

Your Ref:
Our Ref:7.00202



12 April 2018

Marty Grenfell
Chief Executive
Whakatāne District Council
Private Bay 1002
Whakatāne 3158

Dear Mr Grenfell

Regional Council submission on Plan Change 2 – to rezone 23 & 45 Keepa Road

Please find attached the Bay of Plenty Regional Council's submission opposing the Private Plan Change request to rezone light industrial land at 23 & 45 Keepa Road to residential land through structure plan development and subdivision. The submission is made on the basis there is insufficient information provided with the request to support the rezoning (in its current form).

Regional Council acknowledges the Boffa Miskell report for the Whakatāne District Council entitled: *Whakatāne District Industrial and Residential Zoning, September 2016* concluded "*the rezoning of the subject land from Industrial to Residential is generally appropriate*". That report also provided an overview of information required to support a plan change.

Regional Council supports well managed and integrated growth management but it should be supported with relevant investigations including (in this instance): a natural hazard risk assessment, a detailed site investigation for contaminated land, a traffic impact assessment and a cultural impact assessment.

Regional Council has requested amendments be made to provide for a better alignment with the Regional Policy Statement, Regional Natural Resources Plan, the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008 and the Whakatāne District Plan. A revised structure plan is attached to our submission.

Regional Council wishes to be heard in respect of its submission.

If you would like to discuss this submission please contact Moana Boyd, Senior Planner, by email at moana.boyd@boprc.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Fiona McTavish".

Fiona McTavish
General Manager, Strategy & Science

A2849005

Regional Council Submission on Private Plan Change 2 to the Whakatāne District Plan - Keepa Road Structure Plan (12 April 2018)

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
General submission points - relating to <u>all</u> of the Private Plan Change 2 Request (the Plan Change) to rezone 23 & 45 Keepa Road as part of a Structure Plan proposal			
<p>Whole Plan Change</p>	<p>Regional Council acknowledges the report prepared by Boffa Miskell for Whakatāne District Council entitled: <i>Whakatāne District Industrial and Residential Zoning, 7 September 2016</i> (The Report). The Report considered the rezoning of 23 and 45 Keepa Road (the site) and it concludes (p15) that the “rezoning of the subject land from Industrial to Residential is generally appropriate.”</p> <p>The Report recommends that these matters be considered for a plan change:</p> <ul style="list-style-type: none"> - Confirming sufficient capacity to service the development; - Addressing mitigation of reverse sensitivity effects from residential use to light industrial business and to Hokowhitu Marae through specific plan provisions such as setbacks, buffer areas, and visual, glare and noise protection within the residential site; - Undertaking a risk assessment under the RPS Natural Hazard provisions; - Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved (p15). <p>Method 18 in the Bay of Plenty Regional Policy Statement (RPS) requires structure plans be prepared for large-scale land use changes to: ensure coordinated development through the provision of infrastructure and integrated management of related environmental effects. It includes the need to consider identifying and addressing the above matters recommended in the Report. It also includes the need to identify and address other matters not currently addressed by the Plan Change including significant cultural view shafts and consultation with tangata whenua. Regional Council considers further work is necessary to satisfy these requirements.</p>	<p>General opposition: Regional Council supports well managed growth and structure planning for new urban development but the Plan Change is opposed as additional investigation is required to adequately assess its impacts. For example this application does not adequately assess the following matters:</p> <ul style="list-style-type: none"> - Mitigation of reverse sensitivity on the Marae: there is no cultural impact assessment or recorded response from/ to the Marae/ tangata whenua indicating what, or how their concerns have been addressed. Consultation referred to in the Plan Change, Appendix 9 (p29) does not address section 6(e) of the RMA, RPS Policies IW 2B and IW 5B and RPS Methods 41 and 42. - Traffic impacts: including safety, access and connectivity with surrounding land use for vehicles, cyclist and pedestrians. - Contaminated land: a Detailed Site Investigation is required for a change in land use and subdivision and this should reference the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). - How low natural hazard risk will be achieved as required by RPS Policy NH 9B. <p>Further information is necessary to ‘give effect’ to RPS Method 18.</p> <p>Notwithstanding Regional Council's opposition to the Plan Change - amendments have been requested to the structure plan map, rules and criteria to illustrate a better alignment with the RPS, Regional Natural Resources Plan and the Whakatāne District Plan.</p>	<p>Decline the Plan Change until further investigations are undertaken to address issues raised in this submission.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change</p> <p><i>Traffic</i></p> <p>Policy 1, Strategic Objective 6</p>	<p>The Report (p14) references Policy 1, Strategic Objective 6 – Creating Liveable Places in the Whakatāne District Plan for the following statement:</p> <p><i>Design principles should be applied to future residential development including provision for connectivity, pedestrian and cycle links, access to suitable reserves, provision for low impact stormwater disposal and energy efficiency.</i></p> <p>The Report concludes with regard to connectivity and safety, that the Plan Change should consider (p15):</p> <p><i>Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved.</i></p> <p>The Plan Change (Appendix 4) includes two indicative subdivision options showing access to the site off Keepa Road, neither option shows access to Gateway Drive (lot 91). These access ways are shown in Plan Change Appendix 2, Keepa Road Structure Plan.</p> <p>The Plan Change (Appendix 9) includes consultation emails in May/ June 2017 with the New Zealand Transport Agency (NZTA). These emails focus on an acoustic fence adjoining State Highway 30 which if provided would remove the requirement for a residential setback. NZTA also requested assessment/ consideration of pedestrian/cycling links, connectivity and safety.</p> <p>These matters have not been addressed in a Traffic Impact Assessment, as none was provided.</p> <p>The Plan Change does include an overview of traffic volumes, vehicle access and pedestrian/ cycle movement. It also states (p7) it: <i>'is not a suitable environment for a pedestrian crossing and it would not be economically viable to construct one'</i>.</p>	<p>Oppose: this Plan Change until an adequate Traffic Impact Assessment has been provided and measures proposed to demonstrate how it will 'give effect' to relevant RPS Policies including:</p> <p>Policy UG 3A: <i>Promoting travel demand management across the region</i>, Policy UG 9B: <i>Co-ordinating new urban development with infrastructure</i> and Policy UG 11B: <i>Managing the effects of subdivision, use and development on infrastructure.</i></p> <p>The Plan Change does not refer to traffic safety being addressed by the Whakatāne District Council and/ or NZTA as part of a wider road network nor does it address:</p> <ul style="list-style-type: none"> - the impact of additional traffic loading on the bridge into Whakatāne. This was referred to in the Whakatāne Urban Growth Strategy, 2010 (p18): <i>A new State Highway river crossing will be required regardless of options. The Whakatāne River bridge will require additional capacity by 2016.</i> - pedestrian access to the Hub development, as this could create a significant safety issue. - congestion/ queuing at the Hub roundabout Keepa Road/ SH 30 and safe access off/ to Keepa Road with consideration of speed limits. - connectivity with surrounding land use including pedestrian and cyclist access via the bridge. <p>The Plan Change also fails to meet Whakatāne District Plan Rule 2.2.3.1 which requires documentation for structure plans which at least:</p> <p><i>d. Demonstrates how provision has been made for public transport, cycleways, and pedestrian connections, and roading connectivity with adjacent blocks of land.</i></p>	<p>Decline the Plan Change as further information is required to address traffic issues and consequential amendments (for example to the structure plan and associated rules, assessment criteria) should result from this information.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change</p> <p><i>Natural Hazards Flooding</i></p>	<p>The Report (p15) specifically recommends that a risk assessment under the RPS Natural Hazard provisions be undertaken to support the Plan Change.</p> <p>The Plan Change (p15) identifies three potential natural hazards being earthquake, tsunami and flooding and while there might be some risk of volcanic hazards a specific risk assessment was not considered to be necessary (as it is at a similar level for the Whakatāne township and other areas in the district). Additional information is provided but this does not meet the requirement to assess natural hazard risk under:</p> <p>RPS Policy NH 9B <i>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.</i></p> <p>This risk assessment is required regardless of the current zoning and it is particularly relevant as existing zoning was not supported by a natural hazard risk assessment. Under RPS Policy NH 9B a risk assessment using the methodology set out in Appendix L is required.</p> <p>RPS Method 18 includes: <i>“Structure plans shall, as appropriate and applicable: ...</i></p> <p><i>(ha) Identify all known natural hazards that land to be used for urban purposes may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved”</i></p>	<p>Oppose: as the Plan Change does not ‘give effect’ to RPS requirements. It does not include a natural risk assessment as required under RPS Policy NH 9B using methodology set out in Appendix L.</p> <p>Nor does the proposed Keepa Road Structure Plan, Appendix 2.6.4 meet the requirements of RPS Method 18.</p> <p>This Plan Change is a development proposal to change land use to ‘residential land use’ and it must reflect the findings of natural hazard risk assessments. For example Regional Council agrees with the Plan Change (p9) that further consideration is <i>“necessary to consider the wider flood risk in the surrounding area”</i>. As this should be considered along with other natural hazards for example earthquake fault rupture.</p> <p>RPS Policy NH 4B requires new development to achieve a Low natural hazard risk (as defined by the RPS this is ‘acceptable’). The Plan Change (p9) proposes managing the risk of flooding to an acceptable level by raising the lower parts of the site to above the 1% AEP flood level (RL 3m) as part of any residential development.”</p> <p>But this does not meet the requirements of Policy NH 9B to assess the risk. Only when risk is assessed will it be known whether levels above the 1% AEP flood level (RL 3m) will achieve Low risk, as required by Policy NH 4B.</p> <p>This is particularly important given the potential flood and inundation issues on this site.</p>	<p>Decline the Plan Change as further information is required for natural hazards including an RPS natural hazard risk assessment and the provision of a Structure Plan which complies with Method 18 of the RPS.</p>
<p>Whole Plan Change</p> <p><i>Section 32 Strategic Objective 1</i></p>	<p>A section 32 evaluation must:</p> <p><i>“(1)(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—...</i></p> <p><i>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives;”</i></p> <p>The Section 32 Evaluation (p22) states <i>“No new objectives or policies or amendments to existing objectives or policies are</i></p>	<p>Oppose: this Plan Change as the section 32 analysis is not adequate.</p> <p>This Plan Change does not demonstrate that it is effective in achieving <i>“managing risk from natural hazards”</i> to achieve Objective 1 of the Whakatāne District Plan.</p>	<p>Decline the Plan Change because the section 32 evaluation does not demonstrate that it is effective in achieving Objective 1 of the District Plan.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	<p><i>proposed</i>". It quotes Strategic Objective 1 from the Whakatāne District Plan:</p> <p><i>"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."</i></p>		
<p>Whole Plan Change <i>Contaminated Land</i></p>	<p>The Plan Change (p10, 11) identifies contaminated land as an issue for residential development. A report by Tonkin and Taylor, 2004 (Appendix 6) includes investigation work collected in 2003 and 2004, well before the NESCS which came into force in 2011. The Gulf Resource Management Ltd (GRM) Report, 2003 for Regional Council referred to in the Plan Change (p10) did not include sampling - it was a visual assessment that wood waste was present.</p> <p>Tonkin & Taylor only sampled three locations for dioxin at various depths (TP1 – 0.5 m, TP3 – 1.3 m, TP6 – 0.7 m) all in the northern wood waste location. No dioxin sampling was undertaken in the southern wood waste location adjacent to the marae access road (which was identified in the GRM report). Given the nature of the wood waste and disposal methodology by trucks, contamination may still be present in pockets of wood waste and, in underlying/ overlying material.</p> <p>The Plan Change (p12) states <i>"as the contaminant standards are below the applicable standard set out in the NESCS for residential land use, the application can be assessed as a controlled activity"</i>.</p> <p>Regional Council does not agree with this comment as wood waste areas have not been adequately characterised.</p> <p>Additionally, a quote by Tonkin & Taylor, 2015 (Appendix 6, p3) to remove contaminated waste off-site also states that it might be worth considering other options for wood waste which could potentially involve retention on site.</p>	<p>Oppose: this Plan Change as contamination, if present, has not been adequately characterised and assessed and Regional Council cannot assess the remediation processes to be employed.</p> <p>The reports provided with the Plan Change do not meet the necessary standard for controlled activity status for a change in land use and subdivision under the NESCS. The contamination investigations do not comply with DW P23 (Policy 59) and DW M48 (Method 144) of the Regional Natural Resource Plan (RNRP).</p> <p>This land use change requires a Detailed Site Investigation that has been undertaken by a suitably qualified and experienced practitioner (SQEP) in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines No. 1 – 5. And, Regional Council is unable to assess if a consent will be required under DW R25 (Rule 35) of the RNRP based on information provided in the Plan Change.</p> <p>A Detailed Site Investigation would also determine whether a Remedial Action Plan and/or a Site Management Plan is required. As the quote by Tonkin and Taylor, 2015 (Appendix 6) indicates that a decision on the remediation and/or management of any contaminated material (which has not been adequately characterised) has not been decided and is likely not appropriate given this structure plan rezoning could give controlled status for subdivision and development. This is concerning given additional soil sampling may be required to investigate dioxin contamination sourced from the adjacent Kopeopeo Canal.</p>	<p>Decline this Plan Change until a Detailed Site Investigation has been undertaken by a suitably qualified and experienced practitioner (SQEP) so the extent of contaminated land can be better understood to inform appropriate remediation and mitigation of adverse effects.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>Whole Plan Change Appendix 2.4.6 Keepa Road NEW Marae Protection Area overlay</p>	<p>The Report and Plan Change recognise there is a need to manage effects at the boundary of Hokowhitu Marae. The Report (p14) identifies Strategic Objective 7, Policy 2 in the Whakatāne District Plan. This Policy reads:</p> <p><i>To recognise marae and Papakāinga as an essential focus of the retention of Māori culture, traditions, society...</i></p> <p>The Plan Change (p22) s32 evaluation does not consider Strategic Objective 7 – Māori and Iwi or its supporting policies but it states prior (p21): <i>the impact of the rezoning on cultural practices carried out at the marae is a significant consideration.</i></p> <p>The Whakatāne District Plan includes specific rules protecting Hokowhitu-a-tu-Marae from industrial activities including: amenity yards (setbacks and exclusion areas), visual restrictions (on interfacing opening windows, doors) and an acoustic fence. As outlined in the Report (p14) similar certainty on <i>how the Marae will be protected from the reverse sensitivity effects of residential development will be needed.</i></p> <p>The Whakatāne Integrated Urban Growth Strategy (2010, p11) has a Principle: <i>Develop and articulate the Māori cultural landscape.</i> The implication of applying this (p11) is to: <i>Protect, recognise and celebrate sites of significance to tangata whenua.</i></p> <p>The Plan Change (p29) refers to, as part of an initial round of consultation meeting with Ngāti Hokopu, at a hui held on Te Hokowhitu-a-Tu Marae in February 2017. Potential concerns regarding reverse sensitivity effects were raised and further consultation signalled. There are no meeting minutes or written responses identifying what was discussed and how concerns have been addressed. Nor, does the Plan Change include a Cultural Impact Assessment to support 'controlled activity status' being sought for development/ subdivision.</p> <p>To adequately address cultural effects a discretionary activity status for subdivision and development with a new Marae Protection Area overlay is considered appropriate. It should</p>	<p>Seek amendments (outlined separately): to include additional provisions which recognise and protect tangata whenua relationships with Te Hokowhitu-a-Tu marae as this is a matter of national importance under section 6(e) of the Resource Management Act 1991.</p> <p>It is also important the Plan Change gives effect to RPS Iwi Resource Management Policy IW 5B 'Adverse effect on matters of significance to Māori.'</p> <p>And, RPS Iwi Resource Management Policy IW 2B(b) states: 'Only tangata whenua can identify their relationship and that of their culture and traditions with the ancestral lands, water, sites and other taonga.'</p> <p>In the absence of a Cultural Impact Assessment or consultation records there is insufficient information to determine whether existing measures for Te Hokowhitu-a-Tu marae are sufficient to address potential reverse sensitivity cultural effects.</p> <p>Regional Council therefore requests a <i>Marae Protection Area</i> overlay to be illustrated on Appendix 2.6.4 Keepa Road Structure Plan (Appendix 2 of the Plan Change). This will provide for the management of reverse sensitivity from a residential zone, activities that could be potentially culturally offensive to Te Hokowhitu-a-Tu marae. Additional policy, rules and assessment criteria have been requested (separately) to integrate with and manage activities in the 'Marae Protection Area' overlay.</p> <p>These provisions focus on retaining a level of visual privacy (windows, balconies and decks) on neighbouring residential properties in instances where this could overlook the Marae area creating a culturally intrusive view of sensitive cultural activities taking place.</p> <p>It is also noted that there are culturally significant view shafts from Te Hokowhitu-a-Tu marae to landmarks such as Putuaki and Kaputerangi (Toi's pa) that may also be obstructed.</p>	<p>Decline this Plan Change until a Cultural Impact Assessment with Te Hokowhitu-a-Tu Marae has been undertaken so the cultural values and impacts can be better understood and provided for as part of any subdivision or development by way of consequential amendments to plan provisions.</p> <p>Alternatively, amendments as outlined in subsequent submission points are requested. These include the provision of a 'Marae Protection Area' overlay to be illustrated in Planning Maps 105B, and in the Appendix 2.6.4 Keepa Road Structure Plan (see the Indicative Keepa Road Structure Plan, Appendix 1). This would be supported by an associated policy, rules and assessment criteria.</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	also be noted that the Plan Change (p20) refers to a review of an Iwi Management Plan lodged by Ngāti Awa with the Whakatāne District Council but this is incorrect.		
Chapter 2 - Strategic New Policy Request			
Policy for Te Hokowhitu-a-tu-Marae' Objective Ind 1 Policy 4 Strategic Objective 7 – Maori and Iwi NEW Policy 8 NEW Marae Protection Area overlay Appendix 2.4.6	<p>The Whakatāne District Plan recognises the cultural importance of and accords protection for Te Hokowhitu-a-Tu Marae from potential light industrial activities. These provisions respect 'cultural and amenity values' of places to iwi and hapū including Objective Ind1, Policy 4 which reads:</p> <p><i>“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 hapu:</i></p> <p><i>a. Te Hokowhitu-a-Tu Marae, Keepa Road...”</i></p> <p>The Plan Change (p2) does not seek to make any changes or additions to objectives or policies in the District Plan. It is proposed that Policy 4 will remain in the Light Industrial zone as it will still apply on the western and southern boundaries of the Marae.</p>	<p>Seek an amendment: to retain policy recognition for Te Hokowhitu-a-Tu Marae via a new policy under Strategic Objective 7 so that it is relevant to this Plan Change. As the Plan Change does not propose on-going policy recognition for 'Te Hokowhitu-a-Tu Marae' cultural and amenity values for the site should it be rezoned to residential land.</p> <p>As stated previously, the Report (p15) recognises mitigation of reverse sensitivity effects from residential activities on adjacent Hokowhitu Marae need to be considered such as: <i>setbacks, buffer areas, and visual, glare and noise protection...</i> To address this, Regional Council requests that a new policy (supported by additional planning provisions) include recognition of a 'Marae Protection Area' overlay as shown in the 'Indicative Structure Plan Keepa Road' attached as <i>Appendix 1</i>.</p>	<p>Request a new policy 8 under Strategic Objective 7 to read:</p> <p><i><u>To ensure that residential activities on sites within the 'Marae Protection Area' for Te Hokowhitu-a-Tu Marae (as shown in Appendix 2.4.6) respect the cultural and amenity values of hapu and iwi.</u></i></p>
Plan Change requests - Chapter 6 Industrial Zone including Planning Maps 105B and Appendix 6.6.1 with amendments requested to Appendix 2.6.4 Keepa Road Structure Plan			
Rule 6.2.3.2.c.i Rule 6.2.3.2.c.ii Yard Setback Rule 6.2.7.1.b Rule 6.2.7.3 Marae and Urupa Amenity Yard Rule 6.2.8.1 Rule 6.2.8.2 Marae Amenity,	<p>The Plan Change (p2-4) seeks to remove existing rules which apply specifically to Te Hokowhitu-a-Tu Marae in the Industrial zone (listed in column 1). In summary these rules provide the following recognition for the Marae:</p> <ul style="list-style-type: none"> - Yard setbacks (minimum 6m setback to the eastern boundary of 25A Keepa Road). - Amenity Yards (20m eastern boundary of 25B Keepa Road, 6m on the eastern boundary of 25A Keepa Road). - Location of buildings (entrances, windows and doors e.g no entranceways greater than 1m width facing the Marae). - Acoustic Fence on the northern boundary of 25B Keepa Road next to Te Hokowhitu-a-Tu Marae. 	<p>Seek amendments: to Appendix 2.4.6 Keepa Road Structure Plan (Plan Change, Appendix 2) to illustrate existing and new plan provisions which will recognise and protect cultural activities on Te Hokowhitu-a-Tu Marae.</p> <p>The Plan Change states (p23): <i>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...</i></p> <p>Regional Council seeks amendments to ensure the requirement for an acoustic fence (northern boundary) is illustrated on the Keepa Road Structure Plan and a request is made to extend a proposed acoustic barrier adjoining Te</p>	<p>Amend Keepa Road Structure Plan, Appendix 2.6.4 as illustrated in <i>Appendix 1</i> 'Indicative Structure Plan Keepa Road' to:</p> <ul style="list-style-type: none"> - <i>Include existing District Plan provisions for Te Hokowhitu-a-Tu Marae including amenity yard setbacks and a new acoustic barrier on the northern boundary of 25B Keepa Road (Allotment 28B3C1);</i> - <i>Extend the proposed new acoustic barrier on the eastern boundary of 25B (Allotment 28B3C1) to the eastern and south western boundary of 25A Keepa Road (Lot 1DPS 18658) with the exception of existing marae access.</i>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
Building Location Rule 6.2.9.1 Rule 6.2.9.2 Marae Amenity, Acoustic Fence Map 105B Appendix 6.6.1 Appendix 2.6.4 Keepa Road Structure Plan	<p>There is an existing fence on the northern boundary of the Marae but this is older and it has not been assessed as part of this Plan Change to identify if it could function as an acoustic fence.</p> <p>The Plan Change indicates an acoustic barrier will be provided between 25B Keepa Road and Lot 2 DP 452650 as this is referred to as an assessmesnt criteria in proposed Rules 2.3.4.1.c and 2.4.5.1.c in the Plan Change (p13, 14). But there is no consideration of recognising cultural sensitivity through the provision of additional fencing on the eastern and south western boundaries of 25A Keepa Road despite this property being utilised for Marae activities. It would also adjoin proposed residential sites. This should also be considered as part of a Cultural Impact Assessment.</p> <p>Rule 6.2.7.3 which the Plan Change seeks to delete should also be considered this reads:</p> <p><i>When the land comprising the 20m and 6m Marae amenity yard east of Te Hokowhitu-a-Tu Marae, vests in the Council as reserve, the marae amenity yard will no longer apply.</i></p>	<p>Hokowhitu-a-Tu marae along the eastern boundary so that this extends to the eastern and south western boundary of 25B Keepa Road with the exception of existing marae access.</p> <p>Locating a reserve along the eastern boundary adjacent Te Hokowhitu-a-Tu marae is a potential means of mitigating reverse sensitivity effects from residential activities. This also appears to align with the intent of Rule 6.2.7.3 for a reserve in this amenity set back area to vest in Council.</p> <p>In the absence of any detailed Cultural Impact Assessment it is difficult to ascertain whether these measures would be sufficient. Additional measures could be imposed on the reserve to ensure any structures and uses thereon are culturally appropriate.</p>	<p>- <i>Move the proposed reserve illustrated in the Keepa Road Structure Plan to the 20m amenity yard for Te Hokowhitu-a-Tu Marae or provide an additional reserve area in this location.</i></p> <p>Additional requests including a request for a 'Marae Protection Overlay' to address visual privacy and cultural sensitivity are referred to separately in this submission.</p>

Plan Change requests - Chapter 2 Strategic of the Whakatāne District Plan including a new Appendix 2.6.4 Keepa Road Structure Plan

Rule 2.2.2 Structure Plans for Opihi, Port Ōhope and Shaw/ Huna Road Rule 2.2.2.1 New Structure Plans for Residential Development New Rule 2.2.2.4	<p>The Plan Change (p13) proposes controlled structure plan activity status for development and subdivision through Rule 2.2.2.1, this rule would then read :</p> <p><i>Any subdivision and development at Opihi, Port Ōhope, <u>Keepa Road</u> 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.</i></p> <p>No amendment is proposed for Rule 2.2.2.2. which reads:</p> <p><i>Non-compliance with Rule 2.2.2.1 shall be a Restricted Discretionary Activity.</i></p> <p>Rule 2.2.3 New Structure Plans for Residential Development provides guidance for structure plan documentation including in Rule 2.2.3.1.d:</p>	<p>Oppose: Regional Council <u>strongly</u> opposes controlled activity status for subdivision and development in the Keepa Road Structure Plan, Appendix 2.6.4 for reasons provided in the General – Whole of Plan section of this submission.</p> <p>The Plan Change lacks adequate assessments for: contaminated land, traffic, cultural impacts and natural hazard risk and the results of these assessments should be considered and incorporated within plan provisions inclusive of amendments to the Keepa Road Structure Plan, Appendix 2.4.6 as part of this Plan Change.</p> <p>Should this process continue, a default RDA (in place of controlled) status has been requested.</p> <p>Non-compliance would then default to discretionary activity</p>	<p>Decline the Plan Change for reasons given in the general submission points.</p> <p>Decline the request to amend Rule 2.2.2.1 and retain as is in the Whakatāne District Plan.</p> <p>Alternatively, insert a new Rule 2.2.2.4 to read (subject to Appendix 2, new Rule 2.5.2):</p> <p><i><u>Any subdivision and development at Keepa Road shall be undertaken in general accordance with the Keepa Road Structure Plan in Appendix 2.6.4 as a Restricted Discretionary Activity except, subdivision or development within the Te Hokowhitu-a-Tu Marae Protection Area shall be a discretionary</u></i></p>
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Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
New Rule 2.2.2.5 Appendix 2.6.4 Keepa Road Structure Plan	<p><i>Demonstrates how provision has been made for public transport cycleways and pedestrian connections and roading connectivity with adjacent blocks of land.</i></p> <p>As stated in the second submission point this has not been provided as part of this Plan Change.</p>	<p>status and an additional discretionary rule is requested for subdivision/ development within a new 'Marae Protection Area' to address reverse sensitivity effects on the Marae (see relevant submission points for further discussion on this).</p>	<p><u>activity.</u></p> <p>Insert a new Rule 2.2.2.5 to read:</p> <p><u>Non-compliance with Rule 2.2.2.4 - Keepa Road Structure Plan shall be a Discretionary Activity.</u></p> <p>Insert as Appendix 2.6.4 Keepa Road Structure Plan the attached 'Indicative Keepa Road Structure Plan' (Appendix 1).</p>

Plan Change request to insert new Rules 2.3.4.1 and 2.4.5.1 Assessment Criteria for Controlled and Restricted Discretionary Activities at Keepa Road Structure Plan Appendix 2.4.6

General Rules Rule 2.3.4.1 Rule 2.4.5.1 c. acoustic Barrier f. Marae Interface g. traffic h. building platforms NEW Rule 2.5 Assessment Criteria for Discretionary Activities in the Keepa Road Structure Plan Rule 2.5.1 Rule 2.5.2	<p>The Plan Change (p13, 14) provides a list of criteria under proposed new Rules 2.3.4.1 (Controlled Activities) and 2.4.5.1 (Restricted Discretionary Activities where it is not in accordance with the structure plan) setting out what Whakatāne District Council can exercise control/ restrict its discretion over.</p> <p>These read:</p> <p>a. <u>the consistency of the development with the Structure Plan in Appendix 2.6.4</u></p> <p>b. <u>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.</u></p> <p>c. <u>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).</u></p> <p>d. <u>the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29;</u></p> <p>e. <u>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</u></p>	<p>Seek amendments: to require a minimum of RDA status for subdivision and development in the Keepa Road Structure Plan. As controlled activity status is inappropriate given the level of detail that has been provided with the Plan Change (see general submission points).</p> <p>Regional Council has requested amendments to proposed RDA and discretionary criteria as controlled assessment criteria should no longer apply (see Appendix 2 to this submission).</p> <p>Regional Council also requests a specific discretionary activity supported by assessment criteria to manage reverse sensitivity impacts from new residential development near Te Hokowhitu-a-Tu Marae (new Rule 2.5.2). This includes the provision of a 'Marae Protection Area' as shown on the 'Indicative Structure Plan Keepa Road' attached as Appendix 1.</p> <p>Comments on Plan Change assessment criteria</p> <p>Criteria b. to mitigate noise impacts on the Marae and residents in the local surrounds is supported.</p> <p>Criteria c. to provide an acoustic barrier is also supported, it is however requested that this be:</p> <ul style="list-style-type: none"> - include existing provision for an acoustic fence on the northern boundary of 25B Keepa Road and; 	<p>Decline a new Rule 2.3.4.1 for Controlled Assessment Criteria and amend Rule 2.4.5.1 (to be replicated in new Rule 2.5.1), see Appendix 2.</p> <p>Amend proposed Rule 2.4.5.1.c and request new Rule 2.5.1.c to read:</p> <p><u>the design of the acoustic barrier between: the eastern boundary of 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 and on the northern boundary with Allotment 28B9B2A Parish of Rangitiaki (or any resulting lot from the subdivision of these lots) excluding agreed access and; on the eastern and south western boundary of 25A Keepa Road (Lot 1 DPS 18658) with Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650);</u></p> <p>Insert new Rule 2.5.2 (in place of proposed criteria f.) to provide new Discretionary Activity Assessment Criteria to manage the interface with Te Hokowhitu-a Tu Marae 25A and 25B Keepa Road within the 'Marae Protection Area' overlay which has been requested separately.</p>
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Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	<p><u>neighbours:</u></p> <p>f. <u>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;</u></p> <p>g. <u>the means by which traffic impacts on Keepa Road and the Keepa Road/ State Highway 30 intersection are mitigated;</u></p> <p>h. <u>the means by which the building platforms comply with Rule 18.2.3.2.</u></p> <p>These criteria are identical as this is consistent with other Structure Plans in the Whakatāne District Plan. And, Regional Council acknowledges the Plan Change's reference (p9) to consultation with Regional Council (an Engineering Manager) to determine that the 1% AEP flood level in the Keepa Road area is RL 3.0m, inclusive of 500mm freeboard.</p>	<p>- that it be extended (from the proposed acoustic barrier for 25B Keepa Road on the eastern boundary) to continue along the eastern and south western boundaries of 25A Keepa Road.</p> <p>An amendment to h. (building platforms) is requested as compliance with Rule 18.2.3.2 will not 'give effect' to RPS Policy NH 4B which requires new development to achieve a Low natural hazard risk.</p> <p>A natural hazard risk assessment as required by Policy NH 9B, using methodology in Appendix L can establish what finished ground level will be required to achieve a Low level of risk. This assessment has not been undertaken despite the Plan Change (p9) acknowledging that the site will need to be filled to ensure building platforms are provided above the 1%AEP flood level.</p> <p>Additionally, Regional Council has requested a number of new criteria, these are set out in other submission points.</p>	<p>Amend h. in Rule 2.4.5.1 and new Rule 2.5.1.h to read (or similar):</p> <p><i>the means by which the building platforms comply with Rule 18.2.3.2. and the setting of the finished ground level to achieve Low risk</i></p> <p>Insert Plan Change criteria (as new RDA and discretionary criteria) under Rules 2.4.5.1 and new Rule 2.5.1 as notified and numbered: a, b, d, e, g.</p>
<p>Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Connectivity to/ from Keepa Road Structure Plan</p>	<p>The Report (p15) recommended the Plan Change address:</p> <p><i>Determining how safe and convenient access from the site to local community services, particularly schools, convenience retail and neighbourhood reserves might be achieved (p15).</i></p>	<p>Seek an amendment: to include a new assessment criteria which was required by the Report (p15) but has not been provided within the Plan Change.</p>	<p>Decline the request for controlled activity criteria (as this would not apply) and insert in Rule 2.4.5.1 and new Rule 2.5.1 to read:</p> <p><i>determine as part of a traffic impact assessment how safe connectivity will be provided for traffic, cycle and pedestrian access to/ from Keepa Road and; illustrate how connectivity within the local surrounds will be achieved</i></p>
<p>Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1.1 Contaminated Land</p>	<p>The Plan Change (p10, 11) identifies contaminated land as an issue for residential development but this has not been adequately assessed (as set out in the General Whole of Plan submission points).</p> <p>The Plan Change does not include a Detailed Site Investigation undertaken by a suitably qualified and experienced practitioner. Without this there is insufficient information to fully understand and inform appropriate</p>	<p>Seek an amendment: to include a reference to assessment criteria listed in Section 3.7.24 – Contaminated Land of the Whakatāne District Plan for development/ subdivision in the Keepa Road Structure Plan.</p> <p>This is not intended to replace Regional Council's opposition to the Plan Change due to insufficient information inclusive of a Detailed Site Investigation. It will however provide some assurance that relevant matters will</p>	<p>Insert a new RDA assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><i>the criteria listed in 3.7.24 contaminated land remediation</i></p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	remediation and mitigation of adverse effects prior to development	be considered with an appropriate activity status for contaminated land.	
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Earthquake Rupture	<p>The Plan Change assessment criteria do not include 'earthquake rupture' despite being identified as a potential natural hazard (p15).</p> <p>Figure 9 (p16) in the Plan Change is referred to as being a mapped basis for indicating "the subject site is clear of known active faults." It shows a fault line through Whakatāne township which ends at the Whakatāne River. That does not equate to the fault ending there as it may continue towards and into the subject site.</p>	<p>Seek amendment: to include a new criteria for earthquake rupture as mapping of the fault rupture hazard susceptibility area as required by RPS Policy NH 7A has not yet been undertaken.</p> <p>Site investigations are required to establish whether the fault is located on the site. These necessary investigations are required under Policy NH 9B, to assess the risk. The Council should therefore reserve control over: <i>earthquake fault rupture risk</i>.</p>	<p>Insert a new assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1 (see Appendix 2) given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><u><i>management of earthquake fault rupture risk</i></u></p>
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Keepa Road Structure Plan Appendix 2.6.4 New Stopbank Setback	<p>The Plan Change (p16) identified the site as being <i>potentially affected by flooding hazards, including local stormwater flooding as well as inundation resulting from overtopping of the Kopeopeo Canal or the Whakatāne River stopbanks... The site also adjoins the Kopeopeo Canal which is part of the Rangitāiki Drainage Scheme.</i></p> <p>The indicative subdivision plans (Appendix 4) illustrate proposed development up to the northern boundary of 45 Keepa Road adjacent to the Kopeopeo Canal's stopbank.</p> <p>'Section 3.2 Defences against Water' of the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008 (the Bylaw, p4) restricts activities including structures and planting of shrubs, hedges, trees and disturbance within 12 meters of the landward side of a stopbank unless written authority is provided by Regional Council.</p>	<p>Seek amendment: Regional Council seeks an amendment to Keepa Road Structure Plan, Appendix 2.6.4 to ensure it illustrates the stopbank setback. An additional criteria is also requested to ensure the Bylaw is considered as part of any development or subdivision.</p> <p>This is a known restriction on development on the site, in an area which is potentially affected by flooding hazards.</p> <p>Regional Council have shown this setback in attached 'Indicative Structure Plan Keepa Road', <i>Appendix 1</i>.</p>	<p>Insert a new assessment criteria under Rule 2.4.5.1 and new Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. It should read:</p> <p><u><i>obtain any necessary floodway and drainage bylaw authority from the Regional Council.</i></u></p> <p>Amend Appendix 2.6.4 to include a stopbank setback as illustrated in <i>Appendix 1</i> Indicative Structure Plan Keepa Road.</p>
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1 Advice Note Keepa Road	<p>The Plan Change (p8) proposes the use of an existing pump station, on-site disposal and detention. An Engineering Services Assessment Report, 2017 (Appendix 5) by East Bay Surveyors concludes (p4):</p> <p><i>All stormwater runoff from the development can be controlled via a primary system including ground soakage, onsite storage and the piped network, which leads to the existing stormwater pump station. A secondary system will included a ponding</i></p>	<p>Seek amendment: as there is no authorisation to discharge to the Kopeopeo Canal from the site. Regional Council would not support a new discharge outlet to the Kopeopeo Canal from the proposed stormwater detention pond which is referred to as part of the secondary system. It is assumed that all stormwater will be serviced by the existing pump station which discharges to the Whakatāne River.</p>	<p>Insert a new Advice Note under Rule 2.4.5.1 and new Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1 to read:</p> <p><u><i>Advice Note 1: The Kopeopeo Canal is part of the Rangitāiki Plains Drainage Scheme which is managed by the Bay of Plenty Regional Council. An additional connection to the</i></u></p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
Structure Plan Appendix 2.6.4 Ponding area	<p><i>area situated in the northwest corner of Allotment 28B9B2A Rangitiaki Parish, overlaid flowpaths along the roads and right of ways, and the piped network, which leads to the existing stormwater pond.</i></p> <p>The proposed ponding area is not illustrated on the Keepa Road Structure Area, Appendix 2.6.4 despite the indicative location being known.</p>	Notwithstanding which, Regional Council requests a new Advice Note to sit beneath assessment criteria for Keepa Road Structure Plan to highlight the importance of managing any discharges from the site. This is particularly important given the potential inundation and flooding issues acknowledged in the Plan Change (p16). The advice note is worded to replicate Advice Note 1 in Rule 13.2.28.8 which applies to the Shaw/ Huna Road Structure Plan.	<p><u><i>drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008. The discharge of stormwater to the Kopeopeo Canal also requires a resource consent from the Regional Council.</i></u></p> <p>Amend Appendix 2.6.4 Structure Plan Keepa Road: to include the location of the ponding area.</p>
New Rule 2.5 Discretionary Activity Criteria for Subdivision and Development in the Keepa Road Structure Area, Appendix 2.6.4 (see attached Appendix 2)			
Rule 2.3.4.1 Rule 2.4.5.1 New Rule 2.5.1. Subdivision and Development of Land not in accordance with the Keepa Road Structure Plan New Rule 2.2.2.5	<p>The Plan Change (p13, 14) provides a list of criteria under proposed new Rules 2.3.4.1 (Controlled Activities) and 2.4.5.1 for Restricted Discretionary Activities where it is not in accordance with the structure plan.</p> <p>These criteria set out what Whakatāne District Council can exercise control/ restrict its discretion over.</p> <p>For reasons set throughout this submission but in particular in the General Whole of Plan submission points Regional Council opposes this Plan Change as it is <u>not supported</u> by sufficient information.</p> <p>Regional Council has provided alternative submission points to retain an appeal position on specific plan change requests to: ensure these provide a better alignment with the RPS, Regional Natural Resources Plan and the Whakatāne District Plan.</p>	<p>Seek an amendment: to provide for a default RDA status as controlled activity status requested in the Plan Change via a new Rule 2.3.4.1 is strongly opposed due to the lack of information and uncertainties relating to : traffic, cultural impacts, contaminated land and natural hazard effects.</p> <p>New rule 2.2.2.5 has been requested above to reference the new discretionary assessment criteria and reflect the change in status for subdivision and development not in general accordance with the structure plan.</p> <p>These discretionary activity criteria replicate the amendments sought for Restricted Discretionary Activities under Rule 2.4.5.1 (see attached Appendix 2).</p>	<p>Insert a new Discretionary Activity Assessment Criteria Rule 2.5.1 given the earlier request to decline controlled activity criteria in Rule 2.3.4.1. The new section title for 2.5 to read (or similar):</p> <p><u><i>Discretionary Assessment Criteria for Keepa Road Structure Plan</i></u></p> <p>Insert a new Rule 2.5.1 entitled:</p> <p><u><i>Subdivision and Development of Land not in accordance with the Keepa Road Structure Plan</i></u></p> <p>List criteria (to replicate that in Rule 2.4.5.1 as requested above) after the introduction:</p> <p><u><i>Discretionary criteria for subdivision and development of land within Appendix 2.6.4 Keepa Road Structure Plan that is not in general accordance with the Structure Plan:</i></u></p>
New Discretionary Activity Rule 2.5.2 Subdivision and	Residential activities are not currently anticipated in the Keepa Road Structure Plan area as a discretionary consent would be required for a dwelling in the light industrial zone and a non-complying consent would be required for 2/ 3 dwellings per lot (Activity Status Table 3.4.1.1, 1 and 3.4.1.1, 2).	Seek amendments to include a new 'Marae Protection Area' overlay as part of the Keepa Road Structure Plan, Appendix 2.4.6 as illustrated in the attached 'Indicative Structure Plan Keepa Road' (Appendix 1). Recognition of this overlay with appropriate matters of discretion will provide for the protection of the aural and visual privacy of	Insert a new title for Rule 2.5.2 to read: <u><i>Subdivision and development within the Te Hokowhitu-a-Tu 'Marae Protection Area' as shown in the Structure Plan - Keepa Road (Appendix 2.4.6).</i></u>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
<p>development within the Te Hokowhiti-a-Tu Marae Protection Area</p> <p>Keepa Road Structure Plan – Appendix 2.4.6</p> <p>New</p> <p>Marae Protection Area overlay</p> <p>New</p> <p>Rule 2.2.2.4</p>	<p>The indicative subdivision options provided with the Plan Change (Appendix 4) illustrate 84 approximate dwellings are proposed. The Plan Change acknowledges reverse sensitivity impacts will result from residential development (p13, 14) and includes an assessment criteria (f.) which reads:</p> <p><u><i>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;</i></u></p> <p>The Report (p15) identifies the need to mitigate reverse sensitivity effects from residential use to Hokowhiti Marae through specific plan provisions such as setbacks, buffer areas, and visual, glare and noise protection within the residential site.</p> <p>The Plan Change does not include documented consultation responses from tangata whenua nor does it include a Cultural Impact Assessment despite the reference to reverse sensitivity concerns from tangata whenua at an initial consultation hui in February 2017.</p> <p>Yet it seeks ‘controlled activity status’ for development/subdivision through a structure plan proposal. A proposal which would be non-complying if it went through a resource consent process. The Plan Change provides two criteria to acknowledge the Marae but it does not include in the Keepa Road Structure Plan, Appendix 2.4.6 (Appendix 2) recognition of Te Hokowhiti-a-Tu marae despite Plan Change references to retaining these, for example it (p10) states:</p> <p><i>... It is proposed that these protections remain in place to ensure that the users of the Hokowhiti-a-tu Marae can continue to use their Marae unhindered by any future residential development.</i></p> <p>Also, the issue of visual privacy (and cultural sensitivity extends beyond this) is not new to residential provisions in the Whakatāne District Plan. It is recognised in residential Rule 4.2.9 Visual Privacy to restrict a direct line of sight between</p>	<p>cultural practices undertaken on Te Hokowhiti-a-Tu marae from neighbouring residential activities.</p> <p>This gives effect to RPS Policy IW 5B: <i>Adverse effects on matters of significance to Māori</i> which recognises that growth and development including proposed subdivision and development can have adverse cultural effects and measures to avoid these need to be identified. And, where avoidance is not practicable measures to remedy or mitigate potential adverse cultural impacts need to be identified.</p> <p>Regional Council's request for a <i>Marae Protection Area</i> overlay to be illustrated on the Keepa Road Structure Plan, Appendix 2.6.4 (Appendix 1) is supported by requests for an additional policy and rule recognition including new Rules 2.2.2.4 and 2.5.2 which would require a discretionary assessment for any residential activities in this overlay area. These requests that have been made in the absence of a Cultural Impact Assessment or consultation record from tangata whenua.</p> <p>The assessment criteria for the <i>Marae Protection Area</i> are shown in the adjacent column and in Appendix 2. This overlay has been requested to extend 60 meters into the adjoining residential zoned area from the nearest boundary to 25A (Lot 1 DPS 18658) Keepa Road and 25B (Allotment 28B3C1).</p> <p>The assessment criteria focus on retaining a level of visual privacy (windows, balconies and decks) on neighbouring residential properties in instances where they could overlook the Marae atea creating a culturally intrusive and offensive view of sensitive cultural activities taking place.</p> <p>It should also be noted that there are additional culturally significant view shafts from Te Hokowhiti-a-Tu marae to landmarks such as Kaputerangi (Toi's pa) that may also be obstructed and these criteria could be refined should a Cultural Impact Assessment be provided.</p>	<p>Insert Rule 2.5.2 to read (or similar see Appendix 2):</p> <p><u><i>Council shall have regard to the following matters for any activities within the ‘Marae Protection Area’ as shown in Appendix 2.4.6 Keepa Road Structure Plan:</i></u></p> <p><u><i>a. protection of the aural and visual privacy for cultural practices undertaken on Te Hokowhiti-a-Tu marae from neighbouring residential activities;</i></u></p> <p><u><i>b. measures to mitigate or avoid built development that obstructs view shafts to Kaputerangi from Te Hokowhiti-a-Tu Marae;</i></u></p> <p><u><i>c. recommendations contained in a cultural impact assessment from Te Hokowhiti-a-Tu Marae Committee;</i></u></p> <p><u><i>d. the location of new or, alternations to existing buildings and subdivision within the Marae Protection Area to include consideration of:</i></u></p> <p><u><i>i. the orientation of the building to avoid, remedy or mitigate second floor windows or balconies looking directly into or over the marae complex;</i></u></p> <p><u><i>ii. distance from the Marae;</i></u></p> <p><u><i>iii. landscaping or screening to reduce visual privacy effects looking into the Marae;</i></u></p> <p><u><i>iv. the exterior treatment and materials to avoid glare and reflectivity effects on the Marae.</i></u></p> <p>Amend Appendix 2.4.6 Structure Plan Keepa Road to include a ‘Marae Protection Area’ overlay extending no less than 60 meters outward into the residential zone from 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1).</p>

Plan Reference	Comments	Support/Oppose or Seek Amendments	Regional Council requests the following decisions
	residential living areas including outdoor living spaces.		<p>Amend Keepa Road Structure Plan, Appendix 2.4.6 to include (as illustrated in Appendix 1):</p> <ol style="list-style-type: none"> 1. Existing plan requirements for the acoustic barrier and Marae setbacks. 2. New additions including a reserve within the 20m Marae setback and an extended fence line adjoining the Marae.
Planning Map 105B and 109B			
<p>Map 105B Map 109B Appendix 2.4.6 Keepa Road Structure Plan</p>	<p>Oppose: the rezoning of the site to residential, as requested in the Plan Change and illustrated in Appendix 2 the Keepa Road Structure Plan. The Plan Change requests residential zoning be shown on Planning Maps 105B and 109B as provided for in Appendix 2.4.6 Keepa Road Structure Plan (p1).</p> <p>Regional Council opposes this until such time as adequate information is provided to fully assess the Plan Change, structure plan and appropriate plan provisions.</p> <p>But, should rezoning be considered Regional Council request a 'Te Hokowhiti-a-Tu Marae Protection Area' overlay be shown on district planning map 105B and on the Keepa Road Structure Plan, Appendix 2.4.6 (see Indicative Structure Plan Keepa Road, Appendix 1). This would work in conjunction with proposed new provisions requested above.</p>	<p>Retain Whakatāne District Planning Maps 105B and 109B in their current form without rezoning until sufficient information is provided to support the Plan Change.</p> <p>Alternatively, identify on Map 105B and Appendix 2.6.4 a 'Te Hokowhiti-a-Tu Marae Protection Area' overlay extending no less than 60m outward into the residential zone from the nearest boundary to 25A Keepa Road (Lot 1 DPS 18658) and 25B Keepa Road (Allotment 28B3C1) subject to tangata whenua consultation confirming support for such an approach through a Cultural Impact Assessment.</p>	

Note:

References to Plan Change page numbers are shown above in brackets this refers to the Private Plan Change Request which was prepared by Harrison Grierson for the applicant Lysaght Developments.

There has been a pagination error as there are two occurrences of pages 1 to 12 in this report which is also supported by Appendices 1 to 10.

Appendix 1:

Regional Council - Indicative Structure Plan Keepa Road (Appendix 2.6.4)



BOP Ortho Aerials Coastal, 2014
Source: BOPLASS CC-BY 3.0

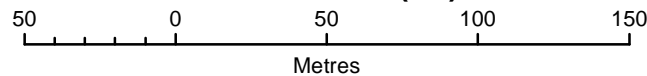


HORIZONTAL DATUM: New Zealand Geodetic Datum 2000
For practical purposes, NZGD2000 equates to WGS84
VERTICAL DATUM: Moturiki
PROJECTION: New Zealand Transverse Mercator 2000

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Indicative Structure Plan Keepa Road

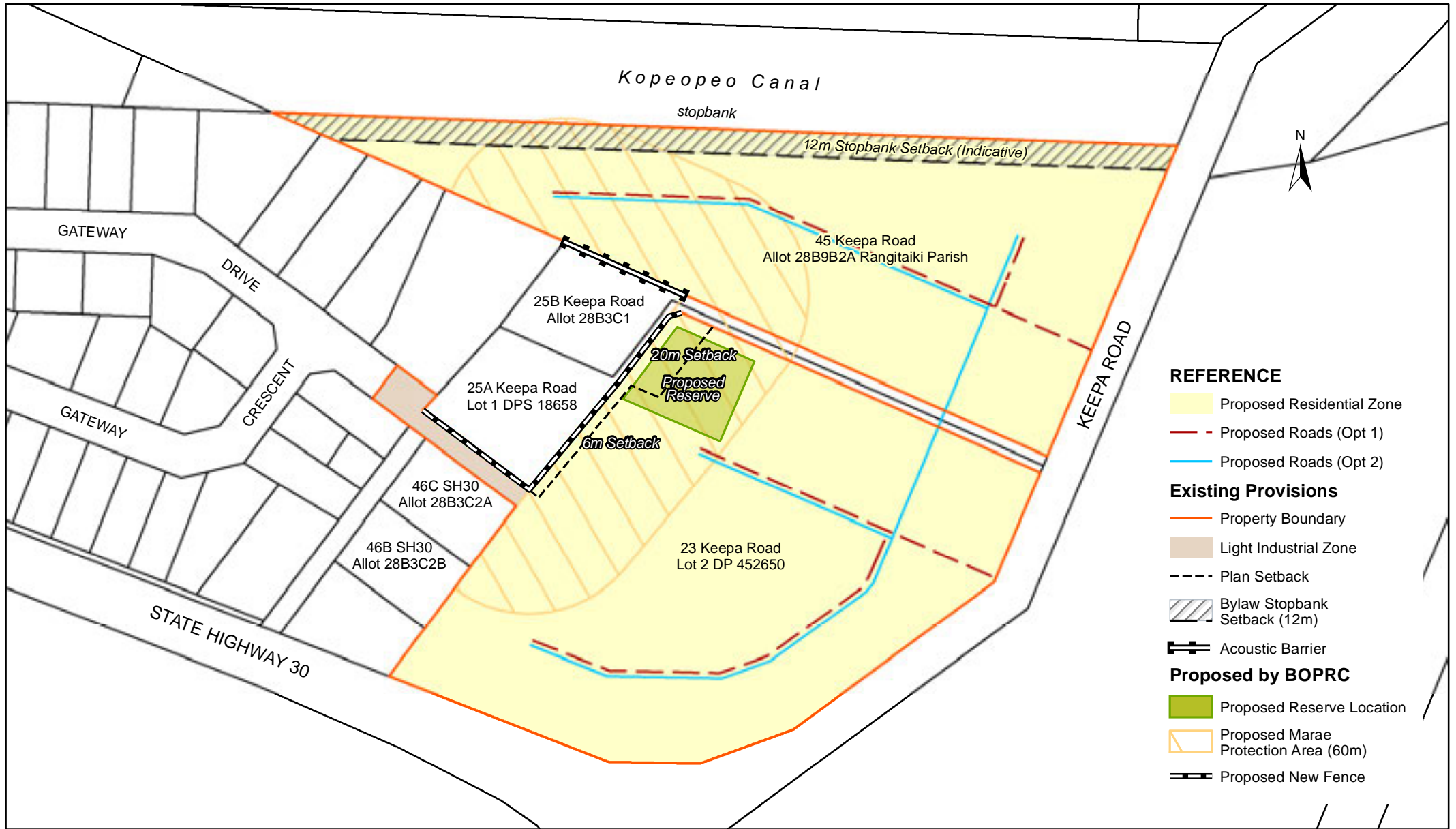
Scale 1:2500 (A4)



GSP-559747_Aerial

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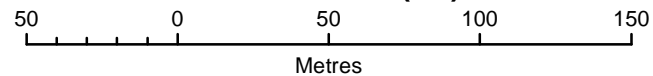


HORIZONTAL DATUM: New Zealand Geodetic Datum 2000
 For practical purposes, NZGD2000 equates to WGS84
 VERTICAL DATUM: Moturiki
 PROJECTION: New Zealand Transverse Mercator 2000

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Indicative Structure Plan Keepa Road

Scale 1:2500 (A4)



GSP-559747_Structure

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Appendix 2:

Regional Council – New Rule 2.5 Discretionary Activity Assessment Rules

NEW Discretionary Rule	Rule content as requested by Regional Council for reasons provided in the submission
<p><u>New Rule 2.5 Assessment Criteria for Discretionary Activities in the Keepa Road Structure Plan</u></p>	
<p><u>New Rule 2.5.1</u> <u>Subdivision and</u> <u>Development of Land not in</u> <u>accordance with the Keepa</u> <u>Road Structure Plan</u></p>	<p><u>Discretionary criteria for subdivision and development of land within Appendix 2.6.4 Keepa Road Structure Plan that is not in general accordance with the Structure Plan:</u></p> <ol style="list-style-type: none"> 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. <u>the design of the acoustic barrier between: the eastern boundary of 25B Keepa Road (Allotment 28B3C1) and Lot 2 DP 452650 and on the northern boundary with Allotment 28B9B2A Parish of Rangitiki (or any resulting lot from the subdivision of these lots) excluding agreed access and; on the eastern and south western boundary of 25A Keepa Road (Lot 1 DPS 18658) with Lot 2 DP 452650 (or any resulting lot from the subdivision of Lot 2 DP 452650);</u> 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 traffic impacts on Keepa Road and the Keepa Road/ State Highway 30 intersection are mitigated; g. <u>determine as part of a traffic impact assessment how safe connectivity will be provided for traffic, cycle and pedestrian access to/ from Keepa Road and illustrate how connectivity within the local surrounds will be achieved;</u> h. the means by which the building platforms comply with Rule 18.2.3.2, <u>and the setting of the finished ground level to achieve Low risk;</u> i. <u>the criteria listed in 3.7.24 contaminated land remediation;</u> j. <u>management of earthquake fault rupture risk;</u> k. <u>obtain any necessary floodway and drainage bylaw authority from the Regional Council.</u> <p><u>Advice Note 1: The Kopeopeo Canal is part of the Rangitāiki Plains Drainage Scheme which is managed by the Bay of Plenty Regional Council. An additional connection to the drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Floodway and Drainage Bylaw 2008. The discharge of stormwater to the Kopeopeo Canal also requires a resource consent form the Regional Council.</u></p>

New Rule 2.5.2

Subdivision and development within the Te Hokowhitu-a-Tu 'Marae Protection Area' as shown in the Structure Plan - Keepa Road (Appendix 2.4.6).

Council shall have regard to the following matters for any activities within the 'Marae Protection Area' as shown in Appendix 2.4.6 Keepa Road Structure Plan:

- a) protection of the aural and visual privacy for cultural practices undertaken on Te Hokowhitu-a-Tu marae from neighbouring residential activities;
- b) measures to mitigate or avoid built development that obstructs view shafts to Kaputerangi from Te Hokowhitu-a-Tu Marae;
- c) recommendations contained in a cultural impact assessment from Te Hokowhitu-a-Tu Marae Committee;
- d) the location of new or, alternations to existing buildings and subdivision within the Marae Protection Area to include consideration of:
 - i. the orientation of the building to avoid, remedy or mitigate second floor windows or balconies looking directly into or over the marae complex;
 - ii. distance from the Marae;
 - iii. landscaping or screening to reduce visual privacy effects looking into the Marae;
 - iv. the exterior treatment and materials to avoid glare and reflectivity effects on the Marae.