

**PROPOSED  
REZONING OF 23 &  
45 KEEPAPPA ROAD,  
WHAKATANE**

Private Plan Change Request

Lysaght Developments





# DOCUMENT CONTROL RECORD

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## 1.0 EXECUTIVE SUMMARY

This report has been prepared in support of a request to change the Whakatane District Plan pursuant to Section 73(2) and in accordance with the First Schedule of the Resource Management Act 1991 (RMA). Following consideration of this proposal, it is requested that the Whakatane District Council accept this plan change request in accordance with clause 25(2)(b) of the First Schedule of the RMA.

This report follows the format outlined in Schedule 1 and the requirements for preparing and publishing evaluation reports under section 32 of the RMA.

The request seeks to change the zoning of two adjacent parcels of land at 23 & 45 Keepa Road, Whakatane. The land is located on the corner of Keepa Road and State Highway 30. It is proposed to change the current Light Industrial zoning to Residential. The purpose of the rezoning is to enable the future residential development of the land. A structure plan has been prepared for the area and is included as **Appendix 2**.

The rezoning will require changes to the following sections/provisions of the District Plan:

- Whakatane District Planning Maps – Amend the zoning of the site as shown on Maps 105B and 109B;
- Chapter 2 Strategic – Amend existing Rules 2.2.2 and 2.2.2.1, include a new Rule 2.3.4 (2.3.4.1) and include a new Structure Plan in Appendix 2.6.4
- Chapter 6 Industrial and Light Industrial – Amend Rules 6.2.3, 6.2.7, 6.2.8 and 6.2.9 and make amendments to Appendix 6.6.1.

The proposed changes are set out in full in **Appendix 3**.

The rezoning will provide additional land for residential development which is in close proximity to the existing urban area and accessible using a variety of transport modes. The land is able to be fully serviced without extending Council's existing reticulated network.

The proposed development will ultimately enable a yield of approximately 80 residential lots. In order to illustrate potential development scenarios, two possible subdivision layouts have been developed for the land and are shown on the plans included as **Appendix 4**.

A key consideration in evaluating the proposed rezoning of the land is the compatibility with the surrounding land uses, in particular, Te Hokowhitu-a-tu Marae and the Gateway Drive industrial area. Managing the effects which may arise must be carefully managed. A building restriction line adjoining the eastern boundary of the marae is proposed which is consistent with the existing amenity yard requirement in the District Plan. Retaining this separation will help protect both the new residential properties and the Te Hokowhitu-a-tu Marae from any potential reverse sensitivity effects.

A package of resource consents will be required to enable a residential development of the land. Part of the site has been identified as a HAIL (Hazardous Activities and Industries List) site. As a result, resource consent will be required from both Whakatane District Council (WDC)<sup>1</sup> and the Bay of Plenty Regional Council (BOPRC)<sup>2</sup>. A resource consent for the subdivision of the land will also be required from WDC. Earthworks to develop the site may also require resource consent from BOPRC.

<sup>1</sup> Under the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

<sup>2</sup> Under Rule 35 of the Regional Water and Land Plan (RWLP)

The proposed rezoning will contribute towards achieving the population growth goals set out in Council's urban growth strategy in a location which is contiguous with existing urban development and in close proximity to the town centre.

This report has been completed in accordance with the statutory requirements of the Resource Management Act, to provide sufficient information WDC to enable it to consider and accept the private plan change request.

An assessment of the environmental, economic, social and cultural costs and benefits of the proposal has been undertaken. The level of detail provided in this assessment is proportional to the scale of the proposal and the degree of land use change proposed.

Overall, this report concludes that the change will provide the most efficient use of the land and achieves the purpose of the Act. The proposal therefore satisfies the requirements of S32(1)(b) of the RMA.

## 2.0 INTRODUCTION

### 2.1 THE PROPOSAL

The subject site is within the Light Industrial Zone under the Whakatane District Plan. This plan change request seeks to change the zoning of the land from Light Industrial to Residential.

The subject site is located on the western side of Keepa Road at the intersection with State Highway 30. The site is comprised of two adjacent allotments which are legally described as Lot 2 DP 452650 and Allotment 28B9B2A Parish of Rangitaiki. The allotments are separated by a strip of land which provides vehicle access for Te Hokowhitu-a-tu Marae (Ngati Hokopu/Ngati Wharepaia) and an adjoining parcel of undeveloped land in multiple ownership.

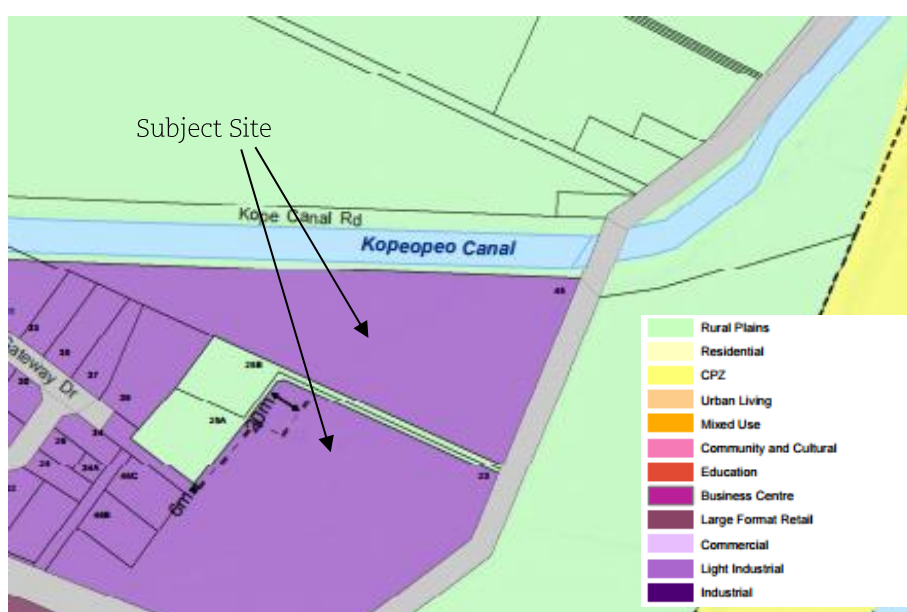


FIGURE 1: EXISTING ZONING UNDER THE WHAKATANE DISTRICT PLAN

### 2.2 BACKGROUND

The proposal has been under development since late 2015. In March 2016 a planning report evaluating the proposed rezoning was prepared on behalf of the applicant and submitted to the Whakatane District Council to obtain “in principle” feedback on the proposal. This report provided a high level planning assessment of the proposal to rezone the land. The report considered the suitability of the site for residential land use and outlined the planning process required to rezone the land under the Whakatane District Plan.

Following consideration of the planning report, the Whakatane District Council commissioned an independent assessment of the proposal which considered whether the rezoning would be appropriate having regard to Council’s urban growth strategy and other relevant planning documents. This assessment was undertaken by Boffa Miskell Limited. The assessment concluded that the proposed rezoning “is consistent with most strategic objectives and policies” and identified a number of matters that required further consideration to confirm the suitability of the proposal. These matters included:

- Confirmation that there is sufficient capacity in the infrastructure network to service the development;
- Mitigation of reverse sensitivity effects through specific plan provisions such as setbacks, buffer areas, and visual, glare and noise protection within the residential land;
- Assessment under the Natural Hazard provisions of the Bay of Plenty Regional Policy Statement;
- Provision of safe and convenient access to local community services, particularly schools, convenience retail and neighbourhood reserves.

A process of consultation has been undertaken with neighbouring property owners, BOPRC, NZTA and WDC. The outcomes from this process have influenced the development of the plan change request. The consultation process and feedback received are discussed in more detail in section 8 of this report.

### 2.3 CONSENTING REQUIREMENTS

To enable residential development of the land the following resource consents will be required:

- Consent under the NESCS and the RWLP to remediate the small area of contaminated land within the site. It is proposed that this application will be sought once the proposed change is underway.
- A subdivision consent will also be required to facilitate residential development.
- It is likely that an earthworks consent will also be required from BOPRC to develop the site, although this will be determined when a specific development proposal has been finalised.

At this stage the applicant is not seeking resource consent to undertake any remedial works to the contaminated site nor are they seeking to subdivide the property. This report relates solely to the application for changing the zoning of the land from light industrial to residential.

## 3.0 SUBJECT SITE & SURROUNDS

### 3.1 PROPERTY DESCRIPTION

The subject site is owned by Ian & Adrienne Lysaght and has a total combined area of 8.0251 hectares. The allotments are legally described as Lot 2 DP 452650 and Allotment 28B9B2A Parish of Rangitaiki and are held together in Certificate of Title 703340.





The two parcels of land which make up the property are divided by a narrow strip of land which provides vehicle access to Te Hokowhitu-a-tu Marae and the adjoining allotment, which is currently vacant. Lot 2 DP 452650 is the larger of the two subject lots at approximately 4.1 hectares and is situated to the south. It is a flat irregular shaped lot, located on the corner of State Highway 30 and Keepa Road. There are no buildings or significant features contained within this allotment.

The allotment situated to the north (Allotment 28B9B2A Parish of Rangitaiki) is 3.3462 hectares in size. The lot is triangular in shape with the pointed end adjoining the Gateway Light Industrial Area. To the north the property is bounded by the Kopeopeo Canal. Keepa Road lies to the east and the marae accessway to the south. Along the eastern edge of the lot is an area which has historically received contaminated woodwaste from the former Pinex sawmill. The future management of this area is discussed in section 3.3 of this report.

Both land parcels are currently used for light grazing. The northern lot contains farm/utility sheds and a dwelling. Both lots are currently leased out by the owners. There are no known significant cultural or heritage sites within either of the properties.

Both properties are accessed from Keepa Road. There is currently a gateway providing access to Lot 2 DP 452650 adjacent to the entrance to Te Hokowhitu-a-tu Marae and a similar access point to Allotment 28B9B2A on the northern side of the entrance. The main entrance to Allotment 28B9B2A is at the northern end of the frontage adjacent to the Kopeopeo Canal. This entrance is utilised by the dwelling on the property. There is no direct access from the site to State Highway 30.

### 3.2 SURROUNDING ENVIRONMENT

The subject site is located to the north west of the Whakatane Township on the western side of the Whakatane River. The surrounding area comprises of a variety of land uses ranging from pastoral grazing and cropping to retail, light industrial and residential land use activities.

The nearest residentially zoned area on the western side of the Whakatane River is located approximately 2km further north along Keepa Road within the Coastlands/Bunyan Road residential area. Although the land on both sides of Keepa Road is zoned Rural Plains, there is a strip of residential properties along the western side of the road.

Whakatane District Council's wastewater oxidation ponds and green waste facility are located over 800 metres to the northwest of the site. The Hub large-format retail development is on the south side of State Highway 30 along with the Whakatane Mill. The Gateway Drive light industrial area is to the west of the site with access from State Highway 30.

On the eastern side of Keepa Road there is a Rural Plains Zone property which bounds the Whakatane River and is currently used for grazing. This land contains a stormwater pump station and detention area which has been constructed for the specific purpose of managing stormwater from the subject site and surrounding catchment.

About 1.5 km to the west of the site is the Shaw/Huna Road residential area. This land has been rezoned to Residential and Deferred Residential in the District Plan, although it is yet to be developed. These large pockets of residential and deferred residential zoned land clearly indicate that the land on this side of the Whakatane River has been selected as an area suitable for future urban growth. Given Whakatane's natural topographical constraints, with the Whakatane/Ohope hills to the east, Whakatane River to the west and north and flood-prone land to the south there are limited options for urban expansion.

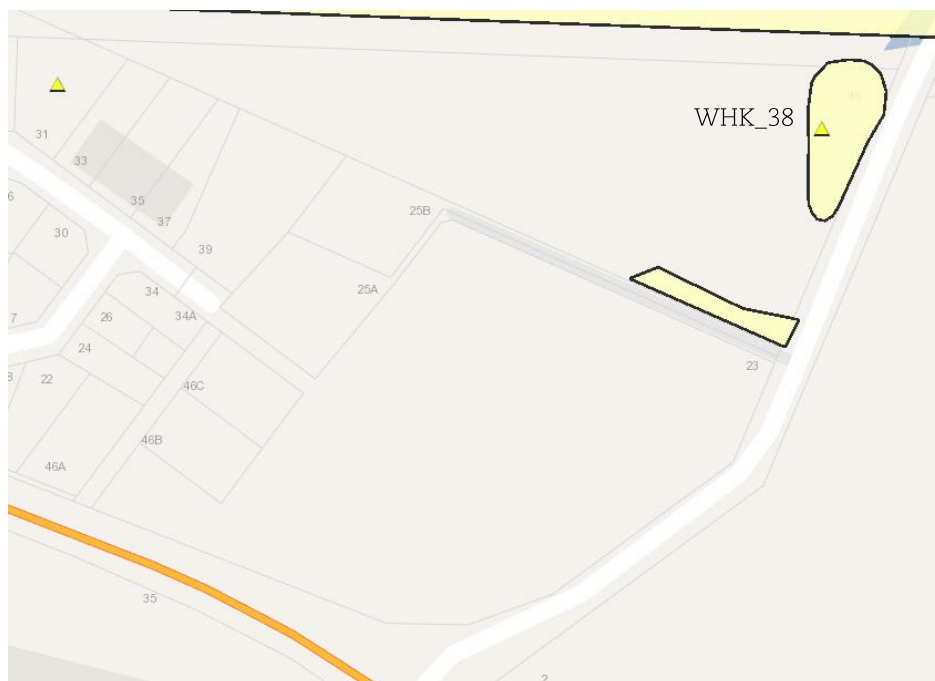
As explained previously, the site is divided by an accessway which is owned by the two allotments to the west of the subject site. One is a gazetted Maori Reservation and contains the Te Hokowhitu-a-tu Marae and the second is in European title and is in multiple ownership. To the south of the marae there are two properties which contain residential dwellings but are zoned Light Industrial.



FIGURE 2: SITE LOCATION

### 3.3 CONTAMINATED LAND

As discussed earlier, part of the subject site (Allotment 28B9B2A Parish of Rangitaiki) contains two areas known to have historically received contaminated wood waste. As a result the property has been identified as a HAIL site (BOPRC Ref WHK\_38). The extent of the area is shown below.



**FIGURE 3: MAPPED EXTENT OF WOOD WASTE SITE (SOURCE - BOPRC).**

In 2003 Gulf Resource Management Ltd was commissioned by BOPRC to undertake an assessment of the site, along with numerous other wood waste sites in the wider area. As part of this assessment hand auger testing was undertaken to visually determine the extent of the wood waste footprint. No specific testing of the material was undertaken to confirm contaminant levels.

In 2004 a site management plan was completed. This plan was based on the assumption that the site contains PCP and dioxin contaminants (from testing of similar material recovered from other wood waste sites nearby). The management plan determined that these contaminants pose no risk to human health provided that the existing land use remains.

The management plan was put in place to ensure the existence of the site was noted on Council's property files and in the event that any future land use changes be undertaken, that either the affected areas were restricted zones or that appropriate remedial works were undertaken prior to a change in land use.

In 2004 the landowner commissioned Tonkin and Taylor to undertake testing and analysis of the affected areas. This report found that the larger area of material on the northern side of the site contained mostly "lightly contaminated wood waste" (and refuse from the mill such as steel straps, plastic bagging, cut timber, bark, plastic, log ends etc.). In this area there is approximately 2,000m<sup>3</sup> (2,000m<sup>2</sup> x 1m deep) of waste, below a minimum of 0.4m of topsoil.

The report also found the area in the middle of the site which contained an area of approximately 180m<sup>2</sup> of clinker/ash which requires specific management when disturbed.

The preferred remediation method identified for the site is that the waste will be excavated and removed from the site to be disposed of at an approved location. This work will require resource consent under the NESCS and the RWLP. Tonkin and Taylor has assessed the feasibility of removing the material and provided an indicative cost estimate for the work. A copy of this assessment is included as **Appendix 6**.

### 3.4 EXISTING SERVICES

All necessary infrastructure services are available in close proximity to the site. Water, wastewater and stormwater systems are all able to be provided to the site as discussed in section 4.3 of this report. Easy access to transportation links, including a cycleway, walkway and the State Highway are available.

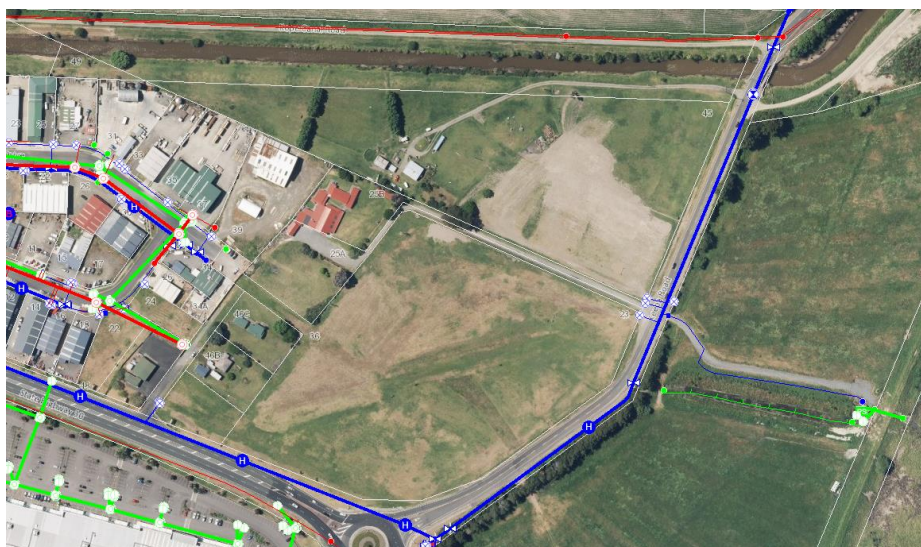


FIGURE 4: EXISTING INFRASTRUCTURE SERVICES (SOURCE WDC)

## 4.0 THE PROPOSAL

The proposal seeks to change the zoning of 23 & 45 Keepa Road (as identified on Planning Maps 105B and 109B) from Light Industrial to Residential. The rezoning also requires various changes to Chapter 2 and Chapter 6 of the District Plan.

The rezoning will enable the potential development of at least 80 new residential allotments across the two sites, subject to resource consents under the NESCS, the RWLP and a subdivision consent from WDC.

Two possible subdivision layouts have been developed for the land and are shown on the plans included as **Appendix 4**. One of these options (Option 1) involves constructing a single access point to Keepa Road which will serve the subject land along with two adjoining properties, including Te Hokowhitu-a-tu Marae. This would require the agreement of all landowners and approval from the Maori Land Court as it involves the vesting of Maori land as road. The alternative option (Option 2) is to create separate access points for each of the two rezoned land parcels. The access arrangements and final subdivision layout will be determined through a subsequent resource consent process for the subdivision and development of the land.

The following section of this report provides the details of the proposed plan changes and an assessment of how any effects resulting from the rezoning will be mitigated through either new planning provisions or works. All deletions are shown with a ~~strike through~~ and additions underlined.

### 4.1 KEEPAP ROAD STRUCTURE PLAN

Rule 2.2.3.1 of the District Plan requires that a structure plan be prepared for all land use changes over 5 hectares. In accordance with this rule a structure plan has been developed and is included in **Appendix 2**. The level of detail shown on the plan has been determined in consultation with WDC.

### 4.2 NEW AND AMENDED PLANNING PROVISIONS

The following changes are requested to the District Plan. These changes will affect the provisions and appendices in Chapter 2 – Strategic, Chapter 6 – Industrial and Light Industrial and the Planning Maps.

#### 4.2.1 PLANNING MAPS

The plan change request is seeking to change the land zoning of 23 & 25 Keepa Road from the existing Light Industrial Zoning to Residential Zoning on Planning Maps 105B and 109B.



FIGURE 5: CURRENT PLANNING MAPS 105B & 109B

## 4.2.2 CHAPTER 2 – STRATEGIC

The following changes are proposed within Chapter 2 – Strategic:

### 2.2.2 Structure Plans for Ōpihi, Port Ōhope, Keapa Road and Shaw/Huna Road

2.2.2.1 Any subdivision and development at Ōpihi, Port Ōhope, Keapa Road and Shaw/Huna Road shall be undertaken in general accordance with the Structure Plans in Appendix 2.6.1, 2.6.2, ~~and~~ 2.6.3 and 2.6.4 as a Controlled Activity.

2.2.2.2 Non-compliance with Rule 2.2.2.1 shall be a Restricted Discretionary activity.

### 2.3.4 Subdivision of Residential Zoned Land at Keapa Road

#### 2.3.4.1 Council shall exercise control over

- a. the consistency of the development with the Structure Plan in Appendix 2.6.4
- b. the means by which the subdivision design addresses the reverse sensitivity of traffic noise from State Highway 30. The method chosen to address this issue shall consider how that method impacts on amenity for the residential development and the wider environment.
- c. the design of the acoustic barrier between 25B Keapa Road (Allotment 28B3C1) and Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650).
- d. the criteria listed in 12.7.1, 13.2.26, 13.2.27, 13.2.28 and 13.2.29;
- e. the means by which the interface with industrial land is managed to minimise visual and noise impacts and other reverse sensitivity effects of industrial activities on neighbours;
- f. the means by which the interface with 25A and 25B Keapa Road (Allotment 28B3C1 and Lot 1 DPS 18658) is managed to minimise visual, noise and other effects from the adjoining residential zone;

g. the means by which traffic impacts on Keepa Road and the Keepa Road/State Highway 30 intersection are mitigated;

h. the means by which the building platforms comply with Rule 18.2.3.2

## **2.4 Assessment Criteria for Controlled Activities**

### **2.4.5 Subdivision and Development of Land within the Keepa Road Structure Plan Area not in accordance with the Structure Plan**

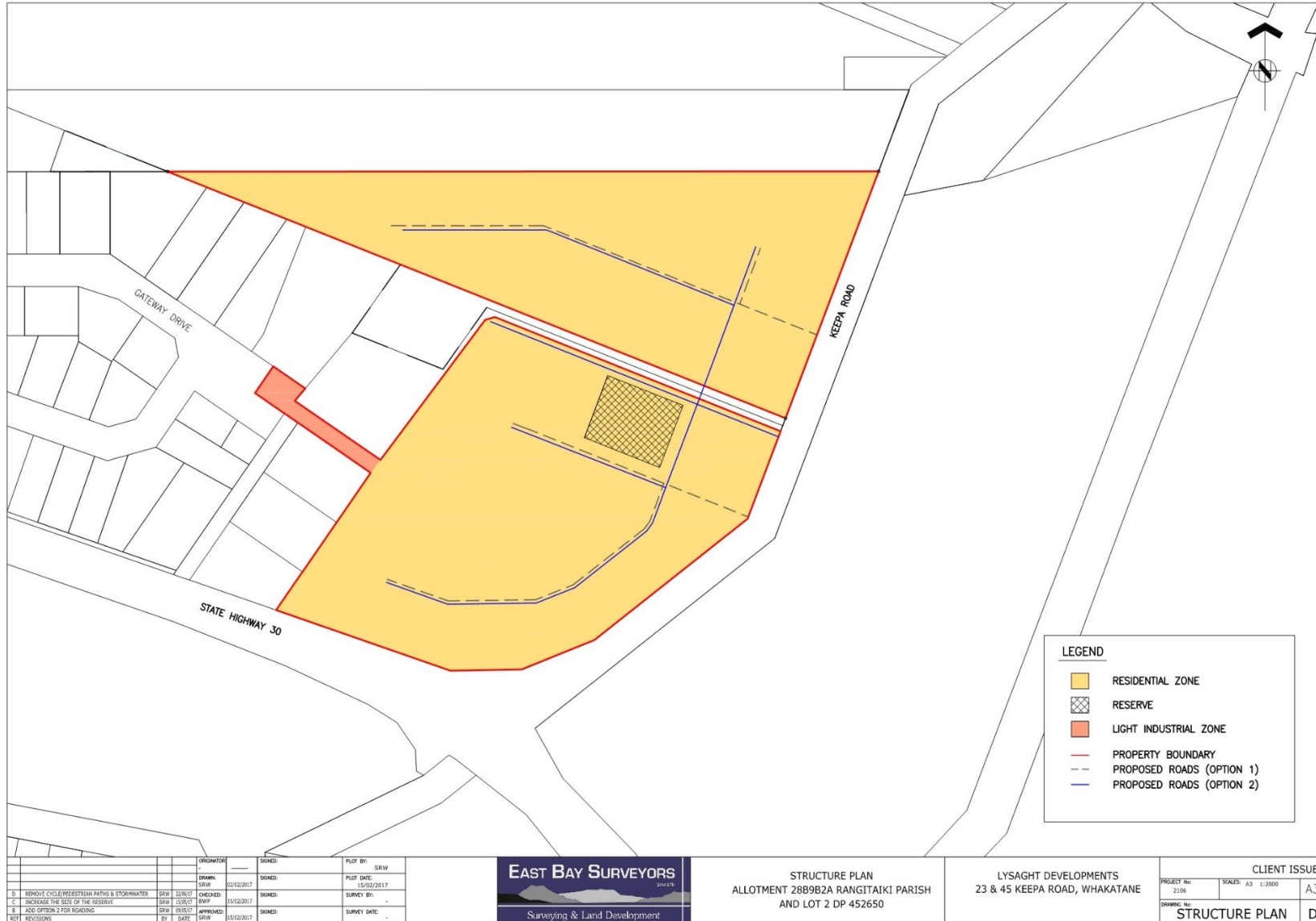
#### 2.4.5.1 Council shall restrict its discretion over matters listed below:

- a. The consistency of the development with the Structure Plan in Appendix 2.6.4;
- b. The means by which the subdivision design addresses the reverse sensitivity of traffic noise from State Highway 30. The method chosen to address this issue shall consider how that method impacts on amenity for the residential development and the wider environment;
- c. the design of the acoustic barrier between 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650);
- d. the criteria listed in 12.7.1, 13.2.26, 13.2.27, 13.2.28 and 13.2.29;
- e. the means by which the interface with industrial land is managed to minimise visual and noise impacts and other reverse sensitivity effects of industrial activities on neighbours;
- f. the means by which the interface with 25A and 25B Keepa Road (Allotment 28B3C1 and Lot 1 DPS 18658) is managed to minimise visual, noise and other effects from the adjoining residential zone;
- g. the means by which traffic impacts on Keepa Road and the Keepa Road/State Highway 30 intersection are mitigated;
- h. the means by which the building platforms comply with Rule 18.2.3.2;



That a new Appendix 2.6.4 be added to Section 2.6 of the District Plan as follows:

**2.6.4 Keepa Road Structure Plan**



#### 4.2.3 CHAPTER 6 – INDUSTRIAL AND LIGHT INDUSTRIAL

The proposal is not seeking to make any changes or additions to the objectives or policies in the District Plan. It should be noted that the following policy in Chapter 6 will still be relevant to the Light Industrial Zone, given that the Hokowhitu Marae will still adjoin Light Industrial Zone land on both the western and southern boundaries.

**Policy 4** To ensure that industrial or business activities on sites adjoining the places listed in (a) to (d) below, respect the cultural and amenity values of these places to iwi and hapū:

- a. Te Hokowhitu-a-Tu Marae, Keepa Road, Whakatāne (Allotment 28B3C1 Rangitāiki Parish, and Lot 1 DPS 18658 Planning Map 105B and Appendix 6.6.1);

The following provisions contained in Chapter 6 relate to the site specific yard setback requirements identified on Appendix 6.6.1. The changes to the provisions in Chapter 6 are required as the subject land will be zoned Residential.

#### 6.2.3 Distance to Boundaries (Yards)

6.2.3.2 In the Light Industrial and Industrial zones no side and rear yards are required except as required by a - c below (see Appendices ~~6.4~~ 6.6.1 to 6.6.3);

- a. side and rear yards of at least 5m shall apply on Allotments 28B3C2A (46C State Highway 30) and 28B3C2B (46B State Highway 30) Rangitāiki Parish (see Appendix 6.6.1 and Planning Map 105B);
- b. side and rear yards of at least 5m shall apply where the site abuts the Pupuāruhe urupā and church (Rangitāiki Allotments 29X1 and 29X2, Rangitāiki Parish, 93 and 95 Mill Road, Whakatāne) (see Appendix 6.6.2 and Planning Map 108B);
- c. side and rear yards of at least 3m shall apply where the site abuts any Residential, Urban Living or Rural Zone, except that;

~~i. the minimum yards for sites adjoining the eastern boundary of Lot 1 DPS 18658 Rangitāiki Parish (25A Keepa Road) shall be 6m along that eastern boundary (see Appendix 6.6.1 and Planning Map 105B);~~

~~ii. the minimum yards for sites adjoining the eastern boundaries of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish shall be 6m along those eastern boundaries (see Appendix 6.6.1 and Planning Map 105B); and~~

iii. the minimum yard for sites adjoining the southern boundary of Allotment 28B3C2B Rangitāiki Parish shall be 5m along that southern boundary, unless a fence or wall (including a wall of a building) is provided along the entire southern boundary of Allotment 28B3C2B in accordance with the rules in 6.2.8.3 (Te Hokowhitu-a-Tu Marae Amenity, Location of Buildings), in which case this yard requirement shall not apply (see Appendix 6.6.1 and Planning Map 105B).

#### 6.2.7 Marae and Urupā Amenity Yard (see Appendices 6.6.1 to 6.6.3)

6.2.7.1 Rubbish collection areas, business activities or **buildings** used for business activities shall not be located within the following amenity yards;

- a. a 10m wide amenity yard adjoining the boundary of **Lot** Karatia 3B2A1 Murupara (Tīpapa **Marae**, 1567 Kopuriki Road), as shown on Planning Map 135B and Appendix 6.6.3; and

~~b. a 20m wide amenity yard parallel to the eastern boundary of Allotment 28B3C1 (25B Keepa Road, Te Hokowhitu a Tu Marae) and a 6m amenity yard parallel to Lot 1 DPS 18658 Rangitāiki Parish (25A Keepa Road, Te Hokowhitu a Tu Marae) at Whakatāne as shown on Planning Map 105B and Appendix 6.6.1.~~

~~6.2.7.3 When the land comprising the 20m and 6m Marae amenity yard east of Te a Tu Hokowhitu Marae, vests in the Council as reserve, the marae amenity yard will no longer apply.~~

#### **6.2.8 Te Hokowhitu-a-Tu Marae Amenity, Location of Buildings (Planning Map 105B and Appendix 6.6.1)**

~~6.2.8.1 No entranceway greater than 1m in width for a business activity shall face Te Hokowhitu a Tu Marae at Whakatāne, or associated dwellings on Lot 1 DPS 18658.~~

~~6.2.8.2 No opening window or door, other than a single door that has a width no greater than 1m, shall be located on the western side of any building on Lot 12 DP 372970 (36 Gateway Drive, or subsequent lot if subdivided) if the opening window or door (other than a door that is permitted by this rule) is less than 20m from and facing the eastern boundary of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish unless the written consent of the owners and occupiers of Allotments 28B3C2A and 28B3C2B Rangitāiki Parish is obtained.~~

6.2.8.3 No opening window or door, other than a single door that has a width no greater than 1m shall be located on the northern side of any building on ~~Lot X DP XXX~~ Lot 12 DP 372970 (36 Gateway Drive, or subsequent lot if subdivided) if the opening window or door (other than a door that is permitted by this rule) is less than 20m from and facing the southern boundary of Allotment 28B3C2B Rangitāiki Parish unless;

- a. the written consent of the owners and occupiers of Allotment 28B3C2B Rangitāiki Parish is obtained; or
- b. a solid wall (including a wall of a building with no openings) or acoustic fence with a minimum construction standard of a board-and-batten wooden fence, such solid wall or fence to be at least 2m in height, is constructed along the entire southern boundary of Allotment 28B3C2B Rangitāiki Parish.

6.2.8.4 No window, door or any other opening shall be located on the eastern side of any building on Lot 9 DPS 46433 (39 Gateway Drive) unless the written consent of the owners and occupiers of 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1 Rangitāiki Parish) is obtained.

6.2.8.5 Non-compliance with the rules in 6.2.8 shall be a Restricted Discretionary activity.

#### **~~6.2.9 Te Hokowhitu a Tu Marae Amenity, Acoustic Fence (Planning Map 105B and Appendix 6.6.1)~~**

~~6.2.9.1 The northern boundary of 25B Keepa Road (Allotment 28B3C1 Rangitāiki Parish) from the northwest corner of this Allotment up to a point in line with the eastern boundary of this Allotment shall be screened with an acoustic boundary fence, with a minimum construction standard of a board and batten wooden fence of at least 1.8m in height.~~

~~6.2.9.2 Non-compliance with Rule 6.2.9.1 shall be a Restricted Discretionary activity. [Sub 2780]~~

Appendix 6.6.1 as shown in Figure 4 below requires the following deletions & amendments –

- Update the lot descriptions to reflect new lots – Lot 1 DP 452650 & Lot 2 DP452650.



FIGURE 6: APPENDIX 6.6.1 TE HOKOWHITU-A-TU MARAE

## 5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 5.1 EFFECTS ON EXISTING INFRASTRUCTURE

#### 5.1.1 TRANSPORTATION NETWORK

The proposal seeks to change the intended land use at 23 & 45 Keepa Road from light industrial to residential use. It is important to assess the potential implications that such a change in land use may have on the transportation network.

#### TRAFFIC VOLUMES

To address whether there will be an increase in traffic volumes or other adverse effects on the transportation network a comparative assessment between the current and proposed land uses has been undertaken. This assessment is based on typical traffic volumes and characteristics for activities that are anticipated by the District Plan in the light industrial and residential zones.

This can be undertaken by calculating the number of light industrial allotments which could be established in the site by using the controlled activity subdivision standards in the District Plan. The minimum allotment size in the light industrial zone in accordance with Rule 12.4.2.1 is 600m<sup>2</sup>. Therefore the following would be a conservative estimate of the potential capacity of development on the site under its current zoning:

Total Site Area –	76,000m <sup>2</sup> (7.6 hectares)
Less land for Road -	10,000m <sup>2</sup> (1 hectare)
Total available land for development	66,000m <sup>2</sup> (6.6 hectares)
66,000 / 600m <sup>2</sup> =	110 allotments
Allowing for lot size variation	<b>60 allotments</b>

Accordingly up to 60 allotments could be established as a controlled activity under the current zoning. The total number of likely vehicle movements per day (vmpd) for the overall development can be calculated for the site based on this yield and the likely light industrial activities undertaken on the land. This will provide a permitted baseline for vehicle movements.

Table C.1 'New Zealand trip generation and parking demand' and Table 7.4 'Summary of design trip rates and parking demand in NZ in 2010' from the NZ Transport Agency Research Report 453 – Trips and Parking Related to Land Use, dated November 2011 has been used to derive the estimated daily vehicle movements, see Table 1 below.

Only activities which are permitted within the Light Industrial Zone have been used in this example.

**TABLE 1: AVERAGE DAILY VEHICLE MOVEMENTS**

Permitted Activity	Unit	Total vmpd
Retail activity > 30m2 GFA (Shops, restaurants, cafes, taverns and bars ancillary to a sports club)	GFA of 100m <sup>2</sup>	<b>129</b>
Professional offices (Lawyers, accountants)	GFA 100m <sup>2</sup>	<b>26</b>
Industrial including manufacturing activities (Panel beaters, vehicle servicing, painters)	GFA 100m <sup>2</sup>	30 – Manufacturing 2.4 – Warehousing Average: <b>16.2</b>
Medical Centre	Professional	<b>79.4</b>
Drive in food premises	GFA 100m <sup>2</sup>	<b>362</b>
Service Station	GFA 100m <sup>2</sup>	<b>718</b>
<b>Total</b>		<b>1,330</b>
<b>Average per activity</b>		<b>221</b>

Based on the above information it can be conservatively estimated that 60 industrial allotments generating 221 vmpd each could potentially establish on the subject site as a permitted activity under the current Light Industrial zoning. Realistically, however, there is likely to be only one fast food restaurant and one service station, so the average vehicle movements per allotment without these more significant traffic generating activities would be 83 vehicle movements (per lot per day). Meaning a total site generation of **4,980 vmpd**.

Comparatively a residential dwelling in an outer suburb generates 8.2 vmpd (NZTA, 2011). Therefore if the site is rezoned and 80 residential allotments are developed the total daily traffic generation for the site will be **656 vmpd**.

Accordingly the proposed change will see an approximate 86% decrease in vehicle movements to and from the site. The types of vehicles were not described in the tables, however it would be logical to assume also that there would be large decrease in the number of heavy vehicle movements should the rezoning be undertaken.

Overall it can be concluded that the proposed change will have a significant positive effect on the transportation network due the decrease in vehicle movements and large reduction in the number of heavy vehicle movements relative to a fully developed light industrial area.

### VEHICLE ACCESS

As discussed previously, two roading options have developed for the site. These options are indicated on the structure plan and are discussed below.

#### Option 1

This option involves constructing a single road intersection with Keepa Road serving both land parcels as well as the adjoining properties at 25A and 25B Keepa Road. This road intersection would be constructed at the location of the existing entrance for 25A and 25B Keepa Road. WDC Roding Engineers have advised that this is the preferred option from a traffic safety standpoint (rather than having three separate entrances in

close proximity to one another), however it relies on all parties agreeing to vest land as public road.

The sight visibility from this intersection would be 65m to the south and over 170m to the north. This is based on the existing situation with no additional land taken for roading in either direction.

## **Option 2**

The alternative option is a continuation of the current situation with each lot having a separate vehicle access point to Keepa Road. The existing driveway and entrance for 25A and 25B Keepa Road would remain unchanged.

The access point for the southern lot would have sight distances of 85m in both directions, subject to some additional land to the south of the entrance being taken as road. The access point for the northern lot would have sight distances in excess of 100m in both directions.

The final roading layout will be selected by agreement with the affected landowners and confirmed as part of the resource consent process for subdivision of the land to enable residential development. For the purposes of evaluating this plan change request, Option 2 represents the status quo and Option 1 provides a traffic safety improvement.

## **PEDESTRIAN AND CYCLE MOVEMENT**

The structure plan area has the potential to provide around 80 residential lots. A residential development of this scale would not be sufficient to sustain a dedicated retail shopping area or community facilities for the residents. It is therefore important that the development provides good linkages with existing facilities in the surrounding area and promotes active modes of transport, such as walking and cycling.

There is currently a shared pedestrian / cycle path running along the eastern side of Keepa Road which connects the Coastlands and Bunyan Road residential areas with the Warren Cole walkway via the Landing Road bridge. This network provides a safe and convenient connection between the subject land and the Whakatane town centre. It also enables residents to cycle or walk to the beach (via Keepa Road).

NZTA has been consulted during the development of the proposal and has requested that consideration be given to pedestrian access for residents to the Hub retail development. NZTA also advised that the footpath on the Landing Road bridge is narrow and constrains cycle and pedestrian access.

It is not proposed to introduce any measures to specifically provide a pedestrian linkage between the site and the Hub development. State Highway 30 is dual lane in this location with an 80 km/h speed limit. This is not a suitable environment for a pedestrian crossing and it would not be economically viable to construct a pedestrian overbridge or underpass to connect the site with the Hub. The Hub is a large-format retail complex and is not designed to provide the local convenience type shopping that would attract pedestrians from neighbouring residential areas. The café is intentionally small and the types of retail activities are controlled to minimise competition with the CBD retail area.

Any issues with the suitability of the footpath on the Landing Road bridge would need to be addressed as part of a wider review of access over the bridge taking into account the long-term impact of potential future urban development on the western side of the Whakatane River.

### 5.1.2 WATER SUPPLY

Based on the water usage figures in the Whakatane District Council Code of Practice and the New Zealand Standard (NZS) 4404:2010 the total water demand per day for the fully developed site (based on 84 residential allotments) would be 65.1 m<sup>3</sup>. Whakatane District Council has indicated that there is sufficient supply in the existing network to meet this demand. There is also sufficient pressure to service any two storey dwellings. This is detailed in the engineering services assessment provided in **Appendix 5**.

The subject site is able to connect to Council's existing water supply which runs along the eastern side of Keepa Road, approximately 20 metres from the property boundary.

As part of the future development of the land each lot will be provided with a minimum 20mm water connection to the gate. To serve this development it is proposed to connect to the existing Council water main and extend this under Keepa Road and within the internal roading network. All water reticulation will be provided to meet the design requirements of the Engineering Code of Practice.

### 5.1.3 WASTEWATER

As with the water supply, the demand on wastewater has been calculated using the Whakatane District Council Code of Practice and NZS 4404:2010. Based on 84 lots with an average flow of 250 litres per person per day and an average occupancy per dwelling of 3.5, the maximum daily demand will be 73,500 litres/day. With a peaking factor of 2.5, the peak demand is expected to be 2.13 litres/second.

The existing wastewater reticulation along Keepa Road only extends to the northern side of the Kopeopeo Canal. Therefore as part of the proposed subdivision a new line to connect to the site will be constructed. It is intended that a 150mm diameter rising main will be attached to the existing Keepa Road bridge and then travel underground to the site boundary. Depending on a final layout the wastewater reticulation will be supplied to each individual lot.

As there will be insufficient fall for the site to be adequately serviced by a gravity system the wastewater will need to operate on a pumped system. This is permitted under the provisions of the District Plan (Rule 13.2.28.5). The pump station will be located within the site at a low point along the Keepa Road frontage.

The wastewater demand and proposed infrastructure is discussed in the engineering services assessment provided in **Appendix 5**.

### 5.1.4 STORMWATER

Stormwater servicing for the site will be provided by both a primary system and a secondary system. The primary system will be a combination of onsite storage or ground soakage and a piped networks. The secondary system will also rely on overland flow paths, right of ways and ponding areas. Both the primary and secondary systems will connect to the existing pump station and pond on the eastern side of Keepa Road.

The stormwater and land drainage requirements for the site was the subject of an Environment Court Consent Order ENV-2006-WLG-000514. A Consent Order dated 22 October 2008 and attached letter of agreement between the Whakatane District Council and Lysaght Developments provide clear instructions as to how stormwater and land drainage is to be managed on the properties.

The Consent Order required that Carter Holt Harvey construct a pump station which ensures that the stormwater levels on the properties will not exceed the following:

- a) R.L. 0.64 metres (Moturiki Datum) at the commencement of a rainfall event



- b) R.L. 1.0 metres (Moturiki Datum) during a 10 year ARI storm event
- c) R.L. 1.7 metres (Moturiki Datum) during a 100 year ARI storm event

This pump station has been vested as part of the Whakatane District Council's stormwater network and is maintained by Council.

The letter of agreement between the Whakatane District Council and Lysaght Developments states that when the land west of Keepa Road is developed it must be undertaken in a manner which will ensure that it can achieve gravity feed drainage to the point of public connection. It is intended that this will be achieved through re-contouring of the site. This is expected to allow 90% of the land area to fall within the catchment of the pump station. The remaining 10% of the site (the north western corner) will be serviced by on-site disposal as a primary system with a stormwater detention area required as a secondary system.

Specific design of the stormwater reticulation for the development will be submitted as part of the subdivision application.

See the attached Consent Order and side agreement included as **Appendix 7**.

## 5.2 FLOODING

In addition to managing stormwater related flooding within the local catchment, it is also necessary to consider the wider flood risk in the surrounding area.

Through consultation with BOPRC it has been determined that the 1% AEP flood level within the Keepa Road area is RL 3.0m. This includes 500mm freeboard. Current ground levels across the site vary between RL 1.5m and RL 3.0m.

Parts of the site will need to be filled to ensure that building platforms are provided above the 1% AEP flood level. These options will be further considered as part of the subdivision consent process.

## 5.3 GEOTECHNICAL SITE SUITABILITY

The site has been subject to various geotechnical assessments to support specific development proposals for the land. An assessment to confirm the suitability of the land for residential land use has been undertaken by Engineering Design Consultants (EDC) and is included as **Appendix 10**.

This assessment has determined that the land is suitable for residential development. Some building restrictions will be required, however, to address the potential for settlement and lateral spread resulting from a significant seismic event. The report has classified the future land performance as being within the CERA land classification Technical Category 2 – 3 (TC2 – TC3). These matters will be addressed in further detail as part of any proposal for residential development of the land.

## 5.4 REVERSE SENSITIVITY EFFECTS

The establishment of a residential development adjacent to an existing light industrial area has the potential to result in reverse sensitivity effects. There is also the need to ensure that the proposal will not adversely affect the adjoining Hokowhitu-a-tu Marae.

Most of the site is separated from the Gateway Drive light industrial area by the existing residential properties at 46B and 46C State Highway 30 and the Hokowhitu-a-tu Marae and adjoining land. The western end of the triangular northern part of the site adjoins existing light industrial properties. It is proposed that any development within this part of the site would incorporate a strip of land which provides a buffer between light industrial and residential land uses.

There are existing provisions in the District Plan which seek to protect the amenity of the Hokowhitu-a-tu Marae from activities on the subject land under its current light industrial zoning. It is proposed that these protections remain in place to ensure that the users of the Hokowhitu-a-tu Marae can continue to use their Marae unhindered by any future residential development.

## 5.5 RESIDENTIAL AMENITY

The subject site is bounded by State Highway 30 to the south. An acoustic assessment of the noise effects from traffic on the highway has been undertaken by Hegley Acoustics and is included as **Appendix 8**. This assessment has identified that parts of the site close to State Highway 30 are likely to be subject to noise levels that exceed the District Plan standards for residential land use. To mitigate the potential noise effects, it is proposed to construct an acoustic barrier along the State Highway frontage of the site. This barrier may be in the form of an earth bund, an acoustic fence, or a combination of the two. The location and extent of the acoustic barrier is identified in the acoustic assessment.

The inclusion of an acoustic barrier as part of the design of any future residential development of the land will ensure residents enjoy a quality residential environment and avoids the need for a substantial setback to be provided between residential lots and the state highway. The specific acoustic mitigation measures proposed will be detailed as part of the subdivision consent process.

# 6.0 POLICY FRAMEWORK

## 6.1 RELEVANT NATIONAL POLICY DOCUMENTS

### 6.1.1 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY 2016

The National Policy Statement on Urban Development Capacity 2016 (NPS – UC), highlights the necessity for decision makers to ensure that future urban areas are well-planned for both the short to medium term as well as the long term. The NPS – UC provide strong guidance on ensuring that there is sufficient supply of urban land to meet market demand. Furthermore not only that there is supply, but that there are a variety of types of properties and dwellings on offer to provide for different needs, communities and future generations.

The NPS – UC also discusses the requirements for development to be co-ordinated, highlighting the importance of new development infrastructure being integrated with existing infrastructure. Providing choice, promoting the efficient use of land and limiting adverse effects on competition is also a key focus (Policy PA3c). This ensures lower development costs and far more effective and efficient use of the land resource.

The NPS – UC is focussed towards growth areas in cities and townships over 30,000 people. Whakatane is not currently a high growth area, however this does not mean that planning for future urban settlements should not be undertaken. Planning to ensure that the town has capacity to cope with any growth is important in making sure that Whakatane is a well-planned and designed regional town.

The potential expansion of the existing Whakatane township is constrained with very few areas of undeveloped land that are suitable for residential land use. This is generally due to steep slopes, vulnerability to flooding, or versatile soils. Furthermore an area which has existing infrastructure at the gate which has sufficient capacity or can be integrated into the new development is rare.

The proposal assists the Whakatane District Council in giving effect to the NPS-UC, particularly policies PA1, PA2 and PA3c.

### 6.1.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOILS TO PROTECT HUMAN HEALTH (NESCS)

The NESCS was gazetted in October 2011 and was developed to provide a nationally consistent set of planning controls and soil contaminant values to assess and manage the effects of soil contamination on human health. Its purpose is to ensure that land affected by contaminants is appropriately identified and assessed before development occurs.

The NESCS provides a framework with trigger levels for investigations and consent requirements for certain activities on land that is, or is likely to be, contaminated. The NESCS regulations apply where a subdivision is occurring or where a change in land use is proposed and that land is or has been subject to an activity or industry described in the HAIL list.

The property at 45 Keepa Road contains a site that is identified by the Bay of Plenty Regional Council as having had an activity or industry listed on the HAIL list (see Figure 4 below). Historically two small areas of the site were used for the burial of material from the Pinex Sawmill and the Whakatane Mill.

The site description is as follows:

ID	Site ID	Class	Hail List
1606759	WHK_38	Contamination Managed	Waste Disposal to land



FIGURE 7: HAIL SITE AT 45 KEEPA ROAD (IN YELLOW)

In 2004 an assessment was undertaken by Tonkin and Taylor to further investigate the levels of contamination at 45 Keepa Road. The highest recorded level for PCP (mg/kg) at any of the 10 samples was 37.5mg/kg, and for Dioxins 0.0237 µg/kg. A copy of this report is included as **Appendix 6**.

Figure 5 below sets out the applicable standards from the NESCS for various land use activities. All of the 10 samples tested were well below the safe levels specified for residential land use.

**Table B3: Soil contaminant standards for health (SCS<sub>(health)</sub>) for organic compounds**

Scenario	BaP <sup>1</sup>	DDT	Dieldrin <sup>2</sup>	PCP	Dioxin	
					TCDD	Dioxin-like PCBs
	mg/kg TEQ	mg/kg	mg/kg	mg/kg	µg/kg TEQ	µg/kg TEQ
Rural residential / lifestyle block 25% produce	6	45	1.1	55	0.12	0.09
Residential 10% produce	10	70	2.6	55	0.15	0.12
High-density residential	24	240	45	110	0.35	0.33
Recreation	40	400	70	150	0.6	0.52
Commercial / industrial outdoor worker (unpaved)	35	1,000	160	360	1.4	1.2

**FIGURE 8: NESCS SOIL CONTAMINANT STANDARDS**

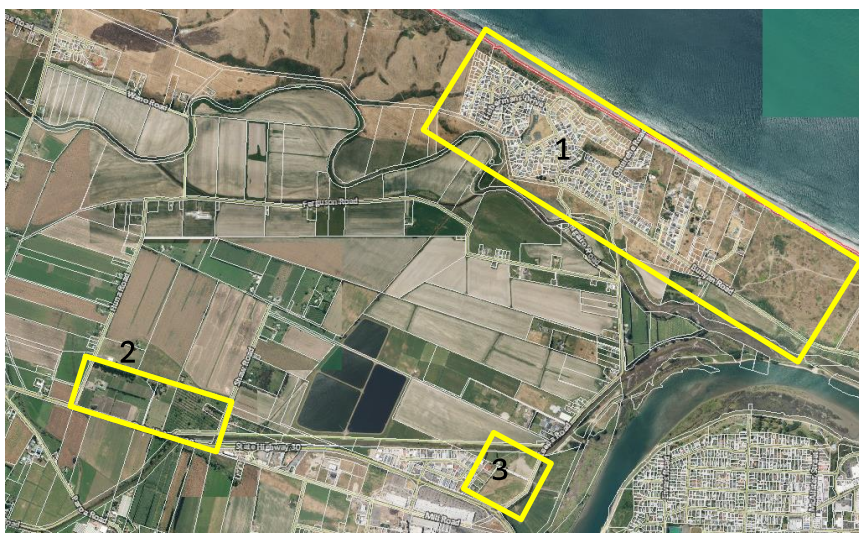
As the proposal is seeking to change the future land use and ultimately enable the subdivision and residential development of land that contains a contaminated site, the activity will require resource consent under the NESCS. As the contaminant levels are below the applicable standard set out in the NESCS for residential land use, the application can be assessed as a controlled activity. This will be addressed at the time an application is made for resource consent to subdivide the land.

A preliminary report has been prepared by Tonkin and Taylor outlining a remediation methodology and estimated cost should it be required as part of a residential development. The proposed method of remediation involves removal of the contaminated material and disposal at a licensed landfill. A copy of this report has been included as **Appendix 6**.

## 6.2 RELEVANT REGIONAL POLICY DOCUMENTS

The Bay of Plenty Regional Policy Statement (RPS) promotes the sustainable management of the natural and physical resources of the Bay of Plenty region. The RPS highlights the importance of managing urban growth within the region in a sustainable manner (Policy UG 17B). Whakatane is one of the key urban areas in the Eastern Bay of Plenty and as such there is a requirement to accommodate urban growth within the area. Increased urban development must be undertaken in a way which is co-ordinated, efficient and effective.

The site is located between the Whakatane township and the outlying residential development in the Coastlands / Bunyan Road area and on the edge of an established commercial/light industrial urban area (the Hub / Gateway Drive). The District Plan has confirmed the appropriateness of expanded residential activity in this locality with the zoning of new residential land in Bunyan Road and Shaw Road. Both of these areas are in relatively close proximity to the subject site and occupy similar urban fringe locations.



**FIGURE 9: THE EXISTING RESIDENTIAL ZONE AT COASTLANDS/BUNYAN RD (1), THE PROPOSED RESIDENTIAL ZONING AT SHAW ROAD (2) AND THE SUBJECT SITE (3)**

The proposed rezoning makes efficient use of existing infrastructure and would require minimal upgrades or extensions to existing reticulated services. With the exception of stormwater and transportation, the servicing requirements for light industrial activities permitted under the current zoning are similar to what would be required for a residential development. Details of the servicing of the proposed development are discussed above in Section 4.3 of this report.

The majority of the land between the three 'identified urban areas' above in Figure 7 is not generally suitable for residential development. There are two key reasons for this. Firstly, a large number of the properties in this area are multiple owned Maori land and there has been little indication that these properties will undergo any major residential development, particularly in the foreseeable future.

The second being that many of the properties to the north of the Kopeopeo Canal are low-lying, which gives rise to a high flood risk for any development in this area. Furthermore the area surrounding the large wastewater treatment plant is not considered a desirable area for a residential development. This statement is confirmed by a 300m oxidation pond buffer in the Whakatane District Plan which restrict the construction of any new dwelling within this buffer zone.

### **6.2.1 RPS OBJECTIVES AND POLICIES**

The following provides a brief discussion of the relevant objectives and policies in the RPS –

#### **INTEGRATED RESOURCE MANAGEMENT**

**Objective 10**      *Cumulative effects of existing and new activities are appropriately managed*

Policy IR 1B:      *Applying a precautionary approach to managing natural and physical resources*

#### **Comment**

The proposed residential zone at 23 & 45 Keepa Road is an appropriate use of the site as it is an existing urban area serviced or able to be serviced by the existing infrastructure network.

**IWI RESOURCE MANAGEMENT**

**Objective 21**      *Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

Policy IW 2B:      *Recognising matters of significance to Māori*

Policy IW 5B:      *Adverse effects on matters of significance to Māori*

Policy MN 8B:      *Managing effects of subdivision, use and development*

**Comment**

The subject site adjoins the Hokowhitu-a-tu Marae. Consultation has been undertaken as part of the development of the plan change request. There are existing provisions which relate to the protection of the amenity of the Hokowhitu-a-tu Marae. It is proposed that these protections remain in place to ensure that the users of the Hokowhitu-a-tu Marae can continue to use their Marae unhindered by any future residential development.

## URBAN AND RURAL GROWTH MANAGEMENT

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

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

Policy UG 10B:      *Rezoning and development of urban land – investment and infrastructure considerations*

Policy UG 11B:      *Managing the effects of subdivision, use and development on infrastructure*

### Comment

Whakatane is constrained with limited areas where additional growth can be accommodated. Whakatane District Council has indicated that this general area is suitable with other similar parcels of land having been re-zoned to residential. The location makes an efficient use of existing infrastructure and will require minimal additional investment.

## WATER QUALITY AND LAND USE

**Objective 29**      ***Land use activities are:***  
***1. within the capability of the land to support the activity;***  
***2. integrated with the wider environmental values of their surroundings;***  
***and***  
***3. within the capacity of receiving waters to assimilate any discharge***

Policy WL 7B:      *Minimising the effects of land and soil disturbance*

### Comment

The subject site is in an appropriate location with available capacity in the existing infrastructure. The site is currently identified as being suitable for light industrial activities, therefore the change to residential will not affect the capability of the land to support the land use or the integration of the land use with the existing environment.

## NATURAL HAZARDS

**Objective 31**      ***Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities.***

Policy NH4B      *Managing natural hazard risk on land subject to urban development.*

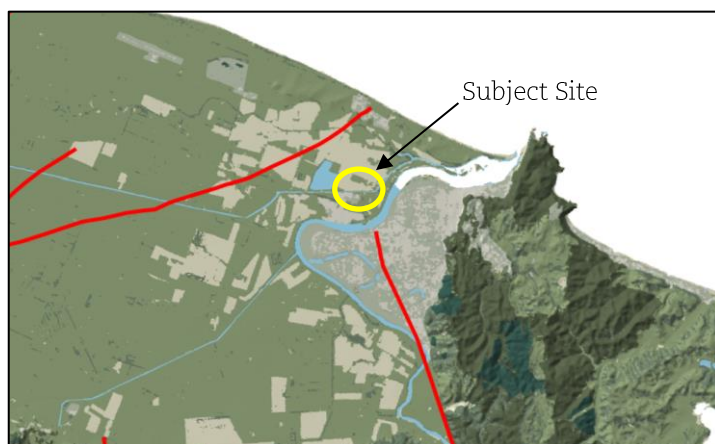
Policy NH 9B      *Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to.*

An initial assessment of the susceptibility of the site to a range of potential natural hazards has been undertaken using information available on WDC and BOPRC's GIS systems. The level of assessment undertaken reflects the fact that the rezoning relates to an existing urban area which has a commercial zoning which permits intensive development of buildings and associated infrastructure.

Three potential natural hazards have been identified in relation to the site. They are earthquake, tsunami and flooding. The topography of the site excludes landslip hazards. The Whakatane District Planning Maps identify areas vulnerable to coastal erosion hazards and these hazard areas do not affect the subject property. The risk of volcanic hazards may exist but at a similar level to the Whakatane township and most other areas within the district, therefore a specific risk assessment is not considered necessary.

The site is within the “Yellow zone” in terms of Tsunami evacuation zones, which means that only the most devastating tsunamis are predicted to flood the area. This zone is the lowest risk of the three evacuation zones.

The earthquake (fault rupture) risk has been evaluated by reviewing fault mapping for the Whakatane area. The following map has been sourced from the Institute of Geological and Nuclear Sciences Limited (GNS) and shows the locations of active faults.



**FIGURE 9: ACTIVE FAULTS (SOURCE: GNS <https://data.gns.cri.nz/af/>)**

This map indicates that the subject site is clear of known active faults.

The liquefaction hazard within the Bay of Plenty region has been mapped by GNS for the Bay of Plenty Regional Council. This map has identified that the site is generally located within an area that is moderately susceptible to liquefaction. This level of susceptibility applies to all of the Rangitaiki Plains including part of the Whakatane township. The geotechnical assessment included in **Appendix 10** has considered the liquefaction risk that applies to the land and determined that the site is classified as TC2 - TC3.

The subject site is potentially affected by flooding hazards, including local stormwater flooding as well as inundation resulting from overtopping of the Kopeopeo Canal or the Whakatane River stopbanks. There is also the potential risk of flooding caused by failure of the existing flood protection mechanisms such as a stopbank breach or flap gate failure. The subject site is within the Whakatane-Waimana Rivers Scheme which provides flood protection within parts of the Whakatane River catchment. The site also adjoins the Kopeopeo Canal which is part of the Rangitaiki Drainage Scheme.

The stormwater flooding hazard has been discussed in earlier sections of this report and has been assessed and managed through the construction of a stormwater pumping station comprising of three large pumps. These pumps have been specifically designed to drain stormwater from the subject land and the adjacent land to prevent flooding. These pumps were designed on the assumption that these areas will be developed with 100% site coverage, which is approximately double the coverage anticipated with residential land use. The level of service required by the pumps and the associated minimum floor level for buildings on the land are set out in the Environment Court consent order included as **Appendix 7**.

The land on the northern side of Kopeopeo Canal has been identified as an area that is susceptible to flooding. The subject site is elevated relative to the land to the north and its suitability for development is demonstrated by the current zoning of the land for light industrial land use. To ensure the risk of flooding is managed to an acceptable level the lower parts of the site will be raised above the 1% AEP flood level (RL 3m) as part of any residential development.



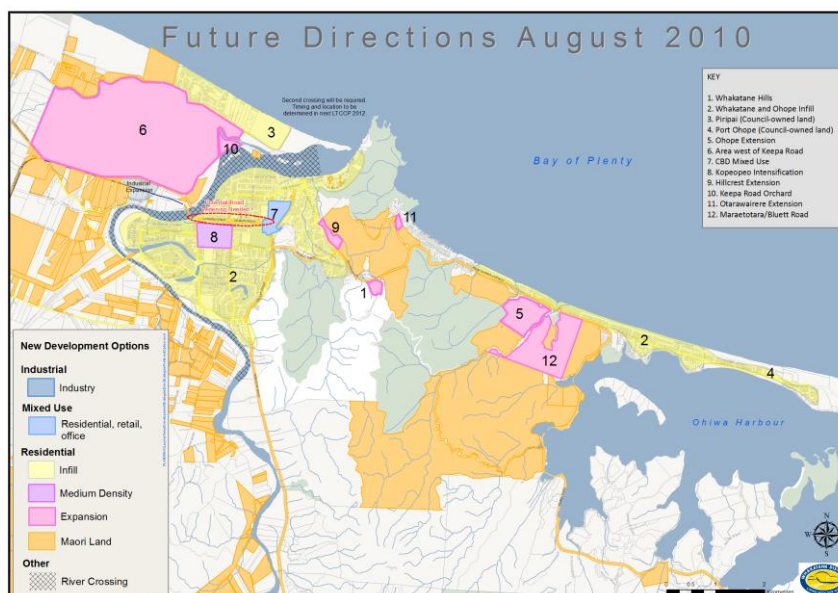
Overall the proposed change is considered to be consistent with the relevant objectives and policies of the RPS.

### 6.3 NON-STATUTORY DISTRICT POLICY DOCUMENTS

#### 6.3.1 WHAKATANE INTEGRATED URBAN GROWTH STRATEGY

The Whakatane Integrated Urban Growth Strategy was produced by the Whakatane District Council to help support and manage future growth within the Whakatane District in a proactive manner. The document is not a statutory document and was prepared to inform the Council in making decisions regarding future planning for the District. The strategy uses the assumed model of a growing town, whereby the population will be 25,000 by 2050, with the preferred growth philosophy being a hybrid option of consolidated and expansion growth management. This involves both increased intensification of our existing residential zones as well as the provision for greenfield residential development.

The strategy identified that the area to the west of Keepa Road was a potential residential growth area not currently zoned for development. The subject site was not included due to its light industrial zoning, see Figure 10 below.



**FIGURE 10: THE IDENTIFICATION OF POTENTIAL FUTURE GROWTH AREAS, WHAKATANE INTEGRATED URBAN GROWTH STRATEGY**

The strategy highlights that there is a real need to identify and develop residential areas to enable growth to occur. There is an estimated 200ha of residential land required to accommodate growth to a population of 25,000. The strategy identifies that the land in this area is within close proximity to services and utilities, as such it is considered development in this area would make efficient use of existing infrastructure. Development within close proximity to Keepa Road and the existing services would be particularly efficient.

The strategy also highlights the importance of managing any issues with development west of Keepa Road to prevent the rise of reverse sensitivity effects. The key issues identified in relation to the suitability of the land for residential land use are considered below:

1. Proximity of the WDC wastewater ponds – The subject site is over 500m from the Council’s wastewater ponds. This separation distance is greater than the Shaw

Road/Huna Road area which has recently been rezoned from rural to residential in the Whakatane District Plan.

2. Proximity of the Whakatane Mill – The subject site is approximately 500m from the Whakatane Mill and separated by the existing large format retail development at The Hub. The separation distance is greater than part of the exiting residential area in Whakatane, and no reverse sensitivity effects are anticipated.
3. State Highway – The subject site is over 250 metres from the State Highway. Access to the site is from Keepa Road and the intersection of Keepa Road and the State Highway is suitable to accommodate the additional traffic generated by the development.
4. Contaminated Land – See sections 3.3 and 5.1 above.
5. Low Lying / Flood Prone– As discussed in section 5.2 above, the subject site is elevated relative to the land to the north and its suitability for development is demonstrated by the current zoning of the land for light industrial land use. Stormwater pumps have been constructed specifically to drain stormwater from the subject land and the adjacent land to prevent flooding.
6. Maori Land – The subject site is not on multiple owned Maori land and will not impact on the use or future potential of any multiple owned Maori land. The District Plan imposes specific land use controls on industrial activities occurring on land adjoining the Hokowhitu-a-tu Marae. These controls will not be affected by the proposed rezoning.

The Whakatane Integrated Urban Growth Strategy was reviewed and an addendum was adopted by Council on 20 March 2012. The addendum was as a result of consultation on the Draft Plan, in particular potential new greenfield development areas. The household projections were also reviewed and subsequently decreased as part of the addendum.

Table 2 in the addendum states that the newly named Bunyan Road South Area (which was previously Keepa Road 6) is not required to be included in the strategy as the area is largely residentially zone already. However it would seem that the addendum was referring largely to the already establish area at Bunyan Road and Coastlands.

### **6.3.2 WHAKATANE & KAWERAU DISTRICT'S INDUSTRIAL LAND STRATEGY**

The Whakatane and Kawerau District's Industrial Land Strategy was completed in March 2007 by Property Economics. Mill Road, Whakatane South and Gateway Drive area were identified as existing Industrial nodes in the strategy. The reports states that within the Whakatane & Kawerau Districts there is 394 hectares of industrial land, with 19% being vacant.

The strategy states that an appropriate buffer of 12-15% of vacant industrial land is sufficient to provide for any fluctuations. At the time of the strategy the Mill Road industrial area had a vacancy rate of 37%, which is considered an oversupply of industrial land in this area. The conclusion of the report was that Whakatane catchment would require a total of 4.4 hectares up until 2021.

The strategy clearly stated that *"In fact, figures indicate that the Whakatane catchment could afford to rezone 32 hectares of industrial land to other uses and continue to provide adequate industrial land for projected growth"*.

There are no recent projections for the uptake of industrial land in the Whakatane District that have been produced in a publicly available report that we are aware of. Given the more recent addendum to the Whakatane Integrated Urban Growth Strategy

indicating that the projections for growth in the area are declining, it would be assumed that the demand for industrial land would also be following this trend.

#### 6.4 PLANNING FRAMEWORK CONCLUSION

Overall the proposed change of zoning of 23 & 45 Keepa Road from a Light Industrial Zoning to Residential zoning fits within the existing policy framework. The location is appropriate given its proximity to the CBD and the recent residential rezoning of nearby land. Furthermore the change will offer Whakatane another growth opportunity. This is significant, given the constraints on urban expansion in the Whakatane area which limits the potential for new residential development.

## 7.0 RESOURCE MANAGEMENT ACT 1991

### 7.1 PRIVATE PLAN CHANGE REQUEST FRAMEWORK

A private plan change may be requested by:

*‘(2) Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.’*

Clause 21(1) of Part 2 of the First Schedule of the Act outlines that any person may request a change to a District Plan. Clause 22 of Part 2 of the first schedule of the Act outlines the form of the request –

*‘(1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.’*

*‘(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.’*

Accordingly a private request to undertake a change to a plan must be made in writing and explain the purpose of the proposed change. The report should also include an evaluation report as required by Section 32 of the Act and an assessment of environmental effects in accordance with clauses 6 and 7 of the Fourth Schedule.

### 7.2 PART II

Part II of the RMA sets out the guiding purpose and principles of the Act. In achieving the purpose of the Act regard must be had to the following matters:

- Section 6 – Matters of National Importance, which includes the preservation of natural character, protection of outstanding natural features and landscapes, protection of significant indigenous vegetation and habitats, public access, relationship of Maori with land, water, sites of waahi tapu and taonga and the protection of historic heritage and customary rights.
- Section 7 – Other Matters which include, Kaitiakitanga, stewardship, efficient use of & finite characteristics of natural and physical resources and end use of energy, maintain and enhance amenity values, values of ecosystems, enhance the quality of the environment, effects of climate change, renewable energy.

- Section 8 – Te Tiriti o Waitangi (The Treaty of Waitangi) shall be taken into account in achieving the purpose of the act.

This report has addressed the purpose and principles of the RMA through the evaluation assessment.

### 7.3 SECTION 32

Before a proposed plan change can be publicly notified Council is required under section 32 (“s.32”) of the Act to carry out an evaluation of the proposed change. This evaluation must be undertaken pursuant to s.32(1) of the Act and address the following:

- Examine the extent to which the objectives of the proposal are appropriate in achieving the purpose of the RMA
- Identify other reasonably practicable options to achieve the objectives
- Assess the efficiency and effectiveness of the provisions in achieving the objectives

Section 32(2) requires that this assessment must:

- Identify and assess the benefits and costs of the environmental, economic, social and cultural effects (including economic growth and employment)
- Assess the risk of acting or not acting

In this case an evaluation of the proposed change under s.32 is provided in section 8 below.

### 7.4 SECTION 74 – MATTERS TO BE CONSIDERED BY TERRITORIAL AUTHORITY

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council.

Ngati Awa have lodged an Iwi Management Plan with the Whakatane District Council. The Iwi Management Plan does not contain any information which is of specific relevance to this proposal.

## 8.0 EVALUATION

### 8.1 SCALE AND SIGNIFICANCE

As discussed previously, the approach taken to this evaluation has been determined by the scale and significance of the proposal. The scale and significance has been assessed in the table below with a rating applied based on the scale of the impact in a local setting and in the context of the existing District Plan.

Criteria	Rating	Comment on Scale and Significance
Reasons for the change	Low	The proposal has been developed to allow the change in land use and facilitate residential development of two adjacent parcels of land
Degree of change	Low	The proposal involves a change in zoning to allow a different form of urban development to be undertaken within a discrete area. The degree of change is less than rezoning a rural area to an urban zoning and affects only two allotments.
Affected parties	Low	The land affected by the proposed zoning has relatively few adjoining neighbours, being bounded by roads on two sides and the Kopeopeo Canal on the third side.
Impact on Maori	Medium	The subject site adjoins the Hokowhitu-a-tu marae therefore consideration of the impact of the rezoning on cultural practices carried out at the marae is a significant consideration.
Type and duration of effects	Medium	The change will result in ongoing effects into the future as it will result in a permanent residential development being established on the land.
Geographic extent	Low	The extent of the area affected by the change is limited to two allotments.
Degree of risk or uncertainty	Low	The site is already zoned for urban activities and has appropriate infrastructure provision. Considerable work has been undertaken to confirm the suitability of the site for residential land use.

Overall it is considered that the proposed change is of a low scale and level of significance in the context of the District Plan, although some aspects of the proposal are of a medium significance, specifically the duration of the effect and the potential impact on Maori.

## 8.2 SECTION 32 EVALUATION

The following assessment and table provides an evaluation of the proposed plan change pursuant to Section 32 of the RMA. The table analyses the options available to Council by evaluating the environmental, social, economic and cultural costs and benefits of each of the two options.

The table also discusses the risk of acting or not acting on the change and how effective/efficient the provisions of the proposed change are.

### 8.2.1 OBJECTIVES

No new objectives or policies or amendments to existing objectives and policies are proposed as part of this plan change. It is considered that the existing objectives and policies within the District Plan provide an appropriate policy framework with which the proposed change can fit within.

An examination of the proposal and how it will give effect to the existing objectives and policies in the District Plan is provided below.

#### Strategic Objectives

*Objective 1 Growth is encouraged in a carefully planned, sustainable way while minimising the impact on existing communities; retaining the characteristics and values of the District; and managing risk from natural hazards.*

*Policy 4: To enable the location of urban development in identified growth areas where it can be serviced by existing reticulation or planned and funded networks and where there is sufficient capacity to service that development.*

#### Comment:

The proposed change in zoning from Light Industrial to Residential at 23 and 45 Keepa Road is appropriate given the proximity of the site to existing Council infrastructure and services.

#### Residential and Urban Living Zones – Chapter 5

*Objective 1 The maintenance and enhancement of the character and amenity for dwelling and residential activities within Residential and Urban Living Zoned areas.*

*Policy 1: To ensure a site is large enough for a proposed use, development or subdivision to ensure residents on-site or in the neighbourhood retain or will have a high level of residential amenity.*

#### Comment:

The subject land will provide a character and level of amenity which is appropriate for residential activities. Most of the land is separated from the Gateway Drive Light Industrial area by the Hokowhitu-a-tu Marae and neighbouring land which includes residential dwellings. The part of the site immediately adjoining light industrial properties is of a shape which limits its ability to be developed as residential allotments. It is anticipated that this area will provide a buffer between the light industrial and residential land.

It is the intention of the developer to maintain larger allotment sizes throughout the development. This will be addressed as part of the resource consent process for the subdivision of the land.

General Provisions – Chapter 11

Objective 4      *To avoid, remedy or mitigate the adverse effects of incompatible use and development of natural and physical resources.*

*Policy 2: To discourage or alternatively remedy or mitigate the effect of activities locating where they are sensitive to the effects of, or may compromise the continued operation of lawfully existing activities.*

**Comment:**

The potential for reverse sensitivity effects on the adjacent light industrial and marae land uses are addressed through either existing provisions in the District Plan or through the proposed acoustic mitigation and building setback as discussed previously.

Transportation and Services – Chapter 13

Objective 1      *A safe and efficient, sustainable integrated land transport network.*

Policy 4:      *To ensure that land development occurs in an integrated, co-ordinated and comprehensive manner that does not compromise the overall purpose of the multi model transport network, particularly pedestrian and cycleway.*

**Comment:**

The subject site has direct access to a well formed and maintained district road and has good access to State Highway 30. Furthermore on the eastern side of Keepa Road there is a well maintained walkway/cycleway which connects directly to the Warren Cole Walkway alongside the Whakatane River which leads to the Whakatane CBD.

The subject site is well serviced with existing infrastructure with capacity to meet the demand generated by residential activities on the land. The location of the development provides connectivity to the Whakatane CDB using a variety of transport modes, including walking and cycling using existing paths.

Hazardous Substances and Contaminated Land – Chapter 19

Objective 2      *Land affected by contaminants in soil is appropriately identified and assessed at the time of being proposed for development, and if necessary remediated, or the contaminants contained, to ensure development is safe in terms of human health and the environment.*

*Policy 1: To require development of sites that have a history of land use that could have resulted in contamination of the soil to undertake soil testing to confirm that the land is fit for the intended use.*

*Policy 2: To ensure that any subdivision and development on **contaminated land** is managed so that significant risk to human health and the environment is avoided, remedied or mitigated.*

*Policy 3: To require management measures for **contaminated land** that provide for **remediation**, containment, disposal of contaminated soil, or other suitable measures so the level of contamination is appropriate for any likely future use of the land.*

**Comment:**

As discussed previously, the results of investigations into the contaminated material present on the property have established that the level of contamination is below the standards specified for residential land use under the NESCS. Any development of the land will be required to be manage this contaminated material through resource consent processes under both the NESCS and the Bay of Plenty Regional Natural Resources Plan.

## 8.2.2 OPTION EVALUATION

In this case the specific nature of the proposal is such that there are only two reasonably practicable options, being the proposed Residential zoning of the land or retaining the existing Light Industrial zoning.

A. Status Quo	
Benefits and Costs of Effects (s.32(2)(a))	
Benefits	Costs
<p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>• Consolidates light industrial activities in an area that has been developed for the specific land use and can be provided with the necessary infrastructure in an efficient manner.</li> <li>• Provides capacity to cater for the future demand for light industrial land thereby avoiding the potential need to develop greenfield sites including the possible loss of rural production land.</li> </ul>	<p><u>Environmental</u></p> <ul style="list-style-type: none"> <li>• There will be an increase in heavy traffic entering SH 30 from Keepa Road from the expansion of the Gateway Industrial Area.</li> <li>• Further light industrial development will add to the industrial appearance of the main approach to Whakatane affecting the visual amenity for residents and visitors arriving in Whakatane.</li> <li>• The Hokowhitu Marae and associated residential properties will be isolated. They will be surrounded by light industrial activities. Although provisions in the plan provide some mitigation, these activities would potentially give rise to adverse noise and amenity effects on the marae and adjacent residential properties.</li> <li>• A significant increase in stormwater runoff from the land with the potential for contaminants from light industrial activities to enter stormwater and discharge to the Whakatane River.</li> </ul>
<p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• Possible job creation within the new industrial development.</li> <li>• Provision for economic growth with the potential for new businesses to establish.</li> </ul>	<p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• Whakatane and the Eastern Bay of Plenty have an abundance of industrial land. Potential economic benefits will take longer to realise, as there are other areas which are already under development (e.g. Mill Road).</li> <li>• There will be little contribution to accommodating the town's 2050 25,000 population growth goals, as set out in the Whakatane Integrated Urban Growth Strategy.</li> <li>• Loss of a new greenfield residential area, which would have added to</li> </ul>



	the variety of such developments which are soon to be coming on the market.
<u>Social</u> <ul style="list-style-type: none"> <li>Job creation which may help retain younger people in the area.</li> </ul>	<u>Social</u> <ul style="list-style-type: none"> <li>The development of 23 &amp; 45 Keepa Road into a Light Industrial area will isolate the Hokowhitu-a-tu Marae.</li> <li>Lack of residential market competition means that prices may potentially increase.</li> </ul>
<u>Cultural</u> <ul style="list-style-type: none"> <li>Light industrial activities are generally not sensitive to the effects of activities on neighbouring sites, such as the Hokowhitu-a-tu Marae.</li> </ul>	<u>Cultural</u> <ul style="list-style-type: none"> <li>Potential adverse effects from the surrounding light industrial activities on the Hokowhitu-a-tu Marae.</li> <li>Adverse amenity effects resulting from the bulk, scale and nature of light industrial buildings and land uses.</li> </ul>
<b>B. Changing the Zoning from Light Industrial to Residential at 23 &amp; 45 Keepa Road, Whakatane</b>	
<b>Benefits and Costs of Effects (s.32(2)(a))</b>	
<b>Benefits</b>	<b>Costs</b>
<u>Environmental</u> <ul style="list-style-type: none"> <li>A residential development has the potential to provide a higher level of visual amenity relative to light industrial activities, particularly given the location of the site at the entrance to the Whakatane Township.</li> <li>Residential land use has a lower impermeable site coverage with an associated reduction in stormwater discharges off-site. Residential land uses also have a lower risk of contaminants entering stormwater compared with light industrial activities.</li> <li>Residential land use in this location consolidates development within an existing urban area and represents an efficient use of natural resources and infrastructure as well as providing opportunities for residents to utilise a variety of transport modes.</li> <li>Residential land use will generate lower traffic volumes than if the</li> </ul>	<u>Environmental</u> <ul style="list-style-type: none"> <li>Potential reverse sensitivity effects resulting from development in proximity to an established light industrial area and marae which require mitigation.</li> <li>Subject to traffic noise from State Highway 30 which requires mitigation.</li> <li>Isolated from other existing residential areas.</li> </ul>

land were to be developed under the current Light Industrial zoning.	
<p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• Contributes towards achieving the 2050 goal of reaching a population of 25,000 people with the associated benefits to the economy from increasing the resident population.</li> <li>• Economic benefits to the construction sector through the creation of an area with potential for around 80 residential dwellings and associated infrastructure.</li> </ul>	<p><u>Economic</u></p> <ul style="list-style-type: none"> <li>• Loss of light industrial land which will potentially constrain opportunities for new businesses to establish in Whakatane.</li> </ul>
<p><u>Social</u></p> <ul style="list-style-type: none"> <li>• Provision of an alternative housing area which will offer options in selecting properties in an otherwise restricted greenfield market.</li> <li>• Competitive housing market with the release of more land for new dwelling builds</li> <li>• Residential housing within close proximity to walking and cycle ways which lead directly into the CBD.</li> </ul>	<p><u>Social</u></p> <ul style="list-style-type: none"> <li>• The rezoning creates a residential neighbourhood that is isolated from other established residential areas.</li> </ul>
<p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>• Residential development is more compatible with the Hokowhitu-a-tu Marae than light industrial activities with a reduced scale and bulk of buildings and lower noise levels.</li> </ul>	<p><u>Cultural</u></p> <ul style="list-style-type: none"> <li>• There is the potential for reverse sensitivity effects resulting from activities at Hokowhitu-a-tu Marae, in particular noise and traffic effects on the adjacent residential properties.</li> </ul>
<p><b>Risk of Acting or Not Acting (s.32(2)(c))</b></p> <p>The opportunities for expansion of residential areas around Whakatane is constrained by topography, natural hazards (particularly flooding and coastal hazards) and land tenure. There are two significant Residential Zone areas in the Whakatane area yet to be developed. These have been identified in the Whakatane District Plan, which generally will have a 10 year life. These areas are Shaw Road and Opihi and will have the potential to provide approximately 300 new dwellings.</p> <p>The Whakatane Integrated Urban Growth Strategy set a goal of increasing the population of the town to 25,000 by 2050. This is an approximately increase of 6,250 people, which will require the construction of approximately 2,000 new dwellings in the next 33 years (60 dwellings per annum). To achieve this level of growth the District requires more land suitable for residential development to be made available.</p> <p>As highlighted earlier in this report there is a good supply of industrial land available in and around the Eastern Bay of Plenty.</p> <p>The risk of not acting to allow the rezoning is that the supply of residential land will be constrained, thereby making it more difficult to achieve the population growth targets. Not</p>	

enabling residential development in this location will also result in the need to consider establishing residential areas in less suitable locations to ensure an adequate supply of residential land is maintained. This is likely to require consideration of sites which are further isolated from existing urban areas and infrastructure and/or sites that may be subject to higher levels of risk from natural hazards.

### **Efficiency / Effectiveness (s.32(1)(b)(ii))**

The key provisions proposed as part of this change which require an assessment are:

#### **1. The Inclusion of a new Keepa Road Structure Plan Area**

Appendix 2.6.4 – Keepa Road Structure Plan identifies all infrastructure, acoustic mitigation and building setbacks that will need to be included as part of any future development of the land.

The Appendix and associated Rule 2.2.2.1 which requires all development be undertaken in ‘*general accordance*’ with the structure plan, means that a raft of spot zone provisions will not be required to be included in the change.

Accordingly these proposed changes are considered to be both efficient and effective.

#### **2. Rule 2.3.4**

##### 2.3.4 Subdivision of Residential Zoned Land at Keepa Road

##### 2.3.4.1 Council shall exercise control over

- a. the consistency of the development with the Structure Plan in Appendix 2.6.4
- b. the design of the acoustic fence along State Highway 30
- c. the design of the acoustic fence between 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650).
- d. the criteria listed in 12.7.1, 13.2.26, 13.2.27, 13.2.28 and 13.2.29;
- e. the means by which the interface with industrial land is managed to minimise visual and noise impacts and other reverse sensitivity effects of industrial activities on neighbours;
- f. the means by which the interface with 25A and 25B Keepa Road (Allotment 28B3C1 and Lot 1 DPS 18658) is managed to minimise visual, noise and other effects from the adjoining residential zone;
- g. the means by which traffic impacts on Keepa Road and the Keepa Road/State Highway 30 intersection are mitigated;
- h. the means by which the building platforms comply with Rule 18.2.3.2

The above matters of control are considered to be both efficient and effective in ensuring that the development is undertaken in general accordance with the structure plan. In particular in ensuring the Hokowhitu-a-tu Marae is provided with assurances that the residential development will not give rise to any reverse sensitivity issues or other amenity issue arising as a result of a residential development.

**3. Change of Planning Map 105B & 109B**

Changing the zoning from Light Industrial to Residential is the most efficient way in enabling a residential subdivision to be undertaken on the site.

## 9.0 CONSULTATION

An initial round of consultation has been undertaken with neighbouring landowners and other key stakeholders. This included the following parties.

<b>NAME</b>	<b>ADDRESS</b>	<b>RESPONSE RECEIVED</b>
Ashton Inc Ltd (ITM Building Supplies)	35-37 Gateway Drive	Yes
IM & JA Law	33 Gateway Drive	Yes
D C Scrimgeour	39 Gateway Drive	No
Waste Management NZ Ltd	31 Gateway Drive	No
Ngati Hokopu – Te Hokowhitu a Tu	25A & 25B Keepa Road	Yes
New Zealand Transport Agency	-	Yes
Bay of Plenty Regional Council	-	Yes

The neighbouring light industrial properties within Gateway Drive were provided a written summary of the proposal along with a scheme plan and feedback form. Follow up phone calls were made and the proposal was discussed with two of the landowners. The feedback received raised concerns regarding the potential for reverse sensitivity effects, the need for secure fencing between the properties for security purposes and issues regarding a reduction in the availability of industrial zoned land resulting from the rezoning.

Summary information regarding the project was provided to the Hokowhitu-a-tu Marae representatives and copied to Te Runanga o Ngati Awa. The applicant's representatives attended a hui held at the Marae in February 2017 and it is understood that marae members have also met separately to discuss the proposal. Feedback provided at this meeting identified concerns regarding potential reverse sensitivity effects, particularly noise and traffic related effects (including dust from traffic using the marae accessway). Further consultation will be undertaken as the project progresses.

As discussed above, there has been some consultation with the Bay of Plenty Regional Council regarding the proximity of the development to the Kopeopeo Canal and flood levels in this location. Initial comments provided by BOPRC highlighted the importance of protecting the integrity of flood protection and land drainage infrastructure and ensuring that the ability to access and maintain this infrastructure is not compromised. Compliance with BOPRC's Floodway and Drainage bylaw will ensure these matters are addressed.

The applicant has met with the New Zealand Transport Agency (NZTA) and WDC staff to discuss the proposal. The feedback provided by NZTA identified three matters needed to be considered by the applicant in developing the proposal. They were:

1. Noise effects from traffic on State Highway 30 and the need to provide a setback for residential buildings from the road boundary or develop alternative mitigation measures to ensure noise levels met required standards for residential activities.
2. An assessment of the impact of the rezoning on the safe operation of the transportation network.

### 3. Providing pedestrian and cycle connectivity.

These matters have been addressed through the development of the proposal. Further consultation has been undertaken with NZTA including a review of the acoustic assessment and proposed mitigation measures. NZTA has advised that the proposed measures are appropriate provided that the design meets the following specifications.

*Establishment of acoustic mitigation (bund; barrier), to meet an external noise level that does not exceed 57dBA Leq24hr, shall be designed to:*

- (i) *Extend for the full width of the part of the section nearest to the state highway corridor;*
- (ii) *Be constructed from the finished ground level to a height of at least 3 metres above the finished ground level;*
- (iii) *Be constructed from a solid impervious material having a surface mass of a minimum of 10 kg/m<sup>2</sup>;*
- (iv) *Have no gaps between the noise wall and the finished ground level and no gaps between any components of the wall;*
- (v) *Have overlapping details at all junctions between individual components of the wall.*
- (i) *A geotechnical assessment by a suitably qualified geotechnical engineer in consultation with the NZ Transport Agency and submitted to Council to confirm that the acoustic mitigation has no adverse geotechnical effect on the state highway network; and*
- (vi) *A stormwater assessment to demonstrate that emergency overland flow paths will not be obstructed by the acoustic bund or barrier.*
- (vii) *The acoustic mitigation shall be vested in Council at the time of subdivision or prior to building consent for a dwelling being issued, whichever occurs first.*

These aspects can be assessed in detail as part of the resource consent process for the subdivision of the site.

## 10.0 CONCLUSION

Based on the assessment undertaken it has been determined that changing the zoning of the land from Light Industrial to Residential at 23 & 45 Keepa Road, Whakatane is an efficient and effective option to achieve the purpose of the Act. This option is preferred for the following key reasons:

- The potential for the new residential zoning to provide an additional offering in the residential housing / land market and ensure competition;
- The potential for the new residential development to contribute positively to the population and economic growth of Whakatane;
- The availability of infrastructure with sufficient capacity to service the area;
- The connectivity of the site with the CBD, having links with cycleways and walkways which lead directly to the CDB;
- The site once developed will aide in visually softening the existing 'industrial' entrance to Whakatane.

Accordingly it is requested that the proposal is accepted by the Whakatane District Council.