Response ID ANON-URZ4-5F7T-U

Submitted to Fast-track approval applications
Submitted on 2024-05-03 10:48:51

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Tauranga City Council

2 Contact person

Contact person name:
Marty Grenfell

3 What is your job title

Job title:
Chief Executive

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

s 9(2)(a)

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

581 Bell Road
581A Bell Road
581D Bell Road
581E Bell Road

File upload:
Kaituna Stormwater Overflow - Location Map.pdf was uploaded

Upload file here:
No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:
Record of Title.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Tauranga City Council

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Tauranga City Council is the owner of the land where this work is currently planned to be located. It is noted that the land is subject to a contracted right of purchase. The current agreement notes that TCC may need to reacquire a portion of the land for stormwater purposes and the other party has indicated they would be a willing seller as the project (Kaituna Stormwater Overflow) is required to enable this land to be developed.

Section 2: Project details

What is the project name?

Please write your answer here:
Kaituna Stormwater Overflow

What is the project summary?

Please write your answer here:

The Kaituna stormwater overflow is a regionally significant infrastructure project required to manage future flooding risk for land located within the existing Papamoa and Wairakei urban areas and the planned urban growth area of the Te Tumu.

What are the project details?

Please write your answer here:

Details of Proposed Project:

The Kaituna overflow ('the overflow') is a stormwater infrastructure project that involves the construction of a high-level overflow channel and weir system that allows for the discharge of stormwater from the Wairakei Stream to the Kaituna River.

The overflow is a regionally significant stormwater infrastructure project necessary to manage flood hazard for the Papamoa Catchment. The Papamoa stormwater catchment comprises some 2,300 hectares of land which includes the existing urban areas of Papamoa and Wairakei and the planned urban growth area of Te Tumu.

The Papamoa Catchment is unique in its characteristics in that currently there is no significant stormwater outlet for the whole catchment. When fully developed approximately 75% of the Papamoa Catchment will drain to the Wairakei Stream. The remainder will drain naturally to the coast from the coastal margin, and to the Kaituna River from neighbouring areas, or remains self-contained to soak away over time.

The natural outlet from the Wairakei Stream to the coast being blocked in the 1970's. Two outlets have been formed over time but deal only with relatively low volume discharges to the coast. During large volume rainfall events the predominant catchment response is an increase in stormwater run-off stored within the Wairakei Stream.

Across the catchment approximately 10,000 additional homes are expected to be delivered over the next 30 years. In Te Tumu, a proposed plan change is well advanced to enable the delivery of 6,000 of these additional homes and includes additional employment land (approximately 55 hectares) and significant open space and recreation areas to serve a future community. The overflow is an important defining element of the overall growth planning for this area and has been included as part of the current draft structure plan for Te Tumu.

The overflow is proposed to be constructed on land currently owned by Tauranga City Council (TCC) that is located within the Te Tumu growth area. This land was originally purchased by TCC in the mid 2000's to protect future growth opportunities in this area. The land is subject to a contracted right of purchase. The current agreement notes that TCC may need to reacquire a portion of the land for stormwater purposes and the other party has indicated

they would be a willing seller as the stormwater overflow is required to enable this land to be developed.

The overflow is required to allow stormwater run-off from an intense rainfall event to discharge from the Wairakei Stream to the Kaituna River. This discharge has previously been authorised under a comprehensive stormwater discharge consent (CSC) originally issued by the Bay of Plenty Regional Council (RC 63636) in 2009.

The consents required for the construction of the overflow are not part of the discharge authorised under the CSC. The trigger for construction and operation of the overflow, as set out within conditions of the CSC, is either as a result of specific flood levels being reached within the lower parts of the Wairakei Stream, or prior to commencement of development within Te Tumu as a result of urban rezoning, whichever is the earliest.

At this time, neither the specified flood levels as set out in the CSC have been reached, nor has urban rezoning of Te Tumu taken place, although it is noted that TCC, in collaboration with landowners in Te Tumu, are currently preparing a plan change to rezone this area.

The overflow is not only an important component of the overall stormwater network, but it is critical to managing stormwater within Te Tumu. Therefore, it is critical that there is certainty on the ability to consent the overflow to support the rezoning process. The Fast Track Approval process will deliver greater certainty around the consenting process to ensure that this is aligned with the plan change process, enabling TCC to deliver additional housing as anticipated to meet its obligations under the NPS-UD and address the City's acute housing shortage.

Purpose of Proposed Project:

A primary purpose of this project is to construct a stormwater overflow that delivers effective flood hazard management across a large urban stormwater catchment.

The project forms part of the essential infrastructure necessary to support urban development within the planned urban area of Te Tumu. The proposed Plan Change that is currently being prepared by TCC for Te Tumu seeks to deliver residential zoned land to enable the delivery of approximately 6,000 additional homes as well as complementary land uses across approximately 55 hectares of business zoned land, as well as open space and recreation areas.

The overflow is not only vital for Te Tumu to be developed but is an important component of the overall stormwater network with this catchment which includes approximately 11,000 existing homes and 120 ha of business land. The urban areas within this catchment (including Te Tumu) are projected to accommodate an additional 10,000 homes over the next 30 years. The project is therefore critical to providing long term resilience to these urban areas and is an important part of TCC's response to enabling growth to meet its statutory requirements for ensuring sufficient development capacity for the City.

Objectives of Proposed Project:

The objective of the project is to ensure the construction of the overflow satisfies the requirements of the existing CSC and can be delivered in a timely and efficient manner that supports the rezoning work being completed for the Proposed Plan Change for Te Tumu.

This project would specifically align itself with the requirements under the existing CSC to produce a landscape plan and cultural management plan for the Wairakei Stream. It also intends to meet statutory requirements in place through the Bay of Plenty Regional Policy Statement to give effect to the Kaituna River Document (Kaituna, he taonga tuku iho – a treasure handed down). This project would provide the opportunity to further reinforce the cultural value of the stream and its surroundings waterbodies with Tangata Whenua and surrounding landowners.

In doing so, this not only provides certainty for the delivery of future urban development within Te Tumu but provides further resilience to the wider stormwater network and the management of flood risk to properties from large rainfall events across the catchment.

Activities involved in Proposed Project:

Activities necessary to construct the overflow will include earthworks, vegetation clearance including modifications to and near existing natural inland wetlands. Earthworks will also be necessary within identified flood plains.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Preliminary work undertaken as part of structure planning work in Te Tumu has involved commissioning technical reports that have helped to inform location and design parameters for the project and compliance with the existing CSC. Based on current project planning, staging is estimated as follows:

Stage 1: May 2024 – Dec 2025
Completion of planning and assessment work including preliminary design; application for fast-track consent, respond to further information requests and report on outcome.

Stage 2(a): July 2025 – Dec 2026
Te Tumu Plan Change notification and hearings.

Stage 2(b): July 2026 – June 2029
Completion of detailed design, construction of the overflow considering typical earthwork seasons (Sept – April) in the Papamoa area (subject to funding availability).

What are the details of the regime under which approval is being sought?

Please write your answer here:

• Resource consents under the Resource Management Act 1991
• An archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014
• Public Works Act 1981 (only in the instance where land aquisition is not already achieved as part of the 'right of purchase' agreement noted above).

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Bay of Plenty Regional Council (BOPRC)
Tauranga City Council (TCC)

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

No previous applications have been made for this project.

It is noted that the construction of the overflow is anticipated and a requirement (under specific scenarios, which include the commencement of development with Te Tumu as a result of urban rezoning) of the existing comprehensive discharge consent (RC36363) that Tauranga City Council holds.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

It is noted that the party subject to the contracted right to purchase (as outlined above) is aware of this proposal and it is part of the agreement documentation.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

May 2024 – Dec 2025:
Planning and preliminary design work is underway and anticipated to take 12-18 months to complete. This work will include completion of ecological assessment work, further stormwater modelling to confirm compliance with existing CSC conditions. Further engagement with specified iwi and hapu and stakeholders will also be required and along with updates to technical work will inform any updates to the existing concept design that currently exists for this project. *

June/ Dec 2025 – Dec 2026/ June 2027:
Notification of Te Tumu Plan Change is anticipted no later than the beginning of 2026. This will then follow a schedule 1 RMA process with hearings etc.

July 2026 – June 2029:
Completion of detailed design and overflow construction including site earthworks**

*Current budgets for planning/ consenting and preliminary design work are approved under TCC LTP 24-34
** No budget currently approved for construction under TCC LTP 24-34. This is subject to a number of other workstreams and discussions such as confirmation on Government Waters Reform Policies and legislation; City Deals and IFF.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Consultation on this project has occurred over several years as part of various regulatory processes and involved a range of parties. These parties have included:

• Bay of Plenty Regional Council
• Iwi authorities and relevant treaty settlement entites
• Landowners/ Stakeholders
• General Public

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Please see attached.

Upload file here:
Section 3 - Consultation - Detail of consultation undertaken - Kaituna Stormwater Overflow.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

There has been no processes undertaken under the PWA 1981 on the land in relation to this project.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

A summary of the relevant principles and provisions set out within treaty settlements application to the geographical location of the project is attached. This includes a more detailed review prepared as part of the Te Tumu Structure Planning and Rezoning work.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

Yes

If yes, what are they?:

As set out in the attachment specific areas including the Wairakei Stream and Kaituna River are identified within individual settlement claims and deeds of the following groups:
• Kaituna River – Tapuika
• Wairākei Stream – Waitaha
• Wairākei Stream – Nga Potiki

Regard has been given to the requirements of these documents as set out in the attached.

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:
Section 4 - Iwi authorities and Treaty settlements - Kaituna Stormwater Overflow.pdf was uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

A description of anticipated and known adverse effects of the project on the environment is attached.

Upload file:
Section 5 - Adverse Effects - Kaituna Stormwater Overflow.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

A general assessment of the project in relation to any relevant National Policy Statements and National Environmental Standards is attached.

File upload:
Section 6 - National policy statements and national environmental standards - Kaituna Stormwater Overflow.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Completion of the overflow is a vital component of the proposed plan change to rezone Te Tumu for urban development. It is expected that this plan change will be notified no later than early 2026.

Utilising the fast-track process provides a greater level of certainty that the necessary approvals to allow construction of the outfall will align with both funding requirement and finalising the Te Tumu structure plan and associated rezoning plan change. Current cost estimates for this project are approximately $75 million which is a significant financial commitment for the Council. Having certainty on the deliverability of the overflow allows the work associated with the Te Tumu plan change to be finalised and thereby improve the timeliness of that process. Stepping through each approval process individually is also time-consuming and costly.

Under the traditional Resource Management Act process there is a risk of delays arising from public notification and appeals that are disproportionate to the anticipated adverse effects of the project. Such delays would be contrary to the intent of the existing CSC, which determines the outfall to be a necessary component of the stormwater management framework for catchment.

Access to the fast-track process will enable this regionally significant infrastructure project to be processed in a more timely and cost-efficient way with flow on benefits to other critical growth-related projects, as set out above.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

There is little impact anticipated by this project on the efficiency of the fast-track process. In fact, this project is considered to be ideally placed to utilise this process given it is already largely anticipated through an existing CSC. In this regard the project is considered well defined in terms of location and will be supported by technical assessments that are commensurate with the complexity of the project. It is anticipated that an application will be able to be considered by an expert panel within the defined processing timeframe.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The Te Tumu area is identified as a planned urban growth area under the UFTI connected centres programme business case. In addition, the area is also identified as a 'Priority Development Area' (PDA) within the Western Bay of Plenty sub-region. The PDA forum is coordinated by MHUD in partnership with a number of government bodies and local authorities from across the sub-region, being tasked with enabling housing and business development areas to be delivered at scale and pace, given the significant growth pressures currently faced.

The project forms part of the overall Future Development Strategy residential growth allocations within the SmartGrowth Strategy 2024 and supports the sub-region's connected centres programme. The site has been identified through Council resolutions as providing for housing to respond to citywide needs. The project is a crucial element in terms of not only supporting future urban development within Te Tumu but enable growth across the wider urban catchment of Papamoa.

The Stormwater Strategy outlines the stormwater challenges confronting the Bay of Plenty Region. The strategy aligns with the objective of the Smartgrowth Strategy which provides principles to govern stormwater management within the Western Bay of Plenty sub-region.

Smartgrowth recognises that increase intensification may cause accelerated stormwater run-off, so infrastructure requirements for growth need to be

planned for. The existing CSC encompasses these principles and applies an integrated approach to management of stormwater across this catchment which is also consistent with the Bay of Plenty Regional Policy Statement.

The construction of the overflow is consistent with the approach prescribed within the CSC and the overall integrated approach promoted within these strategies and plans.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Tauranga City is a Tier 1 urban environment, meaning it is facing the highest level of urban growth pressures. Our current projections, from our most recent Housing & Business Assessment for the next 30 years require 29,000 to 34,000 more homes to be delivered. Similar growth projections have been used in our relevant strategic planning documents for land use and infrastructure planning such as UFTI and the Transport System Plan.

TCC does not meet the residential development capacity requirements set out in section 3.2 of the NPS-UD in the short, medium or long term as documented in the SmartGrowth Housing & Business Assessment (April 2023).

As noted previously the overflow is defined as regionally significant infrastructure within the Bay of Plenty RPS. This project will enable delivery of significant development capacity not only within the Te Tumu urban growth area (6,000 plus homes) but also across the wider urban environment of Papamoa (cumulatively an additional 10,000 plus home over the next 30 years). This project will enable much needed development capacity that will be resilient to the effects of flooding associated with stormwater run-off and climate change.

The project is currently costed at $75 million and is a significant capital expense for the Council to account for in its financial planning. However,

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

As has been explained, there is a significant need to address housing supply within Tauranga. Tauranga City Council has previously advised the former Minister for the Environment of Tauranga's non-compliance with the development capacity requirements under the NPS-UD.

This project is a key component to enabling a significant increase in development capacity within both the Papamoa catchment (including greenfield growth areas) and across the City. The existing catchment comprises some 11,000 homes at present and approximately 120 ha of business land. Managing the effects of increase stormwater run-off from development is therefore a critical matter to ensuring this area remains resilient to natural hazards and therefore a well-functioning urban environment.

Not only is the project a requirement to allowing development within the Te Tumu growth area to commence (which would enable some 6,000 plus homes and 55ha of business land), but it also increases development capacity opportunity across the wider catchment which is projected to accommodate approximately 20,000 homes over the next 30 years (including homes currently within the catchment).

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Enabling the commencement of development within Te Tumu will result in significant construction activity (currently costed at $75 million) to deliver the overflow but also support the delivery of urban development across Te Tumu (6,000 additonal homes) and the wider catchment where it is located. Development within Te Tumu will provide density to support the adjoining Golden Sands Town Centre that is under construction.

The overflow will also provide necessary protection to existing and future residential and business land and ensure economic well-being of communities is safeguarded.

The employment opportunities created by these flow-on development projects will generate a number of economic benefits across various sectors. Based on the scale of the Te Tumu project itself, this will be a multi decade project allowing for numerous construction jobs in the residential area, along with wider planning and off-site opportunities.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

This project is not related to primary industries, including aquaculture.

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

The project is not related to the development of natural resource, including minerals and petroleum.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The potential restoration of wetland flora and fauna will have significant positive impacts, particularly in the context of climate change mitigation and reducing greenhouse gas emissions. This includes storing carbon, flood mitigation and water quality improvement.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

As previously noted this project will support the resilience of the overall existing stormwater network across the catchment and provide flood risk management to both existing properties and to addition housing in the future. The project is required to be delivered in accordance with conditions of an existing CSC and an existing catchment management plan. These requirements include the impacts of climate change.

Demonstration of the projects capacity to address natural hazard management would be set out through further technical analysis and modelling as anticipated through existing consent requirements.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Flood risk management is also a key environmental issue to be addressed through this project. The project will enable the run-off generated by high intensity rain fall events to be managed in an efficient way that not only protects properties within the catchment but also helps maintain and potentially enhance the quality of this run-off to waterbodies.

Water quality issues within existing waterbodies across the catchment remains a significant environmental issue to be managed. This project provides an important step in addressing these issues by delivering on the infrastructure anticipated by the existing CSC. In particular, the opportunity to effectively treat stormwater run-off within the Wairakei Stream and to enhance wetland areas along its margins. This extends to the management of stormwater quality discharge to the Kaituna River through enhanced wetland areas adjacent to the river.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

As noted above, this project is consistent with the SmartGrowth Strategy 2024-2074, which is a strategy developed in partnership with the Western Bay of Plenty District Council, BoPRC, tāngata whenua and central government.

The project is considered to be consistent with the outcomes sought under the Bay of Plenty RPS, in particular those objectives and policies in relation to the Coastal Environment (CE), Integrated Resource Management (IR), Matters of National Importance (MN), Natural Hazards (NH Policies), Urban Growth Management (UG), and Water Quality and Land Use (WL).

The project is considered to be consistent with the outcomes and methods anticipated under the Operative Tauranga City Plan (Section 2A.2) in response to addressing the significant resource management issues facing the city such as the natural environment, culture and heritage, and population growth.

Budget is included through TCC's 2024-34 LTP for initial stages of the project e.g. design, consenting and land acquisition. Funding to support construction of this project continues to be investigated through a number of mechanisms such as future local waters reform, City Deals opportunities and a IFF levy.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

The project's specific purpose is to address current and future flood risk created through increased stormwater run-off due to intense rainfall events across the Papamoa catchment. The overflow is a vital component to providing resilience to the stormwater network and providing an outfall from the Wairakei Stream to the Kaituna River at times of high water levels within the Wairakei Stream. This project will not only help manage the flood risk to existing residential properties but also ensure future properties are protected from this hazard.

This area proposed for this project is largely free of known natural hazards. However, as part of structure planning work the land has been identified as being susceptible to the effects of earthquake induced liquefaction. This hazard will need to be addressed through detailed design and it is anticipated that further assessment will be provided to support an appropriate design response and construction methodology. The most immediate effect will be on ensuring an appropriate design response for any future urban development in the vicinity of the open channel.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

As a provider of a wide range of community facilities and infrastructure on a continual basis, Council is on occasion subject to enforcement orders. Such enforcement orders generally relate to infrastructure provision and development, such as have previously related to breach of discharges and construction noise breaches. Given Council is also responsible for issuing and resolving enforcement orders across the city itself, it has not been able to provide a full and complete track record at this time given the limited time to prepare this application and the extensive searches that would otherwise be required. Notwithstanding, we can note that there have been no enforcement orders related to the subject site and Council is unaware of any other enforcement orders that would otherwise impact its ability to deliver the project.

Load your file here:
No file uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:
Marty Grenfell

Important notes