

**0.0 PLANNER'S REPORT FOR PLAN CHANGE 93 – TE PUNA SPRINGS****File Number: A4524920****Author: Anna Price, Senior Consents Planner****Authoriser: Rachael Davie, General Manager Strategy and Community****INTRODUCTION**

1. The purpose of this report is to provide recommendations on submissions and further submissions to Plan Change 93 – Te Puna Springs.

**RECOMMENDATION**

1. That the Senior Consents Planner's report dated 7 June 2022 titled 'Planner's Report for Plan Change 93 – Te Puna Springs' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That pursuant to clause 10(1) of Schedule 1 of the Resource Management Act 1991, the District Plan Committee approves Plan Change 93 as notified and modified by the recommendations contained in this report.
4. That, prior to the release of the decision, staff be authorised to make minor editorial changes to the decision of the District Plan Committee in consultation with the Committee Chairperson.
5. That pursuant to Clause 10(4)(b) of Schedule 1 of the Resource Management Act 1991, the decision on Plan Change 93 be publicly notified.
6. That pursuant to Clause 11 of Schedule 1 of the Resource Management Act 1991, the decision on Plan Change 93 be served on every person who made a submission on the Plan Change and be made available at all Council offices and all public libraries in the District.

**PLAN CHANGE (THE PROPOSAL)**

2. The subject site comprises approximately 5.93 hectares of land located on the northern side of State Highway 2 (SH 2) at Te Puna, bound in part by SH 2, Te Puna Road and the existing BP Service Station, Four Square and offices located off the sliplane adjacent to SH 2. The immediate surroundings of the subject site are split up by each of the 'four corners' which are separated by the intersection of SH 2 and Te Puna Road / Minden Road.

3. The site is currently utilised by the SuperMac Group who design and build prefabricated buildings. This section of the site is currently used for the storage of 'Modcom Portable Buildings'. As part of this plan change all portable buildings will be removed from the site.
4. Access to the site is from the western side of Te Puna Road and an existing vehicle crossing from the new slip lane off the State Highway.



Figure 1: Structure Plan Location

5. The purpose of the plan change is to rezone the subject site from the present Rural to Commercial Zone to allow a new "Te Puna Springs" Structure Plan site under the Commercial Zone. The rezoning will provide for further business activities to service the Te Puna community and to create local business opportunities.
  6. The proposed Structure Plan proposes a new definition and new assessment criteria as well as rules and performance standards that relate to the site.
-

**Section 32 Evaluation (for the Proposal)**

7. To support its proposal, the applicant carried out an evaluation under Section 32 of the Resource Management Act 1991 (RMA). In summary, this evaluation must:
8. Examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA.
9. Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.
10. Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

**Section 32AA Evaluation (for any Changes to the Proposal)**

11. If Council is to propose any changes to the proposal through its decisions on the Plan Change, a further evaluation will be required to support any such changes under Section 32AA of the RMA (based on the requirements of Section 32).
12. In this Planner's Report, where a recommendation is made to change the proposal, this further evaluation is provided following the reasons for the recommendation.

**TOPIC 1: ZONING****Background**

The Plan Change seeks to rezone the site from Rural to Commercial. Currently the majority of the site is zoned Rural, with two areas around the Hall site and the neighbouring commercial area zoned Commercial. The proposal seeks to remove the split zoning from the site, to make the full site Commercial Zone.

---

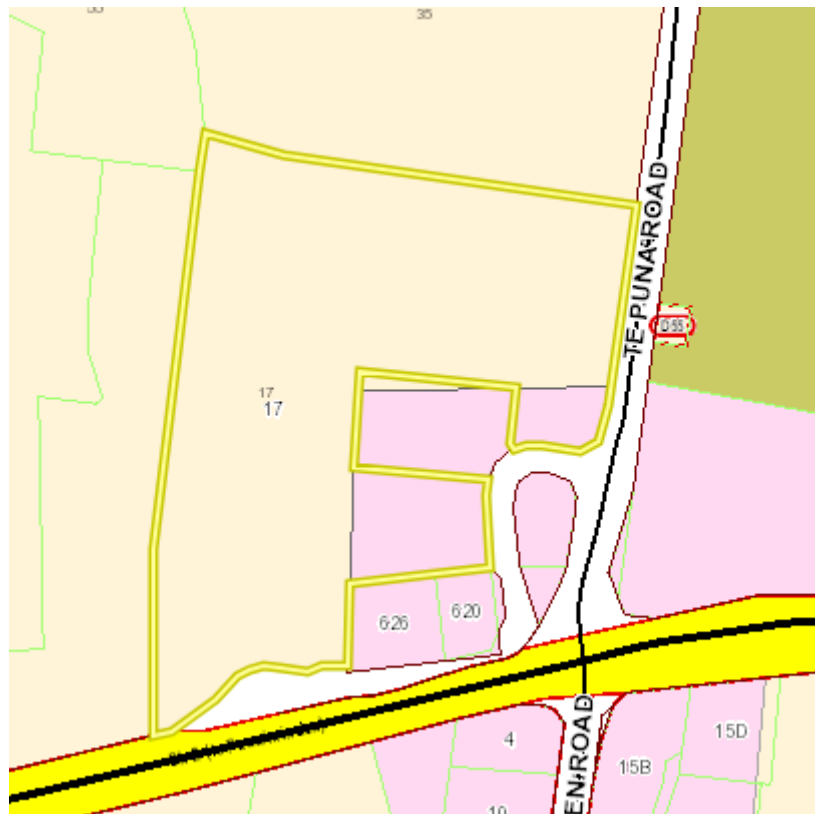


Figure 2: Current Rural/Commercial Zone split across the site

### Submission Points

Five submission points were received. Six further submission points were received. The submission points on this topic are summarized as follows:

Submission 1.1 – Supported the expansion of the Commercial Zone on the site.

Submission 8.8 – Did not object to the Commercial Zone, however requested evidence that the area could be a ‘bumping place’ where people engaged in a variety of business and social activities.

Submission 7.1 and 7.2 – Request the zoning to remain as the status quo

Submission 8.9 – Support the rezone to Commercial, however request further regard to the Te Puna Community Development Plan.

Further Submissions 16.15, 15.19, 16.18, 17.7 & 16.16 supported the zoning to remain as status quo, while 14.11 supported original submission 8.8 which supported the rezone to Commercial with evidence the area could be a ‘bumping place’.

### Options

Option 1 – As Proposed – Rezone from Rural to Commercial

Option 2 – Status quo – Retain existing split Rural/Commercial zone

### Discussion

---

The Te Puna Community Development Plan allows for economic activity within the area Te Puna is located. The Economic Assessment contained in the application information also confirms the importance of commercial activities located around the Te Puna SH2 roundabout. Option 1 is in line with the proposed changes to the Structure Plan area outlined further below, and it is considered that the rezoned site will provide for a 'vibrant commercial environment' which will encourage the new commercial area to naturally be a 'bumping place' for the local community.

The potential for rural use of the existing site is largely compromised by partial commercial zoning, existing land use, the pattern of roading at the southern and eastern boundaries of the site (established by Waka Kotahi - NZTA), the establishment of a place of assembly, proximity to existing commercial zones /packhouse/coolstore /RSE facilities. The context of the site location is peri-urban rather than rural which also changes the character of the site.

Rural production is compromised by soil profiles having been altered by large-scale earthworks across large parts of the site which in turn, compromises the fertility and productive use of the site. The small nature of the site, its configuration and gully systems also severely limit potential for productive rural use.

Option 2 will continue to otherwise restrict development across the site and may result in a piecemeal approach with multiple resource consents in an ad hoc manner. Option 1, along with the proposed Structure Plan, will ensure the site is adequately developed and managed to avoid ad hoc development on the site.

### Recommendation

That Option 1 be accepted.

That the site be rezoned to Commercial Zone.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
1	1	Douglas Kaye
8	8	Te Puna Heartlands
14	11	DC Kirk Family Trust

**Accepted in part**

Submission	Point Number	Name
8	9	Te Puna Heartlands

**Rejected**

Submission	Point Number	Name
7	1	T & M Cooney
7	2	T & M Cooney
16	16	Te Puna Heartlands
17	7	BOPRC
16	18	Te Puna Heartlands
15	19	Te Puna Memorial Hall Committee
16	15	Te Puna Heartlands

**Reasons**

Rezoning of the site will provide for additional commercial zoned land in a growing community and provide for a vibrant commercial area.

**Section 32AA Analysis**

As no changes are proposed, no s32AA evaluation is necessary.

**TOPIC 2: STRUCTUE PLAN LIST****Background**

The Proposed Structure Plan will need to be included in Appendix 7 of the District Plan.

**Submission Points**

One submission point was received. No further submission points were received. The submission points on this topic are summarised as follows:

Submission 4.2 – the Applicant has requested that the Structure Plan List in Appendix 7 be reordered to insert Te Puna Structure Plan in geographical order.

## Options

Option 1 – Status Quo – add Structure Plan to bottom of list

Option 2 – Reorder the list of Structure Plans by Geographical area.

## Discussion

Option 2 is appropriate as the list is currently in geographical order. Option 1 would add the new Structure Plan to the bottom of the list and could be missed if looking for a geographical location. To avoid a substantial editing of cross-referencing throughout the District Plan, the new structure plan will be labelled as 7A.

## Recommendation

That Option 2 be accepted.

That the Structure Plan list is amended as follows:

### Appendix 7

#### Structure Plans

1. Waihi Beach
2. Katikati
3. Katikati Lifestyle Zone
4. Ōmokoroa Structure Plan
5. Tides Reach Rural-Residential
6. Minden Lifestyle Zone
7. Te Puna Business Park
- 7A. Te Puna Springs
8. Te Puke Structure Plan
9. Te Puke Lifestyle Zone
10. Te Puke West Industrial
11. Rangiora Business Park
12. Comvita Campus

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
4	2	Te Puna Springs Estate Ltd

## Reasons

### Section 32AA Analysis

The changes proposed are minor to improve the readability of the Structure Plan list. Accordingly, no s32AA analysis is required.

---



**TOPIC 3: STRUCTURE PLAN MAP****Background**

Due to the proposed rezoning to Commercial Zone the applicant has prepared a Structure Plan to show how the land can be developed and serviced and identify particular requirements specific to this site. Any future development within the site would then need to be in accordance with the Structure Plan along with the existing commercial zone rules.

The proposed Structure Plan Map identifies the future road access, landscape buffer area, height limits, stormwater areas, greenspace and existing and proposed utilities/services.

---





Figure 3: Proposed Structure Plan Map.

### Submission Points

Six submission points were received. 11 further submission points were received. The submission points on this topic are summarized as follows:

Submission 4.8 – The applicant has requested minor changes to the labels and demarcation on the map to enhance readability.

Submission 5.3 – Supports the structure plan map to avoid ad hoc development.

Submission 6.2 – Supports the Map but requests the imagery on the map is consistent and not out of date.

Submission 10.4 – Supports the maps but requests clarification of the A & B areas shown on the map.

Submission 11.4 – supports the map and requests it be updated to include fencing and landscaping to their boundary.

Submission 12.1 – Supports the map and requests that the A & B areas, 12m height area, and buffer areas to the hall carparking be shown on the map.

Further submission 13.3, 14.10, 14.11, 14.12, 15.12, 15.4, 16.10, 16.11, 16.23, 16.25 & 16.30 all support the amendments requested in the original submissions above.

### Options

Option 1 – As proposed – Retain the Structure Plan

Option 2 – As proposed – Retain the Structure Plan but with minor amendments to correct details

Option 3 – Amend the Structure Plan map in response to submissions and make minor amendments to correct details.

### Discussion

In response to all submissions received the applicant has undertaken further work in relation to an Ecological Assessment and transportation matters, as well as considered all submissions received. This has resulted in an overall change to the Structure Plan map shown in figure 4 below.

In response to the recommendations contained within the Wildlands Ecological Assessment, the Structure Plan has been revised and contains the following amendments:

1. Move the village green area (previously thought to contain an underground spring/puna) to the actual location of the puna. This is in area 3 (to the south of the Hall site) on the revised structure plan.
  2. The identification of three branches of streams which are present on the site. The applicant is proposing to include buffer areas around these streams. These are shown in areas 3 and 4 on the revised Structure Plan.
  3. Removal of the through connection to State Highway 2 and the internal rationalisation of roading necessary to service the site. This will avoid interference with stream corridors.
  4. The establishment of further landscape strips and riparian restoration strips (areas 5,6, and 7 on the revised Structure Plan).
  5. The identification of the open channels/streams and stormwater management areas.
-

These amendments to the Structure Plan and plan change were in response to concerns raised by submitters relating to:

- Flood conveyance and stormwater management
- Restoration of natural systems/ecology
- Through access from SH2 and traffic conflict
- Provision for a sustainable stormwater solution (including provision for the Hall site and land surrounding the plan change area).
- Landscaping and open space
- Protection of the streams and puna from future development
- Providing for a sustainable wastewater solution to service the site. In relation to this matter, there will be an accompanying permitted activity rule status added to the structure plan rules for activities that connect to the Council reticulated wastewater system. Although it will obviously be much cheaper and more efficient to connect to the reticulated system, and all activities within the Te Puna Springs Structure Plan area will realistically connect, the applicant will include a new rule to avoid the use of onsite wastewater systems.

Option 1 would not include any of the necessary changes sought by the submitters nor take into account the recommendations of the Ecology Report.

Option 2 would not make the necessary changes to improve the readability of the maps and with the proposed overall change to the Structure Plan map Option 2 is not acceptable.

Given that Option 3 includes all the recommendations from the Ecology report and takes into account requests made in submissions, this is the preferred option.

### **Recommendation**

That option 3 be accepted.

That the Structure Plan map be amended as follows:

---

- LEGEND**
- 1 Commercial area
  - 2 Hall
  - 3 Spring/Puna
  - 4 Stormwater management area
  - 5 4m wide landscape buffer strip
  - 6 2m wide landscape buffer strip
  - 7 10m wide riparian restoration strip
- KEY**
- Specimen trees
  - Landscape buffer strip
  - 30m Setback for sensitive activities
  - Open channels/streams



Figure 4: New Structure Plan map

The following submissions are therefore:

**Accepted**

Submission	Point Number	Name
4	8	Te Puna Springs
5	3	Zariba Holdings Ltd
6	2	Forest & Bird
10	4	BOPRC
11	4	L Muggeridge
14	10	DC Kirk Family Trust
14	12	DC Kirk Family Trust
15	4	Te Puna Memorial Hall Committee
16	10	Te Puna Heartlands
16	11	Te Puna Heartlands

16	23	Te Puna Heartlands
16	25	Te Puna Heartlands

**Accepted in part**

Submission	Point Number	Name
8	8	<i>Te Puna Heartlands</i>
12	1	Te Puna Memorial Hall Committee
13	3	DC Kirk Family Trust
14	11	DC Kirk Family Trust
15	12	Te Puna Memorial Hall Committee
16	30	Te Puna Heartlands

**Reasons**

**Section 32AA Analysis**

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As the applicant proposes a significant change to the Structure Plan map as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Recommendation
<p><b>Costs</b></p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or</p>	<p><b>Environmental</b></p> <p>No environmental costs identified</p> <p><b>Economic</b></p> <p>No economic costs identified</p> <p><b>Social</b></p> <p>No social costs identified</p> <p><b>Cultural</b></p> <p>No cultural costs identified</p>

reduced	
<b>Benefits</b> Environmental Economic Social Cultural  Including opportunities for: (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced	<b>Environmental</b> Protection of Puna Protection of existing natural waterways and ecology Stormwater mitigation and protection to improve downstream effects  <b>Economic</b> Minimising roading and inclusion of separate access point Create a confined commercial area  <b>Social</b> Enhanced community focal point Larger village green and reserve area for enjoyment, becomes a 'bumping place'  <b>Cultural</b> Protection of Puna
<b>Quantification</b>	Not practicable to quantify
<b>Risks of Acting/  Not Acting if there is uncertain or insufficient information about the subject matter</b>	Sufficient and certain information is available

#### TOPIC 4: RURAL AMENITY AND REVERSE SENSITIVITY

##### Background

The District Plan identifies the Rural Zone as important to the District as a predominantly rural area, with rural production being the primary economic driver of the District. The District Plan identifies Commercial Zones as important as they provide "a sense of identity and belonging to individuals and the community in general".

With the new zone boundary, it is important to ensure there is an appropriate interface between the site and neighbouring properties to ensure rural amenity is retained.

##### Submission Points

Two submission points were received. Six further submission points were received. The submission points on this topic are summarised as follows:

Submission 11.5 – Requests suitable covenants are imposed on the land to provide for quality commercial development. Specific reverse sensitivity covenant in relation to rural horticultural activities on adjoining land including spraying, noise, and the



operation of rural machinery. Raises concerns of reverse sensitivity effects, rural amenity and rural character effects and adverse effects on appellants including from commercial uses on the site such as from noise, traffic, and contaminant discharges.

Submission 13.1 – Requires an appropriate barrier between the Plan Change area and Okaro Orchard to prevent dust incursion into the orchard from construction and operational activities. Further the submissions requests that activities that produce significant quantities of dust are limited, and 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.

Further submissions 14.14, 16.24 & 17.3 supported original submission 11.5, and further submissions 15.10, 16.28 & 17.4 supported original submission 13.1.

### Options

Option 1 – As proposed – retain proposed landscape planting and buffer as is.

Option 2 – Amend proposal to improve buffer to neighbours

### Discussion

Rule 4C.5.3.2 in the District Plan currently protects the interface between the Rural and Commercial zones, requiring a landscape buffer of 3m and a minimum height of 2m. This requirement sets the minimum standard for protecting rural amenity and character and the Structure Plan landscape buffer builds on this.

The applicant has engaged with the submitters directly and has proposed to provide an additional landscape strip along the northern and western site boundary. This will provide for additional screening and protection between the rural/commercial interface. Option 2 provides for these improved buffers on the site and in conjunction with the new rule 4C.5.3.2.H proposed (see Topic 15 below).

Submission 13.1 also requested that dust creating activities be limited on the site. It is considered that the current activity lists within the Commercial Zone (Rule 19.3.1) currently provides for certain activities which are not high dust creators. Industrial type activities are no longer proposed within the Structure Plan area which could have been dust creating activities and the permitted commercial activities would not generate dust.

The applicant has also entered into private covenants with the adjoining rural properties and discussed directly with the submitters (Muggeridge and DC Kirk FT) the reverse sensitivity requirements and buffers to protect rural amenity. These sit outside of the Plan Change.

Option 1 would only provide the minimum and not meet the requests of the submitters while Option 2 provides for the additional level of screening and reverse sensitivity protection.

---



## Recommendation

That option 2 be accepted.

That the landscape buffers are included as shown on the updated Structure Plan in Topic 2 above and in conjunction with updates to Rule 4C5.3.2.H.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
11	5	Muggeridge
13	1	DC Kirk FT
14	14	DC Kirk FT
15	10	Te Puna Memorial Hall Committee
16	24	Te Puna Heartlands
16	28	Te Puna Heartlands
17	3	BOPRC
17	4	BOPRC

## Reasons

### Section 32AA Analysis

As Option 2 is considered minor in that there is only a small increase to the landscape buffer areas, and does not constitute a new proposal, a further analysis under s32AA is not required.

## TOPIC 5: URBAN DESIGN

### Background

Council has a Built Environment Strategy to assist in achieving good urban design outcomes in line with the New Zealand Urban Design Protocol. Council also uses non-regulatory methods which seek to provide advice and guidance to applicants at the conceptual stage to assist in development projects to achieve positive design outcomes for the community.

The Structure Plan did not propose specific urban design guidelines for development within the site.

### Submission Points

Four submission points were received. Four further submission points were received. The submission points on this topic are summarised as follows:

Submission 5.4 – stated that they have created a high standard of commercial development on their property across the road and request that suitable covenants are imposed to ensure a high quality development on the Structure Plan site.

Submission 7.3 – requested a well-designed village similar to surrounding commercial area and which meets the aspirations of the community.

Submission 12.6 – requests further consultation on themes for good building design that reflects the rural village character and complementary to the intentionally traditional rural hall appearance. This could be attractive upstairs apartments, 1920's colours with gabled rooflines.

Submission 13.4 – request standards for building scale, design, setback and landscape planting. This should include façade modulation, colour and reflectivity.

Further submissions 15.13 & 16.31 supported original submission 13.4 and further submissions 15.5 & 16.17 supports original submission 7.3.

### Options

Option 1 – Status Quo – current commercial zone rules

Option 2 – Provide new urban design requirements for the Structure Plan area.

### Discussion

Under option 1 the Commercial Zone contains activity performance standards in relation to height, bulk & setback, yards and dwellings to ensure that commercial developments result in high quality outcomes meeting the Built Environment Strategy.

The site is surrounded to the south and east by existing commercial development and a large pack house. This has resulted in an existing commercial environment where character and amenity has been established. The proposed Structure Plan area does not present unique or special characteristics, such as an identified landscape feature or heritage area, which may trigger specific urban design requirements under option 2.

It is also noted that significant landscaping is proposed throughout the site, as well as the inclusion of open green space. This provides for a high level of amenity on the site.

### Recommendation

That option 1 be accepted. No additional specific requirements are necessary other than those proposed throughout other areas of the Plan Change, i.e, landscaping.

---

The following submissions are therefore:

### Accepted in part

Submission	Point Number	Name
5	4	Zariba
7	3	Cooney
13	4	DC Kirk FT
15	13	Te Puna Memorial Hall Committee
15	5	Te Puna Memorial Hall Committee
16	17	Te Puna Heartlands
16	31	Te Puna Heartlands

### Rejected

Submission	Point Number	Name
12	6	<i>Te Puna Memorial Hall Committee</i>

### Reasons

#### Section 32AA Analysis

As no changes are recommended a further s32AA analysis is not required.

### TOPIC 6: CULTURAL

#### Background

The Plan Change acknowledges matters of cultural and traditional interest to Pīkirakau and the location of the puna (spring) on the site. The applicant undertook consultation with Pīrirakau prior to lodging the Plan Change to identify sites of cultural and historic significance on or near the site. Consultation has been ongoing throughout the Plan Change process.

#### Submission Points

Five submission points were received. Four further submission points were received. The submission points on this topic are summarised as follows:

---

Submission 3.1 – Requested that the use of the name Te Puna Springs in association with the commercial zone not be allowed and the applicant consider an unrelated name for the area. Given that the zone will be commercialised, and activities may not reflect the best environmental representation of the name.

Submission 3.2 – Requested the naturalisation of the puna on the site and retention of the gully system which has been modified. That a public reserve be provided for access to the gully from the Hall site and the gully be planted in native species.

Submission 3.3 – Requests information panels to share historic korero of Te Puna be provided by the applicant.

Submission 5.6 – Supports the cultural relationship of Pirirakau with the area and provision for the natural spring on the site.

Submission 8.3 – supports the naturalisation of the spring and requests the location of the spring be located and naturalised in the correct location on the site.

Submission 12.7 – Notes that the village green, cultural signage and a spring feature were considered to be adequate cultural acknowledgement and contribution to community heritage and sense of wellbeing. The natural spring and waterway should become an ecological and environmental public amenity.

Further submissions 15.1, 15.6, 16.5 & 17.10 all support original submissions 3.1, 3.2 & 3.3.

### Options

Option 1 – As proposed – limited cultural input including location of puna

Option 2 – Amend the proposal – location and naturalisation of the puna, inclusion of historic/cultural information panels.

### Discussion

The applicant has now undertaken an Ecological Assessment which has confirmed the location of the puna, natural overland flow and waterways within the site. This has led to a change in the layout of the Structure Plan. The confirmation of the location of the puna on the site has ensured the protection and naturalisation of the spring and waterway where it flows.

The extent of the stream features have been identified and are excluded from development which ensures future protection of the waterways. Rehabilitation of the waterways will be undertaken as suggested in the Ecological Assessment and the applicant will undertake this work with the wider stream care group, Manaaki Taiao

The applicant has made a commitment to work with Pirirakau in terms of naming and cultural recognition (outside of the plan change but also as part of future consenting for development (i.e. earthworks and stream works)).

With regards to the naming of the site the applicant has now discussed this with the submitter and has resolved this matter.

---

Option 2 includes the necessary changes under the new Structure Plan which provides for the naturalisation of the waterways.

Option 1 would not provide for the naturalisation of the puna and the waterways.

### Recommendation

That Option 2 be accepted.

That as part of the new Structure Plan the naturalisation of the waterways be undertaken.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
3	2	Julie Shepherd
3	3	Julie Shepherd
5	6	Zariba
8	3	Te Puna Heartlands
12	7	Te Puna Memorial Hall Committee
15	1	Te Puna Memorial Hall Committee
15	6	Te Puna Memorial Hall Committee
16	5	Te Puna Heartlands
17	10	BOPRC

### Rejected

Submission	Point Number	Name
3	1	Julie Shepherd

### Reasons

#### Section 32AA Analysis

The Structure Plan layout is changing to give effect to the naturalisation of the puna and the waterways on the site. This is in conjunction with the change to the Structure Plan in Topic 3 above. As such the s32AA analysis will not be repeated here.

## TOPIC 7: TRANSPORTATION

### Background

The site is located on the north western corner of the Te Puna/Minden Road and SH 2 intersection. The site has access from Te Puna Road on the east and to the SH 2 slip lane to the south.

The notified Structure Plan shows a new internal L shaped private road to provide access to the site to both SH 2 and Te Puna Road. An Integrated Traffic Assessment was undertaken which assessed traffic generation, parking, loading and manoeuvring on the site and within the local network.

### Submission Points

Three submission points were received. Six further submission points were received. The submission points on this topic are summarised as follows:

Submission 8.7 – requests improvement to multi-modal transport links and that the private road be built to public road standards.

Submission 9.2 – Does not agree with the use of the slip lane from SH 2 to access the site and the lack of analysis of the traffic effects from the use of the slip lane including the current use by BP vehicles including tanker deliveries and heavy vehicle movements.

Submission 12.3 – Requests a solid 2m high fence or similar along the northern boundary to mitigate impacts from traffic, plus a landscape strip along the western boundary. Requests the private road is built to public road standards and in smooth asphalt to reduce traffic noise.

Further submissions 14.18 & 15.25 support original submission 8.7, further submission 14.19, 15.26 & 16.19 support original submission 9.2 and further submission 16.26 supports original submission 12.3.

### Options

Option 1 – As proposed – Structure Plan roading as notified

Option 2 – Status quo – Decline Plan Change due to effects on transportation network

Option 3 – Amend proposal – to include new Structure Plan roading layout and mitigation measures.

### Discussion

In response to all submissions received the applicant has undertaken further work in relation to transportation matters. This has resulted in an overall change to the Structure Plan map shown in Figure 4 above.

---

Based on the recommendations from the Ecological Assessment the updated Structure Plan removes the through connection to SH 2 and has rationalised the internal roading necessary to service the site. This will avoid interference with stream corridors. The walking and cycling connection will remain through the site and the road width is sufficient to provide for pedestrian/cycle access, although it is noted this is a private road and not a Council vested road.

The slip lane will have limited use under the new roading layout as access to the site is predominantly from Te Puna Road. This reduces the traffic related effects on the BP site located within the slip lane. BP Oil NZ have reviewed the updated Structure Plan and raised concerns around the lots which would gain access directly from the slip lane. It is noted that these lots within the structure plan area are currently zoned Commercial and the design of the slip lane should have accounted for the traffic effects from these existing commercial lots at the time. As such the impact of development on these lots can be disregarded as the zoning will not change.

The road surface formation is controlled under the engineering design process and the requirements within the Development Code 2009. The development will be required to meet these controls at the time of Engineering Design Approval.

Option 1 would not give effect to any changes which are sought by the submissions and would not result in the protection of the natural waterways which would otherwise be affected by the original roading layout.

Option 3 would give effect to the updated Structure Plan map and roading layout. The updated Structure Plan also provides an additional 4m wide landscape buffer to the Hall sites northern boundary and a 2m landscape buffer to the southern Hall site boundary (commercial zone). The road adjacent to the Hall's western boundary has also been removed and the reserve/green space area now extends to the boundary of the Hall site.

### Recommendation

That Option 3 be accepted.

The new Structure Plan provides for a new roading layout and landscape buffer planting to mitigate the roading effects.

The following submissions are therefore:

### Accepted in part

Submission	Point Number	Name
------------	--------------	------



8	7	Te Puna Heartlands
12	3	Te Puna Memorial Hall Committee
14	18	DC Kirk FT
15	25	Te Puna Memorial Hall Committee
16	26	Te Puna Heartlands

### Rejected

Submission	Point Number	Name
9	2	BP Oil New Zealand
14	19	DC Kirk FT
15	26	Te Puna Memorial Hall Committee
16	19	Te Puna Heartlands

### Reasons

#### Section 32AA Analysis

The Structure Plan layout is changing to give effect to the naturalisation of the puna and the waterways on the site. This has already been outlined in Topic 3 above where a s32AA analysis has already been undertaken. It is considered that no further s32AA analysis is required under this Topic.

### TOPIC 8: STORMWATER

#### Background

The Te Puna Springs Estate site is located at the downstream end of a larger catchment. A few natural open channels exist on the Te Puna Springs Estate site that discharge into an existing attenuation pond behind an embankment located within the site boundary.

The Plan Change application and Infrastructure Servicing Assessment acknowledge that the development sits 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 and Structure Plan and an attenuation pond has been sized to meet the Bay of Plenty Regional Council stormwater management guidelines.

The stormwater management philosophy for the proposed Te Puna Springs Estate Development is to collect and treat the stormwater using combined inline extended detention and attenuation ponds which will replace the existing pond and discharging into the water course at the existing point.

### Submission Points

Five submission points were received. Two further submission points were received. The submission points on this topic are summarised as follows:

Submission 3.6 – Supported the application and requested that stormwater be treated on site prior to discharge.

Submission 5.2 – Supported the application and requested the stormwater approach be approved.

Submission 7.4– raised concerns with the proposed stormwater management. Increased hardstand resulting in additional run off into the Oturu Creek and downstream flooding problems. Raised concerns around water quality.

Submission 11.3 – Supported the applicants stormwater approach

Submission 12.2 – Requested clarification of the pond capacity and total wetland. Requested confirmation that the Hall site is not at risk of flooding. That opportunities are provided for in the resource consent for shared environment enhancement projects in the Applicant's area of the Oturu catchment.

Further submissions 16.6 and 17.11 supported original submission 3.6.

### Options

Option 1 – As proposed – Applicants stormwater approach

Option 2 – Amend proposal – Proposed stormwater approach and incorporate new Structure Plan pond and natural waterway design and opportunities for shared enhancement projects.

### Discussion

In response to all submissions received the applicant has undertaken further work in relation to stormwater and natural waters, and an Ecological Assessment has also been undertaken. This has resulted in an overall change to the Structure Plan map shown in Figure 4 above. The changes improve the identification of the open channels/streams and stormwater management areas.

These amendments to the Structure Plan and plan change were in response to concerns raised by submitters relating to:

- Flood conveyance and stormwater management
  - Restoration of natural systems/ecology
-

- Provision for a sustainable stormwater solution (including provision for the Hall site and land surrounding the plan change area).
- Protection of the streams and Puna from future development

Option 2 allows for the improved site layout and takes into account the submission points raised in relation to stormwater treatment and discharge to the stream.

Technical reporting included accounts for all stormwater inputs from the Hall, Zariba (across Te Puna Road), SH 2, as well as DMS (across Te Puna Road). The Hall site has been confirmed as not subject to flood risk having been granted a building consent based on the existing RL (same as land to be rezoned). Flooding downstream is mitigated through onsite attenuation as recommended in the Infrastructure Report.

The applicant is also addressing significant opportunities for a shared enhancement project. Largely addressed through future Regional Council consent processes ie construction of stormwater management, earthworks, and stream rehabilitation.

Option 1 would not provide for sufficient protection nor incorporate the new design to reflect changes to improve other functions within the site.

### Recommendation

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
3	1	J. Shepherd
5	2	Zariba
11	2	L. Muggeridge
12	2	Te Puna Memorial Hall Committee
16	7	Te Puna Heartlands
17	11	BOPRC

#### Rejected

Submission	Point Number	Name
7	4	T & M Cooney

## Reasons

### Section 32AA Analysis

The Structure Plan layout and updated stormwater information has changed to give effect to the improved stormwater management, treatment and discharge on the site however this is in conjunction with the change in Structure Plan in Topic 3 above. As such the s32AA analysis is not repeated here.

## TOPIC 9: WASTEWATER

### Background

At the time of lodging the Private Plan Change the applicant had not sought permission to use the newly constructed wastewater pipeline that conveys wastewater from Te Puna Village to the Ōmokoroa/Tauranga pipeline. Therefore, the wastewater would need to be treated and disposed of using onsite effluent treatment systems (OSETs).

### Submission Points

Seven submission points were received. Thirteen further submission points were received. The submission points on this topic are summarised as follows:

Submission 2.1 – requests further information on 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.

Submission 2.2 – requests a professionally designed, maintained and operated centralised sewerage system be in place before developments commence.

Submission 2.3 – Requests the Te Puna Commercial zones be connected to reticulated wastewater management.

Submission 2.4 – That consideration be given to the local authority responsibilities to abate and remove potential nuisance situations under the Health Act 1956 before they arise.

Submission 5.5 – Supports the application and requests the site be connected to the reticulated system.

Submission 10.1 – No definitive wastewater solution has been secured for the plan change area. If OSET is to be relied on, BOPRC oppose the plan change.

Further submissions 14.22, 15.16 and 16.1 support original submission 2.1, further submissions 14.23, 15.21, 16.20 and 18.3 support original submission 10.1, further submissions 15.17, 16.2 supports original submission 2.2 and further submissions 17.12 & 18.2 support original submission 2.3.

---

## Options

Option 1 – As proposed – option to dispose to OSET or to connect to Council’s reticulated system.

Option 2 – Require connection to Council’s wastewater reticulation

## Recommendation

Following the close of submissions the applicant applied to Council for the Structure Plan site to connect to the Ōmokoroa Wastewater Transfer Pipeline. The application was considered by the Performance and Monitoring Committee on 5 May 2022 which approved the connection of the Te Puna Springs Structure Plan to the transfer pipeline and be charged a volumetric capital connection of \$3658 + gst. This will be charged at the time of building consent and connection to Council’s wastewater reticulation.

As the connection has now been approved, Option 2 ensures that the site is connected to the reticulated system.

Option 1 would leave the option to undertake on site effluent disposal within the development, which would not adequately address the risk to public health.

To ensure all development within the Structure Plan area is required to connect to the reticulation a requirement rule within Structure Plan of Appendix 7 is proposed. This is considered to satisfy submissions from Toi Te Ora and ensure there is no disposal to an OSET system within the area.

The following text shall be added to Appendix 7, section 8.

## 8. Te Puna Springs

### 8.2 - Wastewater

[i. All development shall be connected to a Council reticulated system and a volumetric capital connection fee will be charged for each new connection to Councils reticulation at the time of building consent. Disposal of wastewater to an OSET system within the structure plan area is not permitted.](#)

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
2	1	Toi Te Ora Public Health
2	2	Toi Te Ora Public Health
2	3	Toi Te Ora Public Health
2	4	Toi Te Ora Public Health
5	5	Zariba Holdings Ltd

10	1	BOPRC
14	22	DC Kirk FT
14	23	DC Kirk FT
15	16	Te Puna Memorial Hall Committee
15	17	Te Puna Memorial Hall Committee
15	21	Te Puna Memorial Hall Committee
16	1	Te Puna Heartlands
16	2	Te Puna Heartlands
16	20	Te Puna Heartlands
16	3	Te Puna Heartlands
16	4	Te Puna Heartlands
17	12	BOPRC
18	2	BP Oil NZ Ltd
18	3	BP Oil NZ Ltd

## Reasons

### Section 32AA Analysis

It is considered that by confirming the connection to the wastewater reticulation this is only a minor change to the proposal and additional analysis under s32AA is not required.

## TOPIC 10: NATURAL HAZARDS

### Background

The District Plan currently identifies actual or potential natural hazards which will or may adversely affect human life, property or other aspects of the environment in the District. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. Such land has been identified on the Planning Maps.

### Submission Points

One submission point was received. Three further submission points were received. The submission points on this topic are summarised as follows:

Submission 10.2 – Clause (a) of Policy NH9B of the Regional Policy Statement requires a Natural Hazard Risk Assessment be undertaken for changes in land on urban sites of more than 5ha. Requests a risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the Bay of Plenty RPS. Full details of the background flood model and associated maps used to inform flood risk including clarification as to climate change scenarios. A feasibility assessment or similar reporting from a 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. 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).

Further submissions 14.20, 15.22 & 16.21 support original submission 10.2.

### Options

Option 1 – Retain proposal – no specific natural hazard assessment

Option 2 – Require Natural Hazard Assessment

### Discussion

Policy NH 9B of the RPS relates to assessment of natural hazard risk at the time of the subdivision or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to. It states before a district or, where applicable, regional plan gives effect to Policies NH 7A and NH 8A, assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix L where:

(a) The subdivision of land or the change or intensification of land use is proposed to occur on an urban site of 5 ha or more; or

(b) The relevant consent authority considers risk assessment appropriate having regard to:

- (i) the nature, scale and/or intensity of the activity,
- (ii) the location of the development site relative to known hazards,
- (iii) the cumulative effect on risk of developments on sites less than 5 ha,
- (iv) the nature and extent of any risk assessment that may be required under, or incorporated within, the operative district or regional plan,

except that the obligation to assess the risk of the natural hazard under this policy shall not arise where the risk derives from a geothermal hazard which is managed

---



under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.

The Structure Plan site is shown over three titles, one of which is already developed as the Te Puna Hall site and owned by WBOPDC. The total Structure Plan site area is 5.9264ha, with 1.1698ha of the site already zoned commercial. As such 4.7566 ha of the site is proposed to have a change in land use, by being rezoned to Commercial.

Policy NH 9B sets out where a Risk Assessment is required. As the area to undergo change is less than 5ha, under part (b) WBOPDC can consider if a risk assessment is appropriate having regard to clauses (b)i-iv.

Council holds flood maps<sup>1</sup> and levels (taking into account 100 years of climate change as required by the RPS) for the whole of the District. Our flood models include Waihi Beach, Katikati, Omokoroa, Te Puke, Wairoa River and Rural Areas and Small Settlements. As such Council no longer need to rely on the Regional Council for flood levels. The flood level for the site is confirmed to vary across the site from 17.85m R.L. to 11.47m R.L. The stormwater mitigation proposed by the applicant has been reviewed by Councils Utilities team who have confirmed that the proposed stormwater mitigation and site development the flood levels will be irrelevant to the site as stormwater is proposed to be adequately managed.

As stormwater and flood hazard is the main natural hazard across the site, the confirmation from Utilities that the hazard is mitigated by the applicant's proposal ensures that the flood hazard will no longer be an influence on the site.

---

<sup>1</sup> 1. Tonkin & Taylor (2020) – Western Bay of Plenty Flood Mapping – Model Build Report (A3799465) EVENT – 1% AEP, Year 2130, 1.25m Sea Level Rise

---

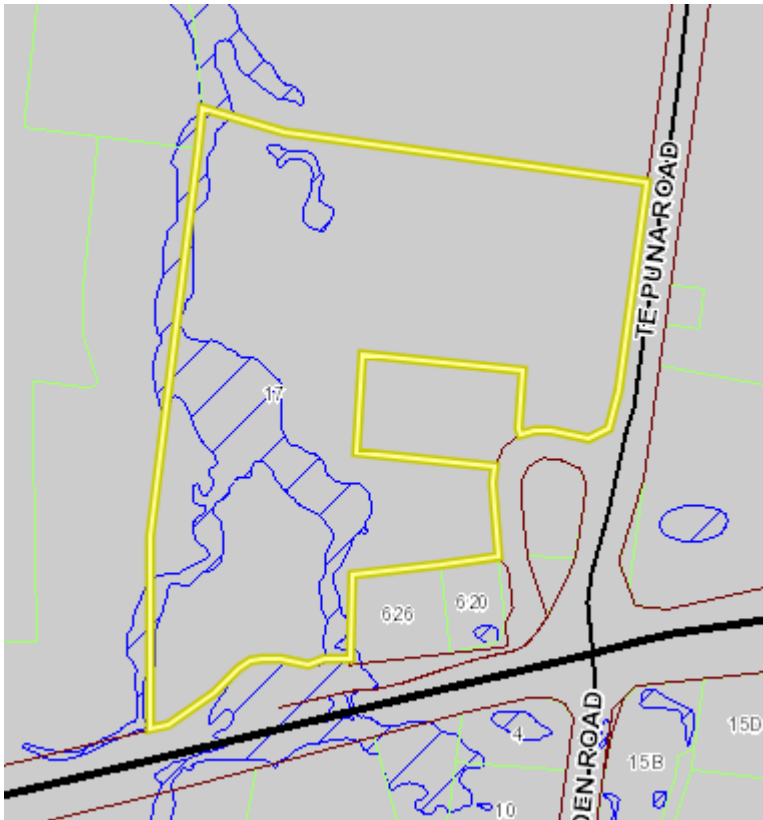


Figure 5: Flood modelling show on the subject site

**Recommendation**

That Option 1 be accepted.

The following submissions are therefore:

**Rejected**

Submission	Point Number	Name
10	2	BOPRC
14	20	DC Kirk Family Trust
15	22	Te Puna Memorial Hall Committee
16	21	Te Puna Heartlands

**Reasons**

**Section 32AA Analysis**

As no changes are proposed no further s32AA analysis is required.

**TOPIC 11: FRESHWATER AND ECOLOGY****Background**

The site currently contains an existing stormwater pond and the proposed development would require removal of this pond, infilling of the southern stream reaches on the property, and creation of an off-line pond/wetland area. The new pond/wetland would include extended detention ponds and a larger, main pond from which the settled stormwater would discharge back into the lower (northern) stream reach. The plan change provides an opportunity to enhance the ecological values of the existing stream. Development of options for appropriate ecological enhancement measures requires an understanding of the current values of watercourses on the subject property.

**Submission Points**

Six submission points were received. Ten further submission points were received. The submission points on this topic are summarised as follows:

Submission 6.1 & 6.3 – Give consideration to the NPS FM and the NES for Freshwater given the catchment flow paths and apparent adjacent stream and possible onsite stream. There appears to have been no consideration of retaining natural features and values of the natural contoured land and it is not clear whether the pond and waterways support fish, or provide habitat to birds.

Submission 13.2 – The stream and its riparian margins should be properly identified and assessed by a suitably qualified ecologist. Assessment against the NPS for Freshwater should be undertaken. Development of the site provides an opportunity to improve the health of the waterway.

Submission 10.3 – 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. Request that an ecological assessment is prepared to identify the values of this stream and waterbodies. Oppose the commercial zone on parts of the plan change area that include rivers/streams and or wetlands, appropriate buffers should also be provided.

Submission 8.2 – give regard to the Oturu Stream and tributaries ecology and water quality. Has the impact that this new element of wetland ecology will have in terms of the Comprehensive Stormwater Discharge Consent (RM17-0121) been considered by the applicant.

Submission 7.4 – Raises concern for water quality and contamination from commercial activities as a result the proposed change impacting on fish life in the Oturu Creek and Waikaraka Estuary.

Further submissions 14.16, 14.17, 15.11, 15.20, 15.23, 16.22, 16.29, 17.5, 17.8 & 17.9 all support of an ecological report being prepared and protection of the water quality, waterways and riparian margins be considered as raised in the original submissions.

---

## Options

Option 1 – As Proposed – no consideration of NPSFM/ NES for Freshwater

Option 2 – Undertake Ecological Assessment and give consideration to NPSFM and NES for Freshwater with include provisions to manage water quality and ecology.

## Discussion

In response to all submissions received the applicant has undertaken further work in relation to an Ecological Assessment. This has resulted in an overall change to the Structure Plan map shown in figure 4 above.

As assessed further above the Wildlands Ecological Assessment contained recommendations, which resulted in changes to the Structure Plan. Based on the recommendations from the Ecological Assessment the updated Structure Plan contains the following amendments:

1. Moving the village green area (previously thought to contain an underground Spring/Puna) to the actual location of the puna. This is in area 3 (to the south of the Hall site) on the revised structure plan.
2. The identification of three branches of streams which are present on the site. The applicant is proposing to include buffer areas around these streams. These are shown in areas 3 and 4 on the revised Structure Plan.
3. Amendments to the internal road layout to avoid interference with stream corridors.
4. The identification of the open channels/streams and stormwater management areas.

These amendments to the Structure Plan and plan change in relation to ecology and natural waterways were in response to concerns raised by submitters relating to:

- Flood conveyance and stormwater management
- Restoration of natural systems/ecology
- Provision for a sustainable stormwater solution (including provision for the Hall site and land surrounding the plan change area).
- Protection of the streams and puna from future development

Due to the changes necessary to the Structure Plan Option 2 provides for an improved layout on site to identify and protect the waterways within the Plan Change area.

The Wildlands assessment concluded that the existing stream corridors have low-very low ecological significance but have potential for ecological enhancement. The assessment has confirmed there are also no naturally occurring wetlands. The assessment has provided recommendations for the restoration and enhancement of

---

the waterways and Option 2 is relevant as this allows for the inclusion within the Structure Plan for the restoration and enhancement of the riparian margins on site.

The Wildlands Ecological Assessment recommends a buffer zone along the northern tributaries with restoration steps and a fish management plan. Under Option 2 these recommendations should be included as part of the plan change and undertaken as part of the stormwater pond upgrades and site development. It is noted that the 10m buffer requirements is shown as area 12 on the updated Structure Plan map.

### Recommendation

That Option 2 be accepted to allow for the updated structure plan map to show the riparian buffer area and to include the riparian margin restoration recommendations into Appendix 7 section 8 of the District Plan.

## 8. Te Puna Springs

### 8.3 – Riparian Margins

[i. Restoration and enhancement of the riparian margins shall be undertaken as part of the stormwater management improvements in accordance with the Wildlands Ecological report dated May 2022 \(or other similar report prepared by a Suitably Qualified Expert\)](#)

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
6	1 & 3	Fish and Bird
13	2	DC Kirk Family Trust
15	11	Te Puna Memorial Hall Committee

#### Accepted in part

Submission	Point Number	Name
10	3	BOPRC
8	2	Te Puna Heartlands
15	20 & 23	Te Puna Memorial Hall Committee

16	22	Te Puna Heartlands
----	----	--------------------

### Rejected

Submission	Point Number	Name
7	4	T & M Cooney

### Reasons

#### Section 32AA Analysis

As this is only a minor addition to what was notified and in line with the changes to the Structure Plan recommendations above, no further S32AA analysis is required.

## TOPIC 12: DEFINITION – SENSITIVE ACTIVITIES

### Background

PC93 introduced a new definition for sensitive activities specific to the Te Puna Springs Structure Plan Area due to the reference to other sensitive activities within the District Plan. The intent of this new definition is to make it clear what specific activities are provided for within Area A of the Structure Plan.

### Submission Points

Two submission points were received. Three further submission points were received. The submission points on this topic are summarised as follows:

Submission 4.3 was received in support of the definition with minor amendments as shown below:

*“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 ~~from~~ nearby activities. This is limited to residential dwellings, minor dwellings, accommodation facilities, places of assembly, education facilities and medical/scientific facilities.”*

Submission 6.4 requested the definition be changed to be in line with the Regional Policy Statement (RPS) definition for “sensitive activities”. Stated below for reference

*“Sensitive activities: Activities which suffer should they experience adverse effects typically associated with some lawful activities. For example, smells from a sewage treatment facility or noise from a port facility. Activities considered to be*

*sensitive include but are not necessarily limited to any residential activity, any childhood education centre and any other accommodation facility.”*

Further submissions 14.1, 14.2 & 16.14 support in part submission 4 & 6, and request the definition be updated to include reference to more commercial activities which would be sensitive to spray.

### Options

Option 1 – As proposed – New definition of sensitive activities but with minor amendment to improve readability

Option 2 – Status quo – no definition of sensitive activities.

Option 3 – Amend proposed definition to the Regional Policy Statement (RPS) definition of sensitive activities

### Discussion

Option 1 provides certainty within the District Plan regarding what activities are acceptable or not within the Structure Plan 30m sensitive activity setback, with a minor amendment to clarify the wording in the definition it is considered an acceptable approach within the Structure Plan area.

Under Option 2 the use of the wording ‘sensitive activities’ within the District Plan could cause confusion as to what activities are limited within the 30m setback. The term ‘sensitive activities’ is used generally in several other places within the District Plan without definition and to use it again within the Structure Plan area without definition could result in effects being poorly managed within the Structure Plan Area.

If option 3 was to be accepted the definition from the RPS is considered too broad and not specific to the site to be used within the Structure Plan. This could also result in not all site specific effects being captured under the definition.

### Recommendation

That option 1 be accepted.

That the proposed definition of sensitive activities is retained as notified with minor amendments as follows.

*“Sensitive Activity(ies) - Te Puna Springs” is specific to an activity within 30m of the boundary adjoining rural zoned land as shown on the Te Puna Springs Structure Plan and which are sensitive to noise, spray, and odour and which have the potential to generate reverse sensitivity effects ~~from nearby activities~~. This is limited to residential dwellings, minor dwellings, accommodation facilities, places of assembly, café/restaurant, education facilities and medical/scientific facilities.”*

---



The following submissions are therefore:

### Accepted

Submission	Point Number	Name
4	3	Te Puna Springs Estate Ltd

### Rejected

Submission	Point Number	Name
6	4	Forest and Bird
14	1	DC Kirk Family Trust
14	2	DC Kirk Family Trust
16	14	Te Puna Heartlands

### Reasons

#### Section 32AA Analysis

As the change is minor to the definition as proposed and is for improving the readability of the definition a analysis under S32AA is not required.

### TOPIC 13: ACTIVITIES LIST – PERMITTED ACTIVITIES

#### Background

PC93 introduced new permitted activities specific to the Te Puna Springs Structure Plan Area. The intent of the new permitted activities at the time of notification was to provide for activities which were already occurring on the land, zoned rural, as well as the Te Puna Hall site.

The proposed rule as notified was:

#### **19.3.1 Permitted Activities Additional Permitted Activities (Te Puna Springs only)**

- a) Rural Contractors Deport
- b) Offices (ancillary to activities occurring on site that are not provided for)
- c) Places of Assembly within Area B Te Puna Springs Structure Plan
- d) Warehousing and Storage

#### Submission Points

Six submission points were received. Eight further submission points were received. The submission points on this topic are summarised as follows:

---

Submission 4.1 (Te Puna Springs Estate, the applicant) requested the permitted activity list be deleted from the plan change in full, as the activities no longer need to be provided for as permitted activities. The existing activities related to Supermac/Modcom are now proposed to be moved off site and no longer required as permitted activities within the structure plan area.

Submissions 5.1, 8.1, 9.1, 11.1 & 12.4 also request the removal of the proposed “industrial type” activities and question the need for the proposed additional permitted activity list.

Further submissions 14.4, 14.5, 15.15, 15.2, 15.8, 16.8, 17.1 & 18.1 all supported submission 4.1 in the removal of the ‘industrial’ type activities from the permitted activities list.

### Options

Option 1 – As proposed – Add new Permitted Activities List

Option 2 – Status quo – Delete the new Permitted Activities in its entirety

### Discussion

Option 1 is no longer required due to the existing activity being confirmed to be removed from the site and other activities not needing to be permitted. The proposed permitted activities were to provide only for the applicant’s storage of modcom buildings on site.

The applicant has confirmed that the modcom storage activity is to be removed from the site and as such they have submitted (submission 4.1) that the activity list be deleted in full as per option 2.

Further submissions also support option 2 as it is no longer required on the site.

### Recommendation

That option 2 be accepted.

That the proposed Permitted Activity List be deleted in full from the Plan Change.

#### ~~Activity List~~

#### ~~19.3.1 Permitted Activities~~

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

~~b) Rural Contractors Depot~~

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

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

~~e) Warehousing and Storage~~

The following submissions are therefore:

---

**Accepted**

Submission	Point Number	Name
4	1	Te Puna Springs Estate Ltd
5	1	Zariba Holdings Ltd
9	1	LG Muggeridge
12	4	Te Puna Memorial Hall Committee
14	4	DC Kirk Family Trust
14	5	DC Kirk Family Trust
15	2	Te Puna Memorial Hall Committee
15	8	Te Puna Memorial Hall Committee
16	8	Te Puna Heartlands
17	1	BOPRC
18	1	BP Oil New Zealand Ltd

**Accepted in part**

Submission	Point Number	Name
8	1	Te Puna Heartlands
9	1	BP Oil New Zealand Ltd
15	15	Te Puna Memorial Hall Committee

**Reasons****Section 32AA Analysis**

As the proposed new rule is recommended to be deleted there will be no change to the District Plan. As such it is considered that a further assessment under S32AA is not required.

**TOPIC 14: ACTIVITIES LIST – NON-COMPLYING ACTIVITIES****Background**

In order to protect existing rural activities and the potential conflict with sensitive activities within the new commercial zone the applicant proposes a new definition for 'sensitive activities' (considered above) and restricts where these sensitive activities can be located within the Structure Plan area. The Structure Plan map as notified

showed areas 'A' & 'B', with area 'A' restricting "sensitive activities". The new Structure Plan map has now changed area 'A' to be a measured distance from the rural zone boundary, a 30m boundary setback. A new non-complying activity rule is proposed to ensure any "sensitive activities" within the 30m setback would be a non-complying activity.

### Submission Points

Two submission points were received. Three further submission points were received. The submission points on this topic are summarised as follows:

Submission 4.5 (Te Puna Springs Estate Ltd) – The applicant submitted to make minor changes to the wording of the rule to make the link to the proposed new definition clear.

Submission 11.2 (L. Muggeridge) – supported the non-complying activity status for sensitive activities within 30m of their rural property boundary.

Further submission 14.6, 15.9 and 17.2 all supported original submission 11.2 and the non-complying activity status of sensitive activities.

### Options

Option 1 – Retain rule and matter of discretion as notified with minor changes to into amended definition and structure plan.

Option 2 – Status quo – no non-complying activities

### Discussion

As no submitter opposed the new non-complying rule and supported the inclusion of the rule to restrict "sensitive activities" from within 30m of the rural property boundary option 1 should be accepted. The minor wording changes proposed by the applicant and in response to submissions to the Structure Plan (above) also make the Structure Plan clear (previously labelled Area 'A') on activities being 30m from the rural boundary.

An additional matter of discretion is also proposed which provides for consideration for "sensitive activities" within the 30m setback should a non-complying consent application be assessed by Council.

### Recommendation

That Option 1 be accepted.

To link to the new Structure Plan map further above accept minor wording change to the proposed rule as follows:

#### **19.2.5 Non-Complying Activities**

*a) A sensitive activity(ies) located within ~~Area A & B~~ 30m of a rural boundary in the Te Puna Springs Structure Plan*

---

## 19.7 Matters of Discretion

### 19.7.4 Discretionary and Non-complying Activities – Matters of Discretion and Assessment Criteria

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

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
4	5	Te Puna Springs Estate Ltd
11	2	L. Muggeridge
14	6	DC Kirk Family Trust
15	9	Te Puna Memorial Hall Committee
17	2	Bay of Plenty Regional Council

#### Reasons

##### Section 32AA Analysis

Minor changes are proposed to improve the readability of the rule and link to the new Structure Plan map. As such no further s32AA analysis is required.

## TOPIC 15: PERFORMANCE STANDARDS – SCREENING

### Background

Currently the District Plan requires screen planting under Rule 4C.5.3.2 in Commercial Zones where an activity/ development has a common boundary with a Rural Zone. The applicant proposed to add a new performance standard to the rule specific to the Te Puna Springs Structure Plan.

### Submission Points

Two submission points were received. One further submission points was received. The submission points on this topic are summarised as follows:

Submission 4.4 – requested a minor change to the text to align with current District Plan formatting.

Submission 8.4 – stated its involvement in the 2020 Catchment Management Plan MOU and requested more involvement between parties.

Further submission 14.3 supported original submission 8.4 requesting inclusion of parties involved in the MOU.

### Options

Option 1 – As proposed – new performance standard with minor amendments

Option 2 – Provide for better representation in landscape plan development

### Discussion

Currently the District Plan provides standards under Rule 4C.5.3.2 for which Commercial Areas must provide screen landscaping where they adjoin a Rural Zone and Rule 4C.5.3.1(b) provides for a landscape plan to be submitted to Council with requirements to give regard to.

Under option 1 the addition of proposed performance standards for the Structure Plan area ensure that adequate screening is provided to protect the amenity of the area. Involvement of other parties as per option 2 in the screen planting design is not considered necessary in this area as the rules of the plan ensure a high level of amenity is achieved for the screening, and the design needs to be approved by Council.

The applicant does however propose including consultation with Pirirakau for the internal stormwater pond planting area under the performance standard. The applicant has also suggested a note be added to the performance standard as the intention is to undertake the stormwater pond planting (separate to the screen planting) as a care group with interested parties such as the BOPRC, Pirirakau, surrounding neighbours and Waka Kotahi. The applicant should address this further at the hearing.

### Recommendation

That option 1 be accepted.

That the performance standard with minor amendments be added as follows:

#### **Section 4C - Amenity**

##### **4C.5.3.2 Screening in Industrial and Commercial Zones**

##### **h. 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.

(iii) The plan for the stormwater pond shall be prepared in consultation with Pirirakau.

Note: this plan may be prepared as part of the first stage of development on site but implemented through a Manaaki Taio/ care group and in consultation with Piriraku and surrounding neighbours.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
4	4	Te Puna Springs Estate Ltd

### Accepted in part

Submission	Point Number	Name
8	4	Te Puna Heartlands
14	3	DC Kirk Family Trust

### Reasons

#### Section 32AA Analysis

As only minor changes are proposed which clarify wording within the rule, no further s32AA analysis is required.

## TOPIC 16: ACTIVITY PERFORMANCE STANDARDS – HEIGHT

### Background

The plan change proposes a new maximum height for the Structure Plan area being 12m. This differs from the existing commercial zone maximum height of 9m.

### Submission Points

Three submission points were received. Four further submission points were received. The submission points on this topic are summarised as follows:

Submission 4.6 – proposed a minor change to the wording of the new rule to make it clear it is limited to the Structure Plan area.

Submission 8.5 – Request the lower height limit of 9m be retained.

Submission 12.5 – Request the 9m height limit be retained.

Submission 14.7, 14.8 & 15.7 all supported original submissions 8.5 & 12.5 to retain the 9m height. Further submission 15.3 opposed original submission 4.6.

### Options

Option 1 – New activity performance standard for 12m height limit but with minor amendments to improve readability

Option 2 – Status quo – retain existing 9m height limit.

### Discussion

The applicant has provided no special landscape assessment or visual assessment to determine the effects from allowing a 12m height limit in this zone. There appears to be no special need for the proposed 12m height presented by the applicant, only that to the north east of the Structure Plan area is a large post-harvest facility, DMS Pro growers. That facility is located on a specially zoned Post-Harvest Zone' which has a maximum height limit of 14m.

It is accepted that the 14m height within the post harvest site changes the visual amenity of the receiving area and introduces larger built form than what is expected under the existing Commercial Zone rules. However, without an assessment of visual effects on the 12m height (when 9m is the expectation) a recommendation supporting option 1 cannot be made.

### Recommendation

That option 2 be accepted unless the applicant provides further assessment or evidence to support the need for a 12m height within the Structure Plan zone.

If option 1 is accepted the following rule is proposed:

#### 19.4 Activity Performance Standards

##### 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

The following submissions are therefore:

#### Accepted in part

Submission	Point	Name
------------	-------	------



	Number	
4	6	Te Puna Springs
8	5	Te Puna Heartlands
12	5	Te Puna Memorial Hall Committee
14	7	DC Kirk Family Trust
14	8	DC Kirk Family Trust
15	3	Te Puna Memorial Hall Committee
15	7	Te Puna Memorial Hall Committee

**Reasons**

No justification has been provided as to why a new Commercial Zone height limit should be accepted for this Structure Plan area, as such the recommendation is to retain the 9m height limit.

**Section 32AA Analysis**

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA.

<b>Efficiency &amp; Effectiveness in Achieving the Objectives</b>	<b>Recommendation</b>
<p><b>Costs</b></p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p><b>Environmental</b></p> <p>No environmental costs identified</p> <p><b>Economic</b></p> <p>No economic costs identified</p> <p><b>Social</b></p> <p>No social costs identified</p> <p><b>Cultural</b></p> <p>No cultural costs identified</p>
<p><b>Benefits</b></p> <p>Environmental</p> <p>Economic</p>	<p><b>Environmental</b></p> <p>Protection of visual amenity</p> <p><b>Economic</b></p>

<p>Social</p> <p>Cultural</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p>No economic benefits identified</p> <p><b>Social</b></p> <p>Retains the expectation of a 9m height limit to surrounding properties.</p> <p><b>Cultural</b></p> <p>No cultural benefits identified</p>
<p><b>Quantification</b></p>	<p>Not practicable to quantify</p>
<p><b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b></p>	<p>Sufficient and certain information is available</p>

## **TOPIC 17: ACTIVITY PERFORMANCE STANDARDS – CONTINUOUS RETAIL FRONTAGE & CARPARKING**

### **Background**

The current Commercial Zone rules do not differentiate between the different types of retail areas within the District, being set up predominantly for the District's main town centres. It is also noted that the objectives, policies and rules in the Commercial Zone were written primarily for commercial areas which were based around a 'main street'. As Te Puna Village does not have a main street strip retail offering (with active frontages), the requirement for verandas and active frontages is not relevant to the Structure Plan area and is proposed to be excluded from the rule.

The current performance standards also state no car parking within 10m of any street boundary. It is proposed this performance standard should be excluded from the Structure Plan area due to the proposed site layout and the fact that there is no active 'main street' frontage being proposed.

### **Submission Points**

Two submission points were received. Two further submission points were received. The submission points on this topic are summarised as follows:

Submission 4.7 – proposed minor wording changes to the proposed rule to align better with current District Plan wording.

Submission 8.6 – requests consideration of carparking around the hall and designed into the development to ensure the interests of all those coming and going from the area are catered for.

Further submissions 14.9 and 15.24 supported original submission 8.6.

### **Options**

Option 1 – Status Quo – current commercial zone performance standards

Option 2 – As proposed – Specific exemptions for Te Puna Springs but with minor amendments to improve readability.

### **Discussion**

The Structure Plan proposes sites will be individually developed and not as a continuous retail frontage to the street. The current District Plan rules are aligned to a 'main street' in one of our town centres, and do not cater for the smaller commercial areas where no continuous retail frontage can be provided due to the scale and type of development.

The requirement to restrict carparking within 10m of the street boundary is also to protect a 'main street' to avoid carparking within an active frontage. The smaller

---

commercial development ensures the area is still an activity hub, without the requirements of a larger main street and avoids the need for a resource consent for each building which does not comply with the existing provisions.

Carparking around the hall site is already provided for and formed. Carparking within the Structure Plan area will be associated with development on each site and any parking requirements for each proposed activity.

### Recommendation

That option 2 be accepted.

That the performance standard with minor amendments be added as follows:

## 19.4 Activity Performance Standards

### 19.4.1 General

#### a. Building height, setback, alignment and design

(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.

Except that this requirement shall not apply to the Te Puna Structure Plan area.

(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~~.

Except that this requirement shall not apply to the Te Puna Structure Plan area.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
4	7	Te Puna Springs Estate Ltd

**Rejected**

Submission	Point Number	Name
8	6	Te Puna Heartlands
14	9	DC Kirk Family Trust
15	24	Te Puna Memorial Hall Committee

**Reasons****Section 32AA Analysis**

As only minor changes are proposed no further analysis under s32AA is required.

**TOPIC 18: ACTIVITY PERFORMANCE STANDARDS – NOISE & LIGHTING****Background**

The District Plan aims to maintain a reasonable balance between maintaining a high quality living environment free from unreasonable noise and light while recognising permitted and lawfully established activities may have associated noise and light levels that are acceptable. The loading/unloading of materials at night and lighting spill and glare could be an issue for adjoining landowners, which the District Plan currently controls.

**Submission Points**

One submission point was received. Two further submission points were received. The submission points on this topic are summarised as follows:

Submission 13.5 – 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).

Further submissions 15.14 & 16.32 supported the original submission including constraints on hours of operation and control on the use of lighting.

**Options**

Option 1 – Status quo – existing District Plan provisions

Option 2 – require constraints on hours of operation, lighting and acoustic certification

**Discussion**

Currently Rule 4C.1.3.2(b) of the District Plan controls noise limits within Commercial Zones. This ensures that noise from the site shall not exceed the required noise limits within the stated timeframes at any point within the notional boundary of any dwelling in a Rural zone. The rule also requires noise sensitive activities (offices, place of assembly, vet, medical and dwellings) to provide an acoustic design certificate at the time of building consent for internal noise limits. It is considered that these noise standards provide sufficient protection of the surrounding rural area as to unreasonable noise from the commercial zone. No further requirements are considered necessary.

Rule 4C.3 of the District Plan sets out lighting requirements in terms of light spill (day/night) and glare (day/night) as well as requirements for artificial lighting. It is considered that these lighting standards provide sufficient protection of the surrounding rural area so as to avoid light spill and glare from the commercial zone. No further requirements are considered necessary.

It is not considered necessary to limit the hours of operation within the site as there are other existing controls, such as noise and liquor licensing which would also provide a level of control for activities within the zone.

Additional rules over and above what is currently contained within the District Plan is not considered necessary as this would be overly cumbersome from a relatively small site in an area which already contains a number of existing commercial developments operating under the same rules.

### Recommendation

The following submissions are therefore:

#### Rejected

Submission	Point Number	Name
13	5	DC Kirk Family Trust
15	14	Te Puna Memorial Hall Committee
16	32	Te Puna Heartlands

### Reasons

#### Section 32AA Analysis

As no changes are recommended no further s32AA analysis is required.

---