u>will provide</u> as agreed by Applicant previously. For the naturalisation of environmental features such as the Puna (spring). This outcome was discussed through early stages of consultation – pre application by Tame Kuka and Julie Shepherd as Pirirākau representation at the time (2018-2020). This point is made in collaboration with the submission that is made by the Te Puna Heartlands Association.</p>	<p>Confirm the requirement to ensure that the naturalisation of the Puna on site which has been capped but continues to seep in the gully system in the future layout is adequately provided for.</p> <p>Performance standards;</p> <ul style="list-style-type: none"> • The Puna shall be open from its capping with a minimum buffer of 20 metres to each side of the natural water features of the gully and Puna. • The Puna will fill and flow freely from its own overspill as separate to the gully but connected as adjacent. • That there is retention of the gully system <i>which is an original feature that</i> 	<p>3.2</p>

		<p><i>has been partially modified through time.</i></p> <ul style="list-style-type: none"> • That a reserve be made and set aside to provide for public access of the gully system connecting back to the Te Puna Hall. • That the gully system will be planted with suitable native species and maintained under Council ownership. 	3.2
3.2 page 12 Historic Heritage	Support that the Pirirākau Hapū Management Plan 2017 has been considered.	Seek to secure an opportunity for information panels to share historic korero of Te Puna be provided for by the applicant.	3.3
4.3 page 15 Commercial Zone	Support the formation of specific rules of activities to protect local community from future activities that may contrast the rural nature of Te Puna.	Performance standards to be formed which protect local community from future activities.	3.4
7.3 page 26 Landscape and Visual Effects	Support that the landscape plans will be consulted with Pirirākau and local community in particular the Te Puna Hall Committee. To include screening and dust control on the boundaries of Te Puna Rd and the backing onto the Four Square, BP boundary. A mix of natural and built screening such as precast concrete panels with cultural design be included.	Seek to ensure performance standards provide for this activity and that the Applicant must provide for.	3.5
Stormwater	The Oturu stream has multiple branches which the effects of the commercial zone will deposit stormwater	That the stormwater will be managed appropriately as clean and treated on site, prior to temporary or permanent discharge.	3.6

	surface run off to.	Performance standards to be formed/checked to ensure this requirement.	3.6
--	---------------------	--	-----

**SUBMISSION ON PLAN CHANGE 93
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

TO: Western Bay of Plenty District Council

SUBMISSION ON: Plan Change 93

SUBMITTER: Te Puna Springs Estate Limited
c/o Collier Consultants Limited
PO Box 14371
Tauranga Mail Centre
Tauranga 3143
Attn: Aaron Collier
Email: aaron@collierconsultants.co.nz

Scope of Submission

1. The specific provisions of the Plan Change to which this submission relates are the entire Commercial zoned provisions of Plan Change 93.

Nature of submission

2. Te Puna Springs Estate Limited's support Plan Change 93 subject to minor amendments to the provisions to better promote the sustainable management of natural and physical resources under the RMA.
3. Te Puna Springs Estate Limited would not gain an advantage in trade competition through this submission.

Reasons for submission

4. The reasons for this submission are:
 - a) That the Plan Change provisions, subject to the amendments sought, will:
 - i) Promote the sustainable management of resources;
 - ii) Achieve the purpose of the Resource Management Act 1991 ("the RMA");
 - iii) Not be contrary to Part 2 and other provisions of the RMA;
 - iv) Meet the reasonably foreseeable needs of future generations by enabling growth and further land for commercial development;
 - v) Will enable the social, economic and cultural well-being of the Te Puna community through expansion of the Te Puna Village;
 - vi) Represent the most appropriate means of exercising the Western Bay of Plenty District Council's ("Council") functions, having regard to the efficiency and effectiveness of other available means. Some of the changes proposed are more appropriate in terms of section 32 and other provisions of the RMA.

- b) Te Puna Springs Estate Limited consider that:
- i) A number of provisions include in the notified version of the Plan Change are no longer necessary due to the applicants change in circumstances. Specifically Supermac/Modcom plan to relocate their existing operations from the site. As a result, additional permitted activities for the Te Puna Springs Structure Plan (warehousing and storage, rural contractors depots, ancillary offices, and places of assembly) are no longer necessary.
 - ii) There are a number for formatting changes to the provisions which should occur to ensure that the provisions better align with the existing format of the District Plan. These changes sought are identified in c) below.
- c) In particular, but without limiting the generality of the above, Te Puna Springs Estate Limited seek the following amendments to the Plan Change as notified:

- i) Delete the following permitted activities:

Activity List

19.3.1 Permitted Activities

~~Additional Permitted Activities (Te Puna Springs only)~~

~~Rural Contractors Depot~~

4.1

~~Offices (ancillary to activities occurring on site that are not provided for)~~

~~Places of Assembly within Area B Te Puna Springs Structure Plan~~

~~Warehousing and Storage~~

The reason for this change is that the above activities are no longer needing to be provided for, given that Supermac/Modcom will relocate from the site if the land is rezoned.

- ii) Reorder the List of Structure Plans in appendix 7 such that the Te Puna Structure plan is listed by geographic area.

Appendix 7

Structure Plans

1. Waihi Beach
2. Katikati
3. Katikati Lifestyle Zone
4. Omokoroa Structure Plan
5. Tides Reach Rural-Residential
6. Minden Lifestyle Zone
7. Te Puna Business Park
8. Te Puna Springs
9. Te Puke Structure Plan
10. Te Puke Lifestyle Zone
11. Te Puke West Industrial
12. Washer Road Business Park
13. Rangioru Business Park

4.2

14. Comvita Campus

The reason for this change is that the change to the order better aligns with District plan formatting.

- iii) Reword the definition of *sensitive activities* as follows:

“Sensitive Activity(ies) - Te Puna Springs” is specific to Area A Te Puna Springs Structure Plan and means activities which are sensitive to noise, spray, and odour and which have the potential to generate reverse sensitivity effects. This is limited to residential dwellings, minor dwellings, accommodation facilities, places of assembly, education facilities and medical/scientific facilities. 4.3

The reason for this change is that there are other references to sensitive activities in the District Plan, so the definition should be specific to Te Puna Springs. The activities now referenced also relate to activities as listed in the District Plan.

- iv) Separate the provisions in section 4C as follows

4C.5.3.2 Screening in Industrial and Commercial Zones

a. Te Puna Springs Structure Plan

- (i) Any subdivision or development of land within the zone shall be designed, approved and developed in general accordance with the Te Puna Springs Structure Plan and Landscape cross-section in Appendix 7.
- (ii) Landscape plans shall be prepared by a qualified landscape designer and approved by Council. 4.4
- (iii) The plan for the stormwater pond shall be prepared in consultation with Pirirakau.

The reason for this change is that these provisions should be separate requirements to better align with Plan formatting.

- v) Amend 19.2.5 as follows:

19.2.5 Non-complying Activities (Te Puna Springs only)

- (a) Sensitive Activities Te Puna Springs located within Area A Te Puna Springs Structure Plan Area. 4.5

The reason for this change is that the formatting and reference to the definition and structure plan area is improved.

- vi) Amend Activity performance standards 19.4.1(General) to refer to:

- (iv) Te Puna Springs Structure Plan Area 4.6
The maximum height of buildings/structures shall be 12m

The reason for this change is that the wording better aligns with plan formatting.

- vii) Delete Activity performance standards 19.4.1 (general) relating to parking up to the road boundary and continuous retail frontage as notified by replacing the provisions with the following: 4.7

- (viii) Continuous retail frontage

- Development in the Commercial Zone shall be constructed up to the road boundary except for vehicle access up to 6m wide per site.

Note: For the Te Puna Springs Structure Plan Area, –this requirement

shall not apply.

- Each building shall have clear windows on the ground floor that must cover at least 50% of the buildings frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas. 4.7
- No car parking, other than underground parking, shall be located within 10m of any steel boundary

Note: For the Te Puna Springs Structure Plan Area this requirement shall not apply.

The reason for this change is that the replacement wording better aligns with plan formatting.

- viii) Amend Appendix 7 by removal of the title block from the Structure plan drawing and add areas A and B Labels to the Structure plan drawing in Appendix 7 and the planning maps to show the demarcation between the two areas. 4.8

The reason for this change is that the amendment better aligns with plan formatting. The title block incorrectly refers to "industrial" and areas A & B appear to have been cropped from the plans/maps.

Decision Sought

- 5. The decision sought from the Council is that the Proposed District Plan be approved, with:
 - a) necessary amendments to address the additional changes set out above;
 - b) such further other relief or other consequential amendments as considered appropriate and necessary to address the matters set out above.
- 6. We wish to be heard in support of our submission. If others make a similar submission, we are prepared to consider presenting a joint case with them at any hearing.



.....
AARON COLLIER

Date: 3 February 2022

Address for Service:

Te Puna Springs Estate Limited
c/o Collier Consultants Limited
PO Box 14371
Tauranga Mail Centre
Tauranga 3143
Attn: Aaron Collier
Email: aaron@collierconsultants.co.nz

**SUBMISSION ON PLAN CHANGE 93
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

TO: Western Bay of Plenty District Council

SUBMISSION ON: Plan Change 93

SUBMITTER: Zariba Holdings
PO Box 2585
Tauranga 3140

Attn: Dwayne Roper
Email: dwayne@zariba.co.nz

Scope of Submission

1. The specific provisions of the Plan Change to which this submission relates are the entire provisions of Plan Change 93.

Nature of submission

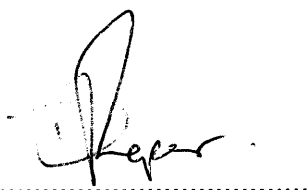
2. Zariba Holdings and its associated companies are the owners and developers of land in the adjacent Te Puna Commercial Business Zone at 4 Te Puna Road. We have recently completed a further stage of commercial development on our land.
3. Zariba Holdings support the proposal to rezone the Te Puna Springs site. We have been consulted by the applicant and understand that there are a number of minor changes which the applicant seeks to make to the plan change which will remove industrial type activities from the list of activities permitted on the site. We support these amendments as they will result in better commercial zone outcomes. 5.1
4. We also support the applicant's stormwater approach, which also caters for the stormwater from our land, and the other technical/formatting type amendments which are proposed to be made to the plan change. These have been discussed with us. 5.2
5. We agree with the use of a Structure Plan to guide future development of the site. Unfortunately much of the development at the south-eastern end of the Te Puna Village has occurred on an ad hoc basis without any structure plan being in place. This should be avoided. 5.3
6. We have applied to our land a high standard of urban design and layout. The applicant has agreed with us that they will ensure that suitable covenants are imposed on the land to provide for quality commercial development in the future. 5.4

Reasons for submission

7. The reasons for this submission are:
- a) That the Plan Change will provide further commercial zoned land which is needed to service the Te Puna community and which will enable social, economic and cultural wellbeing. 5.3
 - b) The applicant has prepared a Structure Plan for the site which we support. This includes the applicant's proposal to manage stormwater, provide landscaping requirements, and develop a general roading and pattern for servicing. 5.3
 - c) As part of early consultation with us (including workshops with Council staff) the applicant and ourselves developed a solution for the existing Te Puna wastewater system and the applicant should be permitted to connect to this system. 5.5
 - d) The proposal provides for and recognises the cultural relationship of Pirirakau with the area provided for the spring at the front of the site. 5.6
 - e) The future commercial development can be adequately services.
 - f) The plan change appropriately deals with potential reverse sensitivity effects with surrounding orchard land.

Decision Sought

8. The decision we seek from the Council is that the proposed plan change be approved, with necessary amendments as set out in the submission by the applicant
9. We wish to be heard in support of our submission. If others make a similar submission, we are prepared to consider presenting a joint case with them at any hearing.



DWAYNE ROPER

Date: 3 February 2022

Address for Service:

Zariba Holdings
PO Box 2585
Tauranga 3140
Attn: Dwayne Roper
Email: dwayne@zariba.co.nz



Western Bay of Plenty District Council Plan Change 93

4 February 2021

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

Via email: districtplan@westernbay.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc.
Attention: Darren van Hoof
Email: d.vanhoof@forestandbird.org.nz
Phone: 027 811 7037

Submission on the application for Plan Change 93 – Te Puna Springs

- Forest & Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and we would consider presenting this submission jointly with others making a similar submission at a hearing.
- Forest & Birds submission is in opposition to the application
- Forest & Bird welcomes the opportunity to submit on the consent application.

1. Introduction

1.1. Tēnā Koutou

1.2. The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) is New Zealand's largest independent nature conservation organisation, with many members and supporters. Our mission is to be a voice for nature on land, in fresh water and at sea.

1.3. Forest & Bird has branches throughout the country and our Tauranga and Te Puke Branches have over 600 individual members.

- 1.4. Forest & Bird has a strong interest in the Te Puna area and has been involved locally in restoration at l'Anson Reserve with the Western Bay of Plenty District Council and QEII. The Tauranga Forest & Bird Branch undertook the original planting of the reserve in the 1990s and over the past couple of years has been leading a group of volunteers 'Friends of l'Anson' who are now undertaking regular weeding and pest control there.
- 1.5. Forest & Bird oppose the application and set out the reasons for doing so below.

2. Submission and reasons

- 2.1 We understand that along the western boundary there is a natural waterway that is part of the wider Te Puna catchment, that has been modified over time, and this is referenced in the name "Te Puna Springs". We are concerned that there has not been appropriate consideration given to natural and cultural values associated with waterway and to the potential for restoration of this waterway. 6.1
- 2.2 Some information and maps used appear to be out of date which is confusing, for example with respect to the location of the Te Puna Memorial Hall and its surrounding reserve area. This has not assisted in understanding the existing environment of the proposed development. 6.2
- 2.3 The google satellite image and pictures used in the proposal show vegetation on the site however there is no mention of what this vegetation is or plans for its retention or removal. 6.2
- 2.4 It is unclear whether the drain(s) on the side are modified water courses and should be considered within the RMA definition of "river". If this is the case then the NES for Freshwater may be applicable. 6.1
- 2.5 Some consideration should be given to the NPSFM and the NES for Freshwater given the catchment flow paths and apparent adjacent stream and possible onsite stream. It is not clear whether the pond and waterways support much fish, or provide habitat to birds. 6.1
6.3
- 2.6 Forest & Bird have concerns that the stormwater management approach which would confine retention to smaller area (ie the lower area at the south west corner is to be level off for commercial development) will remove natural features. There appears to have been no consideration of retaining natural features and values of the natural contoured land. 6.1
- 2.7 We also question whether there is any "wetland" or "natural wetland" on site or adjacent that could be affected. This would be expected given the low catchment location and pond. It appears that the pond may have replaced more widespread wetland at some point in the past and may still have natural values associated with it. 6.1
- 2.8 The proposed definition for "sensitive activities" is somewhat different to how that term is defined in the RPS. The RPS term should be used, it is inclusive and would be applicable to the situation described in the proposal. The activity standards could also make specific reference to sensitivity of spray drift or "rural activities" for clarify. 6.4
- 2.9 There does not seem to be any consideration of downstream effects on natural values and an assessment of this should be undertaken. 6.1

2.9 Given there is an expected increase in stormwater runoff from this change in land use and from the SH2 changes there should be consideration given to the opportunity to enhance the natural feature that exists, properly manage stormwater, and improve community aspects. This has been successfully done by the Tauranga City Council in the Carmichael and Matua Saltmarsh reserves and ponds.

6.1

3. Relief sort

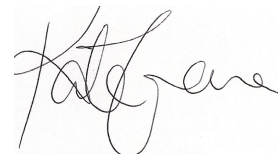
4. That the consent is granted with amendments to address our concerns.



Nga mihi, na

Darren van Hoof

Regional Conservation Manager - Hawkes Bay,
Gisborne & Bay of Plenty
Royal Forest and Bird Protection Society New Zealand



Kate Graeme

Tauranga Branch
Royal Forest and Bird Protection
Society New Zealand

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

OBJECTION to the Proposed Plan Change93 – Te Puna Springs [17 Te Puna Road]

We object for the following reasons.

1. The basis for the existing commercial zoning was established to provide commercial activities to support the **immediate** rural/residential area. Any expansion of the present commercial zone of the applicant's total land area will have adverse effects on the amenity values and rural environment of the adjoining rural properties and community. 7.1
2. The rezoning request based on the fact that the site is unlikely to be used for rural use is **unsupported**. The large majority of the submitter's property is zoned rural and is eminently suited for horticulture crops. The land is largely of excellent, flat contour and is highly fertile. The close proximity of post-harvest facilities and avocado processing further enhance the horticultural prospects as economic land. There are many examples in the Te Puna Catchment of smaller rural lots being economic. 7.1
3. The current District Plan, the Te Puna Community Plan, and SmartGrowth have identified Te Puna as a green zone, rural in character with good planning principles based on these aspects. The creeping of commercial activities onto rural land does not meet the objectives of these important foundation plans. 7.2
4. The 2017 Te Puna Community sets out the objectives and aspirations for the local community including commercial activities. The applicants existing activities have failed on all key considerations to meet these objectives and aspirations. Any expansion of the commercial area will further exacerbate these failures. 7.2
5. The "Roper Development" adjacent to the subject site is an example of a well-designed commercial centre which reflects accepted urban design principles meeting the objectives and aspirations of the local community. 7.3
7. Being an affected property owner downstream of the Te Puna Springs site, we are concerned in regards to the stormwater management: 7.4
 - The proposed change of a large rural lot into hard surfaces and resulting run off into the Oturu Creek, flooding downstream properties. Why should such properties suffer as a result of the proposed change?
 - The water quality being contaminated from commercial activities as a result the proposed change impacting on fish life in the Oturu Creek and Waikaraka Estuary.
 - We note highly important wetlands have already been desecrated.
8. In conclusion we request that the zoning remain as the status quo.

T & M Cooney 73B Armstrong Rd , Te Puna.

District Plan Changes 93 – 94

Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Submissions close 4.00pm on Friday 4 February 2022

Name:
Organisation
(only if submitting on behalf)

Te Puna Heartland Incorporated

Address for Service:

c/- Sparks, 123 Munro Road Te Puna
R.D 7 Tauranga

Post Code:

3179

E-mail Address:

tepunahartlandinc@gmail.com

Telephone Number:

0274 530033

I/We would like to speak in support of my/our submission at the Council hearing.

Yes



No



Please tick

Signed:

Beth Bowden

Date:

4 February 2022

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

Secretary, Te Puna Heartland Inc

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Not used.
Please see
separate
PDF file

PLAN CHANGE 93: SUBMISSION FROM TE PUNA HEARTLANDS INCORPORATED

1. Who we are

1.1 Te Puna Heartland Incorporated, often referred to simply as “Heartlands”, is a community volunteer organisation that was formed in 2002 and has been active ever since. At its meetings matters of interest and, often, concern for Te Puna residents are raised and discussed. The Te Puna Community Plan often provides the basis for Heartland’s response and actions, which aim for consensus and constructive engagement with the many and varied activities that take place in Te Puna. As the various reports associated with this consent application note, the Plan is a public document that was carefully developed by community-led consultation involving a widely-selected group of local leaders, including the Pirirakau iwi.

1.2 Heartlands has seen the submissions put forward by the Te Puna Hall Committee and J. Shepherd on behalf of Pirirakau and expresses its full support for, and endorsement of, their position on this matter.

2. Background

2.1 In 2018 Heartlands participated in the community engagement process undertaken by Western Bay of Plenty District Council (“WBoPDC”) concerning the future of the commercial-zoned area around the junction of SH2, Minden and Te Puna Roads. Our submission then drew attention to the need for clear controls on commercial development in the context of the Te Puna Community Plan’s reliance on a framework for identifying, maintaining and protecting the area’s rural character.

2.2 Our concerns were two. (Action point references are to the Te Puna Community Plan.) We said:

- “At action point 2.4.2 the plan requires us to identify opportunities at new developments such as the Memorial Hall and the roundabout, and, more distant in time, to maximise opportunities resulting from the building of the TNL highway (action point 2.4.4). Both are relevant to our request for clear controls on any development of the Te Puna village area; in combination with action point 2.7.1, the retention of the rural character of the area, design and viewscape protection of the Hall as a local community meeting place and some evocation of Te Puna’s history and culture are essential elements. We are particularly concerned to have absolute clarity on the “existing use position” of the land immediately north and west of the Te Puna Memorial Hall site, including details of its consent conditions. We note that the Hall site is right on the boundary between commercially zoned and rural land, and see it as an important built element for defining and to some extent separating the two types of activities in Te Puna.
- “At action points 3.7.3 and 3.7.4 the Te Puna Plan aims to protect the Oturu stream from the effects of hard surface areas, and to address the legacy issue of non-performing septic tanks. Both issues are relevant to the impact of increased commercial development at the Te Puna village. In Heartlands’ view, these two issues must be thoughtfully and innovatively addressed before too much more intensive use of the area can be allowed. For instance, a local sewerage plant for the village as a whole may be a more sensible option than the current rule of requiring each property owner to cope with sewage on their own site.”

2.3 Heartlands therefore claims a long-standing interest and level of concern about the way in which land zoned as rural, land that is the subject of the present proposed Plan change, has come to be used for purposes that do not conform to the Operative District Plan's description of rural character. (We note that a recent decision by WBoPDC has resolved issues relating to sewage treatment at the Te Puna Village for the time being at least.)

3. Overview: the current proposal from Te Puna Springs Estate

A. Inappropriate application of commercial zone concept

3.1 Heartlands has come to the view that the present proposal also does not conform to the description of "commercial" purposes in the Operative District Plan. We list here the elements that, according to the Operative District Plan, make up a vibrant and enjoyable commercial neighbourhood:

8.1

- Encourage social and cultural interaction
- Reflect urban design principles
- Promote convenience, safety
- Are of a scale appropriate to the location
- Contain public, civic and private spaces that relate well to each other
- Have a high level of amenity
- Effective and efficient commercial activities operate without undue restraint from non-commercial uses that may require higher amenity values
- Retain important heritage buildings and landscape features
- Create multi-modal transport linkages
- Use design detail that integrates public, civic and private places nearby
- Complement adopted documents compiled with community such as development plans

3.2 The present Plan Change Proposal does none of these. Instead, it puts forward a series of Plan Changes that

- 3.2.1 Inappropriately adjust the definition of reverse sensitivity rules so as to incorporate its intended level and type of operation alongside those activities that under the District Plan characterise commercial use, namely: retail, commercial services, offices, places of assembly (only one of which is included in the proposal), takeaway food outlets, medical or scientific facilities, and restaurants and other eating places.
- 3.2.2 Seek to introduce, by the back door, what are essentially industrial activities under the guise of a series of special rules for a commercial zone designation specifically limited to Te Puna Springs.

8.1

3.3 The proposal also relies heavily on an argument, best expressed at its Appendix D, Economics Overview Report, that the redesignation of that part of the site zoned as rural land does not represent an actual 'loss' of rural land:

At present, the 5.91ha site sits on 4.75ha of rural zoned land and 1.16ha of commercial business land and is occupied by a house removal business. This current use is deemed a more industrial yard type use, however, is operating on rural zoned land. When identifying the costs and benefits of the proposed rezoning, including the loss of rural land, it is imperative to consider the current fact that the land is not being utilised for rural activities, despite being zoned as rural.

As such, the proposed rezoning does not necessarily represent a 'loss' of rural land in Property Economics view as it is highly unlikely to transfer back to that use as the land has not been utilised for rural activities for a number of years. From a commercial viability perspective the subject land holding is likely to be too small in scale to have the ability to sustain a rural productive unit.

3.4 In our submission, the fact that non-permitted land use – “a more industrial yard type use” has been operating on rural zoned land “for a number of years” is no argument that the proposed rezoning does not represent a loss of rural land. Of course it does. 8.1

3.5 Heartlands asks the applicant to address their real reasons for seeking a plan change and not to wrench the rules relating to commercial zoning into a shape that might permit them to carry out their intentions while paying very little attention to the extremely clear Objectives and Policies for commercial-zoned land in the Operative District Plan.

B. Lack of attention to ecology and water quality implications

3.6 Heartlands’ second area of concern relates to the threat to the ecology and water quality along the tributary watercourse that eventually feeds into the Oturu Stream.

3.7 We note the attention paid in the proposal to the component parts of sections 5-8 of the Resource Management Act 1991. Heartlands appreciates that this statutory framework attempts to balance, mediate and ultimately regulate the way in which natural and physical resources are affected, now and for the “reasonably foreseeable needs of future generations”.

3.8 Heartlands, in its function as an advocate for community views as expressed in the Te Puna Community Development Plan, has put some effort into long-term measures intended to protect and if possible enhance the state of Te Puna’s various watercourses. We have a record of patient attention to these issues dating back to 2011 and culminating in a Memorandum of Understanding between Bay of Plenty Regional Council, Pirirakau Iwi Incorporated, the Western Bay of Plenty District Council and Te Puna Heartland Incorporated that was signed off in mid-2020. 8.2

3.9 Covid lockdowns and general disruption has since prevented many of the intentions of that MOU from being operationalised but the underlying kaupapa:

“...agreement on a process that will result in the development of a Catchments Management Plan for the Te Puna area.

“All parties acknowledge that this process will take fully into account the principles concerning Te Wai o Pirirakau expressed in both the Pirirakau Hapū Management Plan and the Te Puna Community Development Plan in addition to those published by the Regional and District Councils...”

remains as a working principle that Heartlands is committed to. We note that, although the application uses elements of the Te Puna Community Plan and community engagement exercises

undertaken by the WBoPDC to bolster its position, its attention to the impact on the natural ecology in the vicinity of the site is confined to three paragraphs, as follow.

8.2

3.10 At p.22, in connection with the generalised statutory obligations imposed by the RMA, the application states:

“The subject site is bisected by a few natural open channels that discharge into an existing attenuation pond behind an embankment located within the site boundary. Although the landform may require some shaping, it is considered that the natural character of the channels can be maintained. In addition, it is proposed that the embankments of the stormwater ponds and edges of the channel will be planted with wetland species and there will be the addition of the naturalised spring to the village green.”

...

“The Infrastructure Servicing Assessment (provided in Appendix E) acknowledges that the development sites [are] within a catchment which may already have downstream issues with flooding and erosion. A conservative approach to stormwater management has therefore been incorporated into the Plan Change Request and an attenuation pond has been sized to meet the Bay of Plenty Regional Council stormwater management guidelines.”

3.11 (We note in passing that this paragraph seems to have less to do with ecological impact than with potential land and property damage.)

3.12 And at p.26:

“A stormwater attenuation pond are [sic] proposed as part of the on-site stormwater management. These ponds will be planted with wetland species.”

3.13 In keeping with the spirit and intention of the MOU of June 2020, we inquire which of the signatories (Bay of Plenty Regional Council, Western Bay of Plenty District Council, Te Puna Heartlands Inc and Pirirakau Inc) will be involved in the practical function of monitoring and maintaining the effect the proposed (private) stormwater pond may have on the adjacent tributary to the Oturu Stream? We invite the decision-maker on this Plan Change to consider the impact that this new element of wetland ecology will have in terms of the Comprehensive Stormwater Discharge Consent (RM17-0121) that was, in 2020, renewed for a further 30 years. Heartlands regrets that an early suggestion, that WBoPDC should take on the management of the pond and its environs (as per Tauranga City’s practice with the Gordon Carmichael Reserve) was apparently not taken up by the developer.

8.2

3.14 Many Heartlands members, just like Pirirakau hapū, value and understand the place our watercourses occupy in our cultural history and landscape. We find the gesture of installing a “naturalised spring” on the “village green” – uphill from the Memorial Hall site – to be entirely artificial and hydrographically unlikely. It would seem that even the rule that water runs downhill is being wrenched to suit the applicant.

8.2



3.15 We share Pirirakau’s respect for Te Puna as a place of springs. We prefer them to be in the place that the water naturally finds its way to, and to be sensitively dealt with there. The obvious place for both a green gathering space and a spring is the section on the southern edge of the Hall boundary, downhill towards the store and workshop, and adjacent to the stormwater pond.

8.3

4. Aspects of particular concern

4.1 We have already outlined our general concerns that the use of commercial zone planning principles are inappropriate for the particular development that seems to be envisaged at Te Puna Springs. What follows is a by no means comprehensive list of elements of the proposal that do not conform with what residents of Te Puna, who participated in either the development of the Te Puna Community Development Plan or the Community Engagement exercise incorporated into the application at Appendix K, would expect as the result of commercial zone characteristics listed at paragraph 3.1 above.

4.2 The text blocks are ‘snipped’ from the application itself. Heartlands numbered comments follow each ‘snip’.

5.2 Section 4C – Amenity

Add new Activity Performance Standard, as follows:

4C.5.3.2 Screening in Industrial and Commercial Zones

(h) Te Puna Springs

(i) Any subdivision or development of land within the zone shall be designed, approved and developed in general accordance with the Te Puna Springs Structure Plan and Landscape Cross Section in Appendix 7;

(ii) Landscape plans shall be prepared by a qualified landscape designer and approved by Council. The plan for the stormwater pond shall be prepared in consultation with Pirirakau.

4.3 Heartlands draws attention to the existence of the 2020 Catchment Management Plan MOU between the two local councils, Pirirakau and itself, and asks that it also be represented in landscape plan development, at the very least for the stormwater pond and the “naturalised” spring; more extensive involvement would be welcomed.

8.4

5.3 Section 19 Commercial

Add new permitted activity rule, as follows:

Additional Permitted Activities (Te Puna Springs only)

- (a) **Rural Contractors Depot**
- (b) **Offices (ancillary to activities occurring on site that are not provided for)**
- (c) **Places of Assembly within Area B**
- (d) **Warehousing and Storage**

4.4 Heartlands expresses grave reservations that activities such as a rural contractors depot and warehousing and storage conform to the policies and objectives of a “commercial” zone as described in the Operative District Plan.

8.1

Add new non-complying activity rule, as follows:

Additional Non-Complying Activities (Te Puna Springs only)

- (a) **Sensitive activity(ies) located within Area A**

Amend / add to 19.4 Activity Performance Standards, as follows:

19.4.1 General

- (a) Building height, setback, alignment and design

(v) Te Puna Springs

The maximum building/structure height in the Te Puna Springs shall be 12.0m.

4.5 In Heartlands’ view this scale of building, even if confined to Area A (the margins of the site) is inappropriate for the usual scale of commercial buildings and risks the introduction of more ‘industrial’ activities on site. We draw attention to the application’s own acknowledgement that there is a history of non-compliance with zoning rules there.

8.5

(vi) All other areas including spot Commercial Zones

The maximum *height* shall be limited to two storeys and 9m and no provision is made for additional non-habitable space above the 9m *height* limit;

(vii) Any balustrade servicing a third floor (not in the Omokoroa Stage 2 Structure Plan Area) shall be either set back in accordance with Diagram 1 below or be 80% visually permeable.

(viii) Continuous retail frontage – Development in the Commercial Zone shall be constructed up to the road boundary except for vehicle access up to 6m wide per site, with the exception of the Te Puna Springs. Each building shall have clear windows on the ground floor that must cover at least 50% of the building’s frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas.

(ix) No car parking, other than underground parking, shall be located within 10m of any street boundary, with the exception of the Te Puna Springs.

4.6 These proposed amendments are examples of how the standards of the commercial zone and its usual activities, as envisaged by the Operative District Plan, are unsuitable to the apparent intentions of the Te Puna Springs development and its immediate community. For instance, car parking in and around the environs of the community hall should be carefully consulted on and designed into the development to ensure the interests of all those coming and going from the area are catered for.

8.6

4.7 The same could be said for the design – or lack of it – of the private road as designated on the Structure Plan, Appendix C. Although the developer is taking full advantage of the useful entry and

exit points off SH2 to the south and Te Puna Road to the east, we see no provision being made for multi-modal transport linkages as required for a commercial zone under the Operative District Plan. The roadway seems to be conceived as being for wheeled, possibly many-wheeled, motor vehicles only and makes no obvious concessions to pedestrian and cyclist traffic safety. Nor – with the possible exception of the cul-de-sac at the northwards offshoot of the road – are there any areas set aside for parked or stationary vehicles. This is very unlike the sort of traffic management design that usually goes with commercial use, and is further evidence that the applicant has no sincere intention of creating opportunities for economic activity that are commercial as opposed to industrial.

8.7

4.8 Heartlands would expect to see this useful access route through the heart of the site built to standards that allow for ordinary public access (motor vehicles, cyclists, pedestrians) and that may be – as often happens in other commercial developments – ultimately vested in the Council as a public road.

Add to 19.7.4 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria, as follow:

In considering an application for a Discretionary or Non-Complying Activity Council shall consider:

- (a) The extent of non-compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- (b) How well the development integrates with existing commercial development and its orientation to public space.
- (c) How the development meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- (d) Any national standards for urban design.
- (e) What provision is made for pedestrian and vehicular access.
- (f) The effect on the amenity values of adjoining residential and reserve land.

Project number 251282 File 251282-0000-REP-NN-0001 - Plan Change_Final 2021_October Rev 2.docx, 2021-10-13 Revision 2 18

(g) Consideration of the extent to which rural production activities will be adversely affected by the development, including any reverse sensitivity effects.

4.9 Given that so much of this application is an effort to adapt the commercial zone rules to more robust and large-scale activities, the proposed new criterion (g) might be expanded to include the adverse effects on local, other commercial activities as well.

5.4 Appendix 7

Add the Structure Plan to Appendix 7 as **Section 13; Te Puna Springs** (with reference to the Structure Plan in **Appendix C**).

Any other consequential amendments, including numbering, maps and cross references, as necessary.

8.8

4.10 Heartlands has grave concerns that the application's Structure Plan is in various ways inadequate and its inclusion in the Operative District Plan would, without substantial amendment, be unhelpful to future planning processes:

which is proposed to be titled as the "Te Puna Springs". The aim of this scheduled site is to enable a comprehensive plan for the subject site including enabling development of a new community hall, village green and pond, allowing for better utilisation of the land for commercial development (of a rural trade nature) and avoiding piecemeal proposals which may result in reverse sensitivity arising, in accordance with existing District Plan rules, proposed site-specific rules, and a Structure Plan.

4.11 Heartlands is in generally in favour of avoiding the piecemeal (there are too many examples of this approach to planning in Te Puna already). But we object to the claim that the application enables "development of a new community hall, village green and pond" when we know that no approach has so far been made to its immediate neighbour, the Te Puna Memorial Hall Committee. And we note with further concern some language slippage: in one place "commercial development (of a rural trade nature)", gives way to descriptions elsewhere of a rural contractors depot and warehouses, implying large machinery movements and truck-loading.

8.8

- rezone the subject site from the present Rural and Commercial Zoning to a new "Te Puna Springs" scheduled site under the Commercial Zone.
- to provide for further business activities to service the Te Puna community and to create local commercial business opportunities.

4.12 For the avoidance of doubt: Heartlands does not object to the proper use of zoning procedures to establish and encourage careful commercial development in some parts of Te Puna. The Community Development Plan explicitly allows for such economic activity within the 'green wedge' that SmartGrowth has designated Te Puna to be. We ask, however, that if this land is to be zoned commercial, the rules applying to it have the result intended for "vibrant commercial environments that encourage social and cultural interaction". And if the activity proposed is in fact industrial in nature, that it takes place on land designated for that purpose.

8.9

An important part of the development of this Plan Change is the dialogue that has been going on between the local community in Te Puna, the various landowners and businesses and Western Bay of Plenty Council. In December 2017, the Te Puna Community Plan was published which developed shared goals for the collective community of Te Puna. This acknowledges the extreme importance of the Te Puna commercial areas for local resilience. Following on from the release of that document, in mid-2018 elected members requested that community engagement be undertaken to help understand Te Puna community aspirations and issues and opportunities for the commercial zone, with the focus being on Te Puna Village (which the subject site is a part of). Western Bay of Plenty engaged with the Te Puna community in August – November 2018 to understand their expectations for the future of the commercial zone. In November 2018, a Discussion Paper was produced and released to the public to document this process and its outcomes. This Discussion Paper provided recognition of the need to comprehensively consider the future of Te Puna commercial zone.

4.13 Heartlands agrees with this assessment of the importance to Te Puna of the commercial activities located around the Te Puna SH2 roundabout. We hope, however, that any continued commercial development actually conforms to the WBoPDC's Operative District Plan as set out at Section 19.

The Applicant wishes to proceed with a Plan Change for the following reasons:

- The current Rural zoning does not allow for future commercial use of the site which the applicant seeks to achieve;
- The proposed rezoning will foster the development of complementary activities to the existing Te Puna Springs commercial zone;
- The proposed rezoning will positively contribute to creating a consolidated, futureproofed commercial hub for the benefit of the community;

- The proposed rezoning will provide certainty of investment as well as assist in long term infrastructure planning;
- The applicant seeks to expand their business on site, and provide leased tenancies for other companies who wish to locate themselves in Te Puna, and would require a Resource Consent to do so;
- The site is not and will not be used in according with the existing Rural zoning in the future due a number of constraints, including but not limited to, land size which is uneconomic to be utilised for the purposes of traditional rural activities, and the inappropriate use of the site for residential purposes due to the proximity to established horticultural uses adjacent to the site.

4.14 As previously stated, aspects of these remarks on page 11 of the application are not inconsistent with the approach to economic development expressed in the Te Puna Community Development Plan. Commercial Zone criteria, quoted elsewhere in the proposal, would not in Heartlands' view be unacceptable to Te Puna residents familiar with their village:

8.9

The District Plan identifies the Commercial Zones are important as they provide "*a sense of identity and belonging to individuals and the community in general*". Objectives for the Commercial Zone in the District Plan include aiming to create consolidated commercial centres that are vibrant commercial environments that encourage social and cultural interaction, and keeping them of an appropriate scale, well designed and to allow the Commercial Zone to operate effectively and efficiently.

The more pertinent rules controlling land use in the Commercial Zone can be summarised as follows:

- Dwelling houses: All dwellings located above ground floor
- Minimum allotment area: no restriction
- Structure coverage: no restriction
- Setbacks: Strategic Road / Designation boundary: 10m
All other buildings/structures: 3m
(where property adjoins the Rural Zone)

Project number 251282 File 251282-0000-REP-NN-0001 - Plan Change_Final 2021_October Rev 2.docx, 2021-10-13 Revision 2 15

- Structure height: 9m
- Screening & Landscaping: Required for interface with Rural Zone
- Building design: Verandas required
Daylight boundaries for all site boundaries adjoining Rural Zone
Floor area utilised for office purposes on the ground floor is not to exceed 20% of the GFA of the ground floor of the building

The Commercial Zone's rules do not differentiate between types of retail. It is also noted that the objectives, policies and rules in the Commercial Zone were written primarily for commercial areas which were based around the 'main street'. As Te Puna Village does not have a main street strip retail offering (with active frontages), there are some rules above that are inappropriate for Te Puna Village such as the requirement for verandas and active frontages.

4.15 Heartlands also accepts that the “main street” bias evident in the commercial zone rules is not particularly applicable to the layout and topography of the Te Puna Village. Nevertheless the general concept of a commercial zone as a ‘bumping place’ where people engaged in a variety of business and social activities can come and go and meet up easily (and maybe even live in), is important and useful as a design guide. There is not much evidence of that in the proposed Structure Plan. On the basis of intentions as stated in the application, the locality is likely to be quite tightly packed with heavy and dangerous machinery, and non-motor traffic would have to be equally tightly controlled to be safe.

5. Conclusion

5.1 Te Puna Heartlands will continue, as is stated at the outset of the Te Puna Community Development Plan, to advocate for the Plan’s function in providing

- “An insight in to the community aspirations and a roadmap as to how they may be achieved
- “An opportunity to test the concept and the framework for identifying, maintaining and protecting the area’s ‘rural character’ from a community perspective
- “A guide to developing a strong community and to identify significant dates and events for the next ten years
- “The basis for ongoing relationships and co-created projects.”

5.2 We therefore draw the deision-maker’s close attention to the applicant’s statement of the effects of re-zoning rural land (whether for commercial or industrial purposes):

The final regulatory matter is that to do with avoiding, remedying and mitigating adverse effects. A loss of amenity is inevitable where rural land is rezoned and developed for commercial purposes. However, the site currently displays minimal rural character and amenity value. In addition, as stated in the Property Economics Economic Overview report (provided in **Appendix D**), the land has not been utilised for rural activities for a number of years and it is highly unlikely that it would transfer back to that use. Existing standards within the District Plan, supplemented by to site-specific standards, including adherence to the Structure Plan, will effectively control the scale and form of future development in a manner that is compatible with the receiving environment. For the reasons outlined in the Assessment of Effects, it is considered the effects of subsequent development in accordance with the Plan Change Request will be no more than minor.

5.3 Heartlands does not agree that the ‘receiving environment’ will be affected to no more than a minor extent by the proposed Plan Changes. Nor do we see, in the present application, any evident desire to create a commercial area of the type the Operative District Plan attempts to deliver, let alone something that meets community preferences as expressed in 2018. In the spirit of the Te Puna Community Development Plan’s earnest efforts to help Te Puna residents to live, work, and play together, we ask that the proposal be publicly notified. We stand ready to debate the Assessment of Effects with the applicant or their representatives, subject of course to the process determined by the decision-maker in this matter.

R Comyn

Chair, Te Puna Heartlands

District Plan Changes 93 – 94

Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Submissions close 4.00pm on Friday 4 February 2022

Name:	Samantha Redward	
Organisation (only if submitting on behalf)	4Sight Consulting Ltd	
Address for Service:	See attached	
		Post Code:
E-mail Address:	samantha.redward@4sight.co.nz	
Telephone Number:	0277766115	

I/We would like to speak in support of my/our submission at the Council

hearing. Yes No Please tick

Signed: _____ **Date:** _____
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC93	See attached submission		

**NOTICE OF SUBMISSION TO TE PUNA SPRINGS ESTATE LIMITED'S PROPOSED PLAN
CHANGE 93 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN PURSUANT TO CLAUSE 6 OF
THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Western Bay of Plenty District Council
Private Bag 12803
TAURANGA 3143

Via email: districtplan@westernbay.govt.nz

Submitter: BP Oil New Zealand Limited
PO Box 99873
AUCKLAND 1149

Address for Service: 4Sight Consulting Limited
201 Victoria St West
PO Box 911310, Victoria St West,
AUCKLAND 1142

Attention: Samantha Redward

Phone: 027 7766 115

Email: Samantha.Redward@4sight.co.nz

File ref: 11439

A. Introduction

1. The British Petroleum Company of New Zealand was established in 1946. Today, BP Oil New Zealand Limited (*BP*) has over 210 service stations throughout New Zealand and employs directly over 2000 people who are committed to providing New Zealanders with the best in fuel, lubricants and convenience retailing.
2. Plan Change 93 (*PC 93*) affects SEC 11 SO 491908 and SEC 2 SO 529511 (*the PC area*) adjacent to the existing BP Connect Te Puna (*service station & truckstop*) at 620 State Highway 2, Te Puna, Bay of Plenty (see **Figure 1**). The PC area has a split zoning under the Western Bay of Plenty District Plan (*the District Plan*), with part of the area zoned Rural and part Commercial. PC 93 seeks to remove the split zoning of the PC area and apply a new scheduled site named “Te Puna Springs” with an underlying Commercial zone. PC 93 proposes the addition and amendment of rules within the Commercial zone (S 19 of the District Plan) for Te Puna Springs exclusively. This includes permitting additional activities that would otherwise require consent in a commercial area. Through PC 93 the proponent also seeks to define ‘sensitive activities’ and denote an area where ‘sensitive activities’ are non-complying and require a Structure Plan.
3. Through PC 93 the proponent proposes to add a new section to Appendix 7 – Structure Plan of the District Plan.
4. PC 93 would change the land use development potential on all land in the PC area.

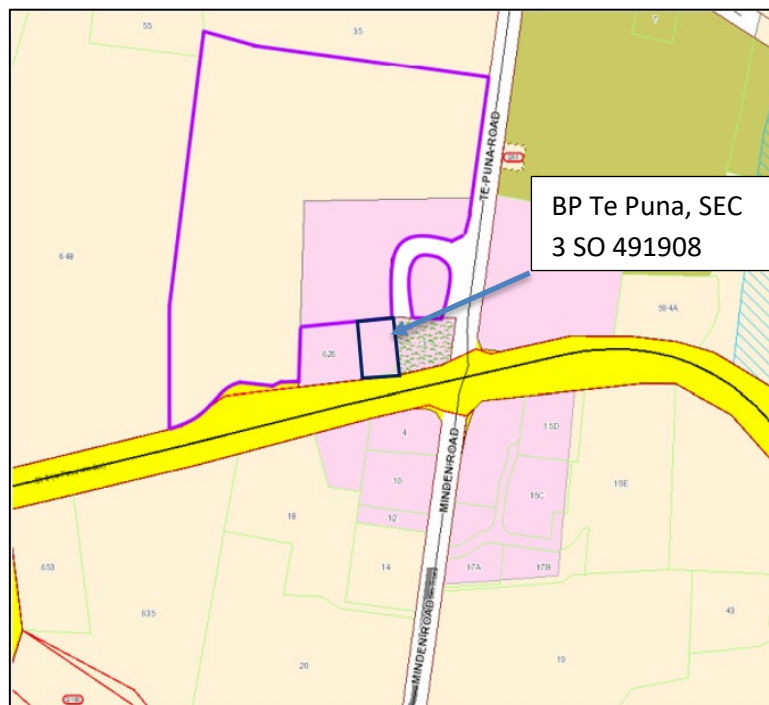


Figure 1: Service station annotated on "Operative District Plan map (plan change area identified in purple)" (Source: PC 93 documentation).

5. The service station & Truckstop is accessed via a recently constructed slip lane off State Highway 2 and also via Te Puna Road (see figure 2, below). The slip lane provides access to the PC 93 area, the service station & Truckstop as well as a Four Square and Professionals Real Estate Office.



Figure 2: Aerial Image of the Slip Lane from State Highway 2, the roundabout and Te Puna Road

6. PC 93 seeks to change the land development potential of the land subject to PC 93, with a corresponding potential to generate effects on the operation of, including vehicle movements via the proposed private road, Te Puna Road and State Highway 2 and the slip lane. In particular, PC 93 seeks to provide for a range of commercial activities, including a Rural Contractors Depot, Warehousing and Storage, in accordance with the Te Puna Springs Structure Plan.
 7. BP seeks to ensure that PC 93 appropriately mitigates potential adverse effects on the ongoing operation of the service station & Truckstop and is particularly concerned with the operation of the proposed private road and how that relates to the movements to and from its site.
 8. BP is not aware of any attempts by the proponent of PC 93 to consult with it as the operator of the service station. Attempts to engage with the proponent have not been successful.
- B. The specific provisions of PC 93 that BP's submission relates to are summarised as follows:**
9. In the context of the background above, this submission seeks certainty regarding the nature of activities that can be undertaken within the Plan change area, and how the potential traffic effects on the service station will be managed appropriately. BP is particularly concerned with ensuring continued safe access to and from the service station and truckstop for customers fuel tankers and heavy vehicle commercial customers. Specific amendments are sought to the following:
 - Permitted activity rule 19.3.1
 - Appendix 7 – (Te Puna Structure Plan)

10. The specific matters submitted on, the rationale for BP's submission on each of the matters, and the relief sought, is described in full in Schedule 1.
11. In addition to the specific outcomes sought below, the following general relief is sought:
- (a) Achieve the purpose and principles of the Resource Management Act 1991 (*RMA*) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Consistency with the Operative District Plan;
 - (c) Give effect to the Regional Policy Statement;
 - (d) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (e) Meet the requirements of the statutory tests in section 32 of the RMA;
 - (f) Avoid, remedy or mitigate any relevant and/or identified environmental effects, particularly with respect to impacts on the service station;
 - (g) Make any consequential relief as required to give effect to this submission, including any consequential relief not specifically subject of this submission; and
 - (h) Any other relief required to give effect to the issues raised in this submission.

C. BP wishes to be heard in support of this submission.

D. If others make a similar submission, BP would be prepared to consider presenting a joint case at any hearing.

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

F. BP is directly affected by an effect of the subject matter that –

- i. Adversely affects the environment; and**
- ii. Does not relate to trade competition or the effects of trade competition.**

Signed on and behalf of BP Oil Limited as authorised signatory



Samantha Redward

Principal Planner

4 February 2022

SCHEDULE ONE

A. The specific provisions of PC 93 subject of this submission are:

- Permitted activity rule 19.3.1, which is supported in part and opposed in part; and
- Appendix 7 (Te Puna Structure Plan); which is opposed.

1. The reason for the submission and relief sought are:

Permitted Activity Rule 19.3.1

BP seeks clarification regarding the proposed addition of new permitted activities (Te Puna Springs only) under Rule 19.3.1, namely:

...

(c) Places of Assembly within Area B

However, the Section 32 Report attached as Appendix J in the PC 93 document recommends adding a new permitted activity rule (Te Puna Springs only), which is written as follows:

...

(d) Places of Assembly within Area C

Within the Structure Plan, attached as Appendix C in the PC 93 document, (Te Puna Springs, Proposed Private Plan Change, 23 Te Puna Road, Tauranga prepared by Aurecon, for Te Puna Springs Estate Limited, dated 13 October 2021) there is no reference to an “Area C”, nor is there anywhere throughout the entire document. BP seeks clarification of this inconsistency and further questions the need to include Places of Assembly as a permitted activity in the Te Puna Springs area when the Te Puna Hall, is a consented development, is the only planned “Place of Assembly” within the Structure Plan. BP seeks certainty that this Plan Change will not enable the expansion or intensification of use the hall without appropriate consideration of potential effects on traffic, access (especially for fuel tankers and heavy vehicles) and parking or establishment of similar facilities elsewhere in the plan change area. Specifically, an assessment of effects of the proposed changes to the existing zone rules and transport chapter as they relate to the Places of Assembly; or alternatively remove the Permitted Activity pathway for Places of Assembly and rely on the approved resource consent and related conditions.

Appendix 7.13 – Te Puna Springs Structure Plan

BP also seeks clarification regarding the Te Puna Springs Structure Plan, which is proposed to be added to Appendix 7 of the District Plan. BP’s concern relates to traffic and access (especially for fuel tankers and heavy vehicles) and the lack of clarity regarding the nature and extent of changes to the road network and proposed circulation of vehicles within the Plan Change area and the potential effects of the same on BP’s operations, including tanker deliveries and heavy vehicle movements. This is particularly the case with the proposed private road that would circulate from the slip lane to the west of the BP site, through the PC

9.1

9.2

area and intersect with Te Puna Road to the north. The Integrated Transport Assessment (*ITA*) notes that T-Junction intersections would be installed on the slip lane from the state highway and at the intersection with Te Puna Rd.

9.2

No review of the impacts in relation to the slip lane and access to the BP site has been tabled based on the assumption that Waka Kotahi (NZTA) accounted for the proposed amendments to the District Plan as being similar to those that were considered when the SH 2 roundabout was modelled. BP notes a lack of assessment and analysis on the local effects of the proposed private road as they relate to the slip lane and found little to no assessment in the s32 report related to traffic and associated effects.

In the absence of robust s32 analysis and effects assessment in relation to traffic, access and parking, BP does not consider that PC93 has been developed in accordance with the relevant statutory requirements nor demonstrated that the proposed zoning and provisions are the most appropriate way to achieve the purpose of the RMA. As such, BP seeks that PC93 be declined, such that the split zoning and lower intensity of use is retained.

4 February 2022



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

Dear John,

Bay of Plenty Regional Council Submission to Private Plan Changes 93 (Te Puna Springs) and 94 (Washer Road Business Park) to the Western Bay of Plenty District Plan pursuant to Clause 6 of the First Schedule of the RMA 1991 (as amended).

Thank you for the opportunity to submit on the above plan changes. A copy of our submission points is attached in Appendix 1 to this letter.

Overall, the Bay of Plenty Regional Council (BOPRC) does not object to the principle of either plan changes as we recognise the need provide for increased commercial and industrial development capacity in each of the locations.

However the plan changes, as notified, do not give effect to the natural hazard provisions of the Bay of Plenty Regional Policy Statement, which requires a risk assessment be prepared in accordance with Appendix L. The requirement for a risk assessment is used to determine the mitigation measures required to achieve a low natural hazard risk without increasing risk outside of the development site (see Policy NH 4B).

In addition, changes brought about by the National Policy Statement for Freshwater Management (2020)¹(NPS-FM) seek to avoid further losses of the extent and values of rivers, streams and wetlands. Such provisions had immediate legal effect when enacted and were subsequently inserted into the Bay of Plenty Regional Natural Resources Plan on 29 March 2021². As such, the council requests ecological assessments be provided in line with the NPS-FM to identify and assess the values of any stream or wetland within or immediately adjacent to the plan change areas.

¹ See 3.22(1) and 3.24(1) of NPS-FM (2020)

² See Policies IM P1A and WL P13

Where streams and wetlands are identified, new urban zoning is not supported and applicants are encouraged to consider land use options that align with the general objective to protect the values and extent of streams and wetlands. Further, the Regional Council are urging applicants to consider options including water sensitive urban design to manage water quality in new development areas adjacent to identified streams and wetlands.

Plan Change 94 (Washer Road Business Park)

By way of background, the Ohineangaanga Catchment and the wider Kaituna Catchment Control Scheme is subject to flooding and the flood defences are at capacity. This is a significant concern for the Regional Council as flooding frequently occurs in the lower part of the catchment. To address this, BOPRC Rivers and Drainage team have been making significant interim stormwater pumping improvements to several of the drains in and around the lower farm land.

Updated modelling that takes into account up-to-date projections on climate change is being prepared by the Bay of Plenty Regional Council and Western Bay of Plenty District Council. The purpose of the modelling to understand the constraints of existing development and problem areas in and around Te Puke. This model should be applied, when available, to provide an accurate understanding of the capacity of the flood storage plain and the effects of the proposal on the surrounding area.

Further detail is provided in the submission to outline matters of concern to ensure the council's flood protection assets are safeguarded along the Ohineangaanga Stream.

The Regional Council wishes to be heard in respect of these submissions.

If you or your staff would like to discuss any matters in this submission please contact Nathan Te Pairi on 0800 884 881 extension 8326 or email nathan.tepairi@boprc.govt.nz.

Yours sincerely,



Julie Bevan
Acting General Manager Strategy and Science

Appendix 1: Submission from the Bay of Plenty Regional Council on Private Proposed Plan Changes 93 (Te Puna Springs) and Proposed Plan Change 94 (Washer Road Business Park).

Reference	Specific Provision That Submission Relates To	Support, Oppose or Amend	Issues and Reasons	Relief Sought
Plan Change 93: Te Puna Springs				
PC 93 (1)	Wastewater (OSET)	Oppose	<p>BOPRC do not consider OSET as an appropriate technology to manage the effects arising from the range of activities the commercial land uses proposed by the plan change.</p> <p>OSET is a suitable technology for small scale, usually, residential rural land uses where there are no reticulation options available.</p> <p>AS/NZS 1547: 2012 (On Site Wastewater Management) sets out that OSET systems are intended for small scale discharges. Larger systems require additional features and need a more centralised operation, maintenance and monitoring.</p> <p>Given the scale and nature of potential intensity of the commercial land uses in the proposed plan change, OSET is not considered an appropriate technology to manage the cumulative effects over time on water quality and human health.</p> <p>While Table 1 and 3 in the Infrastructure Servicing Assessment in Appendix E of the s.32 report considers a scenario of land use and occupancy and based on the available information, it does not sufficiently assess the potential effects associated with the range of land uses for that zone or account for the changes of concentration that could occur overtime under the provisions for that zone.</p> <p>For the above reasons, BOPRC consider a long-term option to manage wastewater is essential to manage the cumulative long term effects on human health and the cumulative effects associated from point and non-point source discharges.</p>	<p>No definitive wastewater solution has been secured for the plan change area.</p> <p>If OSET is to be relied on, BOPRC oppose the plan change.</p>
PC 93 (2)	RPS - Natural hazards	Oppose	<p>Clause (a) of Policy NH 9B requires that a risk assessment is required using the methodology set out in Appendix L of the Bay of Plenty Regional Policy Statement (RPS) for changes in land on urban sites of more than 5(ha).</p> <p>Preparation of the risk assessment must consider the requirements of Policies</p>	<p>Oppose - the plan change does not give effect to the natural hazard provisions of the RPS, in particular Policy NH 4B.</p>

10.1

10.2

		<p>IR 2B and NH 11B of the Bay of Plenty RPS to incorporate date projections of changes in sea level, rainfall, temperature, and storm frequency as the updated information becomes available. For a complete reference, it advised to refer directly to the Policy and other relevant provisions of the RPS.</p> <p>The risk assessment should identify which hazards are applicable to the plan change area. At a minimum, the risk assessment should consider flooding, landslide, liquefaction, and active faults.</p> <p>By way of update, the recent regional liquefaction mapping identifies the development site is undetermined. Therefore, liquefaction susceptibility cannot be ruled out without an appropriate geotechnical assessment. The geotechnical assessment should also consider whether the site is susceptible to landslide and active fault hazards.</p> <p>Once the risk assessment is completed, the development proposal is required to consider how a low level of natural hazard risk will be achieved as required under Policy NH 4B.</p> <p>This Policy seeks to ensure that low level risk can be achieved within the Development Site without increasing risk outside of the site. In the case of flooding it is necessary to assess and confirm that the:</p> <ul style="list-style-type: none"> a) the likely landform changes will not result in diversion of overland flow path coming into the site resulting in flooding or ponding outside of the plan change area (including 626 State Highway 2 and State Highway 2) where that land would not naturally carry water during storm or flood events; and b) all overland flow paths can be safely conveyed through the Development Site in a 1% AEP event with allowance for climate change (RCP 8.5+ scenario projected to the year 2130). <p>Where appropriate, provisions in the structure plan will be required to ensure that a low level of risk can achieved in the plan change area for each of the respective hazards.</p> <p>For further advice, guidance can be provided by the council's senior hazard planner Mark Ivamy mark.ivamy@boprc.govt.nz</p> <p><u>Overland flow paths</u></p> <p>The flood maps in Western Bay of Plenty District Plan area do not identify the extend of the overland flow paths and therefore, are not protected unless the activities are discretionary or non-complying activities (refer to Rules 8.5.1.3 and 8.5.2 of the Western Bay of Plenty District Plan) which provides for the most up</p>	<p>The following relief is sought:</p> <ul style="list-style-type: none"> a) A risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the Bay of Plenty RPS. b) Full details of the background flood model and associated maps used to inform flood risk including clarification as to which climate change scenarios. <p>Of note, any flood modelling should consider the extent to which impermeable surface coverage is expected in the proposed commercial zone.</p> <ul style="list-style-type: none"> c) A feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that people can safely evacuate during a 1% AEP flood event; d) Provisions to ensure a low level of risk can be achieved¹ within the plan change area without increasing risk outside of the plan change area. <p>In the case of flooding, the scope of provisions should consider (but not limited to) the following:</p> <ul style="list-style-type: none"> (i) Limits on impermeable surface coverage; (ii) Controls to ensure that buildings are not functionally compromised in the event of 1% AEP flood event (RCP8.5 2130 climate change allowance); (iii) Management of subdivision, earthworks and development within
--	--	--	--

10.2

¹ See Policy NH 4B of the natural hazard provisions of the Bay of Plenty Regional Policy Statement

			<p>to date flooding information to be considered.</p> <p>In absence of provisions to protect 'unmapped' overland flow paths in the district plan, provisions to manage development and activities and protect the storage and conveyance function of the overland flow paths are sought to ensure future development would not increase risk outside of the plan change area.</p> <p><u>Proposed access from the layby adjoining SH2 (Health and Safety)</u></p> <p>The Small Settlement and Rural Flood risk Model (T&T February 2021) held by the Western Bay of Plenty District Council shows that the proposed access from SH2 could be located above an overland flow path.</p> <p>Accordingly, BOPRC seek that a feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that the proposal would be safe to evacuate people in 1% AEP flood event.</p>	<p>overland flow paths to protect their conveyance and storage functions;</p> <p>(v) On-site methods to manage run-off and water quality within the plan change area such as water sensitive urban design;</p> <p>(vi) Methods to ensure that overland flow paths can be safely conveyed determined by an assessment of depth and velocity for a 1% AEP flood event (RCP 8.5 2130 climate change allowance); and</p> <p>(vii) Detailed design of stormwater mitigation measures to ensure overland flow paths upstream are managed.</p> <p>e) Further provisions maybe required to achieve a low level of risk for other hazards to give effect to the natural hazard provisions, in particular Policy NH 4B (i.e. land instability building setbacks for landslide hazard).</p>	10.2
PC 93 (3)	Stormwater Management	Oppose	<p>The council's database has identified a water course² within the Plan Change area in addition to the other waterbodies (streams/wetlands) including a spring on the site.</p> <p>For this reason, BOPRC seek that an ecological assessment is prepared to identify the values of this stream as required by Policy IMP1A in the Regional Natural Resources Plan (RNRP) which seeks to avoid losses in extent and values of streams.</p> <p>Guidance for appropriate matters to consider when addressing loss of value³ are provided for in the NPS-FM (2020). The assessment should be prepared by Suitably Experienced and Qualified Persons have particular regard to the potential cumulative effects arising from the:</p>	<p>Oppose the proposal or elements of it, in so far as it would not give effect to the relevant provisions of the NPS-FM and the RPS and would be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p>	10.3

² <https://gis.boprc.govt.nz/BayMaps/?appid=8c543e1d68a34940bef0f3c8e844a589>

³ see – definition for 'loss of value' page 23 of the NPS-FM

			<ul style="list-style-type: none"> • scale and intensity of the land uses and development expected in the commercial zone high imperviousness for the subject site; and • potential increases in contaminants as a result of forming a new access from the lay-by adjoining SH 2 into the plan change area. <p>Further, the applicant is advised to engage with tāngata whenua as kaitiaki as required by RPS Policy 1W 2B with regards to the potential loss of cultural values associated with the stream as well as any other relevant resource management issues relating to the plan change.</p>	
PC 93 (4)	Stormwater mitigation	Oppose	<p>Subject to the completion of an ecological assessment to identify the specific values of the stream, BOPRC raise the following concerns with regards to the proposed stormwater mitigation.</p> <ul style="list-style-type: none"> • While peak flows are being controlled by attenuation, the PC does not provide for methods to manage run-off control/run-off reductions such as water sensitive urban options (at source controls, rain gardens and swales etc.) to manage stormwater quality and volume from the plan change into the receiving environment; and • The proposed access off the lay-by adjoining SH 2 would be located upstream of the identified stream. Accordingly, the proposed location of the access in this location will likely increase contaminants into the stream network overtime, particularly during large flood events. • The proposed treatment ponds will be inundated during a large event and are highly likely to re-suspend metals into the downstream environment. BOPRC seek that the treatment ponds are located outside of the 1% AEP flood plain/overland flow path. 	<p>Oppose - the proposal would not give effect to the relevant provisions of the NPS-FM and the RPS and would be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p> <p>Subject to ecological assessment of the proposed stream, the following relief in the Structure Plan is sought:</p> <ul style="list-style-type: none"> • Oppose the commercial zone on parts of the plan change area that include rivers/streams and or wetlands: appropriate buffers should also be provided; • Relocate or design the 'Structure Plan Stormwater Pond', in particular the proposed treatment ponds, so that the loss of extent and values of any river/stream is avoided as required by Policy IMP 1A of the RNRP and NPS-FM; and • Control design matters to ensure the proposed access off the lay-by adjoining SH2 does not result in the loss of values of any

10.3

10.3

				<p>river/stream is avoided as required by Policy IMP 1A of the RNRP;</p> <p>BOPRC seek that the plan change includes (but not limited to) methods to manage water quality):</p> <ul style="list-style-type: none"> • Methods to ensure a treatment approach to water sensitive urban design is required at structure plan stage; and • Methods to ensure that the proposed treatment devices are located outside of the flood plain. 	10.3
PC 93 (5)	Clarification /corrections	Amend	<ul style="list-style-type: none"> • References to Areas A, B and C in 19.2.2 in the proposed plan change are not reflected in the planning maps as notified; and • The reference in the plan be amended to accord with the district plan i.e., 19.3.2 as additional permitted activities to those provided for in the underlying commercial zone. 	Amend the proposed planning provisions for the plan change	10.4

Plan Change 94: Washer Road Business Park

<p>PC 94 (1)</p>	<p>Regional Policy Statement - Urban limits and growth</p>	<p>No objection</p>	<p><u>Principle of land use</u></p> <p>The RPS does not include the subject land within the urban limit. For this reason RPS Policy UG 7A is particularly relevant to the proposal. BOPRC consider the availability of industrial land in Te Puke West Structure plan is limited owing to identified flooding constraints and generally accept there is a shortage of available small to medium scale industrial land in Te Puke.</p> <p>In light of the above and having appropriate regard to the overarching directions of the National Policy Statement for Urban Development, which were made subsequent to the relevant RPS urban limits policy, BOPRC do not, in principle, oppose this plan change, notwithstanding that the area is outside the urban limits.</p> <p>This position is however subject to the resolution of the matters raised in this submission, in particular, the natural hazard provisions of the RPS which seek to ensure a low-level of risk is achieved in the development without increasing risk outside of the development site.</p> <p><u>Extent of the proposed zone change</u></p> <p>BOPRC consider that the extent of the proposed change should align with the updated mapped extent of the 1% AEP flood event determined by updated modelling based on up to date climate change projections. Further information on the updated modelling is provided below in the discussion for 94(2).</p>	<p>No objection to the principle of increasing the supply of industrial land in Te Puke area subject to the following:</p> <ul style="list-style-type: none"> • The proposal would give effect to natural hazard provisions in the RPS. • The extent of the proposed zone change aligns with the mapped extent of the 1% AEP flood event (RCP 8.5-2130 climate change allowance); • The proposal would not result in adverse cumulative effects on the function, efficiency and safety of flood protection asset located and would manage adverse effects on the environment while maintaining the integrity of the river/drainage scheme; and • The proposal would give effect to the relevant provisions of the NPS-FM (2020) and would not be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP.
------------------	---	----------------------------	---	---

3.5

<p>PC 94 (2)</p>	<p>RPS – Natural Hazards</p>	<p>Oppose</p>	<p>Clause (a) of Policy NH 9B of the RPS requires using the methodology set out in Appendix L of the RPS for changes in land on urban sites of more than 5(ha).</p> <p>Preparation of the risk assessment should consider the requirements of Policy IR 2B and NH 11B of the RPS to incorporate date projections of changes in sea level, rainfall, temperature, and storm frequency as the updated information becomes available. For a complete reference, it advised to refer directly to the Policy and other relevant provisions of the RPS. The assessment should also appropriately consider the groundwater.</p> <p>The risk assessment should identify which hazards are applicable to the plan change area. At a minimum, the risk assessment should consider flooding, landslide, liquefaction, and active faults.</p> <p>By way of update, the recent regional liquefaction mapping identifies the development site is undetermined. Therefore, liquefaction susceptibility cannot be ruled out without an appropriate geotechnical assessment. The geotechnical assessment should also consider landslide and active fault hazards as potentially impacting the site.</p> <p>Once the risk is completed, a development proposal is required to consider how a low level of natural hazard risk will be achieved as required under RPS Policy NH 4B which seeks to ensure that a low level of risk can be achieved within the Development Site without increasing risk outside of the site so that:</p> <ul style="list-style-type: none"> • the likely landform changes will not result in diversion of overland flow path coming into the site and cause flooding or ponding on adjoining, where that land would not naturally carry water during storm or flood events; and • it is confirmed that all overland flow paths can be safely conveyed through the plan change area in a 1% AEP (RCP 8.5-2130 climate change allowance). <p>Where appropriate, provisions in the structure plan will be required to ensure that a low level of risk can achieved in the plan change area for each of the respective hazards.</p> <p>For further advice, guidance can be provided by the council’s senior hazard planner Mark Ivamy at Mark.Ivamy@boprc.govt.nz.</p> <p><u>Modelling:</u></p> <ul style="list-style-type: none"> • BOPRC do not consider the stormwater flood assessment undertaken by the applicant correctly accounts for increased volumes from the anticipated industrial land use or, correctly considers the effect of the proposed fill on the flood plain to determine whether there is an effect on the adjoining property or the flood protection assets both, on the site and downstream. 	<p>Oppose as the plan change does not give effect to the natural hazard provisions of the RPS, in particular Policy NH 4B.</p> <p>The following relief is sought:</p> <ol style="list-style-type: none"> a) A risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the RPS. b) Full details of the background flood model and associated maps used to inform flood risk including clarification of on which climate change scenarios have been used. <p>Of note, any flood modelling should consider the impermeable surface coverages expected in the proposed industrial zone and take into account the changes in levels resulting from proposed fill shown.</p> <ol style="list-style-type: none"> c) Feasibility reporting to demonstrate the requirements for stormwater detention measures based on the updated modelling and, in accordance with BOPRC’s Hydrological and Hydraulic Guidelines 2012/02 can be achieved for the development site outside of the 1% AEP floodplain. d) Provisions to be included in the structure plan to ensure a low level of risk for the various hazards can be achieved within the plan change area without increasing risk outside of the
-------------------------	-------------------------------------	----------------------	--	---

3.5

B.1

		<p>Further, the modelling assessment provided by the applicant is outdated does not take into account <u>up-to-date</u> projections for climate change as required by Policy NH 11B and IR 2B of the RPS.</p> <ul style="list-style-type: none"> • BOPRC consider that any proposed floodplain filling shall be compensated for by providing an equivalent amount of additional storage in the floodplain. This catchment has seen the results of accumulated long term development that has both filled floodplain storage and increased runoff. Each development appears to have been granted due to not triggering a “more than minor” effect. However, the result of all of these changes has resulted in “more than a minor” effect. • BOPRC considers that this site could be developed to accommodate the proposed future development. However, land to the north of this site could not as it is all subject to flooding as shown by the Kaituna Model (2021). • The flood map presented in the PC application shows the peak flood level (above Moturiki), without freeboard, for a 1% AEP 2130 flood according to the draft Kaituna model as it stood at the time (March 19) but is outdated and is used primarily for assessing adequacy of flood defences. • Updated modelling is being undertaken jointly between BOPRC and WBOPDC will be able to understand the constraints of existing development effects in and around Te Puke that would take into account up to date projections for climate change effects. Once ready, this model should be used to more accurately understand the capacity of the flood storage plain and the effects of the proposal. <p><u>Adequacy of the proposed Stormwater mitigation</u></p> <ul style="list-style-type: none"> • The application proposes no mitigation of increased runoff from the site and is proposed for water treatment purposes only. Therefore, it is considered that the stormwater assessment from Lysaghts Consultants supplied with the application is incomplete and misleading. • Mitigation of increased stormwater runoff shall be provided by detaining the increased runoff flow. Guidance on this provided in BOPRC’s Hydrological and Hydraulic Guidelines 2012/02 as follows: <p><i>‘Stormwater mitigation - “it is recommended 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. The indicative target of 80% will help avoid any cumulative hydrological effects that could</i></p>	<p>development site; and</p> <p>Provisions to ensure risk is not increased outside of the plan change area.</p> <p>In the case of flooding, provisions should consider, but not be limited to, the following:</p> <p>(i) Limits on Impermeable surface coverage.</p> <p>(ii) Controls to ensure that buildings are not functionally compromised in the event of 1% AEP flood event (RCP 8.5-2130 climate change allowance);</p> <p>(iii) Management of subdivision earthworks and development in overland flow paths to ensure that the conveyance and storage function is protected as determined by an assessment of depth and velocity for a 1% AEP flood event (RCP 8.5-2130 climate change allowance);</p> <p>(iv) On-site methods to manage run-off within the plan change area such as water sensitive urban design; and</p> <p>(v) Detailed design of stormwater mitigation measures for the business park;</p> <p>e) Further provisions maybe required to achieve a low level of risk for other hazards to give effect to the RPS (e.g. land instability building setbacks for landslide hazard).</p>
--	--	--	--

3.1

3.1

			<p><i>increase peak flow downstream.”</i></p> <ul style="list-style-type: none"> Any stormwater detention pond or treatment wetland shall be located outside of the 1% AEP climate change adjusted (to 2130) floodplain. 	
PC 94 (3)	Stormwater, freshwater and water quality	Oppose	<p>The Ohineangaanga Stream is directly adjacent to the plan change area. Therefore, Policy IMP 1A of the RNRP is particularly relevant as well as the overarching provisions of the NPS-FM.</p> <p>For this reason, BOPRC request that the plan change applicant prepares an ecological assessment to identify the values of this stream as required by Policy IMP1A in the Natural Resources Plan which seeks to avoid losses in extent and values of streams.</p>	<p>Oppose – the proposed plan change does not include provisions to give effect to NPS-FM (2020) and would be inconsistent the relevant provisions of the RNRP and the RPS to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p>

3.1

3.4

			<p>Guidance as to the appropriate matters to consider when addressing loss of value⁴ are provided for in the NPS-FM (2020). The assessment should be prepared by Suitably Experienced and Qualified Persons and have appropriate regard to the likely cumulative effects arising from the scale and intensity of the land uses and development anticipated in the industrial zone including high imperviousness for the subject site.</p>	
--	--	--	--	--

⁴ see – definition for ‘loss of values’; page 23 of the NPS-FM (2020)

<p>PC 94 (4)</p>	<p>Stormwater mitigation and water quantity</p>		<p>BOPRC raise the following concerns are raised with regards to stormwater mitigation:</p> <p><u>Water sensitive urban design/full treatment train approach:</u></p> <ul style="list-style-type: none"> The subject site provides for a range of industrial land uses which involves high contaminant generating activities that will discharge into the adjacent stream. As such, BOPRC consider water sensitive urban design to be a necessary intervention to manage water quality effects on the values of adjacent stream. <p>This relies on a treatment train approach to manage the cumulative effects of stormwater on water quantity and water quality including at-source solutions such as at source devices as well as swales across the plan change area adjacent to the river before being treated by stormwater ponds and treatment wetlands.</p> <p><u>Location of stormwater management devices:</u></p> <ul style="list-style-type: none"> The proposed location of the stormwater management devices, including the wetland is proposed to be located within the 100-year ARI floodplain. Stormwater management devices should be located outside of the 100-year ARI to avoid resuspension of sediments and contaminants during larger storm events. 	<p>Oppose as the plan change does not include provisions to give effect to the NPS-FM (2020) and would be inconsistent the relevant provisions of the RNRP and the RPS to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p> <p>Seek that the proposal includes provision for the following (but not limited to):</p> <ul style="list-style-type: none"> Methods to ensure a full treatment approach to water sensitive urban design is required at structure plan stage; Stormwater detention and treatment devices are located outside of the 1% AEP flood event plain or overland flow path ;and Methods to ensure the proposed stormwater mitigation does not re-suspend heavy metals during large events.
<p>PC 94 (4)</p>	<p>Hazardous Substances</p>	<p>Amend</p>	<p>Statutory provisions be included which recommend 'good site practices' to reduce contamination on industrial sites (e.g., storing chemicals indoors rather than in open yard areas) in the event of accidents and large flood events.</p>	<p>Amend the proposal to require that hazardous substances are stored outside of the 1% AEP flood event.</p>

3.1

3.2

PC 94 (5)	Flood scheme	Amend	<p>While the concept of the landscape buffer is supported, the proposed location is not.</p> <p>Access is required to both sides of the Ohineangaanga Stream in order to maintain the canal banks and the adjacent stopbanks.</p> <p>Consequently any landscape buffer should be from the landward toe of the stopbank only. It should be noted that the stopbanks in this vicinity are likely to be raised in the near future. This will mean that the existing toe of the left bank stopbank will be pushed further to the west.</p>	<p>Amend subject to the resolution of the following:</p> <ul style="list-style-type: none"> (a) Updated modelling to confirm that the proposal would not undermine the integrity function, efficiency and safety of the flood protection assets; (b) Relocate the proposed location of the vegetation buffer outside the toe of the stop bank; and (c) Details of the proposed vegetation buffer are reserved to ensure: <ul style="list-style-type: none"> (i) access is provided to the stop bank to the satisfaction of the Bay of Plenty Rivers and Drainage Department; and (ii) the stability of the stop bank and bridge can be is maintained to the satisfaction of the Bay of Plenty Rivers and Drainage Department.
-----------	--------------	--------------	--	--

3.3

**SUBMISSION ON PLAN CHANGE 93
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

TO: Western Bay of Plenty District Council

SUBMISSION ON: Plan Change 93

SUBMITTER: Lorraine & Sydney Muggeridge
648 State Highway 2 Te Puna Tauranga

Scope of Submission

1. The specific provisions of the Plan Change to which this submission relates are the entire provisions of Plan Change 93.

Nature of submission

2. We are the owners of Lot 1 DP 484596 BLKS VIII IX Tauranga SD and Lot 2 DP 484596 BLKS VIII IX Tauranga SD at 648 State Highway 2. Our land adjoins the plan change site to the west. Our land is zoned rural and is primarily used for orcharding activities. There is also a smaller rural residential lot that was subdivided from the main orchard in 2010.
3. We support the proposal to rezone the Te Puna Springs site subject to changes which address matters raised in our submission.
4. We have been consulted by the applicant and understand that there are a number of minor changes which the applicant seeks to make to the plan change which will remove industrial type activities from the list of activities permitted on the site. We support these amendments as they will result in better commercial zone outcomes and remove "industrial type activities". 11.1
5. We strongly support the non-complying activity status of sensitive activities and the 30m buffer proposed. Such activities include those as set out in the plan change including places of assembly (such as cafes), accommodation and education facilities. 11.2
6. We also support the applicant's stormwater approach, which also caters for stormwater treatment and detention prior to any discharge to the stream. 11.3
7. We consider use of a Structure Plan to guide future development of the site is appropriate. This needs to include both fencing and landscaping in relation to our boundary. It also needs to ensure sufficient space for maintenance for any planting in the future. 11.4
8. The applicant has agreed with us that they will ensure that suitable covenants are imposed on the land to provide for quality commercial development in the future. This includes a specific reverse sensitivity covenant in relation to rural horticultural activities which are carried out on our land including spraying, noise, and the operation of rural machinery. 11.5
9. Our primary concerns, that we seek the Plan Change provisions address are: 11.5
 - (a) Reverse Sensitivity effects
 - (b) Rural Amenity and Rural Character effects;
 - (c) Adverse effects on appellants including from commercial uses on the site such as from noise, traffic, and contaminant discharges;

Reasons for submission

10. The reasons for this submission are:
- a) That the Plan Change will provide further commercial zoned land which is needed to service the Te Puna community and which will enable social, economic and cultural wellbeing.
 - b) The applicant has prepared a Structure Plan for the site which we support. This includes the applicant's proposal to manage stormwater, provide landscaping requirements, and develop a general roading and pattern for servicing.
 - c) The future commercial development can be adequately serviced.
 - d) Amendments proposed by the applicant propose to remove industrial type activities address our earlier concerns.
 - e) The plan change appropriately deals with potential reverse sensitivity effects with our surrounding orchard land through rule provisions (a non-complying activity status for sensitive activities) and the applicant's agreement to impose a separate reverse sensitivity covenant over their land.

Decision Sought

11. The decision we seek from the Council is that the proposed plan change be approved, with necessary amendments to address the matters we have raised.
12. We may wish to be heard in support of our submission. If others make a similar submission, we are prepared to consider presenting a joint case with them at any hearing.



.....

**KBarry-Piceno on behalf of
Lorraine & Sydney Muggeridge**

Date: 4 February 2022

Te Puna Memorial Hall Committee

Submission to Proposed Private Plan Change 93 Application by Te Puna Springs

Te Puna Memorial Hall Committee Inc.(TPMHC) is a registered charity and the group in various forms has been operating the original Hall since it first opened as a memorial community meeting place in 1922. As per WBOPDC Halls Policy the Committee as an Incorporated Society owns the Hall building and has responsibility for its activities through a formal agreement with the Council who has ownership of the current land which it finally bought in 2018. It is publicly accountable to residents and ratepayers in the Te Puna Minden area of benefit

We assume that the technical land ownership position is the reason that TPMHC has been overlooked as a neighbour and significant stakeholder during the various consultation discussions about zoning changes over the last five plus years. However, even as the landowner there appears to be no data that the Council Property section has provided input to the Applicant directly relevant to the best interests of this community facility or in consultation with the Committee. The original Hall was demolished in September 2016, and the new facility was opened in August 2020, well before documentation for this Application was finalised. The Committee had been fully operational throughout that period.

As a result TPMHC is now having to formally request that the Applicant further considers a number of issues rather than all parties having been able to reach agreement at an earlier stage of the process. We will outline the matters on which we would like further clarification and /or where we believe there may be other options and look forward to an early opportunity for further discussion.

The Te Puna Community Plan 2017 is the base reference document for the shared goals of the residents and ratepayers of the Te Puna area and is taken into account in both local and regional government policy development. Pages 4-5 of the Plan set out its aspirations which include that this Plan "*gives strength to those who undertake and advocate for projects that increase wellbeing and enhance the local environment*" - thus creating a sustainable community and recognising future inter-relationships. The TPMHC also reminds the Applicant of 2.1 of the Plan (p.6) where a key Vision is for "*community connection and facilities and events that offer enjoyable age appropriate experiences and encourage participation.*" The future commercial zoning structure plan and proposed conditions must give much more weight to the protection of the amenity and purposes of the existing community facility which will be surrounded on three sided by the proposed plan change 93

TPMHC supports and iterates the submission being made by Te Puna Heartland Inc. on behalf of the local Te Puna community. We will not be repeating their detailed and well documented material that reflects the agreed local principles of good planning to best reflect the four wellbeings.

Structure Plan Maps

1. There are references to the hall site in three different locations in different documents

- for– west boundary, north east corner and the current actual location as well as being omitted from some data. **Please provide one revised and more detailed structure plan map showing the current intentions and widths of roads and buffer areas for the whole zone including the hall and its parking area** 12.1
2. To assist easier analysis of the Application can the updated structure plan please clearly label on a larger “to scale” map the various proposed activity zones – eg. where is A and B? Where will any proposed 12m. Buildings be located and is there still to be a village green and where is it to be linked to the Hall facility? - (refer to the later recommendation for a different site) 12.1
 3. Please clarify the actual minimum size and capacity of the ponds and the total wetland and location of the bunds and ponds – there are several different figures listed in various documents. These are a key element of this Plan Change proposal. 12.2
 4. It is critical that there is no doubt about the consent data which is eventually incorporated into the WBOPDC District Plan. Our Committee members along with many in the community have suffered from a range of various interpretations of current Council planning rules and indecisive monitoring as commercial pressures increase in Te Puna.

Purpose of the Plan Change

1. We acknowledge the wish of all parties to improve the functionality, amenity value, connectivity and to provide greater economic and employment outcomes in the Te Puna Village area. The Hall has been identified as a key component of future community development. However it appears that this zone change is occurring in isolation with no wider analysis or direction on how these objectives intended to benefit the community will be implemented. The Council consultation on the future of the Te Puna Village is attached to the Application with a number of ideas, but unless relevant ones are incorporated in the consent conditions they are unlikely to influence the actual development and financial budget considerations will prevail for both the Applicant and Council. – eg. - early proposals identified the stormwater retention ponds on the western boundary as a key opportunity to develop a Council wetland with ongoing public amenity value and good asset management. From existing evidence of stormwater management in this Oturu tributary, the community has little confidence that the planned private three ponds wetland will achieve a high level of efficiency or environmental enhancement or be managed to standards expected by the Regional Policy Statements and Catchment Management Plans. **We seek close study of the final detailed construction, planting and management plans by the relevant officials especially if the ponds are not to be acquired by Council as a 'public good' stormwater reserve.** As a neighbour, TPMHC recommends that this area is vested in Council as a stormwater Reserve to ensure high standards are maintained 12.2
2. The site is in a strategic position that could be used for a range of intensive rural activities using new technology. As widely acknowledged, the District Plan rural zone conditions have allowed considerable slippage, and opportunities for undertaking activities not directly related to rural or home based activities due to lower land costs compared to appropriately zoned areas. This has led to the present unanticipated use of this mainly rural zoned property for activities primarily serving clients outside the local rural market area identified in the Property Economics report (Figure 2.) 12.1
3. The need for more commercial land and the suggested population forecasts are referred to in the same economic report and in other planning reports, that use earlier

Future Development Strategy (FDS) data. This Application should refer to the latest information available using SmartGrowth Urban Form and Transport Initiative (UFTI) 2020 predictions and note the focus on connecting hubs and the impact of the TNL which is now proceeding. Te Puna Village is not identified for managed urban growth and the Joint Spatial Plan currently being developed to guide long term development in the sub region only indicates a potential local growth node located around a possible railway commuter link in the thirty year timeframe. - Not in the current Te Puna village.

As the most affected neighbour, our Committee wishes the conditions of the consent to ensure that any future permitted uses are of a scale and nature that encourages local retail and specialist businesses, some associated upper storey residential, and with a "light" footprint on the local environment. We do not support the permitted height being increased to 12m. rather than 9 m. and wish the expected general understanding of a commercial zone to be retained and not be modified for purposes best suited to an industrial zone 12.5

4. Our western BoP subregion supports the integrated "live, work, learn and play" basis of SmartGrowth planning and this submission seeks assurances that there will be incentives for second storey well designed and purpose built affordable rental or owner occupied home units. Our adjacent Hall offers many opportunities for on site recreation and training and one purpose of this new zone must be to enable on site worker accommodation. This would also assist in the reduction in the carbon footprint.

Stormwater Management

1. There is considerable data about predicted flows and acceptable AEP and water quality. None refers to the practical impact of the new commercial block currently being completed on the opposite side of Te Puna Road. One earlier diagram shows a flow path directly down the slip road into the Hall carpark and no indication of flow from the large sealed area adjacent to the service station. How will the separate commercial area (proposed boat yard with all sealed surfaces?) surrounded by roads, control its offsite flows and be integrated into the wider catchment management plan? We cannot interpret all this data adequately to be reassured that the proposed new on site management designs will adequately control the increasing number of rain dumps that currently cause surface flooding in the area. The Hall is at a lower level than much of the area and we seek further updated information and Council assurances that the final designs are integrated with existing systems and there is no flood risk to the Hall property or other adjacent roads and properties. 12.2
2. There is no reference to all the data in the WBOPDC Central Stormwater Catchment Resource Consent 2020 that would have helped inform the preparation of conditions and plans for this application. The Review by URS of the Aecom material from 2014-17 refers to the need for an integrated complete catchment management plan which would include the three main tributaries of the Oturu Stream. It has direct relevance to future management in this commercial zone. Can it be confirmed that these consent conditions will be incorporated? On behalf of the community we ask that this PC 93 consent attempts to remedy the current anomaly where we understand that CMP control has been divided between WBOPDC responsibility for urban areas and the BOP Regional Council for rural and greenfields areas. This has had significant impact on the lack of integrated planning in this Te Puna village locality with few discharge consents on record, and very little sediment or contaminant monitoring. A 2020 signed agreement about developing a future integrated CMP for the three catchments - 12.2

Hakao, Oturu and Te Puna – Nga Wai o Te Puna - is in place between the Regional and WBOP Councils, Pirirakau and Te Puna Heartland (Inc) on behalf of the local community. **We request that active commitment to this project is offered by the Applicant and that both Councils ensure there is integrated planning and monitoring**

3. Although Waka Kotahi consultants have been actively engaged in consultation and planning to avoid or mitigate the stormwater and other environmental impacts of the TNL which is now getting underway, no mention is made of how their plans may be integrated into stormwater management for this Plan Change 93. **On behalf of the community we ask that opportunities are provided for in the resource consent for shared environment enhancement projects in the Applicant's area of the Oturu catchment. These need to be formally integrated into the final stormwater planning0 (as for the nearby l'Anson Reserve and the Hakao Stream further east and would contribute to all stakeholders desired outcomes.** We are well aware that our western grassed area behind the Hall building area will directly overlook the proposed stormwater management wetland area and is likely to be the site of future Hall outdoor events. It will also be highly visible from the SH2 access road. A high level of environment enhancement and maintenance will be required as part of the consent conditions compared to those that have previously been required in this area. Hence our request that it is vested in WBOPDC.

12.2

Traffic Plans and Effects

1. The TPMH is recognised as a recreational and community meeting place and already has a particular niche as a performance venue due to its sprung floor, good and easily accessible spaces as well as high grade kitchen and stage facilities. Its purpose is to 'connect our community' The 2021 TPMHC Strategic Plan is attached as Appendix A and fully explains the operations and intentions for this community facility. **We request that this planning document is referred to in the supporting documentation attached to the consent application and is taken into consideration in the final application data.**
2. The Hall design was planned to encourage open air activities especially on the northern side adjacent to the proposed commercial zone. While reverse sensitivity has been addressed with 30 m. strips adjacent to the two orchard properties there has apparently been no specific consideration on how to address the conflict of the proposal with the existing and potential uses of the Hall site. We accept an access road with suitable hedged planting on the west boundary with some form of traffic calming which avoids excess noise from heavy traffic, although future plans for our western grassed space are not yet decided. It will soon not be needed for on site waste water management when the Village is linked to a reticulated scheme, but has a variety of potential community uses.
3. **Our Hall northern boundary must be better protected from the anticipated high number of traffic movements and we seek further consultation and assessment of the impact of the proposed activities.** The predictions in the 2019 Traffic report P.13 has a table suggesting 1551 movements per day with the existing current Supermac contributing 689 movements. This was a 2018-19 assessment but it is anticipated that this business if permitted in any form in this zone, will expand with possible additional oversize building removal activities. There are no detailed mitigations for the impact of noise, vibration, fumes or quiet enjoyment of outside Hall

12.3

12.3

amenity for this boundary. To better protect the existing well supported uses of this community Hall site we propose a similar 30m. Reverse Sensitivity buffer zone incorporating the access road and foot/cycle path on the northern margin. We request a solid 2m. concrete block wall or similar to best mitigate impacts from the traffic and any other adverse effects. Inside this we accept a 2m. wide well maintained evergreen and disease resistant hedge strip with a height restriction to be confirmed by the landscape designer (4m.?) to ensure no shading to the Hall's grass spaces that are used for outside events. The Committee has already expressed a wish to install solar panels on the north facing Hall roof to improve our sustainability goals and any shading must be avoided. Parking will always be a problem as there are few public transport commuter options, very limited park and ride provisions and overflow from commercial activities to the Hall area is totally unacceptable. In addition to the required on site provisions, TPMHC suggests angle car parking adjacent to this hedge as a further buffer south of the 11m. wide roading strip. It appears that only a 20m. strip is being provided but it would be consistent to provide a 30m. buffer zone as on the north and west boundaries. However we are willing to discuss other options provided they give the best possible avoidance, remedies or mitigation of any adverse impacts on the Hall property and its range of existing or future activities. Unfortunately this appears to have been overlooked in the technical documents, possibly because they have not been adequately updated.

12.3

4. It is preferable that any oversize loads use the western access road but this is unlikely with the current SH2 configuration. Therefore we assume that there will be modification of the exit on to Te Puna Road and widening south to the SH2 roundabout for safer traffic merging and to reduce the impacts of the anticipated traffic pressure around the extended urban area. The actual impacts of the new Zariba commercial block on traffic movements have not been adequately considered in this application.

12.3

5. The western access road is labelled a private road but does this refer to the full length of the proposed access road? **To give long term certainty about maintenance, quality standards and being "fit for the purpose" we recommend that the full length is built to Council public roading standards with a full length shared cycle/foot path and is vested in Council.** Is this to be a road for general use or restricted to users in the zone?

12.3

6. *We note that "manufacturing" has the highest number of traffic movements-(6.1.2 P.236). Can it please be clarified what type of manufacturing and the maximum number of employees per business. Please confirm in the updated documents for the application what will be permitted in this commercial zone that is being proposed to primarily serve the local rural community. Any non prescriptive rules that cannot be adequately monitored must be avoided.* For all the reasons that we have outlined the consent conditions must be regarded as a totally different situation from the proposed Te Puke Plan Change 94. Te Puna already has too many examples of inappropriate land use and large manufacturing or logistics enterprises are best located in a recognised industrial zone - not adjacent to a community hall with adjacent open market/recreational space or by a planned village green and cultural feature. This vision of an easily accessible rural village with good connectivity to compatible facilities is a key element in the Te Puna Community Plan and of later Council initiated community consultation feedback about the future of the Village.

12.4

7. The quality of the seal makes a significant difference to the road traffic noise levels. We seek assurances that there will be a smooth asphalt or similar, rather than coarse chip surface.

12.3

Consultation

1. All parties are familiar with the RMA obligations about appropriate levels of consultation and required processes. As previously referred to we believe there has been confusion between a Council consultation process in 2019-20 on future Te Puna Village aspirations, various SmartGrowth initiated studies under UFTI, the Te Puna Community Plan 2017 and studies that Te Puna Springs consultants have undertaken at times over the last ten or so years. **We recommend that prior to the final consenting process and formal hearing that the key Te Puna community stakeholders have a further opportunity to meet with the Applicant and relevant Council advisers to confirm areas of agreement and to work through options to better meet all our desired outcomes.**
2. This would include representatives of TPMHC, Te Puna Heartland Inc. and Pirirakau Inc. Discussion would be based on current 2021-22 data, updated Applicant intentions, consideration of generally recognised community planning best practice, and also any other relevant material not incorporated in the outdated reports but raised during this January submission process.
3. TPMHC has an ongoing relationship with Pirirakau, but we are unable to speak on their behalf. However we are aware of more detailed data based on their Hapu Management Plan and Regional Council documents which they may wish to have considered, as little detail was able to be provided for this application's limited cultural impact report. It appears that the proposal of a village green, cultural signage and a spring feature were considered to be adequate cultural acknowledgement and contribution to community heritage and sense of wellbeing. We support the general direction of Ms Shepherd's submission. Please give further consideration to how best such matters can be incorporated into a more significant contribution to the longterm desired "placemaking" of the area. **The natural spring and waterway that should become an ecological and environmental public amenity is the natural spring and stormwater fed gully behind the service station.** It appears that this area is being planned to be fully piped and recontoured into commercial sites. This is a lost opportunity when taking the long term view of the range of possibilities this option offers to portray our natural and cultural heritage. The village green would then be a connecting multi purpose greenspace between the naturally restored spring reserve and the Hall community space. It would enable maximum connectivity and pride in the centrally located amenity. We believe that this would have been the preferred initial option if there had been wider consultation to understand the depth of local interest in ways in which partnerships could enhance the Village environment through more innovative planning and Council advice to this PC93 proposal. 12.7
4. The proposal for the village green is commendable, but as neighbours we have questions about the suggested location, with a new presumably artificial spring being created with possible drainage implications down to the easily eroded three metre plus retaining wall on the eastern boundary of the Hall. Due to this steep barrier there would not be direct access between these two community owned sites and there has been no discussion with TPMHC about the integrated use of Hall facilities or parking for events. We suggest that this valuable high profile Te Puna Road roadside site could be better used for mixed use retail/residential as is occurring elsewhere, to encourage permitted affordable housing supply for local workers. 12.1
5. Commercial zones enable integrated residential development. **We request that there**

is further consultation on possible themes for good building design that reflects the rural village character and that is complementary to the intentionally traditional rural hall appearance and function of our neighboring property. This could be an example of integrated mixed use planning that offers attractive upstairs apartments possibly in 1920s colours and with gabled roof lines, that are close to facilities and with safe connecting accessways. Such details can make a huge difference to the general future "feel" of a village and due to the large area involved. The Te Puna Springs development has the opportunity to now make a significant positive contribution to our community by setting high standards in the proposed commercial zone.

12.6

Te Puna Memorial Hall Committee offers this submission as we wish to ensure that the Plan Change 93 proposal achieves the best possible outcomes for all parties and for the future of Te Puna. We look forward to further discussions on this Application

and wish to be heard.



pp.

Ian Duncalf
TPMHC Chair

TPMHC contact for this submission
Jo Gravit

ph. 027 5526063
email pandjgravit@xtra.co.nz
postal 3 Treholm Lane
RD4 Tauranga 3174

3/2/22

OUR PURPOSE:

Our People

1. To promote community enrichment.
2. To remember and celebrate our local and wider cultural landscape.
3. To value and preserve our local history.
4. To reflect our diverse communities of interest.
5. To promote education, the arts, and creativity in the community.
6. To promote personal and community health and wellbeing.
7. To invite partnerships with local non-profit organisations and schools to host meetings, celebrations, events, and family gatherings.
8. To continue to explore how the hall can add value to the community.

Our Environment

1. To create a welcoming, attractive space.
2. To provide accessible, high-quality facilities that allow for a wide range of activities.
3. To lead by example with good environmental practices.
4. To acknowledge and celebrate our history.

Our Guardianship

1. To act in accordance with our charitable purposes.
2. To be a committed and enthusiastic committee with a range of strengths.
3. To work effectively together to achieve our goals.
4. To ensure financial sustainability.
5. To meet all compliance requirements.
6. To care for and maintain the building, facilities and surrounds.
7. To explore how the Hall can add value to the community.
8. To regularly review and provide for succession needs.
9. To be open and flexible to new opportunities.
10. To be mindful of the demands on volunteers.

OUR PLANS:

Our People

1. Update website to make it more welcoming and informative, and more user-friendly.
2. Identify opportunities to promote the Hall and upcoming events in social media and other media platforms to help raise its profile in the community.
3. Develop a Hall User policy that allows for special dispensation to reduce barriers to use of the Hall.
4. Endeavour to facilitate at least two community events per year.
5. Investigate the viability of having a PR role.

Our Environment

1. To develop a vision for the Hall surrounds.
2. To develop and implement relevant Hall cleaning policy and practices.
3. To budget for a caretaker/cleaner role.
4. To develop relationships with preferred suppliers (e.g. technology, plant hire, catering, etc.)
5. To investigate the possibility of solar installation and sources of funding to provide green energy.
6. To support further development of the archive room.

Our Guardianship

1. To regularly review Committee membership and processes.
2. To create an annual budget on which to base decisions.
3. To regularly review financial results against projected budgets.
4. To regularly review compliance requirements.
5. To create a user-friendly and integrated website, booking and invoicing system.
6. To formulate and review clear User policies and practices.
7. To identify and seek funding opportunities.

UNDER

the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER

of a submission pursuant to Clause 6 of Schedule 1 of the Act by **THE D C KIRK FAMILY TRUST** in respect of **PRIVATE PLAN CHANGE 93** to the **WESTERN BAY OF PLENTY DISTRICT PLAN**

SUBMISSION ON PRIVATE PLAN CHANGE 93 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN – TE PUNA SPRINGS

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

Email: districtplan@westernbay.govt.nz

Name of submitter: D C Kirk Family Trust

1. INTRODUCTION

- 1.1 This is a submission on Private Plan Change 93 ("PPC 93") to the Western Bay of Plenty District Plan concerning land at Te Puna Springs.
- 1.2 The D C Kirk Family Trust ("DCK") is the owner and operator of the Okaro Orchard, which produces Gold Kiwifruit for export. Okaro Orchard is located at 35 Armstrong Road, Te Puna, and adjoins the plan change area which is immediately to the south.
- 1.3 DCK also owns a property at 49 Armstrong Road. The beneficiaries of the trust, Douglas and Leslie Kirk, reside in the dwelling on that site.
- 1.4 DCK supports PPC 93 subject to amendments to ensure that:
 - (a) PPC 93 contains appropriate provisions to avoid potential conflict between the commercial development enabled by PPC 93 and existing kiwifruit orchard operations.

- (b) PPC 93 contains appropriate provisions to avoid adverse effects on Mr and Mrs Kirk's enjoyment of their property at 49 Armstrong Road and a planned dwelling at 35 Armstrong Road, including in terms of noise, light and effects on the Waikarakei Stream tributary which runs through the plan change area and 49 Armstrong Road.
- (c) PPC 93 makes appropriate provision to:
 - (i) Preserve the amenity of DCK's land at 35 and 49 Armstrong Road;
 - (ii) Provide an appropriate interface between the plan change area and land at 35 Armstrong Road;
 - both now and having regard to potential future development of land in the plan change area and 35 and 49 Armstrong Road.

Structure of submission

- 1.5 This submission identifies each key issue that needs to be addressed and identifies, in a narrative way, the relief that is sought to address that issue. In that regard, this submission addresses:
 - (a) Relevant background (Section 2);
 - (b) The growth potential of Te Puna Village (Section 3);
 - (c) Potential effects of the development of the PPC 93 area on Okaro Orchard (Section 4);
 - (d) Potential effects of the development of the PPC 93 area on the dwelling at 49 Armstrong Road and planned dwelling at 35 Armstrong Road (Section 5);
 - (e) Potential effects of the development of the PPC 93 area on the Waikarakei Stream tributary (Section 6);
 - (f) Future development of 35 and 49 Armstrong Road (Section 7); and
 - (g) The relief sought by DCK (Section 8).

2. BACKGROUND

- 2.1 Mr and Mrs Kirk are members of the Armstrong family which has owned land at Armstrong Road since 1874. The Okaro Orchard was established 50 years ago by Mr Kirk's father. DCK purchased the orchard 20 years ago.

- 2.2 Approximately 25 years ago, Mr and Mrs Kirk built the house at 49 Armstrong Road for themselves and their four children and have lived in it ever since.

Okaro Orchard

- 2.3 The Okaro Orchard is approximately 5 hectares in size (3.5 canopy hectares) and produces Gold Kiwifruit for export.
- 2.4 The export market for Gold Kiwifruit is very significant and Okaro Orchard is highly productive. DCK's expectation (subject to unforeseen events) is that this productivity will continue.
- 2.5 The production of export quality kiwifruit requires the existence and maintenance of a range of physical conditions. In particular:
- (a) Dust can adversely affect fruit quality resulting in fruit (potentially the whole crop) being rejected for export.
 - (b) Kiwifruit must also be sprayed regularly with insecticide and other agrichemicals.
- 2.6 An artificial shelter belt is located along the boundary between 35 Armstrong Road and the plan change area. This artificial shelter belt replaced a natural shelterbelt which was removed (burnt) without DCK's consent. The artificial shelter belt comprises fabric screening, the purpose of which is to reduce the velocity of the wind. The material is permeable and designed to allow light to pass through it. Chemical spray from the orchard can therefore penetrate the shelter belt, which also provides little visual screening.

Proposed dwelling

- 2.7 As there is no dwelling at 35 Armstrong Road, Mr and Mrs Kirk's intention over the long term has been to construct a dwelling for one of their four children to reside in and manage the orchard. The most appropriate location for a dwelling is in the south west corner of the site (the unplanted area) adjacent to the boundary of the plan change area. DCK has already extended services to that location for that purpose.

3. DEVELOPMENT OF TE PUNA VILLAGE

- 3.1 Te Puna is strategically located on the Western Corridor along the key Upper North Island freight route into the Bay of Plenty. There is demand for

employment land along the Western Corridor, particularly logistics and Port-related businesses.¹

- 3.2 In 2018, the Council undertook a process of community engagement to identify options for the future of Te Puna Village. That process demonstrated that options for expansion of the commercial area should be explored further by the Council. On 21 February 2019 the Policy Committee issued directions arising from the outcomes of that process, including the following:²

"3B: Explore options for the potential extension of commercial zone on the Te Puna Road northern side. Look at options for achieving wider objectives for the site (identified by the community through this process). Consider adjacent landowner issues with any potential expansion. Consider the type of activities that might be accommodated in an expansion. ... Previous plans have indicated the need for light industrial as well as commercial."

- 3.3 The directions recorded that next steps were as follows:

"5B: Develop a structure plan for the Te Puna commercial zone (and potential adjacent land to consider future development). Consider how all key issues raised in this paper could be responded to through the structure plan process. Community engagement essential part of the process."

- 3.4 Three years on, DCK is unaware of any structure plan for Te Puna Village. The lack of progress may have been influenced by the release of the Urban Form and Transport Initiative ("UFTI") prepared by SmarthGrowth. UFTI directs that growth should be coordinated in accordance with a range of objectives that include providing for additional housing and transport choice and enabling the efficient movement of people and goods.
- 3.5 The preferred "Connected Centres" programme identified in UFTI includes Te Puna as a growth area and transportation hub but anticipates that growth (including 5,000-8,000 new dwellings) will occur over the long term (30+ years). UFTI sets out actions to implement the Connected Centres programme for the Northern Corridor including the preparation of a Te Puna Masterplan by Western Bay of Plenty District Council within 20-30 years.
- 3.6 Whilst UFTI favours the Connected Centres programme, it also identifies an alternative "Rail-Enabled Growth" programme which may be followed if

1 Urban Form and Transport Initiative, SmarthGrowth, July 2020.

2 Te Puna Village Commercial Area Issues and Options, 21 February 2019.

conditions allow. The "Rail-Enabled Growth" programme presents additional opportunities for growth of Te Puna.

- 3.7 In the context of existing and planned demand for growth, a plan change should not compromise the ability for the programme to deliver the identified growth opportunities for Te Puna. In the absence of a structure plan, there is a risk of piecemeal development proposals such as PPC 93. DCK considers that an integrated proposal for the longer term expansion of Te Puna Village would have been desirable, having regard to the fact that there is clearly demand for growth.
- 3.8 DCK has never been approached by the Council in respect of any of the discussions about the future of Te Puna, despite DCK's control of a significant area of land in the centre of Te Puna which might appropriately form part of an expanded Te Puna commercial area in the future.
- 3.9 DCK only became aware of the existence of PPC 93 when it was notified of the plan change on 22 December 2021 (the letter having been incorrectly addressed and redirected from an unknown P O Box number).

DCK position

- 3.10 Notwithstanding the above, DCK supports PPC 93 subject to amendments to address the concerns set out above. The nature of the site and surrounding environment mean that careful planning is required to ensure that PPC 93 provides for appropriate integration of development with existing and future uses of the surrounding land. Relevant factors in this regard are:
- (a) The close proximity of significant existing agricultural activity which is highly sensitive to urban land uses and also poses a potential risk to the public (in terms of spray drift);
 - (b) The presence of natural springs and degraded freshwater features which may be restored and enhanced as part of any development;
 - (c) The need for logical and well planned growth in Te Puna, including in terms of layout, infrastructure provision and mix of activities, rather than *ad hoc* development.
- 3.11 Having regard to the above, DCK considers that site specific provisions (in addition to or in place of the standard district wide and zone provisions) are required to address these issues.

4. POTENTIAL EFFECTS OF THE DEVELOPMENT OF THE PPC 93 AREA ON OKARO ORCHARD

4.1 The development of the PPC 93 area may adversely affect the operation of Okaro Orchard in terms of: 13.1

- (a) Dust generated by construction and operational activities;
- (b) Introduction of Passion Vine Hopper as a result of inappropriate plant selection in landscaped areas;
- (c) Reverse sensitivity effects as a result of interaction between critical spraying activities and commercial activities in the plan change area.

Potential adverse effect of dust on kiwifruit production

4.2 The existing artificial shelterbelt is likely to be insufficient to prevent dust from operational, and in particular, construction activities in the plan change area from permeating the orchard. 13.1

4.3 Dust can have a catastrophic impact on productivity and the quality of the fruit produced. Minute particles lodge under the calyx of the fruit, rendering an entire crop unsuitable for export. The result is likely to be a major insurance claim, as has previously occurred in orchards located next to development sites.

Relief sought

4.4 DCK therefore seeks amendments to:

- (a) Require an appropriate barrier between the plan change area and Okaro Orchard to prevent dust incursion into the orchard from construction and operational activities;
- (b) Limit activities in the plan change area to those which do not produce significant quantities of dust.

Landscaping and plant selection

4.5 Kiwifruit vines are highly susceptible to attack from an Australian pest species, the Passion Vine Hopper. Passion Vine Hoppers secrete a sugary honeydew substance which attracts a fungus called Sooty Mould. This mould can cover the entire plant with 'black soot' and cause stunted growth, reduced plant vigour and poor fruiting. Passion Vine Hopper is extremely 13.1

difficult to control and an infestation at Okaro Orchard would inevitably render kiwifruit unsuitable for export.

- 4.6 Passion Vine Hoppers have a very broad host plant range, including a large number of non-edible plants. It is therefore critical that plant species for landscaping in the plan change area are carefully selected so as not to harbour them or other potentially invasive or damaging species of organisms, to avoid inadvertently introducing them to the orchard.

Relief sought

- 4.7 DCK therefore seeks amendments to require that all planting on the site utilises plants that are not attractive to Passion Vine Hopper or other potentially invasive or damaging species of organisms, as determined by a suitably qualified independent ecologist. 13.1

Reverse sensitivity – spray drift

- 4.8 Production of kiwifruit for export requires spraying of insecticide and other agrichemicals periodically throughout the year. Spraying of Okaro Orchard is undertaken by contractors who visit the site as required. 13.1

- 4.9 Spraying needs to be undertaken at the appropriate times which are dictated by wind speed and direction. The timing of spraying therefore cannot be constrained by activities on adjacent land.

- 4.10 The plan change request states that in light of prevailing winds the most significant risk in terms of spray drift is from the orchard at 648 SH2. However, the Okaro Orchard is significantly closer to the proposed development area than that orchard. In northerly winds, the existing artificial shelterbelt is likely to be insufficient to prevent spray drift towards the plan change area and the proximity of the orchard is more likely to give rise to anxiety from neighbours about spraying activities. Potential adverse reverse sensitivity effects therefore arise as a result of: 13.1

- (a) The potential for complaints from occupiers of the development as a result of spraying activities; and
- (b) The possibility that spraying contractors will be reluctant to service the orchard if they cannot be assured of neighbours' safety. Contractors are under threat of prosecution if spray drift occurs.

Relief sought

- 4.11 DCK therefore seeks amendments to require an appropriate barrier between the orchard and the plan change area that is capable of preventing spray incursion. 13.1

5. POTENTIAL EFFECTS OF DEVELOPMENT OF THE PPC 93 AREA ON DWELLINGS AT 35 & 49 ARMSTRONG ROAD

- 5.1 Mr and Mrs Kirk's home is oriented to face the plan change area. There is a direct line of site between their home and the land. The area has a rural character and there is little activity at night. They also intend to construct an additional dwelling close to the boundary of 35 Armstrong Road. 13.1
- 5.2 DCK is concerned to ensure that future enjoyment of the property is not adversely affected by commercial operations on the site, including in particular by way of noise or light pollution (particularly from 24-hour security lighting).

Relief sought

- 5.3 DCK therefore seeks amendments to:
- (a) Include provisions to mitigate any potential visual effects on 35 and 49 Armstrong Road. This should include standards for building scale, design and set back and boundary landscape treatment. Building scale and design standards should reference urban design standards and include façade modulation, colour and reflectivity treatment and overlook. The provisions should provide for a process for consideration, review and acceptance of these standards. 13.4
 - (b) Require constraints on hours of operation to ensure that noisy activities are not undertaken at night, in the early morning and evening; 13.5
 - (c) Include provision for acoustic certification of any proposed activity prior to commencing operation with noise standards; and
 - (d) Control the use of lighting to ensure that it does not adversely impact on the rural residential environment on Armstrong Road.

6. POTENTIAL EFFECTS OF DEVELOPMENT OF THE PPC 93 AREA ON THE WAIKARAKEI STREAM TRIBUTARY

- 6.1 A tributary of the Waikarakei Stream runs through the plan change area and downstream through 49 Armstrong Road and neighbouring properties. The stream has been there since the 1870s and is used by residents for recreational activities including swimming and eel feeding. The plan change request refers to the stream as a "small drain"³ and makes no further reference to it. No ecological assessment is provided, nor does the plan change request contain any assessment of the proposal against the National Policy Statement for Freshwater Management 2020, National Environmental Standards for Freshwater Management 2020 and the freshwater provisions of the Bay of Plenty Regional Natural Resources Plan. 13.2
- 6.2 Until the neighbours began to introduce fill to the plan change area over the last ten years, the water quality in the stream was good and it was home to large native fish and eel populations. Uncontrolled filling of gullies in the plan change area has resulted in sedimentation of the stream, especially when high rainfall occurs, and it is now in poor health.
- 6.3 Development of the site provides an opportunity to improve the health of the waterway.

Relief sought

- 6.4 DCK therefore requests that:
- (a) The stream and its riparian margins are properly identified and assessed by a suitably qualified ecologist; and 13.2
 - (b) The location of the stream is identified on the proposed Te Puna Springs Structure Plan map.

7. FUTURE DEVELOPMENT OF 35 AND 49 ARMSTRONG ROAD

- 7.1 The identification of Te Puna as a long term growth area means that it is important to ensure that development of the plan change area proceeds in a manner that enables integration with future development on adjacent land, including 35 and 49 Armstrong Road, and delivers good outcomes in terms of urban design and amenity. 13.3

7.2 DCK has no fixed development proposal for its land but, having reviewed the plan change request, recognises that, if approved, kiwifruit operations will become less suitable for the site. Over the medium-to-long term, the land may be suitable for a retirement village or light commercial development similar to that located at the Te Puna Road/SH2 intersection.

13.3

7.3 DCK therefore seeks that the development of the plan change area occurs in a way which recognises and does not compromise the potential for future development of 35 and 49 Armstrong Road, including in terms of locating appropriate activities on the site, orientation of buildings and consideration of connectivity.

Relief sought

7.4 DCK therefore seeks amendments to:

(a) Include specific requirements for the design of commercial development which make the plan change area subject to urban design standards addressing visual amenity, pedestrian network cohesion and logical transport network linkages.

(b) Identify 35 and 49 Armstrong Road as a future development area in the Te Puna Springs Structure Plan; and

13.3

(c) Require assessment of the extent to which proposed development in the plan change area provides for appropriate integration with future development of 35 and 49 Armstrong Road, including in terms of the orientation of buildings, infrastructure provision and roading layout.

8. RELIEF SOUGHT

8.1 DCK seeks as relief that amendments be made to PPC 93 to address the concerns set out above. Without limiting the generality of the foregoing, DCK seeks:

(a) The relief specified in paragraphs 3.11, 4.4, 4.7, 4.11, 5.3, 6.4 and 7.4, or relief to like effect.

(b) Such further, other, or consequential relief as may be necessary to fully give effect to the submission and/or relief sought in this submission.

9. **DCK could not gain an advantage in trade competition as a result of this submission.**
10. **DCK wishes to be heard in support of its submission.**

DATED at **AUCKLAND** this 4th day of February 2022

D C KIRK FAMILY TRUST

by its solicitors and duly authorised agents
BERRY SIMONS



S J Berry / K A Storer

Address for service of Submitter:

Berry Simons
PO Box 3144
Shortland Street
AUCKLAND 1140

Telephone: (09) 969 2300
Facsimile: (09) 969 2303
Email: kate@berrysimons.co.nz
Contact: Kate Storer

UNDER

the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER

of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of **PRIVATE PLAN CHANGE 93** to the **WESTERN BAY OF PLENTY DISTRICT PLAN**

FURTHER SUBMISSION ON PRIVATE PLAN CHANGE 93 TO THE WESTERN BAY OF PLENTY DISTRICT PLAN – TE PUNA SPRINGS

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

Email: districtplan@westernbay.govt.nz

Name of submitter: D C Kirk Family Trust

1. INTRODUCTION

- 1.1 This is a further submission on Private Plan Change 93 ("PPC 93") to the Western Bay of Plenty District Plan concerning land at Te Puna Springs.
- 1.2 The D C Kirk Family Trust ("DCK") is the owner and operator of Okaro Orchard, which produces Gold Kiwifruit for export. Okaro Orchard is located at 35 Armstrong Road, Te Puna, adjoining the plan change area to the north.
- 1.3 DCK also owns a property at 49 Armstrong Road. The beneficiaries of the trust, Douglas and Leslie Kirk, reside in the dwelling on that site.
- 1.4 This further submission relates to:
 - (a) The adequacy of the information provided in support of the plan change request;
 - (b) The absence of a coherent proposal for integration of development with the surrounding environment;

- (c) The adequacy of the proposed provisions to manage reverse sensitivity effects and effects on the amenity of the surrounding environment;
- (d) Issues related to freshwater ecology and compliance with the National Policy Statement for Freshwater Management 2020;
- (e) Proposed measures to manage traffic effects;
- (f) Proposed measures to manage natural hazards; and
- (g) Proposed wastewater solutions.

2. FURTHER SUBMISSION

- 2.1 DCK has standing to lodge this further submission on the grounds that it has an interest in PPC 93 that is greater than the interest that the general public has, for the reasons set out in paragraphs 1.2 and 1.3 above.
- 2.2 The particular parts of original submissions on PPC 93 that DCK supports or opposes, and the reasons for this support or opposition, are set out in the attached table.
- 2.3 DCK wishes to be heard in support of its submission.
- 2.4 If others make a similar submission, DCK will consider presenting a joint case with them.

DATED at **AUCKLAND** this 7th day of April 2022

D C KIRK FAMILY TRUST

by their solicitors and duly authorised agents
BERRY SIMONS



S J Berry / K A Storer

Address for service of Submitter:

Berry Simons
PO Box 3144

Shortland Street
AUCKLAND 1140

Telephone: (09) 969 2300

Facsimile: (09) 969 2303

Email: kate@berrysimons.co.nz

Contact: Kate Storer

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
4	3	Te Puna Springs Estate Limited	Support with Amendment	The reason for this change is that there are other references to sensitive activities in the District Plan, so the definition should be specific to Te Puna Springs. The activities now referenced also relate to activities as listed in the District Plan.	Reword the definition of sensitive activities as follows: "Sensitive Activity(ies) - Te Puna Springs" is specific to Area A Te Puna Springs Structure Plan and means activities which are sensitive to noise, spray, and odour and which have the potential to generate reverse sensitivity effects. This is limited to residential dwellings, minor dwellings, accommodation facilities, place of assembly, education facilities and medical/scientific facilities.	Support in part. Definition should incorporate reference to other activities which are likely to be sensitive to spray, such as commercial activities.
6	4	Forest And Bird	Support with Amendment	The proposed definition for "Sensitive Activities" is somewhat different to how that term is defined in the Regional Policy Statement (RPS). The RPS term should be used, it is inclusive and would be applicable to the situation described in the proposal.	Change definition to be in line with the RPS definition	Support in part. Given the immediate proximity of kiwifruit orchard operations and high risk posed by spray activities, the definition should incorporate reference to other activities which are likely to be sensitive to spray, such as commercial activities.

14.1

14.2

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
8	4	Te Puna Heartlands	Support with Amendment	Heartlands draws attention to the existence of the 2020 Catchment Management Plan MOU between the two local councils, Pirirakau and itself, and asks that it also be represented in landscape plan development, at the very least for the stormwater pond and the "naturalised" spring.	More extensive involvement would be welcomed between the parties in the MOU	Supports for the reasons set out in primary submission.
8	1	Te Puna Heartlands	Oppose	Heartlands has come to the view that the present proposal also does not conform to the description of "commercial" purposes in the Operative District Plan. Instead, it puts forward a series of Plan Changes that Inappropriately adjust the definition of reverse sensitivity rules so as to incorporate its intended level and type of operation alongside those activities that under the District Plan characterise commercial use. Seek to introduce, what are essentially industrial activities under the guise of a series of special rules for a commercial zone designation specifically limited to Te Puna Springs. The	Heartlands asks the applicant to address their real reasons for seeking a plan change and not to wrench the rules relating to commercial zoning into a shape that might permit them to carry out their intentions while paying very little attention to the extremely clear Objectives and Policies for commercial-zoned land in the Operative District Plan.	Support for the reasons set out in primary submission.

14.3

14.4

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				proposal also relies heavily on an argument, best expressed at its Appendix D, Economics Overview Report, that the redesignation of that part of the site zoned as rural land does not represent an actual 'loss' of rural land. In our submission, the fact that non-permitted land use - "a more industrial yard type use" has been operating on rural zoned land "for a number of years" is no argument that the proposed rezoning does not represent a loss of rural land.		
11	1	Muggeridge, Lorraine Glenys	Support with Amendment	We have been consulted by the applicant and understand that there are a number of minor changes which the applicant seeks to make to the plan change which will remove industrial type activities from the list of activities permitted on the site. We support these amendments as they will result in better commercial zone outcomes and remove "industrial type activities"	Remove "industrial" type activities from permitted activities list	Support for the reasons set out in primary submission.

14.4

14.5

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position	
11	2	Muggeridge, Lorraine Glenys	Support	We strongly support the non-complying activity status of sensitive activities and the 30m buffer proposed. Such activities include those as set out in the plan change including places of assembly (such as cafes), accommodation and education facilities.	Support the non-complying activity status of sensitive activities and the 30m buffer proposed.	Support in part. Additional provisions are required to manage reverse sensitivity effects arising from the proximity of kiwifruit operations.	14.6
8	5	Te Puna Heartlands	Oppose	In Heartlands' view this scale of building, even if confined to Area A (the margins of the site) is inappropriate for the usual scale of commercial buildings and risks the introduction of more 'industrial' activities on site. We draw attention to the application's own acknowledgement that there is a history of non-compliance with zoning rules there.	Retain the lower height limit.	Support for the reasons set out in primary submission.	14.7
12	5	Te Puna Memorial Hall Committee	Support with Amendment	We do not support the permitted height being increased to 12m. rather than 9 m. and wish the expected general understanding of a commercial zone to be retained and not be modified for purposes best suited to an industrial zone	Retain 9m height limit	Support for the reasons set out in primary submission.	14.8

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position	
8	6	Te Puna Heartlands	Oppose	These proposed amendments are examples of how the standards of the commercial zone and its usual activities, as envisaged by the Operative District Plan, are unsuitable to the apparent intentions of the Te Puna Springs development and its immediate community.	Car parking in and around the environs of the community hall should be carefully consulted on and designed into the development to ensure the interests of all those coming and going from the area are catered for.	Support for the reasons set out in primary submission.	14.9
6	2	Forest And Bird	Support with Amendment	Some information and maps used appear to be out of date which is confusing, for example with respect to the location of the Te Puna Memorial Hall and its surrounding reserve area. This has not assisted in understanding the existing environment of the proposed development. The google satellite image and pictures used in the proposal show vegetation on the site however there is no mention of what this vegetation is or plans for its retention or removal.	Updates to maps is required.	Support for the reasons set out in primary submission.	14.10

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
8	8	Te Puna Heartlands	Oppose	<p>Heartlands has grave concerns that the application's Structure Plan is in various ways inadequate and its inclusion in the Operative District Plan would, without substantial amendment, be unhelpful to future planning processes. Heartlands is in generally in favour of avoiding the piecemeal approach. But we object to the claim that the application enables "development of a new community hall, village green and pond".</p> <p>Heartlands also accepts that the "main street" bias evident in the commercial zone rules is not particularly applicable to the layout and topography of the Te Puna Village. Nevertheless the general concept of a commercial zone as a 'bumping place' where people engaged in a variety of business and social activities can come and go and meet up easily (and maybe even live in), is important and useful as a design guide. There is not much evidence of that in the proposed Structure Plan. On the basis of</p>	<p>Heartlands does not object to the proper use of zoning procedures to establish and encourage careful commercial development in some parts of Te Puna. Nevertheless provide evidence of the commercial zone as a 'bumping place' where people engaged in a variety of business and social activities can come and go and meet up easily (and maybe even live in).</p>	Support for the reasons set out in primary submission.

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				intentions as stated in the application, the locality is likely to be quite tightly packed with heavy and dangerous machinery, and non-motor traffic would have to be equally tightly controlled to be safe.		
10	4	Bay Of Plenty Regional Council	Support with Amendment	References to Areas A, B and C in 19.2.2 in the proposed plan change are not reflected in the planning maps as notified; and The reference in the plan be amended to accord with the district plan i.e., 19.3.2 as additional permitted activities to those provided for in the	Amend the proposed planning provisions for the plan change	Support for the reasons set out in primary submission.

14.11

14.12

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position	
				underlying commercial zone.			14.12
6	3	Forest And Bird	Oppose	It is not clear whether the pond and waterways support much fish, or provide habitat to birds.	Give consideration to NPSFM and NES for Freshwater	Support for the reasons set out in primary submission.	14.13
11	5	Muggeridge, Lorraine Glenys	Support	<p>The applicant has agreed with us that they will ensure that suitable covenants are imposed on the land to provide for quality commercial development in the future. This includes a specific reverse sensitivity covenant in relation to rural horticultural activities which are carried out on our land including spraying, noise, and the operation of rural machinery.</p> <p>Our primary concerns, that we seek the Plan Change provisions address are:</p> <p>(a) Reverse Sensitivity effects</p> <p>(b) Rural Amenity and Rural</p>	Protect rural activities, rural amenity and other adverse effects ie. reverse sensitivity effects.	Support in part. Additional measures are required to protect rural activities, amenity and manage reverse sensitivity effects, as set out in primary submission.	14.14

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				Character effects; (c) Adverse effects on appellants including from commercial uses on the site such as from noise, traffic, and contaminant discharges;		

14.14

6	1	Forest And Bird	Oppose	<p>We understand that along the western boundary there is a natural waterway that is part of the wider Te Puna catchment, that has been modified over time, and this is referenced in the name "Te Puna Springs". We are concerned that there has not been appropriate consideration given to natural and cultural values associated with waterway and to the potential for restoration of this waterway.</p> <p>It is unclear whether the drain(s) on the side are modified water courses and should be considered within the RMA definition of "river". If this is the case then the NES for Freshwater may be applicable.</p> <p>Some consideration should be given to the NPSFM and the NES for Freshwater given the catchment flow paths and apparent adjacent stream and possible onsite stream.</p> <p>Forest & Bird have concerns that the stormwater management approach which would confine retention to smaller area (ie the lower area at the south west corner is to be level off for</p>	That consent is granted with amendments to address our concerns	Support for the reasons set out in primary submission.
---	---	-----------------	--------	--	---	--

14.15

				<p>commercial development) will remove natural features. There appears to have been no consideration of retaining natural features and values of the natural contoured land.</p> <p>We also question whether there is any "wetland" or "natural wetland" on site or adjacent that could be affected. This would be expected given the low catchment location and pond. It appears that the pond may have replaced more widespread wetland at some point in the past and may still have natural values associated with it.</p> <p>There does not seem to be any consideration of downstream effects on natural values and an assessment of this should be undertaken.</p> <p>Given there is an expected increase in stormwater runoff from this change in land use and from the SH2 changes there should be consideration given to the opportunity to enhance the natural feature that exists, properly manage stormwater, and improve community aspects. This has been successfully done by the Tauranga City Council in</p>		
--	--	--	--	--	--	--

				the Carmichael and Matua Saltmarsh reserves and ponds.		
--	--	--	--	---	--	--

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
8	2	Te Puna Heartlands	Oppose	<p>The threat to the ecology and water quality along the tributary watercourse that eventually feeds into the Oturu Stream is a concern.</p> <p>Heartlands, in its function as an advocate for community views as expressed in the Te Puna Community Development Plan, has put some effort into long-term measures intended to protect and if possible enhance the state of Te Puna's various watercourses. We have a record of patient attention to these issues dating back to 2011 and culminating in a Memorandum of Understanding between Bay of Plenty Regional Council, Pirirakau Iwi Incorporated, the Western Bay of Plenty District Council and Te Puna Heartland Incorporated that was signed off in mid- 2020. In keeping with the spirit and intention of the MOU of June 2020, we inquire which of the signatories (Bay of Plenty Regional Council, Western Bay of Plenty District Council, Te Puna Heartlands Inc and Pirirakau Inc)</p>	<p>Give consideration to the Oturu Stream and tributaries ecology and water quality.</p> <p>Give consideration been given to the impact that this new element of wetland ecology will have in terms of the Comprehensive Stormwater Discharge Consent (RM17-0121).</p>	Support for the reasons set out in primary submission.

14.16

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				<p>will be involved in the practical function of monitoring and maintaining the effect the proposed (private) stormwater pond may have on the adjacent contributory to the Oturu Stream?</p> <p>Has consideration been given to the impact that this new element of wetland ecology will have in terms of the Comprehensive Stormwater Discharge Consent (RM17-0121) that was, in 2020, renewed for a further 30 years. Heartlands regrets that an early suggestion, that WBoPDC should take on the management of the pond and its environs (as per Tauranga City's practice with the Gordon Carmichael Reserve) was apparently not taken up by the developer.</p>		

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
10	3	Bay Of Plenty Regional Council	Oppose	<p>There is an identified a water course within the Plan Change area in addition to the other waterbodies (streams/wetlands) including a spring on the site.</p> <p>BOPRC seek that an ecological assessment is prepared to identify the values of this stream as required by Policy IMP1A in the Regional Natural Resources Plan (RNRP) which seeks to avoid losses in extent and values of streams.</p> <p>While peak flows are being controlled by attenuation, the PC does not provide for methods to manage run-off control/run-off reductions such as water sensitive urban options (at source controls, rain gardens and swales etc.) to manage stormwater quality and volume from the plan change into the receiving environment.</p> <p>The proposed access off the lay-by adjoining SH 2 would be located upstream of the identified stream. Accordingly, the proposed location of the access</p>	<p>Oppose the proposal or elements of it, in so far as it would not give effect to the relevant provisions of the NPS-FM and the RPS and would be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP.</p> <p>Undertake an ecological assessment of the proposed stream. Oppose the commercial zone on parts of the plan change area that include rivers/streams and or wetlands: appropriate buffers should also be provided;</p> <p>Relocate or design the 'Structure Plan Stormwater Pond', in particular the proposed treatment ponds, so that the loss of extent and values of any river/stream is avoided as required by Policy IMP 1A of the RNRP and NPSFM; and</p> <p>Control design matters to ensure the proposed access off the layby adjoining SH2 does not result in the loss of values of any river/stream is avoided as required</p>	Support for the reasons set out in primary submission.

14.17

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				<p>in this location will likely increase contaminants into the stream network overtime, particularly during large flood events.</p> <p>The proposed treatment ponds will be inundated during a large event and are highly likely to re-suspend metals into the downstream environment.</p> <p>BOPRC seek that the treatment ponds are located outside of the 1% AEP flood plain/overland flow path.</p>	<p>by Policy IMP 1A of the RNRP;</p> <p>BOPRC seek that the plan change includes (but not limited to) methods to manage water quality).</p>	

14.17

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
8	7	Te Puna Heartlands	Oppose	<p>Although the developer is taking full advantage of the useful entry and exit points off SH2 to the south and Te Puna Road to the east, we see no provision being made for multi-modal transport linkages as required for a commercial zone under the Operative District Plan.</p> <p>The roadway seems to be conceived as being for wheeled, possibly many- wheeled, motor vehicles only and makes no obvious concessions to pedestrian and cyclist traffic safety. Nor - with the possible exception of the cul-de-sac at the northwards offshoot of the road - are there any areas set aside for parked or stationary vehicles. This is very unlike the sort of traffic management design that usually goes with commercial use, and is further evidence that the applicant has no sincere intention of creating opportunities for economic activity that are commercial as opposed to industrial.</p>	Heartlands would expect to see this useful access route through the heart of the site built to standards that allow for ordinary public access (motor vehicles, cyclists, pedestrians) and that may be - as often happens in other commercial developments - ultimately vested in the Council as a public road.	Support for the reasons set out in primary submission.

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
9	2	Bp Oil New Zealand Ltd	Support with Amendment	<p>BP's concern relates to traffic and access (especially for fuel tankers and heavy vehicles) and the lack of clarity regarding the nature and extent of changes to the road network and proposed circulation of vehicles within the Plan Change area and the potential effects of the same on BP's operations, including tanker deliveries and heavy vehicle movements. This is particularly the case with the proposed private road that would circulate from the slip lane to the west of the BP site, through the PC area and intersect with Te Puna Road to the north. The Integrated Transport Assessment (ITA) notes that T-Junction intersections would be installed on the slip lane from the state highway and at the intersection with Te Puna Rd.</p> <p>No review of the impacts in relation to the slip lane and access to the BP site has been tabled based on the assumption that Waka Kotahi (NZTA) accounted for the proposed amendments to</p>	<p>In the absence of robust s32 analysis and effects assessment in relation to traffic, access and parking, BP does not consider that PC93 has been developed in accordance with the relevant statutory requirements nor demonstrated that the proposed zoning and provisions are the most appropriate way to achieve the purpose of the RMA. As such, BP seeks that PC93 be declined, such that the split zoning and lower intensity of use is retained.</p>	<p>Support in part for the reasons set out in primary submission.</p>

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				<p>the District Plan as being similar to those that were considered when the SH 2 roundabout was modelled. BP notes a lack of assessment and analysis on the local effects of the proposed private road as they relate to the slip lane and found little to no assessment in the s32 report related to traffic and associated effects.</p>		

14.19

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
10	2	Bay Of Plenty Regional Council	Oppose	<p>Clause (a) of Policy NH 9B requires that a risk assessment is required using the methodology set out in Appendix L of the Bay of Plenty Regional Policy Statement (RPS) for changes in land on urban sites of more than 5(ha). The risk assessment should identify which hazards are applicable to the plan change area. At a minimum, the risk assessment should consider flooding, landslide, liquefaction, and active faults. Once the risk assessment is completed, the development proposal is required to consider how a low level of natural hazard risk will be achieved as required under Policy NH 4B. Where appropriate, provisions in the structure plan will be required to ensure that a low level of risk can be achieved in the plan change area for each of the respective hazards.</p> <p>The flood maps in Western Bay of Plenty District Plan area do not identify the extent of the overland flow paths and</p>	<p>The following relief is sought:</p> <p>A risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the Bay of Plenty RPS.</p> <p>Full details of the background flood model and associated maps used to inform flood risk including clarification as to which climate change scenarios.</p> <p>A feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that the proposal would be safe to evacuate people in 1% AEP flood event.</p> <p>Provisions to ensure a low level of risk can be achieved within the plan change area without increasing risk outside of the plan change area.</p> <p>Further provisions maybe required to achieve a low level of risk for other hazards to give effect to the natural hazard provisions, in particular Policy NH 4B (i.e. land</p>	Support on the basis that the natural hazards analysis included in the plan change request is inadequate.

14.20

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				<p>therefore, are not protected unless the activities are discretionary or non-complying activities (refer to Rules 8.5.1.3 and 8.5.2 of the Western Bay of Plenty District Plan) which provides for the most up to date flooding information to be considered. In absence of provisions to protect 'unmapped' overland flow paths in the district plan, provisions to manage development and activities and protect the storage and conveyance function of the overland flow paths are sought to ensure future development would not increase risk outside of the plan change area.</p> <p>The Small Settlement and Rural Flood risk Model (T&T February 2021) held by the Western Bay of Plenty District Council shows that the proposed access from SH2 could be located above an overland flow path.</p>	instability building setbacks for landslide hazard).	

14.20

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
8	9	Te Puna Heartlands	Support with Amendment	<p>The Community Development Plan explicitly allows for such economic activity within the 'green wedge' that SmartGrowth has designated Te Puna to be. We ask, however, that if this land is to be zoned commercial, the rules applying to it have the result intended for "vibrant commercial environments that encourage social and cultural interaction".</p> <p>And if the activity proposed is in fact industrial in nature, that it takes place on land designated for that purpose. Heartlands agrees with this assessment of the importance to Te Puna of the commercial activities located around the Te Puna SH2 roundabout. We hope, however, that any continued commercial development actually conforms to the WBoPDC's Operative District Plan. As previously stated, aspects of these remarks on page 11 of the application are not inconsistent with the approach to economic development expressed in the Te Puna Community Development Plan. Commercial Zone criteria, quoted elsewhere in</p>	Give regard to the Te Puna Community Development Plan.	Support for the reasons set out in primary submission.

14.21

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				the proposal, would not in Heartlands' view be unacceptable to Te Puna residents familiar with their village.		

14.21

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
2	1	Toi Te Ora Public Health	Oppose	<p>There is inadequate detail within the Assessment of Environmental Effects regarding how human sewage and trade waste will be safely managed.</p> <p>Sanitary services have a significant impact on the health of individuals and communities. Toi Te Ora advocates for and supports the best practicable sanitary services to protect the health of the public. . Te Puna commercial area is not currently serviced by council reticulated sewage infrastructure. Therefore, landowners currently need to manage their wastewater in accordance with the Bay of Plenty Regional Council Onsite Effluent Treatment Plan, or store wastewater for frequent collection by a contractor.It is noted in the plan change request that "in September 2020 Council approved the proposed connection of the properties in the Te Puna village commercial area to the Omokoroa wastewater transfer pipeline. Council has subsequently</p>	<p>Toi Te Ora requests further information about how wastewater for the new commercial area and new activities within the existing area will be provided in order to adequately assess the risk to public health.</p>	<p>Support in part. The information provided in the plan change request in respect of wastewater provision is inadequate. A robust wastewater solution is required.</p>

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				<p>received funding for the extension of the network reticulation". However, Toi Te Ora understands that while this will service the existing community, there is no further capacity in that line to service additional growth. Any further development in the area would generate the same environmental and public health issues experienced with the existing wastewater provision, which is clearly not acceptable. The private plan change request does not set out adequate detail regarding how human sewage and trade waste will be managed, and this in turn means that Toi Te Ora are unable to adequately assess the risk to public health and be assured that public health is protected for years to come.</p>		

14.22

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
10	1	Bay Of Plenty Regional Council	Oppose	<p>BOPRC do not consider OSET as an appropriate technology to manage the effects arising from the range of activities the commercial land uses proposed by the plan change. Given the scale and nature of potential intensity of the commercial land uses in the proposed plan change, OSET is not considered an appropriate technology to manage the cumulative effects over time on water quality and human health.</p> <p>The application does not sufficiently assess the potential effects associated with the range of land uses for that zone or account for the changes of concentration that could occur overtime under the provisions for that zone.</p> <p>For the above reasons, BOPRC consider a long-term option to manage wastewater is essential to manage the cumulative long term effects on human health and the cumulative effects associated from point and non-</p>	No definitive wastewater solution has been secured for the plan change area. If OSET is to be relied on, BOPRC oppose the plan change.	Support in part. The information provided in the plan change request in respect of wastewater provision is inadequate. A robust wastewater solution is required.

Submitter ID	Submission Point	Submitter name	Submitter position	Summary	Relief sought in original submission	DCK position
				point source discharges.		

District Plan Changes 93 – 94

Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143



Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Further submissions close 5.00pm on Friday 8 April 2022

Name: Te Puna Memorial Hall Committee
Organisation
(only if submitting on behalf)

Address for Service: 4- Jo Gravit
3 Treholm Lane R.D.4
Tauranga
Post Code: 3174

E-mail Address: pandjgravit@tra.co.nz

Telephone Number: 027 552 6063

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
 a person that has an interest in the plan change greater than the interest that the general public has
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

representing the community hall adjacent to PPC 93 area.

I/We would like to speak in support of my/our submission at the Council hearing.

Yes No Please tick

Signed: [Signature] Date: 7-4-22
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Te Puna Memorial Hall Committee

Proposed PC 93

Further Submission

Overview

As TPMHC has had no offer of consultation on this proposal from the applicant or their representatives we have a number of concerns that require further attention. While we do not object in principle to Te Puna Springs wishing to enhance the four well beings by developing their property, we expect far more detailed consideration to be given to how the proposed new commercial zone will be developed and its effects on the environment. A lack of information has been provided in the application which has made it difficult for us to fully understand any potential adverse effects of Plan Change 93 (PC93) and how the proposal will impact us.

In particular, there is a lack of information regarding amenity effects. No justification or site-specific assessment has been provided to support a 12m maximum height for buildings/structures instead of 9m. It is only due to the existing uses that the applicant suggests that the site is regarded as not being suitable for rural or related uses. The LUC soils and location make it quite suitable for rural intensive and economic production. The application lacks details on the proposed stormwater design, wastewater design and potential flooding. The ecological values of the site including the existing water course have not been considered. No details have been provided on how the proposal will avoid, remedy or mitigate the potential for natural hazard events such as flooding. It is unclear how flooding will not be made more severe as a result of the proposal. There is a lack of information and site-specific assessment regarding potential adverse traffic effects, including insufficient carparking, and the impact of this on the hall site. Conflicting and missing information has contributed to a lack of understanding. The PC93 rules reference Areas A, B and C which are not identified on any plan, and a landscape cross section in Appendix 7 which has not been included in the application.

Overall, the proposal is not considered to result in sustainable management and the provision of social, economic and cultural wellbeing. We seek specific plans and full details on how the proposal will affect our local community hall use. Details are required on how the general village amenity and placemaking visions of Te Puna which contribute to a sense of identity and community will be practically implemented through PC 93. Until matters raised in our submissions and those of other submitters have been adequately addressed in subsequent planning amendments and PC93 we cannot support the proposal.

We see the key matters requiring further information, and detailed consideration being grouped under the following:

1. General Structure Planning and Amenity - local identity, amenity enhancement and social/cultural wellbeing
2. Environmental effects and best practice - Storm water, flooding and wastewater management
3. Transportation - efficient transport design that enables local safe connectivity

We wish to only explain our support or opposition to other submissions where we believe that their original submissions require further comment. We believe our comments in our submission are clear in their intent and will not be further referred to.

General Structure Planning and Amenity

Submitter - Shepherd, Julie, 32A Paparoa Road RD 4 Tauranga 31743/5

Support the need for further detailed landscape design with specific performance standards for screening and cross section profiles of species and heights and maintenance schedules for the shared areas of the Structure Plan. TPMHC also wishes to be consulted with on the matters in Section 4C.5.3.2 h.(ii)

15.1

Decision sought:

4C.5.3.2.h(ii) Landscape plans shall be prepared by a qualified landscape designer and approved by Council. The plan for the stormwater pond shall be prepared in consultation with Pirirakau and the Te Puna Memorial Hall Committee.

Submitter - Te Puna Springs Estate Limited C/O Aaron Collier Consultants Ltd PO Box 14371 Tauranga Mail Centre Tauranga 3143

4/1

Support deleting new additional permitted activities list. We seek confirmation that the final provisions for the Structure Plan and PC93 will be the general District Plan Section 19 Commercial zone rules with acknowledgement of earlier community consultation that resulted in a well planned and integrated commercial village development.

15.2

Decision sought:

Section 19.3.1 – Commercial Zone – no additional permitted activity rules are inserted which are relevant to Te Puna Springs Structure Plan only

4/6

Oppose - No building/structure should be permitted above 9 meters so we oppose amending Rule 19.4.1 a. to allow for the maximum permitted height to be increased to 12 meters. It is considered that a 12m maximum height would result in adverse effects on visual amenity due to buildings of this size and scale being out of character in this neighbourhood and therefore, inappropriate for this location.

15.3

Decision sought:

*19.4.1 General a. Building height, setback, alignment and design
iv. Te Puna Springs Structure Plan Area
The maximum height of buildings/structures shall be ~~12m~~ **9m**.*

4/8

Support amending Structure Plan and Development Plan to clearly identify Areas A, B and C. There is a need for a detailed Structure Plan and schedule showing the A, B and C Areas referred to in Section 19.2.2.

15.4

Decision sought:

PC93-07: Appendix 7 - Structure Plan – Amend Structure Plan and Development Plan to match and to clearly identify Areas A, B and C referenced in Section 19.2.2.

Submitter - Cooney, Tim and Merry 73B Armstrong Road RD 4 Tauranga 3174

This FS relates to original submission point 7.3 not 7.4

7/4

Support the promotion of the Zariba development as an example of a well designed development which has used accepted urban design principles resulting in positive design outcomes. 15.5

Decision sought:

PC93-07: Appendix 7 - Structure Plan – Amend Structure Plan to incorporate accepted urban design principles.

Submitter – Te Puna Heartlands C/O Sparks 123 Munro Road RD 7 Tauranga 3179

8/3

Support the submission along with Submitter 3 (Submission 3/2) requesting relocating the proposed village green and water feature to a natural waterway behind the garage which will offer best possible development of community placemaking and Pirirakau cultural values recognition. This and the stormwater ponds to the west of this natural depression must all be vested in WBOPDC to ensure long term standards of asset management and public greenspace amenity value 15.6

Decision sought:

PC93-07: Appendix 7 - Structure Plan – Amend Structure Plan to relocate the village green to the natural watercourse area located behind the garage and identify connections to the stormwater pond area. The new village green, and the stormwater pond area (as shown on the current Plan), including any overland flow paths, and wetlands shall be clearly identified on the Structure Plan.

Section 4C – Amenity 4C.5.3.2 Screening in Industrial and Commercial Zones h. Te Puna Springs Structure Plan

iii. The stormwater pond area, including overland flow paths/wetlands as shown on the Te Puna Springs Structure Plan shall be established and vested in Council prior to the commencement of any industrial or business activity within the Structure Plan.

iv. The plantings and stormwater pond and overland flow paths/wetlands shall be established and maintained by the developer for a period of 3 years with maintenance secured by way of an appropriate legal mechanism to Council.

8/5

Support the submission requesting no buildings for industrial purposes, the nine meter height limit and also the reference to the history of non rural permitted activities on the property. If the zone is changed from rural to commercial we recommend a provision for monitoring of the activities that will be undertaken in the Structure Plan and the removal of additional non complying activities in order to ensure that as originally stated, the activities are intended to service the local rural community. 15.7

Decision sought:

19.4.1 General a. Building height, setback, alignment and design

iv. Te Puna Springs Structure Plan Area

The maximum height of buildings/structures shall be ~~12m~~ 9m.

Submitters – Muggeridge, Lorraine and Sydney, 648 State Highway 2 Te Puna Tauranga and Dc Kirk Family Trust - C/O Berry Simons PO Box 3144 Shortland Street Auckland 1140

11/1-2 & 13/1-5

Support the issues raised in the submissions (11/1 & 2 and 13/1-5) by the two neighbors, but as they have been consulted at various times during the process, we are surprised that their reasonable concerns have not been already negotiated. Unfortunately, the same courtesy was not offered to the TPMHC so that we could also have our concerns as tabled in Submission 12 better understood earlier in the process. We have received no indication that any consideration is being given to how the applicants and future site owners will ensure their activities will not adversely impact on the already stated purpose of the community facility. The only potential mitigation measure identified on the Structure Plan is the provision of landscaping strips located within the hall site adjacent to the northern, western and southern boundaries of the hall site.

15.8
15.9
15.10
15.11
15.12
15.13
15.14

Decision sought:

Section 4C – Amenity 4C.5.3.2 Screening in Industrial and Commercial Zones h. Te Puna Springs Structure Plan

Further consideration of appropriate buffers and mitigation measures for the Hall should be undertaken in consideration with the Te Puna Memorial Hall Committee.

Include provision under 4C.5.3.2.h.ii that the developer must consult with Te Puna Hall Memorial Committee regarding the proposed landscaping strips and establish and maintain the landscaping strips identified on the hall site for a period of three years.

Submitter – BP Oil NZ Ltd - C/O 4Sight Consulting Limited 201 Victoria St West PO Box 911310 Victoria Street West Auckland 1142

9/1

Oppose - we seek clarity on the proposed activity status of *places of assembly* within the Structure Plan Area. We do not agree with the BP submission that suggests there should be no ability for the Hall to expand or intensify its land use. It is noted that places of assembly have a permitted activity status in the Commercial Zone – Section 19.3.1.d. There may be advantages in terms of village future planning to permit complementary meeting places in the Structure Plan Area provided they meet on site parking requirements.

15.15

Decision sought:

9.3 – Commercial Zone – Clarify what activity status the Hall has in the Te Puna Springs Structure Plan Area. Oppose any change to remove the permitted activity status of places of assembly.

Environmental effects and best practice – Stormwater, flooding and wastewater management

Submitter – Toi Te Ora Public Health, PO Box 2120 Tauranga 3144

2/1: 2/2

Support the decisions being sought on more consideration being given to wastewater management with high health and environment protection standards and regular monitoring being addressed under PC 93.

15.16
15.17

Decision sought:

PC93-07: Appendix 7 - Structure Plan

Structure Plan amended to incorporate site-specific wastewater design and details. Request that the Structure Plan is reticulated for sewer.

Submitter – Forest and Bird

6/1

15.18

Support as there is no recognition in the plans for future options to enhance the natural waterways and wetlands in the vicinity and to integrate with new stormwater management ponds. Specific design is required for the Structure Plan to address the stormwater design with rules developed after an ecological values assessment has been undertaken.

Decision sought:

PC93-07: Appendix 7 - Structure Plan

Undertake an ecological assessment of the site. Relocate or design the 'Structure Plan Stormwater Pond', in particular the proposed treatment ponds, so that the loss of extent and values of any river/stream is avoided as required by Policy IMP 1A of the RNRP and NPSFM; and Control design matters to ensure the proposed access off the layby adjoining SH2 does not result in the loss of values of any river/stream is avoided as required by Policy IMP 1A of the RNRP; Plan change is required to address (but not limited to) methods to manage water quality).

Submitter – Cooney, Tim and Merry, 73B Armstrong Road RD 4 Tauranga 3174

7/4

15.19

Support the comments regarding stormwater management with design requirements needing to address flooding and siltation with standards being stronger and better enforced than in the past.

Decision sought:

PC93-07: Appendix 7 - Structure Plan

A natural hazards flood assessment is required by a suitably qualified Hydrological Engineer to address potential adverse downstream effects of the proposal. An ecological assessment is required to address the ecological values of the site and to incorporate these values into the stormwater design to ensure that potential adverse effects on the environment are avoided, remedied or mitigated. Stormwater design and details are required to be incorporated into the Structure Plan which address water quality and the design needs to be in accordance with the BOPRC rules.

Submitter - Te Puna Heartlands C/O Sparks 123 Munro Road RD 7 Tauranga 3179

8/2

15.20

Support a requirement under PC93 to consider the wider catchment management plan and associated environment impacts.

Decision sought

As above under 7/4

Submitter – Bay of Plenty Regional Council, PO Box 364 Whakatane 3158

10/1

15.21

Strongly support the detailed analysis in the Regional Council submission. A key concern is the likely reliance on an OSET wastewater management system. There is a major environmental risk if this is not professionally managed on behalf of a range of diversified

future users, and if the other option of accessing the Council wastewater scheme is not available. We seek clarity on this key issue before a decision is made on the PC 93 as we understand that some privately managed wastewater systems are at considerable risk of unplanned discharges. A primary consideration must be to protect the quality and flow levels of the Oturu stream feeding into the nearby Tauranga Moana.

Decision sought:

Clarify what wastewater solution will be used for the plan change area to determine if adverse effects on the environment can be avoided, remedied or mitigated. If OSET is to be relied on, TPMHC oppose this part of the Plan Change and request that the Structure Plan Area be reticulated for sewer

10/2: 10/3

Support all the relevant freshwater issues referred to but which are given little consideration in the application. Our climate is changing rapidly and managing water flow and its quality must be a priority for this key receiving area of Te Puna village. We request that specific current data is tabled on what is being provided and by whom and in what timeframe. The overarching NPSFW and RPS should generate certainty of current best practice for significant new developments such as this in a sensitive commercial area. How will on site stormwater flows on sloping sites with the majority in hard surfaces be managed without well designed and maintained wide swales or other ecofriendly solutions to gather contaminants? As a neighbour TPMHC requests that more details are provided on the planned stormwater solutions and that these are incorporated into the Structure Plan and PC93.

15.22
15.23

Decision sought:

PC93-07: Appendix 7 - Structure Plan

Relocate or design the 'Structure Plan Stormwater Pond', in particular the proposed treatment ponds, so that the loss of extent and values of any river/stream is avoided as required by Policy IMP 1A of the RNRP and NPSFM; and Control design matters to ensure the proposed access off the layby adjoining SH2 does not result in the loss of values of any river/stream is avoided as required by Policy IMP 1A of the RNRP; PC93 is required to address (but not limited to) methods to manage water quality).

A flood assessment is required including full details of the background flood model and associated maps used to inform flood risk including clarification as to which climate change scenarios. A feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that the proposal would be safe to evacuate people in 1% AEP flood event. Provisions to ensure a low level of risk can be achieved within the plan change area without increasing risk outside of the plan change area.

Transportation - Future proofed transport design and safe connectivity

Submitter – Te Puna Heartlands, C/O Sparks 123 Munro Road RD 7 Tauranga 3179

8/6

Support, as there is an inadequate assessment of predicted visitor and carparking needs in the vicinity as commercial intensification increases and hall visitor numbers grow.

15.24

Decision sought:

PC93-07: Appendix 7 - Structure Plan

Undertake a Traffic Impact Assessment which addresses the car parking requirements for all

existing activities on the site and activities adjacent to the site, and which caters for all anticipated activities located on and adjacent to the site.

8/7

Support as we require Austroad public road standards and the main proposed access loop road vested in Council for full public use and with a seperated shared cycle/walkway. The private side road requires give way signage and adequate visitor and worker parking to keep clear sight lines on what would be the public loop road.

15.25

Decision sought:

PC93-07: Appendix 7 - Structure Plan

Amend the Structure Plan to change the link road from a private road to a public road to be vested in Council with space available within the road reserve for on-street carparking, a shared cycle/walkway and street trees.

Submitter – BP Oil NZ Ltd - C/O 4Sight Consulting Limited 201 Victoria St West PO Box 911310 Victoria Street West Auckland 1142

9/2

Support - The concern is about safe movements (vehicle and pedestrian) associated with the service station and other nearby current retail clients and service vehicles. The congestion is uncontrolled due to the well used informal parking located adjacent to the present slip road on a sealed area presumably owned by Waka Kotahi and there is no pedestrian or cycling provision in the vicinity. With the proposed roading design there is the potential for adverse effects such as vehicle/pedestrian conflict. Access to the consented Te Puna Springs island requires particular design specifications to ensure best possible village connectivity. We recommend that these design details are incorporated into a more specific structure plan. The anticipated traffic movements must be integrated into a whole of NW Village transport plan with adequate roading infrastructure and formal markings for safe and efficient connectivity appropriate to a well planned busy, commercial centre.

15.26

Decision sought:

PC93-07: Appendix 7 - Structure Plan – Undertake a Traffic Impact Assessment for the Structure Plan Area which addresses the context of the Structure Plan including the existing and anticipated wider neighborhood traffic and connectivity (pedestrian, cycle and vehicle). Assess the connectivity with adjacent properties including the BP petrol station and informal carparking area and potential for pedestrian/vehicle conflict, carparking requirements for each existing and anticipated activity and potential adverse effects on the hall site. Amend the Structure Plan to reflect a site-specific detailed transportation network which addresses the recommendations in the Traffic Impact Assessment.

Representatives of TPMHC are available to further discuss these matters and we are willing to join with other submitters to achieve the best possible outcomes for all affected parties and our Community.

District Plan Changes 93 – 94

Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Further submissions close 5.00pm on Friday 8 April 2022

Name: Te Puna Heartland Incorporated

Organisation
(only if submitting on behalf)

Address for Service: c/- Sparks, 123 Munro Road Te Puna
RD 7 Tauranga **Post Code:** 3179

E-mail Address: tepunahartlandinc@gmail.com

Telephone Number: 0274 530033

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
 a person that has an interest in the plan change greater than the interest that the general public has
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories: See
Te Puna Heartland's Rules of Incorporation and the
Te Puna Community Development Plan.
I/We would like to speak in support of my/our submission at the Council hearing.

Yes No Please tick

Signed: Beth Bowden **Date:** 8 April 2022
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-

NOT USED.
Please see
separate PDF
file.

DISTRICT PLAN CHANGE 93

FURTHER SUBMISSION – 8 April 2022

BY EMAIL

districtplan@westernbay.govt.nz

1. In February 2022, Te Puna Heartland Inc made an initial submission in respect of a private application for Plan Change #93 by Te Puna Springs Estate Limited (TPSEL).
2. This is a further submission from Te Puna Heartland Inc, setting out our views on submissions received along with ours. Only those submissions, and only those points in those submissions, that in our view require opposition, qualification or endorsement are commented on here.
3. A table summarising Heartlands' support or otherwise for identified elements (numbers refer to WBoPDC summary/analysis) of the other submissions is appended to this document.
4. Having read both the WBoPDC's summaries and the initial submissions in full, Te Puna Heartland Incorporated further submits as follows:

Submitter: Toi Te Ora Public Health, PO Box 2120, Tauranga 3140

Submission #: 2

Summary: Toi Te Ora opposes the application on the basis of the applicant's reliance on Onside Effluent Treatment (OSET). OSET is unsuitable for growing communities. Instead reticulated wastewater management is required.

Te Puna Heartlands supports Toi Te Ora's submission and agrees that a development of the kind proposed by TPSEL should not be approved until a centralized reticulated wastewater system is in place for the area.

Submitter: Julie Shepherd, 32A Paparoa Road, Te Puna RD4, Tauranga

Submission #: 3

Summary: Ms Shepherd seeks a naturalisation of the (capped) spring so that it fills and flows freely to the adjacent gully system. This area, to the area south and west of the Te Puna Memorial Hall site, is suitable for a reserve that would be planted with suitable native species. Public access and information panels to display historic korero of Te Puna would be provided.

Ms Shepherd asks for performance standards and landscape plans to protect and screen community activities from those of the TPSEL development, particularly along the Hall boundaries. She seeks careful stormwater management to deal with the runoff from the TPSEL site.

Te Puna Heartlands supports Ms Shepherd's submission and agrees that the logical place for a "village green", as it is called in TPSEL's application, is directly adjacent to the Hall property on its downhill, southwestern side. We agree that runoff from the TPSEL properties needs careful management and, in the absence of specific and detailed information on the water quality standards that would measure the effectiveness of the ponds as drawn in the Structure Plan, the TPSEL application should not be approved.

Submitter: Te Puna Springs Estate Limited, c/o Collier Consultants Ltd, PO Box 14371, Tauranga

Submission #: 4

Summary: TPSEL seeks to amend its original application and delete the list of permitted new activities it had asked for. The deletion is on the grounds that “Supermac/Modcom will relocate from the site if the land is rezoned” [emphasis ours].

It asks for a re-definition of “sensitive activities” that is specific to their Te Puna Structure Plan (to be geographically relocated in the Appendix 7 list) and further asks that that Structure Plan is used to determine “general accordence” of any subdivision or development of land within the zone. This is to be done by reference to a “landscape cross section” and “landscape plans prepared by a qualified landscape designer and approved by Council”.

Relying on that same Structure Plan, it seeks further amendments to commercial zone criteria to allow for other modifications to the rules for commercial zone building: an increased maximum height of 12m, no street-level glass frontages and exemption from car parking restrictions.

The Structure Plan as submitted is acknowledged to be incorrect and another one is substituted.

Te Puna Heartlands opposes, even with these amendments, the TPSEL application. The original application was weak and showed little concern for the effects of such a development on the community as a whole or, even, the immediate surroundings. Even those neighbours, submitters #5, #11 and #13, who were apparently offered prior information, indicate a preference for much higher adherence to existing rules and standards, design values, and general conformity with District Plan criteria than is evidenced in this application and its amendments. Both TPSEL’s submissions require a great deal of careful analysis and inference in order to make any sense of them at all.

Their proposed Structure Plan, even as amended, is still inadequate. It is not good enough to base a major change to the land- and waterscape of Te Puna on a poorly labelled, inadequately detailed map and a non-existent landscape cross-section. It is especially poor to put in a bulky, internally contradictory application that then relies on local volunteers to analyse its shortcomings and, in effect, show the professionals how to lift their game. In accordance with the District Plan processes and the Te Puna Community Development Plan, Heartlands accepts that the applicants ‘drive’ a private plan change application. In our view, however, this one should be withdrawn and TPSEL should come back to its neighbours, and the community, with something we can all understand.

Submitter: Zariba Holdings, PO Box 2585 Tauranga 3140

Submission #: 5

Summary: Zariba, having been consulted, support the proposal to rezone the TPSEL site, in view of a “number of minor changeswhich will remove industrial type activities ... [that] will result in better commercial zone outcomes.”

They support the applicant’s approach to stormwater management, “which also caters for the stormwater from our land”.

And they agree that a Structure Plan should guide future development of the site, noting that past developments have occurred without any such plan being in place. They go on to say that they have applied to their own land a high standard of urban design and layout, and that informal agreement

with the applicant “will ensure that suitable covenants are imposed on the land to provide for quality development in the future”.

Te Puna Heartlands qualifies its support for this submission. We agree that, if such a development does go ahead, it should be on the basis of true adherence to commercial zone criteria and outcomes. We note with concern that the hard-surface elements of the two adjacent sites will amplify stormwater impacts on the tributary to the Oturu Stream. (We note the BoPRC’s critique of the application on this point.) We have limited faith in the applicant’s capacity to impose meaningful covenants on future landholders to provide for quality development in the future and seek a decision that imposes close monitoring on relevant regulatory authorities if the application is successful.

Submitter: Royal Forest and Bird Protection Society of NZ Inc

Submission #: 6

Summary: The natural and cultural values associated with the natural waterways within and adjacent to the site should be balanced against the likely effects of stormwater runoff (and SH2 changes). Successful examples: Carmichael Reserve and Matua Saltmarsh. Information and maps used in the application are out of date and confusing, and the ecological values of the waterway have not been adequately assessed.

The “sensitive activities” definition in the application does not conform to the Regional Policy Statement and should be aligned with it.

Te Puna Heartlands supports this submission. It draws attention to the inadequacies of the original application and the serious lack of attention paid to the impact of such a development on an understudied, vulnerable, and potentially very important tributary to the Oturu Stream, which runs into the Waikaraka Estuary of Tauranga Moana. We seek a decision that imposes close monitoring duties on relevant regulatory authorities if the application is approved.

Submitter: T & M Cooney, 73B Armstrong Rd, Te Puna

Submission #: 7

Summary: The WBoPDC’s commercial zone rules were established to provide commercial activities to support the immediate rural/residential area. The rezoning request, based on the argument that the site is unlikely to be used for rural purposes, is unsupported – it is eminently suitable for horticulture. The ‘creep’ of commercial activities on to rural land does not meet the objectives of important foundation planning in the current District Plan, the Te Puna Community Development Plan, and SmartGrowth. Water quality issues are a concern.

Te Puna Heartlands supports this submission. We endorse the submitters’ reliance on the planning documents mentioned, particularly the Te Puna Community Development Plan. We agree that rural land in Te Puna is to be treasured and incursions on to it should be allowed only with caution and serious attention to good planning principles.

Submitter: BP Oil NZ Ltd, 201 Victoria St West, PO Box 911310 Victoria St West Auckland 1142

Submission #: 9

Summary: Plan Change 93 would change the land use potential on all land in the Plan Change area. BP has not been consulted on the implications of this application. They draw attention to potential adverse effect on their operations (the service station) of the proposed private road and how that relates to movements to and from TPSEL's site. They ask that the applicants (1) resolve inconsistencies with the RMA and the Operative District Plan, (2) give effective attention to the Regional Policy Statement and also (3) to the Council's functions of achieving integrated management of the effect of the use, development or protection of land.

Te Puna Heartlands supports this submission, with respect to the traffic management implications of the planned private road and the noted inconsistencies with the RMA and District Plan. We note the lack of consultation and see this as an example of inadequate attention being paid to the wider effects and implications of a plan change of this scale.

We do not share the submitter's concerns, as they relate to the Te Puna Memorial Hall, about the effect of 'places of assembly', since these have now been removed from the applicant's initial argument. Nevertheless we acknowledge that there could well be increased, informal, instances of "assembly" on and about roadways within the development itself.

Any decision made concerning access to and movement within the site should emphasise safe public accessibility and multi-modal traffic use.

Submitter: BoP Regional Council, PO Box 364 Whakatane 3158

Submission #: 10

Summary: The plan changes do not give effect to natural hazard provisions of the BoP Regional Policy Statement or to the National Policy Statement on Freshwater Management (NPS-FM).

Te Puna Heartlands supports this submission. We note that the submitter recognizes the need "for increased commercial and industrial development capacity in... the location". But we also note that this is qualified by the need to provide ecological assessments in line with the NPS-FM to identify and assess the value of any stream or wetland within or immediately adjacent to the plan change area. We seek a decision that involves prior ecological assessments, puts clear controls on water quality standards, and imposes close monitoring duties on relevant regulatory authorities.

Submitter: Lorraine and Sydney Muggeridge

Submission #: 11

Summary: Reverse sensitivity effects and rural amenity and rural character effects are of primary concern. Amendments to the original application remove industrial type activities that were earlier concerns.

Te Puna Heartlands qualifies its support for this submission. The submitters' primary concerns express a legitimate wish to continue their existing orcharding activities, but the assurances they have received on this aspect of the matter have expanded into generalised support for an expanded

commercial zone, based on a Structure Plan that in their view includes managed stormwater, landscaping requirements and a “general roading and pattern for servicing”. Heartlands does not share the submitter’s confidence that these elements as set out in the Structure Plan will meet their expectations of social, economic and cultural wellbeing. We agree, however, that any decision should pay careful attention to reverse sensitivity effects.

Submitter: Te Puna Memorial Hall Committee, c/o Jo Gravit, 3 Treholme Lane, Te Puna

Submission #: 12

Summary: Endorses Te Puna Heartland’s submission. Like others, the Hall Committee seeks clear labelling on larger-scale maps so that the effects of proposed activities on the Hall’s functions can be assessed. A key point is, “As the most affected neighbour, our Committee wishes ...to ensure that any future permitted uses are of a scale and nature that encourage local retail and specialist businesses, some associated upper storey residential, and with a ‘light’ footprint on the local environment.... We wish the expected general understanding of a commercial zone to be retained and not be modified for purposes best suited to an industrial zone.” It does not support the proposed amendment to building height.

Concerning stormwater, particular attention from relevant officials is needed regarding the construction, planting and management plans, and their integrated planning and monitoring, if the ponds are not to be acquired by Council as a public good stormwater reserve. The Hall Committee invokes the 2020 agreement in place between the Regional Council, WBoPDC, Pirirakau and Te Puna Heartland Inc and requests active commitment from the applicant to this project. Shared environment enhancement opportunities are sought. The Hall should be at no risk of flood.

The Committee is concerned about traffic plans and effects. The Hall needs to be protected from the impact of proposed activities, especially on the northern side, adjacent to the proposed new zone. In addition, the Hall Committee asks that the full length of the internal private road on the proposed application is built to Council public roading standards with full length shared cycle/footpath and is vested in the Council, implying full public use.

The Committee asks for further opportunity for consultation, including a connecting multi-purpose green space between the naturally restored spring reserve and the Hall community space, and “themes for good building design complementary to the intentionally traditional rural hall appearance and function of our neighbouring property”.

Te Puna Heartlands supports this submission. We are dismayed that no effort was made to consult or offer prior information to a significant community facility that will be materially affected by a change of this kind, at scale, and right on its boundary. We share the Hall Committee’s concerns:

- the original application was carelessly prepared
- the proposed activities did not conform to commercial zone criteria
- stormwater (and, maybe, wastewater) issues are barely addressed
- traffic management and parking are problematic
- the proposed private road may not be of a standard for (desirable) public multi-modal transport use

- TPSEL’s proposed community amenity (the “village green”) is a cursory gesture and in the wrong place.

The Te Puna Community Development Plan gives active “insight in to community aspirations and a roadmap as to how they may be achieved” (1.1 Purpose of the Te Puna Community Development Plan, p.5). Te Puna Heartland Inc invites developers and their advisors to take such statements seriously. The decision we seek is one that adheres closely to existing planning principles – for instance, those found in the current District Plan, the Regional Policy Statement, the MOU on Te Wai o Te Puna and the Te Puna Community Development Plan.

Submitter: D C Kirk Family Trust (DCK), c/o Berry Simons, PO Box 3144 Shortland Street, Auckland 1140

Submission #: 13

Summary: DCK supports the application, subject to measures to avoid (1) conflict between the development and existing orchard operations (reverse sensitivity effects); (2) loss of continued quiet enjoyment of rural amenity and rural character, including noise, light, and effects on the Oturu tributary watercourse and (3) inhibitions on potential future development of the DCK property as a retirement village or ‘light commercial’ development.

Te Puna Heartlands qualifies its support for this submission. DCK understandably expresses concerns over reverse sensitivity rules in order to ensure continuance of existing orcharding activities and maintaining the amenity value of the submitters’ home (and possibly another dwelling). The amendments DCK seeks for built-environment design standards that address visual amenity, pedestrian network cohesion and logical transport linkages, as well as watercourse management, would also be supported by Te Puna Heartlands, were the application to be approved. Nevertheless, Heartlands draws attention to the enduring value of rural land zoning, especially on Te Puna’s famously versatile soils. We would not wish to have DCK’s support for an improved application for a private plan change to be interpreted as general approval for further loss of rural land in Te Puna.

Richard Comyn

Chair

Te Puna Heartlands

APPENDIX

Submitter ID	Submission point(s)	Endorsement level (support, qualified support, oppose)	Decision sought	
2. Toi Te Ora	2.1 - 2.4	Support	Do not approve application until a centralized reticulated wastewater system is in place for the area.	16.1 - 16.4
3. Julie Shepherd	3.2, 3.5, 3.6	Support	Decision to approve to require relocation of the proposed green space in the (planted, publicly accessible) gully on the Hall boundary's southwestern side and the free and natural flow of the associated watercourse. In the absence of specific and detailed information on the water quality standards, do not approve the application	16.5 - 16.7
4. Te Puna Springs Estate Limited	Too many to note here	Oppose	Do not approve this application and require a better standard if a further one is made	16.8 - 16.10
5. Zariba Holdings Ltd	5.3	Qualified support	Support is for a decision that requires meaningful Structure Plan controls on site users and strict monitoring by relevant regulatory authorities. The present application, however, is too vague to provide for quality future development	16.11
6. Royal Forest and Bird Protection Society of NZ Inc	6.1, 6.3 and 6.4	Support	Decision to approve to include close water quality monitoring by relevant regulatory authorities	16.12 - 16.14
7. T & M Cooney, 73B Armstrong Road Te Puna	7.1 – 7.4, particularly 7.2	Support	Incursions on to rural land in Te Puna to be allowed only with caution and serious attention to existing planning principles and documents	16.15 - 16.18
9. BP Oil NZ Ltd	9.2	Support	Access to and movement within the site should emphasise safe public accessibility and multi-modal traffic use	16.19
10. Bay of Plenty Regional Council	10.1-10.4	Support	Decision to involve prior ecological assessments, clear controls on water quality standards, and close monitoring duties by relevant regulatory authorities	16.20 - 16.23
11. L & S Muggeridge	11.5	Qualified support	Decision to pay careful attention to reverse sensitivity effects. Heartlands does not, however, agree that the applicant's Structure Plan is fit for purpose	16.24
12. Te Puna Memorial Hall Committee Inc	12.1, 12.3, 12.7	Support	Unless the application is amended so as to adhere closely to principles found in the current Operative District Plan, the Regional Policy Statement, the MOU on	16.25 - 16.27

			Te Wai o Te Puna and the Te Puna Community Development Plan, do not approve the application
13.D C Kirk Family Trust	13.1 – 13.5	Qualified support	Decision to pay careful attention to reverse sensitivity effects and other impacts on rural amenity and water quality issues. However, any decision should be such as to limit further loss of rural land in Te Puna

16.28 -
16.32

Your Ref: Sub ID 10
Our Ref: 7.00458



8 April 2022

Chief Executive Officer,
Western Bay of Plenty District Council,
Private Bag 12803,
Tauranga 3143.

Dear Sir/Madam

Further Submission on Plan Change 93 (Te Puna Springs) and 94 (Washer Road).

Please find attached the Bay of Plenty Regional Council's further submission to the above Plan Change 93 to the Western Bay of Plenty District Plan.

No further submissions are made to submissions to Plan Change 94.

This further submission is sent to Western Bay of Plenty District Council, as the relevant local authority and will be sent to the original submitters as required by the Clause 8A of Schedule 1 of the RMA.

A copy has also been provided to Tauranga City Council as part owner of wastewater infrastructure (trunkline) in Te Puna.

If you would like to discuss further please contact Nathan Te Pairi, Planner on 0800 884 880 extension 8326 or email nathan.tepairi@boprc.govt.nz,

Yours sincerely,

A handwritten signature in blue ink that reads "Julie Bevan".

Julie Bevan
Policy and Planning Manager

Bay of Plenty Regional Council's Further Submission on Plan Change 93 (Te Puna Springs) to the Operative Western Bay of Plenty District Plan

Submitters name, ID and point	Plan change provision	Relief sought by Submitter(s)	Support / Oppose	Reasons	
Reverse Sensitivity					
Te Puna Springs Estate Limited (4-1)	n/a	Removal of the additional permitted activities list.	Support	Industrial type activities are not anticipated in the Commercial zone and could give rise to reverse sensitivity effects.	17.1
Mudderidge Lorraine Glenys (11-2)	n/a	Support the non-complying activity status of sensitive activities (including places of assembly, cafes, and accommodation and education facilities) and the 30m buffer proposed.	Support	The potential effects of the plan change should not compromise viable rural production.	17.2
Mudderidge Lorraine Glenys (11-5)	n/a	Protect rural activities from reserve sensitivity effects resulting from the anticipated activities proposed by the plan change.	Support in part	The potential effects of the plan change should not compromise viable rural production.	17.3
DC Kirk Family (13-1)	n/a	Limit activities in the plan change area to those which do not produce significant qualities of dust, manage spray incursion or may give rise to reserve sensitivity issues in the future.	Support in part	The potential effects of the plan change should not compromise viable rural production.	17.4
Stormwater management, streams and wetlands					
Forest and Bird (6-1)	n/a	The Plan Change should consider assessment to the National Policy Statement-Freshwater Management (NPS-FM) and National Environmental Standard-Freshwater (NES-F) with regards to wetlands and streams and water quality including impacts arising from State Highway 2. Consideration should be given to increases in stormwater run-off and related downstream effects.	Support	A stream and spring have been identified on the site and subject to an assessment, other waterbodies may be identified in the plan change area. There has been no assessment of the relevant provisions of the NPS-FM, the NES-F, the Regional Natural Resources Plan (RNRP) or the Bay of Plenty Regional Policy Statement (BOP RPS). The statutory directions governing the relationship between these	17.5

Submitters name, ID and point	Plan change provision	Relief sought by Submitter(s)	Support / Oppose	Reasons	
				<p>documents and the District Plan apply to the plan change and need to be complied with.</p> <p>Subject to the assessment of an ecological assessment and natural hazard flooding risk assessment and assessment under the relevant policy framework for freshwater (NPS-FM, NES-F, BOP RPS, RNRP) and natural hazards (BOP RPS), these effects could be managed by provisions in the plan change and necessary consistency with the policy direction achieved.</p>	
Forest and Bird (6-3)	n/a	The consent [sic] (Plan Change) is granted subject to amendments to address concerns.	Support in part	Change of zoning to commercial or any other urban zone may not be appropriate in locations where streams/rivers (including natural springs) and wetlands have been identified that are to be protected under the NPS-FM, BOP RPS and RNRP.	17.6
Tim and Merry Cooney (7-4)	n/a	<p>Commercial zones will lead to increases in hard surfaces and have downstream run-off effects.</p> <p>Commercial zones will lead to effects on water quality and fish life in the Oturu Stream and Waikaraka Estuary.</p>	Support in part	Bay of Plenty Regional Council (BOPRC) agrees that the proposed plan change as notified could result in the effects identified by the submitter. However, subject to the assessment of an ecological assessment and risk assessment and assessment under the relevant policy framework for freshwater (NPS-FM, BOP RPS, RNRP) and natural hazards (BOP RPS), these effects could be managed by provisions in the plan change.	17.7
Te Puna Heartlands (8-2)	n/a	Give consideration to the Oturu Stream and tributaries' ecology and water quality.	Support in part	A stream and spring have been identified on the site and subject to an assessment, other waterbodies may be identified in the plan change area.	17.8

Submitters name, ID and point	Plan change provision	Relief sought by Submitter(s)	Support / Oppose	Reasons	
				There has been no assessment of the relevant provisions of the NPS-FM, the NES-F, RNRP or the BOP RPS.	
DC Kirk Family (13-2)	n/a	The streams and riparian margins are properly identified and assessed by a suitably qualified ecologist.	Support	<p>A stream and spring have been identified on the site and subject to an assessment, other waterbodies may be identified in the plan change area.</p> <p>There has been no assessment of the relevant provisions of the NPS-FM, the NES-F, RNRP or the BOP RPS.</p>	17.9
Julie Shepard (3-2, 3-6)	n/a	<p>Naturalise the capped, but still flowing puna (spring) on the site;</p> <p>That the stormwater will be managed appropriately as clean and treated on site, prior to temporary or permanent discharge. Performance standards to be formed/checked to ensure this requirement.</p>	Support in part	<p>A stream and spring have been identified on the site and subject to an assessment, other waterbodies may be identified in the plan change area.</p> <p>There has been no assessment of the relevant provisions of the NPS-FM, the NES-F, RNRP or the BOP RPS. The BOP RPS requires an ecological assessment by a suitably qualified and experienced person.</p>	17.10 17.11
Wastewater					
Toi Te Ora Public Health (2-1, 2-2, 2-3 and 2-4)	n/a	<p>Toi Te Ora requests further information about how wastewater for the commercial area and new activities within the existing area will be provided in order to adequately assess the risk to public health;</p> <p>Should the private plan change be approved, Toi Te Ora recommends that a condition of approval requires a professionally designed, maintained, and operated centralised sewerage system be in place before development occurs.</p>	Support	As set out in our original submission, BOPRC does not consider OSET systems are an appropriate technology for managing sewerage generated as a result of the plan change. Further, BOPRC raises concerns regarding the long-term sustainability and affordability of a community solution. For these reasons, the plan change is not supported unless a reticulated solution is confirmed by Tauranga City Council (as owner	17.12

Submitters name, ID and point	Plan change provision	Relief sought by Submitter(s)	Support / Oppose	Reasons
		<p>That Council takes into consideration their local authority responsibilities to abate and remove potential nuisance situations under the Health Act 1956 before they arise.</p> <p>That the Council requires the Te Puna Commercial zones to be capable of being connected to reticulated wastewater management.</p>		<p>of the trunk line servicing Te Puna) and Western Bay of Plenty District Council.</p>

District Plan Changes 93 – 94

Further Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to districtplan@westernbay.govt.nz, or mail it to:

District Plan Changes
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

Further submissions close 5.00pm on Friday 8 April 2022

Name:	4Sight Consulting Limited	
Organisation (only if submitting on behalf)	BP Oil New Zealand Limited	
Address for Service:	4Sight Consulting, PO Box 911 310 Victoria Street West, Auckland	
	Post Code:	1142
E-mail Address:	samantha.redward@4sight.co.nz	
Telephone Number:	0277766115	

I am (please tick the one applicable to you)

- a person representing a relevant aspect of the public interest
 a person that has an interest in the plan change greater than the interest that the general public has
 the local authority itself.

Please specify the grounds for saying that you come within one of these categories:

BP Connect Te Puna (620 State Highway 2) borders the land subject to Plan Change 93.

I/We would like to speak in support of my/our submission at the Council hearing.

Yes No Please tick

Signed: *Redward* **Date:** 08/04/2022
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Submitters Name and Address who you are further submitting on	Submission ID and Point	Support (S) or Oppose (O)	Reason for Support or Opposition	Decision Sought (Give precise details)
Example: Joe Bloggs, 19 Bloggs Street, Tauranga	Example: 45/4	Example: S	Example: Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Example: Add to the District Plan Maps for Te Puke an area for higher density development.
Te Puna Springs Estate Limited	Submission 4, Point 1	Neutral (seeking clarification)	The submission point notes that Supermac will likely not be included as an end use to the plan change.	As it relates to BP's interests related to traffic effects, we wish to further submit on this point to understand the proposed mix of uses including what the up-zonign would include as a permitted activity and the related traffic impacts in the local area.
Toi Te Ora Public Health	Submission 2, Point 3	Support	We see potential issues related to the future connection, as the reticulated network is likely to be at capacity following the approval of the proposed connection in September 2020.	BP seeks reassurance that their future ability to connect to the reticulated network will not be affected by the proposed plan change.
Bay of Plenty Regional Council	Submission 10, Point 1	Support	Support the provision of a long term option to manage wastewater	BP seeks reassurance that their future ability to connect to the reticulated network will not be affected by the proposed plan change.

18.1

18.2

18.3