s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Bay of Plenty Regional Council
Contact person (if follow-up is required)	Mary Pappon
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Ngongotahā Housing Development, 31 Ngongotahā Road, Rotorua
General comment – potential benefits	The project will result in the construction of 196 household units with a mix of affordable housing and social housing. It is acknowledged that there is a housing shortage within the Rotorua District and there will also be economic benefits from the proposal. The project will also involve the construction of pedestrian and cycle accessways, public open spaces, restoration planting (adjacent to the riparian corridor), stormwater reserves and a wetland.
General comment – significant issues	**Staged Approach to the Development of the Site** We have previously provided the following advice to the applicant. This is contained within the technical memo also attached to this response. *In recent times, the Rotorua area has been subject to a number of larger flooding events with significant consequences including the nearby Ngongotahā and Utuhina catchments. This has prompted BOPRC to carefully consider the impacts of proposals to urbanise land, particularly where a site falls within a flood plain, adjoins a river and there are known localised flooding issues as is the case for the subject site. In the experience of BOPRC staff, a better outcome and process could be achieved through a comprehensive plan change process for the entire site where a structure plan is developed and the cumulative stormwater and flooding issues are considered and addressed.* *Should [the applicant] decide to progress the proposal through a consent process we would like to emphasise the importance of the full extent of the site being assessed as one application (whether that be through a fast track, or through the standard RMA consent process). While the current proposal is part of the site, we are aware that MHUD own the whole site and as discussed at the meeting and, following the public meeting on 26/1, it is understood there are wider development aspirations for the whole site. We would prefer an application that covers the full suite of activities and effects associated with the entire site being developed such as enabling works (temporary stormwater and earthworks) as well as the permanent stormwater and how the site will be developed (in terms of where lots and houses will be located). These aspects are important for us to be able to assess the full suite of effects associated with the activity.*

	It is acknowledged that despite the advice provided, the applicant has continued with their proposal to develop Stage 1 of the site and that they propose to develop Stage 2 through a standard resource consent process. We have concerns about being able to adequately assess the cumulative effects associated with the discharge of stormwater and potential flooding as a result of the development of the entire site, when it is assessed in part (Stage 1 vs Stage 2), rather than being assessed as a whole site. **Stormwater/Flooding** In recent times, the Rotorua area has been subject to a number of larger flooding events with significant consequences including the nearby Ngongotahā and Utuhina catchments. Through pre-application advice on the proposal, staff from the BOPRC put together a planning - consent memo and an engineering memo. These memos outlined the requirements for a consent application. These memos still apply to the proposal and have been attached to this response. Since providing the advice through the technical review memos, the applicant has undertaken further work to better understand the effects associated with stormwater and flooding at the site. This has addressed some of the issues raised in the technical engineering memo attached in **Appendix 2** to this response. For example, through the engineering memo, the BoPRC advised that hydraulic modelling should be undertaken for both Stages 1 and 2 (not just Stage 2 as initially proposed by the applicant). The applicant has taken on board this suggestion. The modelling for Stages 1 and 2 has now been undertaken and this is currently being Peer Reviewed by BECA. The applicant has previously stated that no homes will be located within the current flood zone through the development of Stage 1. However, we understand through this application that some homes will now be located in the current flood zone and that a proposed constructed wetland is to provide compensatory storage for flood waters. BoPRC are concerned about sedimentation of the wetland and the long-term impact this will have on the wetland's storage capacity and flood risk to homes. BoPRC have not yet received or reviewed the detail on how this will be achieved. A plan of how the wetland will be managed to maintain sufficient storage capacity into the long term (and by whom) should be provided with the consent application (or in pre-application correspondence). Information provided in the application states that a stormwater management plan (SMP) will be developed and submitted with the application. We consider that it is important that this SMP is provided in support of the application. **Nutrient Management – Lake Rotorua Nutrient Management** The subject site is located within the Lake Rotorua Catchment which is subject to rules within the Bay of Plenty Regional Natural Resources Plan (RNRP), requiring the reduction of nutrients from rural land (2001-2004) over time, to meet water quality limits within Lake Rotorua. The Bay of Plenty Regional Council (BoPRC) needs to understand how the discharge of nitrogen, as a result of the proposed land use, compares to the discharge of nitrogen from the existing land use. The nitrogen discharged from the proposed land use would need to be equal to or less than the discharge from the existing land use. These calculations can be complex and take time to understand therefore we recommend the applicant engage with the BoPRC on this aspect as soon as possible so it can be resolved prior to the application being lodged with the EPA. We are concerned that 10 working days may not be sufficient for these calculations to be completed, if engagement prior to lodgement is not undertaken.
Is Fast-track appropriate?	**Staged Approach** We remain concerned with the applicant's staged approach to the development of the site, especially considering the stormwater and flooding issues present and would prefer to be able to assess the development as a whole. Alternatively, the stages need to progress on the basis that all stormwater and flooding mitigation is provided for in each stage and the mitigation measures for one stage are not reliant upon another stage of works.] We are also concerned that Stage 1 proposal to mitigate the loss of floodplain storage in Stage 1 by providing storage in a residual area. The issue being that this residual area is already subject to flooding and thus may be ineffective. As outlined above, if the proposed wetland is proven to be effective, there are concerns about the longevity of the storage capacity and how this will be maintained in perpetuity. Further information on this aspect is required. The memo title "31 Ngongotahā Road – Floodplain Mitigation" mentions a detailed flood model will be provided as

	part of the stage 2 consent application. Clearly this detailed flood model is also required for Stage 1. **Timeframe for review and response** Given the complex nature of the site (specifically the flooding hazard and stormwater management), we are concerned about the timeframes for review of the information given the Fast-track process timeframes.
Environmental compliance history	We have reviewed the compliance history of Watchman Capital Limited. The applicant has held consents in our region we do not have records of any abatement notices or prosecutions.
Reports and assessments normally required	**Engineering:** • Stormwater modelling is required for both current climate and climate change for different return period events. Preliminary modelling carried out for the proposal has shown the proposal (subject to further detail) is feasible. • The pre and post stormwater modelling will need to be of sufficient detail to ensure that the existing on-site flooding, flood flow conveyance and storage, including the extra generated stormwater will be appropriately managed and that there will be no detrimental effect upstream or flooding of the proposed houses; • The applicant will need to take into account the Bay of Plenty Regional Council's Stormwater Management Guidelines (2012/01) and implement water sensitive design and a treatment train approach to manage water quality effects on the receiving environment. • Peer review of the flood modelling by a recognised BOPRC entity (it is noted that this is in progress) • Stormwater Management Plan **Risk Assessment - Natural Hazards** Through pre-application discussions the applicant has been provided advice on the requirement to undertake a natural hazards risk assessment in accordance with the Bay of Plenty Regional Policy Statement (RPS). RPS Policy NH4B: Managing natural hazard risk on land subject to urban development, requires a low natural hazard risk to be achieved on the development site without increasing the risk outside of the development site. In addition, the RPS Appendix L: Methodology for risk assessment; requires different likelihoods to be considered. For flooding the 1%, 2% and 0.2% AEPs need to be considered. Key relevant policies include NH 9B and NH 4B of the BOP RPS which seek that there are no increases in risk outside of the development site to people, buildings and lifeline utilities. Further technical advice on the preparation of the risk assessments can be provided by Mark Ivamy (Senior Hazards Planner) s 9(2)(a) We are aware that the applicant is actively working on this aspect however, at this time, insufficient information is known about how all the various mitigation components fit together. It is noted that Stage One of the proposed development area includes areas that are currently floodable in the 1% AEP flood. It will be important to clearly show the flood mitigation for this development is feasible to achieve a low level of risk consistent with the RPS. **Contaminated land** Based on the information presented in Appendix 10, Bay of Plenty Regional Council agrees that Restricted Discretionary consents are required pursuant to Rule DW R25 of the Bay of Plenty Regional Natural Resources Plan (RNRP) and Regulation 10(2) of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). Appendix 10 of the application outlines that a Detailed Site Investigation (DSI) was completed for the site in December 2017, and further sampling completed since the DSI was issued to help delineate some of the contamination identified. The letter presented in Appendix 10 provides four recommendations: • Additional sampling be undertaken near the sludge disposal areas; and • The DSI be updated; and

- A combined Contaminated Site Management Plan (CSMP) and Remediation Action Plan (RAP) be prepared;
- Remediation of specific areas including the sheep dips and historical structures prior to bulk earthworks.

To be able to assess the effects of the activity, the additional sampling should be completed and the DSI and combined CSMP/RAP should be provided for review prior to the consent application being processed.

Any contaminated land reports should be prepared in accordance with the current Ministry for the Environment's Contaminated Land Management Guidelines (CLMG) by a suitably qualified and experienced practitioner (SQEP) in site contamination.

Earthworks

For widescale earthworks we expect a detailed Earthworks Management Plan including Erosion and Sediment Control Plan(s) and Dust Management Plan prepared in accordance with the BOP Erosion and Sediment Control Guidelines for Land Disturbing Activities to be lodged with the consent application.

Nutrient Management – Lake Rotorua Nutrient Management

The subject site is located within the Lake Rotorua Catchment. Nutrients from farming activities in this catchment are managed and reductions required to achieve water quality limits in Lake Rotorua. To achieve these limits, the BOPRC requires the applicant to complete the templated subdivision calculator (which will be provided by the Bay of Plenty Regional Council upon request).

The purpose of this assessment is to understand the amount of nitrogen discharged from the development and compare it to the nitrogen discharge allocation (NDA) for the property. Through this assessment the applicant will identify whether the proposed land use will result in the same, more or less nitrogen discharge from the property. A development of this size could well exceed current N allocation. Where the discharge is likely to be more than allocation the applicant will need to discuss implications with Rotorua Lakes Council in order to be covered by RLC's consent.

The development will also need to connect to Rotorua Lakes Council's (RLC) wastewater reticulation. The applicant will need to engage with RLC so that RLC is aware of the nutrient load that will be transferred from the property to the wastewater treatment plant.

It is important to note that while a constructed wetland on site is proposed (and discussed in the section below) the wetland is not proposed to be used to meet the targeted reductions required under the Lake Rotorua Nutrient Rules.

Assessment of Effects

The application should include a comprehensive assessment of effects including adverse, positive, temporary, permanent and cumulative effects. Sections 105 and 107 of the RMA are relevant to the discharge of stormwater (the permanent discharge and the temporary discharge during earthworks) and should be directly addressed.

Cultural

An assessment of cultural effects. It is acknowledged that the site is of cultural significance to tangata whenua. Policy IW 2B of the Regional Policy Statement (RPS) is relevant to the proposal and advises:

Proposals which may affect the relationship of Māori and their culture and traditions must:

(a) Recognise and provide for:

(i) Traditional Māori uses and practices relating to natural and physical

resources such as mahinga mātaitai, waahi tapu, papakāinga and taonga raranga;

(ii) The role of tangata whenua as kaitiaki of the mauri of their resources;

(iii) The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources;

(iv) Sites of cultural significance identified in iwi and hapū resource management plans; and

	(b) Recognise that only tangata whenua can identify and evidentially substantiate their *relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.* In accordance with IW 2B(b) above, consultation with tangata whenua is necessary in order to assess effects on cultural values. **Policy Assessment** In accordance with s104(1)(b) of the RMA, we expect consent applications for proposal's of this scale to provide an assessment of the proposal against the various relevant national and regional policy documents. Relevant policy documents may include the National Policy Statement for Freshwater Management 2020, National Policy Statement on Urban Development, Regional Policy Statement and Regional Natural Resources Plan.
Iwi and iwi authorities	Please find below the list of iwi authorities that we would typically refer an applicant to, for an application of this type. The applicant has previously been provided with the contact details for these groups (refer to the planning memo attached to this document). • Ngāti Ngararanui • Ngāti Tura Ngāti Te Ngākau • Affiliate Te Arawa Iwi and Hapū / Te Pumautanga o Te Arawa • (Te Komiti o Ngāti Whakaue • Ngāti Rangiwewehi (Te Maru o Ngāti Rangiwewehi Iwi Authority) • Te Pumautanga o Te Arawa • Te Arawa Lakes Trust • Ngāti Raukawa (Raukawa Charitable Trust)
Relationship agreements under the RMA	• There are no active Mana Whakahono agreements with the regional council within the area. • Te Arawa Lakes Trust hold a Statutory Acknowledgement over the Rotorua Lakes. • Affiliate Te Arawa Iwi and Hapū hold a Statutory Acknowledgement over the Waitetī Stream. • The Te Arawa Lakes Strategy Group coordinates policy and actions to improve the Rotorua lakes. The committee is now established in law, as part of the Te Arawa Lakes Settlement, for coordinated management of the Rotorua lakes.
Insert responses to other specific requests in the Minister's letter (if applicable)	*Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?* **Staged Approach** We have previously queried why the applicant proposes to progress Stage 1 through the FT consent process in the absence of Stage 2 when they are undertaking the preparatory work (modelling and effects assessments etc) for both stages. The response we have received to date is that Stage 1 is simpler and 'shovel ready' compared to Stage 2. We remain concerned with the applicant's staged approach to the development of the site, especially considering the stormwater and flooding issues present. **Timeframe for review and response** Given the complex nature of the site, we are concerned about the timeframes for the applicant to put together the level of information required to alleviate Council's concerns and for Council to be able to review and respond to the information received. *Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?* **Rule LR R5** within the Lake Rotorua Nutrient Management chapter of the Regional Natural Resources Plan permits, until 30 June 2022, the use of land for farming activities on properties greater than 10ha and less than 40hectares (effective area). From 01 July 2022, the use of land

	for farming activities is a controlled activity under Rule LR R8. The applicant has not applied for resource consent. Given that they are proposing to develop the site, it is likely that these land use rules will not apply to the site. Should the relevant consent(s) for the development not be granted, the applicant will need to apply for land use consent under Rule LR R8. We have reviewed the compliance history of Watchman Capital Limited. There is no compliance history for the company or their current directors.
Other considerations	**Technical Memos** Please find attached two technical review memos drafted by the BoPRC. We consider that it is important to review those memos when considering referral through the Fast Track process. These memos provide helpful insight into the discussions between Council staff and the applicant to date. They reiterate our concerns regarding the site and information requirements. It is important to recognise that to date we have had two meetings with the applicant to discuss the proposal and significant work will need to be undertaken and reviewed. There are concerns about whether this will be able to be achieved given the timeframes for response to Fast-track applications. **Bay of Plenty Regional Natural Resources Plan (RNRP) – Rule Assessment** The application document refers to a number of Regional Rules that apply to the application however there are some activities that are not covered in the Rule assessment. These are: Consent is required for the temporary discharge of sediment contaminated stormwater (during earthworks) and the permanent discharge of stormwater post construction. Both activities are covered by discretionary activity Rule DW R8 of the Regional Natural Resources Plan. There may also be a need to use flocculants to treat stormwater during earthworks and this would also need consent under Rule DW R8. **Provision of information as a requirement of consent** We are aware through previous fast track applications that some of the information requirements have been required as conditions of consent, rather than the information being provided in support of the consent application. On reflection we have found that this has not been the best approach and often the reports provided as conditions of consent have been of poor quality which has caused problems from a compliance perspective. We recommend that: (a) sufficient information is provided in support of the consent application so we can understand what the effects associated with the activity are and how to appropriately manage them; and (b) where information is provided as a condition of consent, that a robust certification process is imbedded in the conditions. We have found the provision of information in support of the consent process can reduce delays compared to when it is provided as a condition of consent. **Stormwater** It is noted that Rotorua Lakes Council (RLC) does not yet hold a stormwater comprehensive consent (CSC) for their urban area. This is consent has been lodged and is currently being processed by the BOPRC (Mary Pappon, Senior Consent Planner). My understanding is that the Rotorua Urban Area includes Ngongotahā. Potential cumulative effects of stormwater discharges, particularly in the absence of the CSC should be considered. In the absence of a CSC, an applicant is required to obtain a permanent stormwater consent. Typically, this would then be transferred to RLC upon construction of the required infrastructure. The details of the applicant's proposed stormwater system/network will need to be discussed with RLC to ensure that RLC are willing to administer the consent and own the infrastructure, upon completion of the required works and installation of the infrastructure. Greg Manzano (s 9(2)(a) is my contact at RLC who manages the CSC and should be contacted to discuss these aspects further. **Site development history** The BoPRC have previously provided advice on the potential development of the site when it was privately owned. At the time there were a number of iterations or refinements to the proposed development to address the concerns raised by Council. At that time, the landowner applied to

have the site designated as a Special Housing Area and in 2019 Minister Megan Woods (Minister of Housing) declined the application. The reasoning was that:

(a) "It is difficult to quantify the risk of flooding to the proposed SHA site at this stage,"

(b) "An independent review by an engineering firm of the documents you provided us has found the site is reasonably complex. This is due to the property's proximity to a stream and potential to increase flood hazard to downstream properties."

(c) On balance, these factors cumulatively weigh against the recommendation of the proposed SHA"

I understand that the proposal has changed over time, however when it was declined in 2019 the proposal was for 80 homes and Stage 1 now proposes the construction of 190 homes with additional homes proposed under Stage 2.

While the proposal and potential mitigations have changed, the concerns raised largely remain the same.

Constructed Wetlands

The Rotorua Te Arawa Lakes Programme is a partnership between the Bay of Plenty Regional Council (BoPRC), the Rotorua Lakes Council and the Te Arawa Lakes Trust. The programme is tasked with restoring the water quality in a number of priority Te Arawa lakes, including Lake Rotorua. The programme is funded on a 50:50 basis by the BoPRC and the Ministry for the Environment.

The Programme has adopted an Integrated Framework for the restoration of water quality in Lake Rotorua to a sustainable lake load of 435 tonnes of nitrogen entering the lake per year. The Integrated Framework involves several initiatives including the Lake Rotorua Nutrient Rules to remove 240 tN/yr, the Lake Rotorua Incentives Scheme to remove 100 tN/yr and Engineering Solutions to remove 50 tN/yr.

In 2020 BoPRC commissioned a study to identify priority sites for constructed wetlands for the removal of nitrogen to meet the 50T Engineering target and part of the land at 31 Ngongotahā Rd was identified as a suitable site for a constructed wetland. The identified site involves the footprint of the historic Te Akau Swamp and the Te Toko Stream (which runs through the site), both of which are wahi tapu to tangata whenua. The area was traditionally used for kai gathering and, although severely impacted by pastoral activities, both the swamp and stream remain geomorphologically intact. The swamp currently provides some flood attenuation benefits but has lost its capacity to remove nutrients, retain and sequester carbon or offer habitat for flora and fauna.

Since becoming aware of the proposed development, BOPRC Senior Project Officer, Rosemary Cross, together with BOPRC's wetland consultants, Syrinx Environmental, have been working with the applicant to develop a concept plan for a constructed wetland at the site. The plan was designed to provide an ecologically and culturally responsive wetland to frame the proposed urban development and is BoPRC's preferred option.

The applicant has expressed concern regarding the potential loss of 46 lots resulting from the original concept plan and, as a result, an alternative wetland configuration has been developed that reduces the size of the wetland but preserves the original housing yield. This option reduces the nitrogen removal capacity of the original concept plan by over 0.5t/year.

Several meetings with the applicant's representatives have been held and the applicant has provided some details to BOPRC and Syrinx Environmental, including the proposed site layout and the flood model.

It is important to note that if a constructed wetland proceeds on the site, nitrogen removal will be accounted for as part of the 50T Engineering solutions and cannot be used to meet the targeted reductions required under the Lake Rotorua Nutrient Rules.

BoPRC is keen to continue to work with the applicant to progress a constructed wetland. However, it is BoPRC's view that the wetland needs to ensure that the swamp is protected with appropriate buffers and suitable land uses are implemented at the urban interface. In addition, BOPRC's consultant has advised that, based on the information provided by the applicant to date, it has some concerns about the current flood model and the proposed steep (1:3) embankments throughout the development.

	Notwithstanding, we hope that BoPRC and the applicant can continue to collaborate in good faith in order to realise the best outcome for the community, tangata whenua and the environment. The Wetland Design Concept and Alternative Wetland Configuration Proposal are Appended to this response as Appendix 3 and 4).
Summary of Feedback	BOPRC acknowledge the need to provide more housing in Rotorua. Whilst much of the stage 1 proposal may be suitable for a Fast-track process our concerns are with: • Some proposed residential lots being located within an area subject to flooding, and • Stormwater management, and • The appropriateness of the proposed flooding mitigation, particularly in maintaining its long-term storage capacity. We also note that best practice is to undertake comprehensive planning for the wider area such as through a structure plan process and plan change. If the application is accepted for the Fast-track process, we implore the panel to interrogate the implications of the flood hazard, modelling and proposed mitigation with appropriate experts.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Appendix 1
BOPRC Consents - Planning Memo

APPENDIX 1

Your Ref:
Our Ref:

03/02/2023

Dear Bill Ritchie, Michael Campbell and Bill Noell,

Proposed development at 31 Ngongotahā Road via COVID-19 Recovery (fast-track consenting) Act 2020

Thanks for meeting with us before Christmas. We trust you and your team had an enjoyable break. Following our meeting on the 19 December, we offer the following preliminary feedback in response to our meeting and the power point presentation to inform the next stages of developing a proposal for the site. We look forward to working with you closely on this project.

In recent times, the Rotorua area has been subject to a number of larger flooding events with significant consequences including the nearby Ngongotahā and Utuhina catchments. This has prompted BOPRC to carefully consider the impacts of proposals to urbanise land, particularly where a site falls within a flood plain, adjoins a river and there are known localised flooding issues as is the case for the subject site. In the experience of BOPRC staff, a better outcome and process could be achieved through a comprehensive plan change process for the entire site where a structure plan is developed and the cumulative stormwater and flooding issues are considered and addressed.

Should you decide to progress the proposal through a consent process we would like to emphasise the importance of the full extent of the site being assessed as one application (whether that be through a fast track, or through the standard RMA consent process). While the current proposal is part of the site, we are aware that MHUD own the whole site and as discussed at the meeting and, following the public meeting on 26/1, it is understood there are wider development aspirations for the whole site. We would prefer an application that covers the full suite of activities and effects associated with the entire site being developed such as enabling works (temporary stormwater and earthworks) as well as the permanent stormwater and how the site will be developed (in terms of where lots and houses will be located). These aspects are important for us to be able to assess the full suite of effects associated with the activity.

Our understanding of the fast-track process is that the Minister may ask the Bay of Plenty Regional Council (BOPRC) to comment on suitability of the project for a fast-track process. At this stage we do not have enough information to comment on the proposal and any response to the Minister would highlight our concerns around the potential stormwater issues and development within the flood plain.

We propose to create a pre-application code that we can charge our time to when providing advice on the proposal. This would enable the technical aspects of the application to be reviewed and potential issues resolved prior to lodgement with the EPA. We would be happy to develop a suite of consent conditions to accompany the application to the EPA. Without being

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provided this detail for consideration and review prior to lodgement, it would be difficult to provide feedback to the EPA, particularly in support of the proposal.

In terms of the process for being able to formally support a fast-track application, our staff would review the proposal and associated documents and provide a recommendation to our Chief Executive Officer; Fiona McTavish and Ms McTavish would provide the formal response to the Minister on behalf of the BOPRC.

1. Advice regarding consenting requirements

Please note that this advice applies to the development as a whole. We acknowledge that you propose to progress only some of these activities or part of the site through the fast-track process.

- The Rotorua Catchment has nutrient specific rules (Lake Rotorua Nutrient Management) and there is a process to go through when changing land use from rural land to urban. We can discuss this further as the proposal progresses; I'm just flagging this. I think it would be beneficial to deal with this aspect alongside the other components of the proposal.

- Please consider how domestic wastewater will be dealt with. Will this be sent to the Rotorua Lakes Council (RLC) Wastewater Treatment Plant or will individual systems be authorised on site (on site effluent treatment systems)? If it's the latter, please note that the Bay of Plenty Regional Onsite Effluent Treatment Plan should be taken into account.

- Please note that part of the site has been identified on the BOPRC Hazardous Activities and Industries List (HAIL) and therefore the National Environmental Standard for Contaminated Soils (NES:CS) is likely to be triggered in undertaking the development of the site. Should the NES be triggered, consent would likely be required from both the BOPRC and RLC. From time to time where consent is required for disturbing contaminated land from both the District and Regional Council, BOPRC has processed these aspects on behalf of both councils (through a transfer agreement). We would be happy to consider this for this proposal. I note there may also be requirements under the NES:CS for changing land use of the site but I will leave this with RLC to advise on.

- You will need to consider the National Policy Statement for Freshwater Management (NPS:FM) and the National Environmental Standard for Freshwater Management (NES:FM) and how the proposal fits with these requirements. There is likely to be other NPS' or NES' that apply to the proposal and these should be considered also.

- Please note that RLC does not yet hold a stormwater comprehensive consent (CSC) for their urban area. My understanding is that the 'urban area' includes Ngongotahā. Potential cumulative effects of stormwater discharges, particularly in the absence of the CSC should be considered. In the absence of a CSC, an applicant is required to obtain a permanent stormwater consent. Typically this would then be transferred to RLC upon construction of the required infrastructure. The details of your proposed stormwater system/network will need to be discussed with RLC to ensure that RLC are happy to take the consent and infrastructure over, upon completion of the required works. Greg Manzano is my contact in RLC who manages the CSC. I can provide his contact details if required.

- I've checked with our land management team regarding the creation of an artificial wetland. As I understand it the previous landowner was interested in creating a wetland, but this was

never progressed. This was not a requirement but an engaged landowner who was interested in working with BOPRC to create a wetland on their property.

Our land management team are interested in continuing this discussion regarding the opportunity for wetland creation at the site. Rosemary Cross (BOPRC) or Helen Creagh (BOPRC) can be contacted to discuss the details of this and I am happy to provide their details.

- The site falls within the area of interest to Ngāti Whakaue, Ngāti Ngararanui, Ngāti Tura Ngāti Te Ngākau, Ngāti Raukawa and Ngāti Rangiwewehi and is located upstream of Ngāti Ngāraranui Waitetī Marae at 30 Waitetī Road. In addition to this, the Waitetī Stream and Lake Rotorua are identified as having Statutory Acknowledgements over them. The Statutory Acknowledgement held over the Waitetī Stream is held by Affiliate Te Arawa Iwi and Hapū (also known as Te Pumautanga o Te Arawa) and the Statutory Acknowledgement held over Lake Rotorua is held by Te Arawa (also known as Te Arawa Lakes Trust). These Statutory Acknowledgements should be considered as part of the proposal.

  We recommend contacting the parties identified above to discuss your application. The contact details are provided below:

Group Name	***Role Name***	***Email***	***Phone***	***Address***
Ngati Rangiwewehi (Te Maru o Ngati Rangiwewehi Iwi Authority)	**RMA Contact**	s 9(2)(a)	s 9(2)(a)	Te Maru o Ngati Rangiwewehi, PO Box 131, Ngongotaha, Rotorua 3041
Raukawa (Raukawa Charitable Trust)	**RMA Contact** **Chairperson** Kataraina Hodge	environment@raukawa.org.nz s 9(2)(a)	07 8850260 s 9(2)(a)	Raukawa Charitable Trust, Private Bag 8, Tokoroa 3444
Ngati Tura Ngati Te Ngakau	**RMA Contact** John Te Poari Newton	s 9(2)(a)	s 9(2)(a)	
Ngati Ngararanui (Ngati Ngararanui Hapu Trust)	**RMA Contact** Guy Ngatai **Chairperson** Wallace Haumaha	s 9(2)(a) s 9(2)(a)	s 9(2)(a) s 9(2)(a)	Ngati Ngaranui Hapu Trust, Chairman, 38 Ngongotaha Road Rotorua
Ngati Whakaue (Te Komiti Nui o Ngati Whakaue)	**RMA Contact** Manuariki Tini **Chairperson**	s 9(2)(a)	s 9(2)(a)	

	Rawiri Bhana	s 9(2)(a)	s 9(2)(a)	PO Box 1264, Rotorua 3040
Te Arawa Lakes Trust	**Environment Manager** Nicki Douglas	consent@tearawa.iwi.nz	s 9(2)(a) 07 3461761	
Affiliate Te Arawa Iwi and Hapū / Te Pumautanga o Te Arawa	**General Manager** Wally Tangohau	office@tpota.org.nz	07 3474615 s 9(2)(a)	

2. Advice regarding engineering requirements

Peter Blackwood has provided technical advice on the engineering aspects of the application. This advice can be found in the attached document entitled 'Combined Engineering Design Team Comments on Proposed Development or 31 Ngongotahā Road' and dated 12/01/2023.

BOPRC recommends that the applicant consider options for a treatment train approach and suggest a stormwater management plan is prepared to inform the design of any future subdivision, landform and discharge consents. We are happy to discuss the technical aspets in further detail.

3. Cumulative effects and flood risk

Recent experience in Ngongotahā and the Utuhina Catchment has highlighted the importance of taking a catchment-based approach to land use planning to ensure new development does not increase cumulative flood risks. This is particularly the case for the development of a greenfield site adjacent to a river system and an existing urban area with known flooding issues. The presentation material and discussions indicated the entire site is intended to be developed. As explained above in our experience we believe a better outcome and process could be achieved through a comprehensive plan change process and we encourage you to consider this further.

4. Modification to the Waitetī Stream

The NPS-FM and the BOP Regional Natural Resources Plan (RNRP) directs to *avoid loss of extent and values of streams*, including the waterbodies such as the Waitetī, including any benching that may encroach on the Waitetī stream bed. This is a directive policy which provides for limited exceptions. As such, BOPRC encourage the applicant to consider other options to manage the flood storage on the site. For avoidance of doubt, changes to the NPS-FM do not propose to change the river/streams related provisions.

Please also consider the advice regarding benching from BOPRC Engineers as outlined in the document referenced in Section 2 above.

5. Risk Assessment – Natural Hazards

A risk assessment be prepared in accordance with the methodology set out in Appendix L of the Regional Policy Statement (Microsoft Word - Operative RPS 1 October 2014 incorporating Change 3 web word version.docx (boprc.govt.nz). Key relevant policies include NH 9B and NH 4B of the BOP RPS (Microsoft Word - Operative RPS from 1 October 2014 word version.docx

(boprc.govt.nz) which seek that there are no increases in risk outside of the development site. Further technical advice on the preparation of the risk assessments can be provided by Mark Ivamy (Senior Hazards Planner) s 9(2)(a)

At this time, insufficient information is known about how all the various mitigation components fit together. It is noted that Stage One the proposed development area includes areas that are currently floodable in the 1% AEP flood. It will be important to clearly show the flood mitigation for this development is feasible to achieve a low level of risk in the RPS.

6. Pre-Application Advice

Please complete the information requirements in the table below. This will allow us to set up the pre-application code.

Applicants details (postal address, phone number, mobile number, email address)	
Site address (where the activity is taking place)	
Public notification Yes/No	
Proposed start date	
PO#	
Default correspondence Applicant/Consultant	
Purpose/activity	

We look forward to receiving further information on this proposal and working closely together in the future.

Kind Regards,

MPappon

Mary Pappon

Senior Consent Planner
Bay of Plenty Regional Council

Appendix 2
BOPRC Engineering Memo

APPENDIX 2

MEMO

To:	Bill Ritchie – Watchman Capital Limited	**Date:**	03/02/2023
	Michael Campbell – Campbell Brown Planning Limited		
	Bill Noell – PDP Environmental and Engineering Consultants		
From:	Peter Blackwood,		
	Principal Technical Engineer, Bay of Plenty Regional Council.		
Consent number:	Pre-application Advice – code to be advised.		
Technical audit:	**Ministry of Housing and Urban Development**		
	Proposed development at 31 Ngongotahā Road via COVID-19 Recovery (fast-track consenting) Act 2020		

Combined Engineering Design Team Comments on Proposed Development or 31 Ngongotahā Road

1. Information provided

The proposal presented at our meeting in December lacks a lot of detail particularly with regard the actual proposed developments. While it is acknowledged that this meeting was our first meeting and we anticipate that more information will be provided as we work through this process, this memo outlines some of our concerns relating to the site, as well as the technical requirements and level of detail required for the Bay of Plenty Regional Council Engineering team to be able to assess the environmental effects associated with the development.

It is noted that a number of development scenarios with varying density have been previously proposed and we would like to better understand the specific details associated with this proposal. In our meeting in December you explained that your preference was that Stage 1 would be progressed through the fast track process. We request and

recommend that the effects associated with development the entire site (such as the density of development, impervious coverage, stormwater management and flooding effects) are considered and that the interdependency between the proposed staging with regards to stormwater management is better defined. We note that little information has been provided on this aspect to date. (**See Figure 1 on Page 6 for the proposed staging of the development)**.

2. Proposed Plan Change – zoning of the property at 124 Western Road (63 Ha approximately) to a new residential area

An area of some 63 ha is shown on the RLC Spatial Plan as an area to be rezoned as a new residential area, the majority of which discharges toward the railway embankment and into 31 Ngongotahā Road Development via the railway culvert. A small part of this area discharges to Waitetī Stream via a tributary (Tupapakurua Stream). An increase in stormwater runoff from this area will impact both the levels in the Waiteti Stream and the development at 31 Ngongotaha Road. It will be necessary to demonstrate how stormwater from the development at 124 Western Road will be managed.

Given the complexities of the site with regard to the management of stormwater and flooding effects both on site and downstream, our preference would be for this development to go through a structure plan process which would be incorporated into the District Plan prior to the approval of any development at 31 Ngongotahā Road. We believe this would enable the site to be developed in a comprehensive and integrated manner and the cumulative effects associated with the development to be comprehensively assessed. We believe this process would provide good direction for dealing with the complex stormwater and flooding effects inherent at the site.

We have some concerns about the assumptions that have been made in the stormwater modelling for the impervious coverage for the contributing catchment. It appears that the impervious coverage for 124 Western Road this area was assumed to be 0% impervious in the updated "PDP modelling and flood assessment report for 31 Ngongotahā Road dated 29 April 2021" which appears to mean that PDP assumed that there will be no increase in stormwater runoff from 124 Western Road when developed. However, this has not been assessed and proven. Further, the impervious coverage for the existing residential 1 areas, south of the proposed residential development (on the other side of the railway embankment) was assumed to be 50% in the updated PDP modelling report, whereas the permitted impervious coverage for residential 1 zone in the Rotorua District Plan is 80% which should be used in the modelling. (**See Figures 2A, 2B, 2C & 2D on Pages 7- 10).**

Should the assumptions in the modelling be less than that permitted under the District Plan for the relevant zone, please provide further information as to how the developer/applicant proposes to manage the restrictions regarding impervious areas and the mechanism for achieving this. We have concerns regarding the assumptions made through the modelling process versus what is allowable on site. This could be further complicated if the Western Road and Ngongotaha Road sites are developed by different parties and could affect the consent process regarding the identification of affected parties and potential notification.

These implications should be discussed further with Mary Pappon, Senior Consent Planner.

3. Proposed discharge into RLC reticulated system in Ngongotahā Road (300mm road drainage)

Part of the proposed development (approx. 1.1ha, highlighted in red in Figure 3A on Page 11) is shown to be connected to the RLC road drainage system in Ngongotahā Road. This system is small (300 mm diameter pipe), and it will be necessary to demonstrate that system capacity is available or upgraded if required. Further, neither the recurrence interval nor whether the discharge will be mitigated (prior to discharging into the reticulated system) has been explained in the presentation document. **(See Figures 3A & 3B on Pages 11 & 12)**.

The discharge will need to be mitigated prior to discharging into the Waiteti Stream to prevent an increase in runoff from the site in a climate change adjusted 100-year event. This detention should be to a minimum standard of 80% of pre-development peak discharge in accordance with the Stormwater Management Guidelines for the Bay of Plenty region (BOPRC Guideline 2012/01).

It is our understanding that RLC had previously advised the former developer and his agent that the existing road drainage system doesn't have the capacity to receive any stormwater from the proposed development. Further detail on this aspect is required to be able to assess the associated effects of the discharge.

4. Waitetī Stream Benching

We understand that the widening/benching of the berm of the Waitetī Stream is proposed however it is acknowledged that the detail around this has yet to be received or reviewed by Council Staff. We are concerned that such works will alter the natural dominant channel forming discharge and may induce further bank instability especially as the stream is considered unstable. We consider that in widening the berms they will flood much more frequently, and be subject to siltation; reducing their capacity to deal with flood flows.

Artificially modifying streams is not favoured because of the various adverse effects inevitably generated. It is not just a case of adding flood storage and flow carrying capacity. Ongoing maintenance would be required as it is anticipated that the area excavated will silt up and the mitigation proposed will be lost. We reiterate our concerns that have been previously raised regarding this method of flood mitigation throughout the various proposals developed.

We would appreciate being able to review this technical information as soon as possible so we can get a better understanding of what is proposed and what the effects associated with this approach would be.

5. ***Geotechnical report and effect of the proposed work on the stability of the Waitetī Stream***

   A comprehensive geotechnical report will be required and in addition to the standard subdivision requirements this report should consider the stability of the Waitetī Stream and the effects of the proposed widening / benching work on stream stability.

   As above, we would appreciate being able to review and respond to this technical information as soon as possible.

6. ***Independent peer review of stream modelling, stormwater and geotechnical reports***

   Bay of Plenty Regional Council have previously advised that based on the information in front of them, they are happy with the calibration of the PDP Hydraulic Model. However, this proposal is of such a scale that peer reviews of stream modelling, stormwater and geotechnical reports need to be undertaken. It is important these peer reviews are carried out by consultants approved by BOPRC and with a good degree of independence.

7. ***Frequent storm events need to be considered***

   Stormwater design and impact of fill on flooding need to consider a range of floods, from minor “inconvenience flooding” to at least the 100yr and the 500yr events (for the Natural hazard risk assessment required by the RPS). The impact of 10yr, and 50yr events needs to be understood.

8. ***Climate Change scenario (HIRDS V4 RCP 8.5 to 2130)***

   For the design of the stormwater system and the analysis of the Waitetī Stream, the climate change scenario should be based on HIRDS V4, RCP 8.5 to the year 2130.

   Based on the information that we have received so far, it is hard to provide detailed guidance or advice. However, as outlined in the paragraphs above, we would appreciate being able to review and respond to the proposal as soon as possible and we are happy to review information as it becomes available.

Thank you

Peter Blackwood
Principal Technical Engineer
Bay of Plenty Regional Council

BAY OF PLENTY REGIONAL COUNCIL
TOI MOANA

Attached Figures

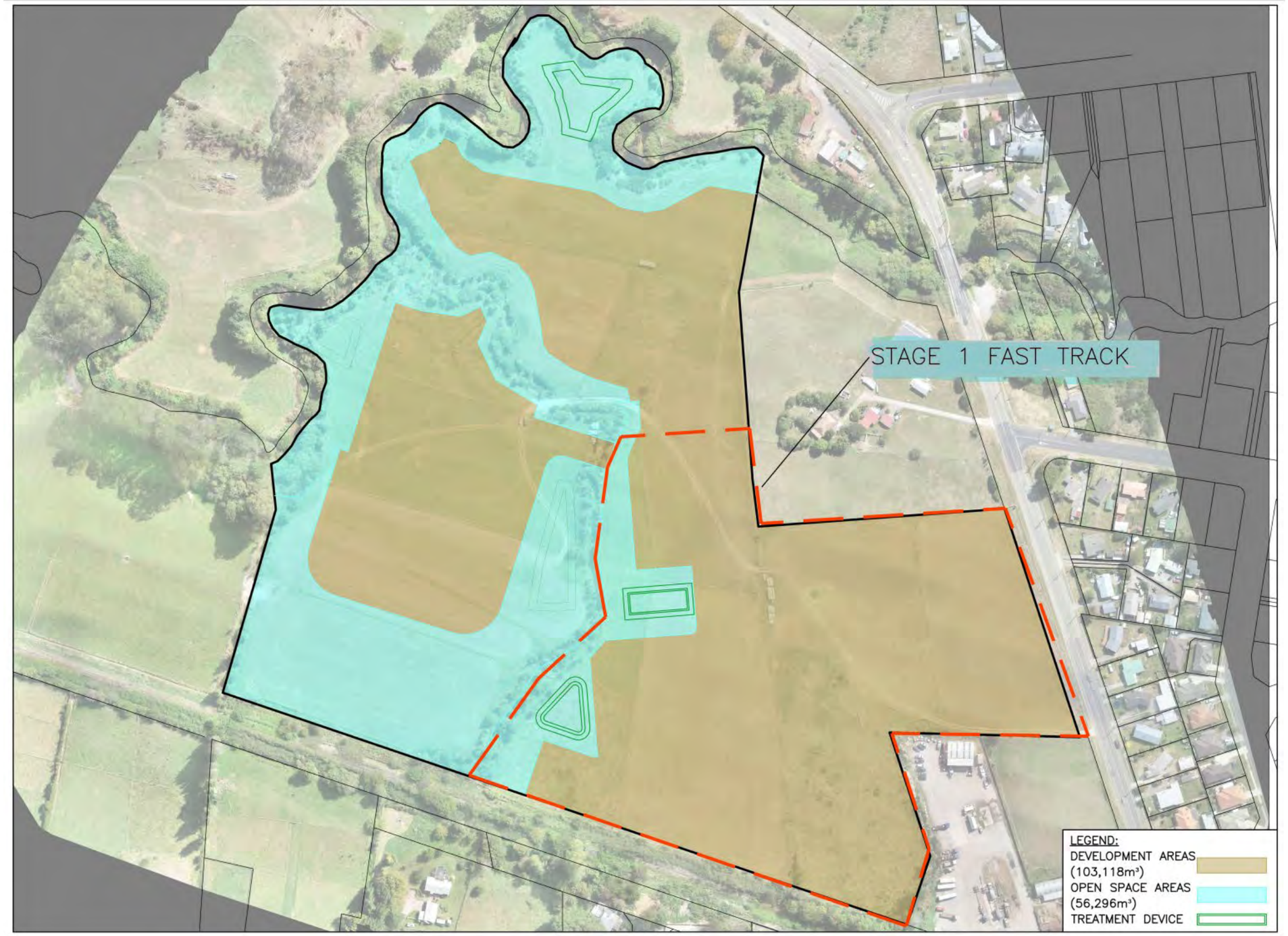


Figure 1: Proposed Staging of the Development

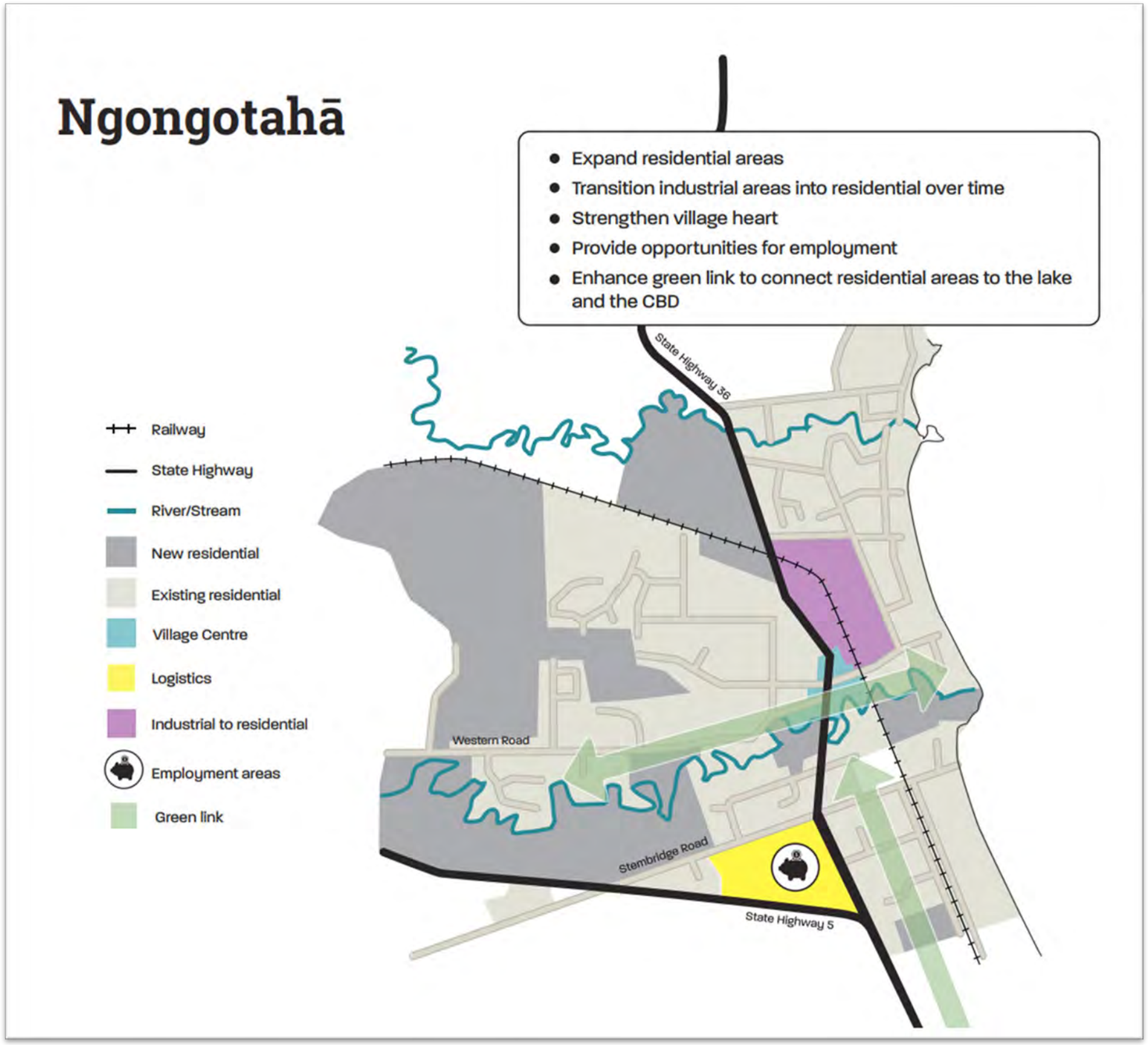


Figure 2A: Extract from RLC Spatial Plan (Ngongotahā)

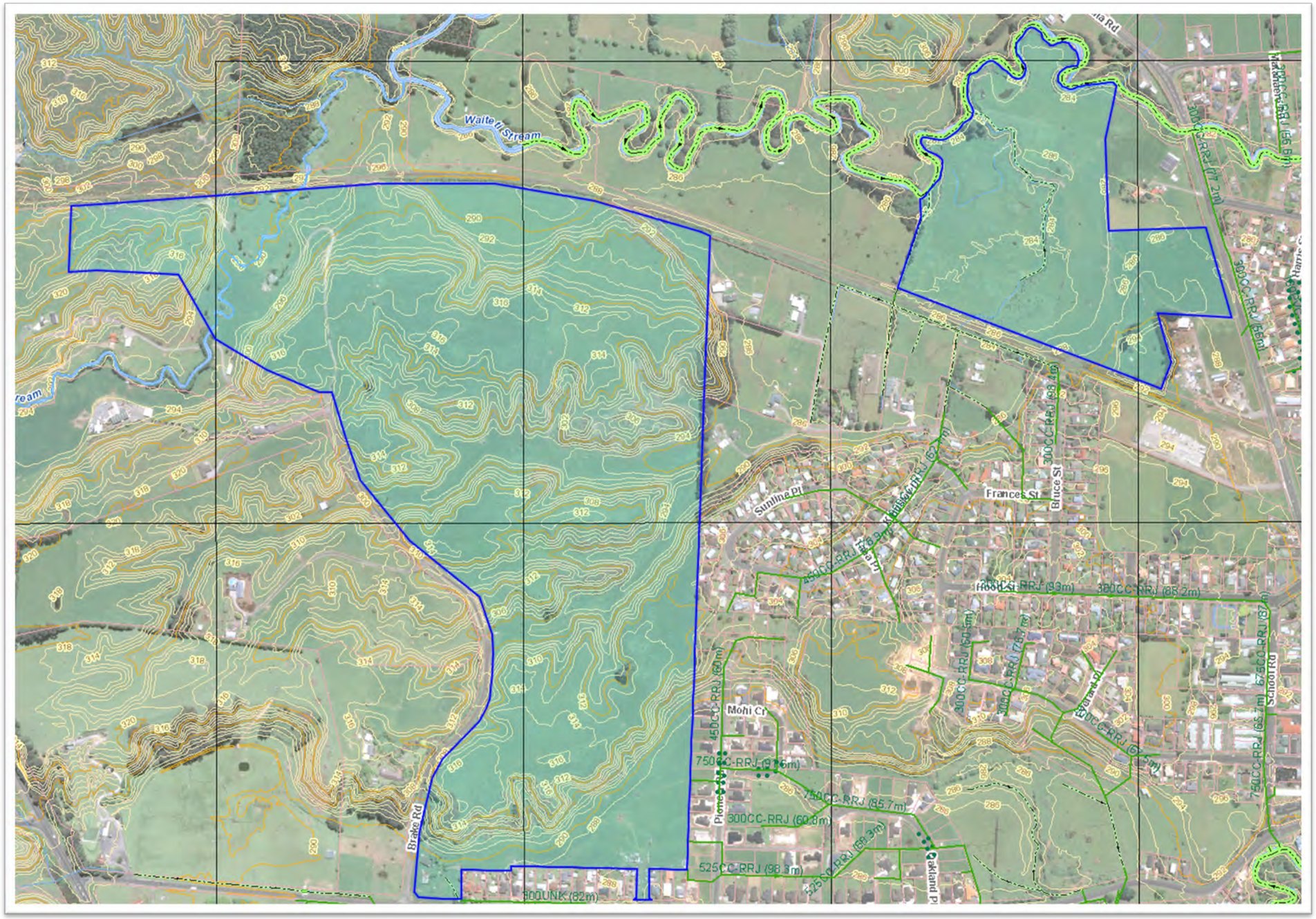


Figure 2B: Screenshot from RLC Geyserview which shows the development site at 31 Ngongotahā Road and the property at 124 Western Road which is shown on the Spatial Plan as an area to be rezoned to residential.

Table 2: Subbasin Area		
Subbasin	**Area (ha)**	**Notes**
1	39.18	0% Impervious area
2	26.16	Pastural land adjacent to existing residential area, south of the proposed residential subdivision
3	2.44	50% Impervious area
4	8.96	Existing residential area, south of the proposed residential subdivision
5	19.31	
6	2.34	

Figure 2C: Extract from PDP modelling report (Issue Date: 29 April 2021), PDP Impervious Coverage Assumptions

Figure 2: Catchment South of the Site Location

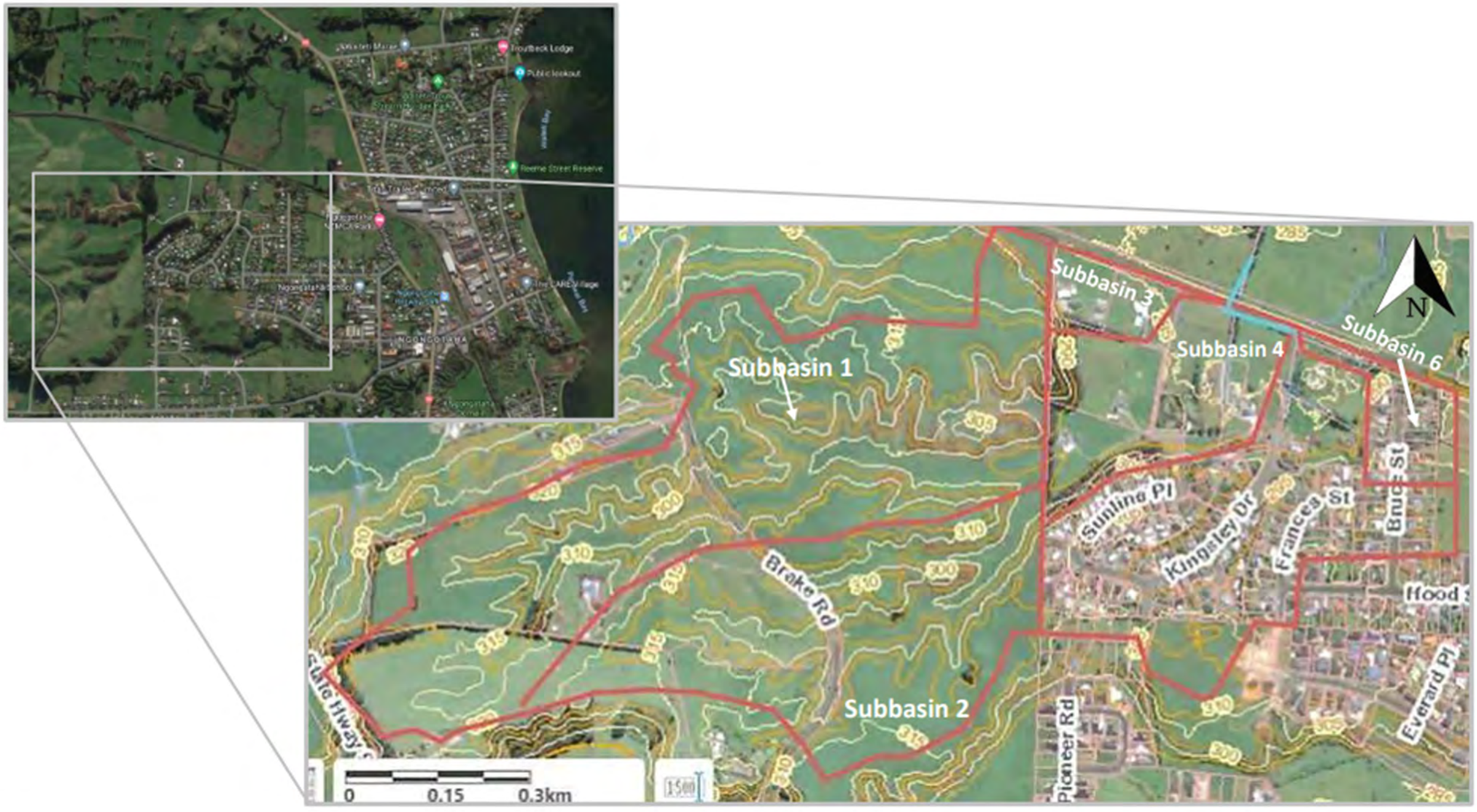


Figure 2D: Subbasin Areas

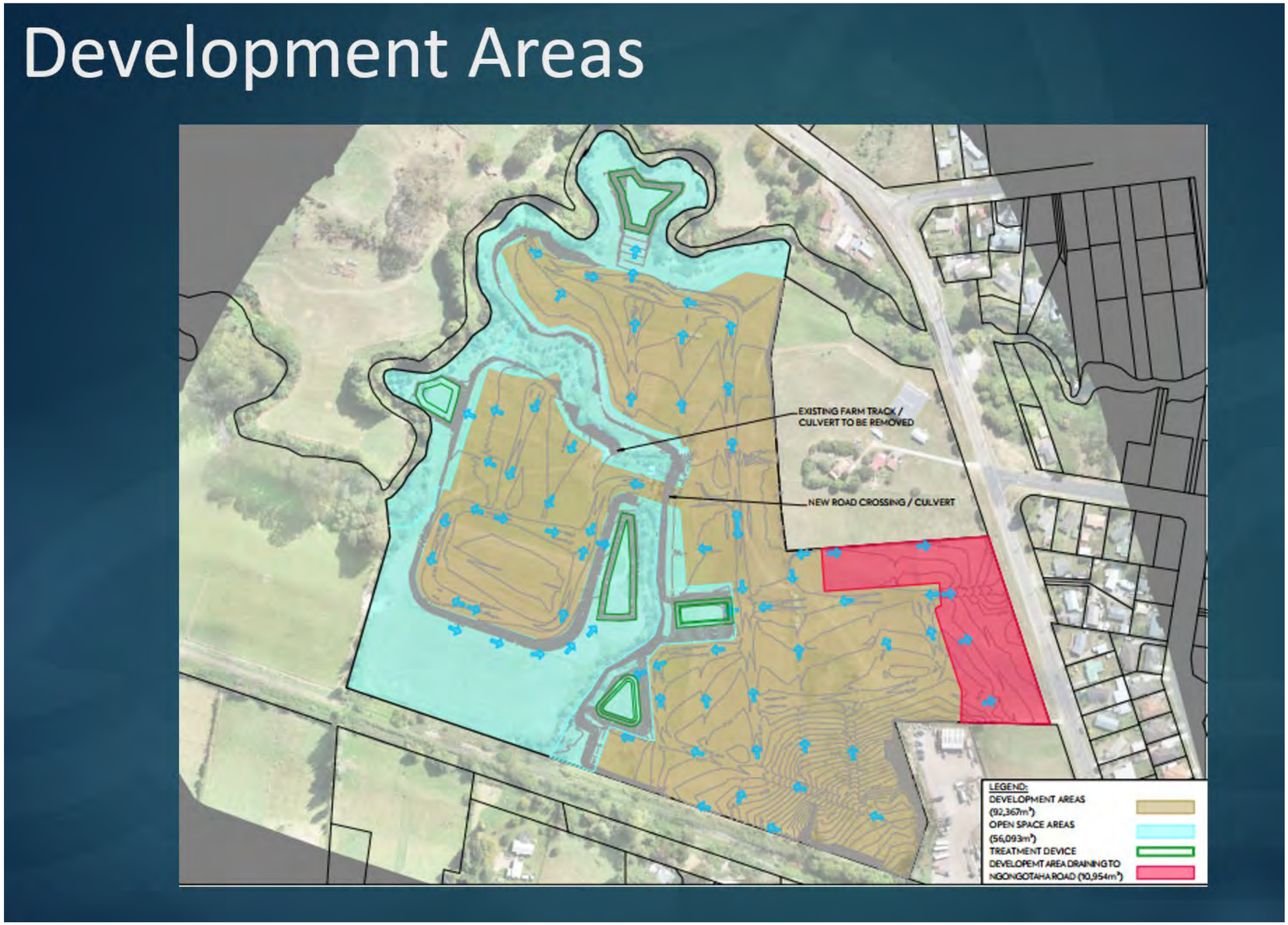


Figure 3A: Proposed discharge to the existing RLC Road Drainage System

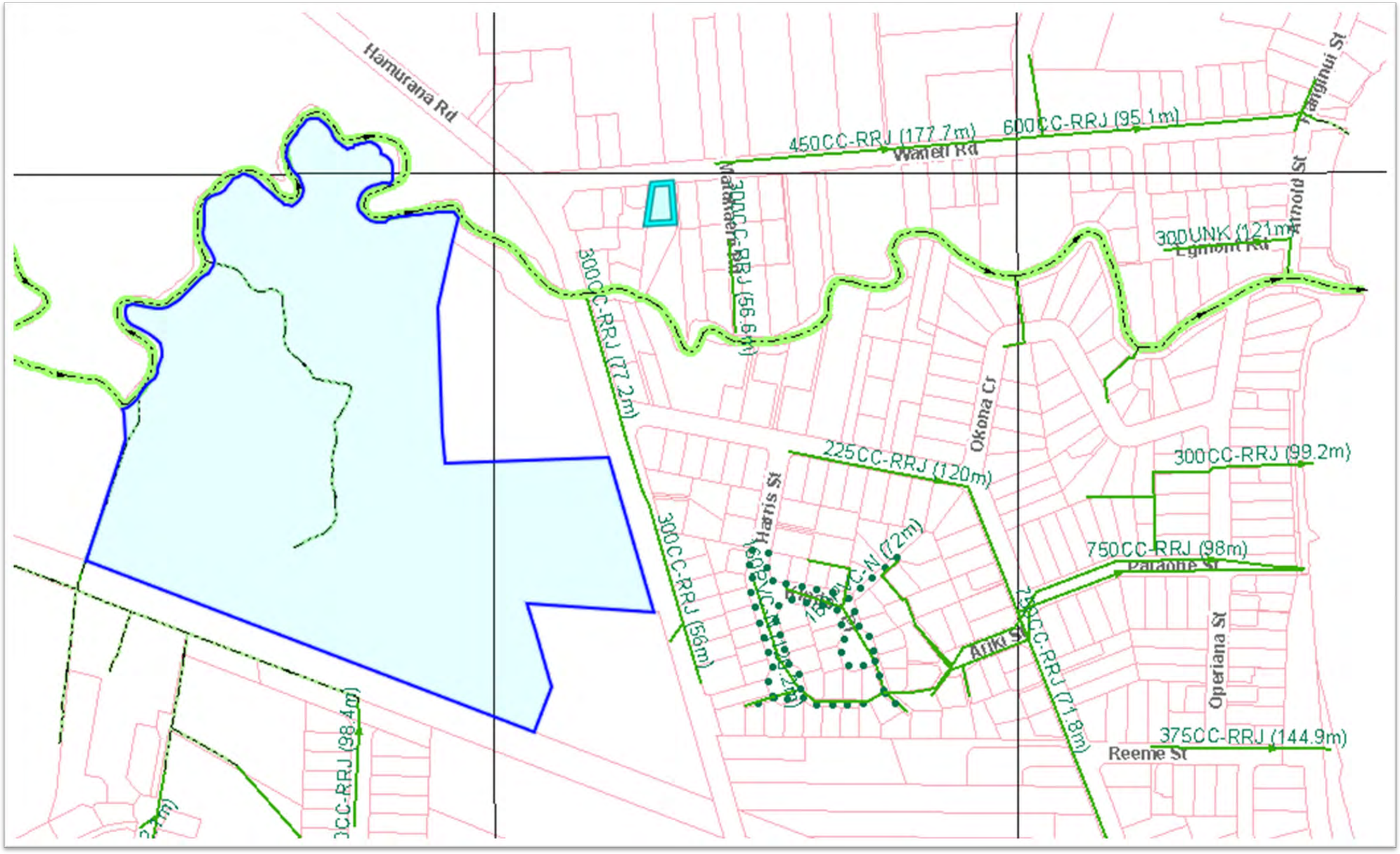


Figure 3B: Proposed discharge to the existing RLC Road Drainage System on Ngongotahā Road (300 mm pipe)

Appendix 3
Wetland Design Concept

B.O.P.R.C. Appendix3

Wetland Design Concept

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND

SYRINX

PROJECT CONTEXT

The Ministry of Housing and Urban Development (MHUD) is planning to develop 31 Ngongotahā Rd (“the Site”), to address the shortage of public housing in the area. The Site is in the lower reaches of the Waiteti Stream catchment and the Waiteti Stream and Te Toto Stream floodplain. The Site once supported a historical wetland system (Te Akau Swamp and Te Toto Stream) that is of significant cultural value to the local iwi.

Whilst the ecological values of the swamp have been severely impacted, the Te Toto Stream and the Te Akau Swamp geomorphology remain intact. The swamp currently provides flood attenuation benefits, but has lost its capacity to process nutrients, retain and sequester carbon, or offer habitat for fauna.

This project seeks to develop an ecologically and culturally responsive wetland design to frame the urban development, and which contributes meaningfully to climate resilience and nutrient reduction targets set for the Lake Rotorua catchment.

OBJECTIVES

Restore Te Akau Swamp and Te Toto Stream

- Maximise the ecological restoration and important hydrogeological functions of the historical Te Akau Swamp including flood capacity and water treatment
- Align restoration with iwi traditional values and ecological knowledge
- Maintain historical alignment of the Te Toto Stream and restore and protect its function and values
- Maintain and improve climate resilience, including from extreme wet weather events

Enhance nutrient removal as part of the Lake Rotorua N-Removal Programme

- Ensure the wetland size and design makes a material contribution to nutrient removal:
- Optimise interception and treatment of groundwater
- Treat stormwater run-off from upstream catchment
- Reinstate surface water connection to Te Akau Swamp (low-flows)
- Sediment capture and nutrient treatment prior to discharge to Te Akau Swamp and Waiteti Stream
- Enhance existing drains to provide water quality improvement of flows reporting to Waiteti Stream

Protect existing and proposed restoration areas / Waiteti Stream

- Provide a riparian protection buffer to restoration areas and Waiteti Stream
- Stabilise soils and revegetate with endemic species within riparian buffers
- Provide controlled access (boardwalks, viewing platforms) for passive recreation and educational activities

MARTIN PROPERTY





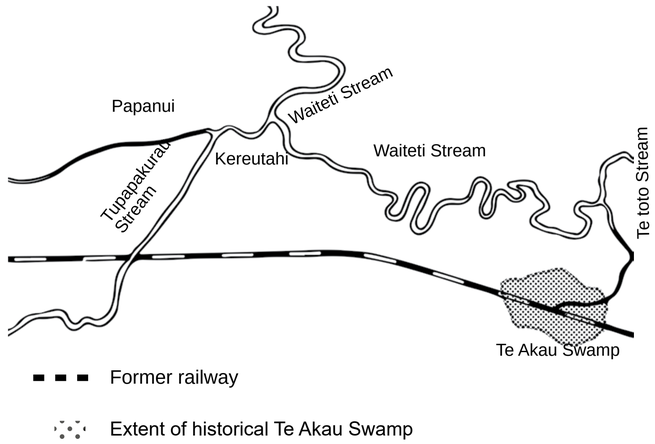

HISTORICAL CONTEXT

Historically, the Site comprised an area of elevated land to the east and a depression to the west which formed the Te Akau Swamp. The swamp is illustrated in the Landmarks of Te Arawa as the headwaters of the Te Toto Stream, which occupies the southern portion of the Site. This appears to have been a site of prolonged inundation within the broader wetland margin surrounding the Te Toto Stream. The swamp is of high cultural and ecological significance for iwi.

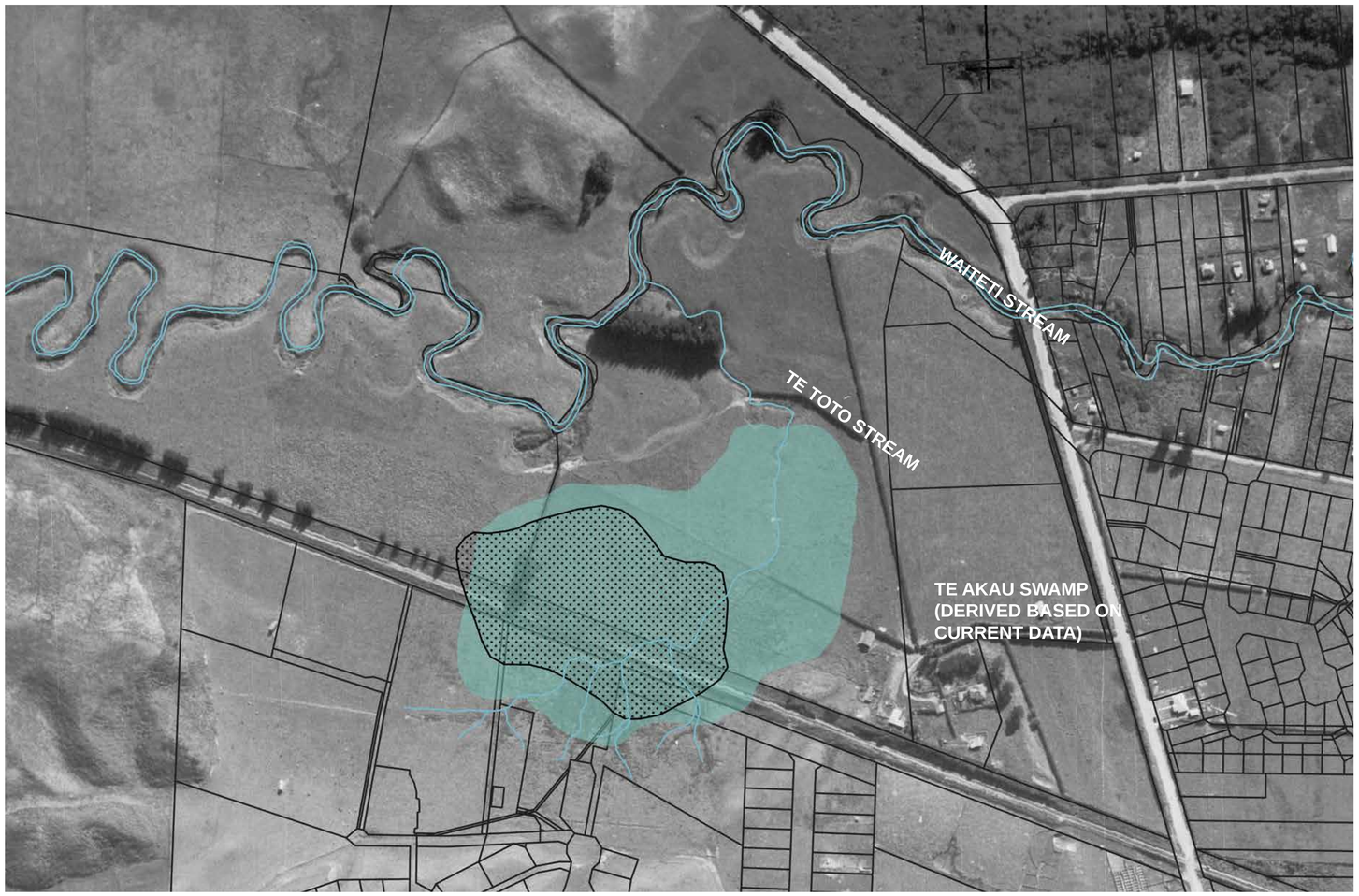
The current wetland extent is defined by the topography, limited soil investigations, remnant vegetation surrounding the Te Toto Stream and the current 63.2% AEP (1yr ARI) flood extent. 1945 aerial imagery overlain with the derived wetland area shows the area of inundation, although by this time the wetland was severely impacted by clearing of vegetation and construction of the railway and the various drains to divert water directly to the Waiteti Stream.

Limited remnant vegetation surrounding the Te Toto Stream suggests that the swamp was largely a flaxland with sedgelands and the Kahikatea swamp forests extending on saturated soils.

TE AKAU SWAMP BOUNDARY ACCORDING TO *LANDMARKS OF THE TE ARAWA*



SWAMP WETLAND



CURRENT DERIVED TE AKAU SWAMP AREA

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	HISTORICAL CONTEXT	DATE :	27/03/2023
PROJECT :	MARTIN RURAL WETLAND DESIGN	DRAWING # :	SK1_002	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

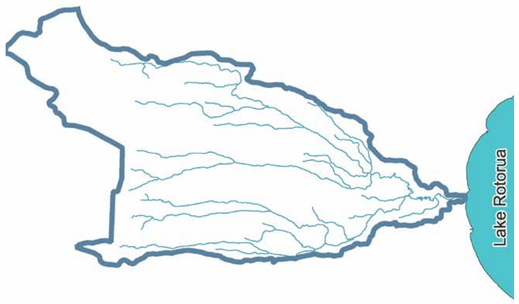
WATER CONTEXT

The Te Toto/Te Akau wetland system is in a low-lying area at the bottom of the 7,000 ha Waiteti Stream catchment and is ideally situated to intercept surface water run-off and groundwater on its way to the Waiteti Stream. The wetland receives water from the 95 ha Te Toto catchment to the south and the 9 ha Site catchment surrounding it.

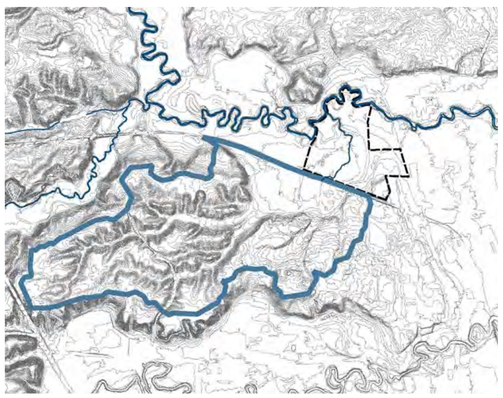
During high rainfall intensity events, or when the catchment is wet, most water from the south reports to the wetland as surface run-off. During low rainfall intensity events, or when the catchment is dry, most water infiltrates to groundwater. In higher magnitude flood events, the Waiteti Stream capacity is exceeded and engages the full floodplain. This event also defines the Te Akau swamp wetland boundary.

The Te Akau wetland is an area of frequent surface water inundation, shallow groundwater passage, carbon-rich soils and originally high biodiversity. It is defined by the 63.2% AEP/1yr ARI and is a critical flood storage area.

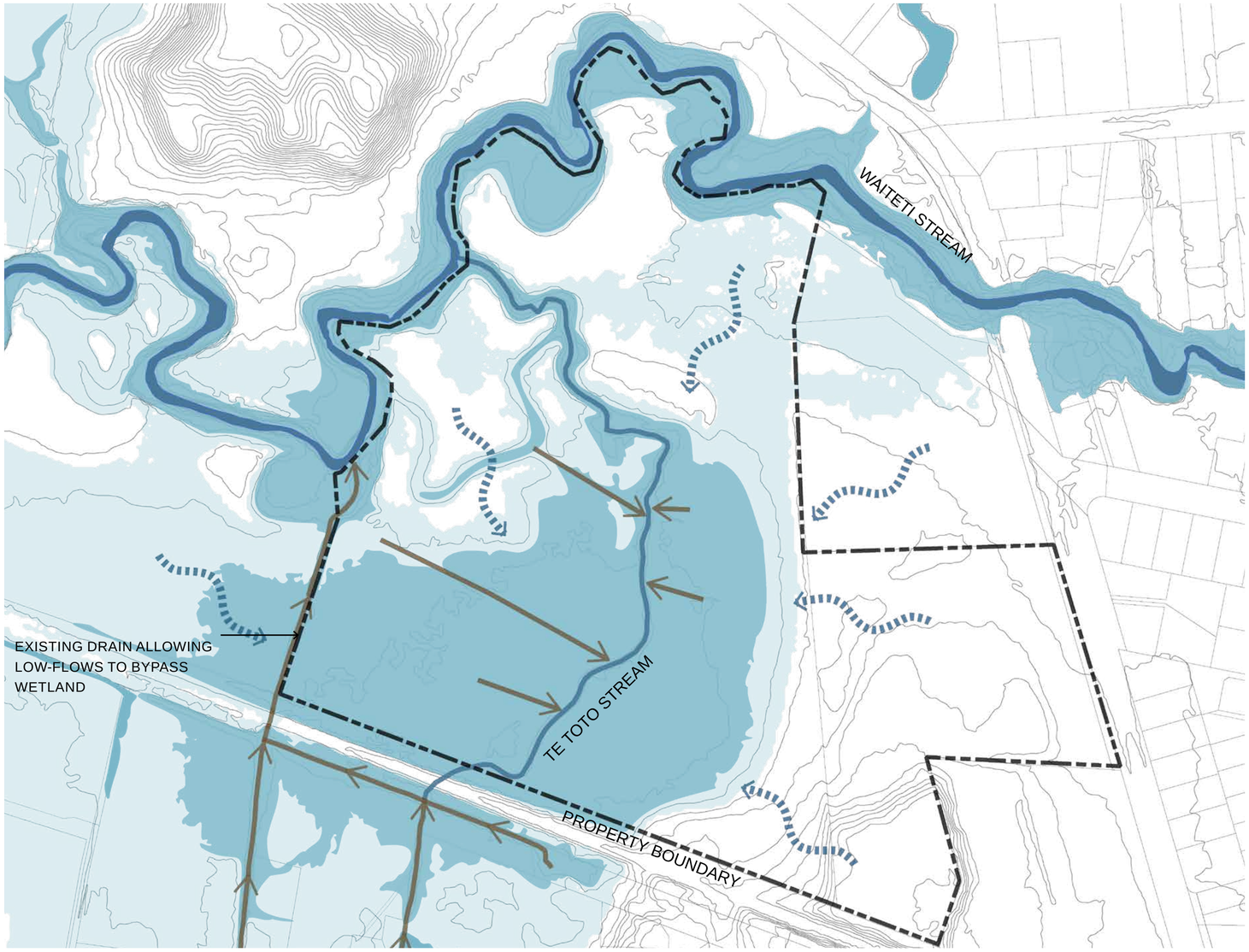
The Te Toto Stream catchment currently bypasses the property in low magnitude flood events via a drain to the Waiteti along the western site boundary. Restoration of the wetland and recovery of its connection to the Te Toto catchment could reduce Total Nitrogen (TN) export to Lake Rotorua by 1.8 t/yr.



WAITETI CATCHMENT (7,000 ha)



TE TOTO CATCHMENT (95 ha)



WATER CONTEXT

Wetland Extent
63.2% AEP(1yr ARI), Water Level Approx. 284.5, RCP 8.5

Shallow Groundwater Area

Floodplain Extent
1% AEP (100yr ARI), Water Level Approx. 285.6 RCP 8.5

Martin Property Catchment

Agricultural Drain

Surface Water Flow

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	WATER CONTEXT	DATE :	27/03/2023		
PROJECT :	MARTIN RURAL WETLAND DESIGN	DRAWING # :	SK1_003	SCALE :	AS SHOWN @ A1		
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW		

SYRINX

DEVELOPMENT CONTEXT

The hydrology, sediments and vegetation of the wetland are physically and functionally connected. Development on the surrounding land needs to ensure these connections are maintained, and ensure the swamp is protected with appropriate buffers and suitable land uses at the urban interface.

Development is not prohibited within the floodplain, but must reflect various legislative codes and requirements (summarised below). Where development is permissible within a part of a floodplain, it must be above maximum flood levels and the loss in flood storage capacity must be compensated for.

The wetland extends over approximately 1.2 ha (46 lots) of urban development according to the proposed development masterplan (March 2023, by others). The wetland offers opportunities to navigate grade change and public interface between the development and wetland (not shown, to be determined).

New Zealand Building Code (Clause E1 – Surface Water)

- Disposal of up to and including 10% AEP (10yr ARI) surface water without nuisance or damage to other property
- Surface water up to and including the 2% AEP (50yr ARI) not to enter buildings

New Zealand Building Act (Section 71)

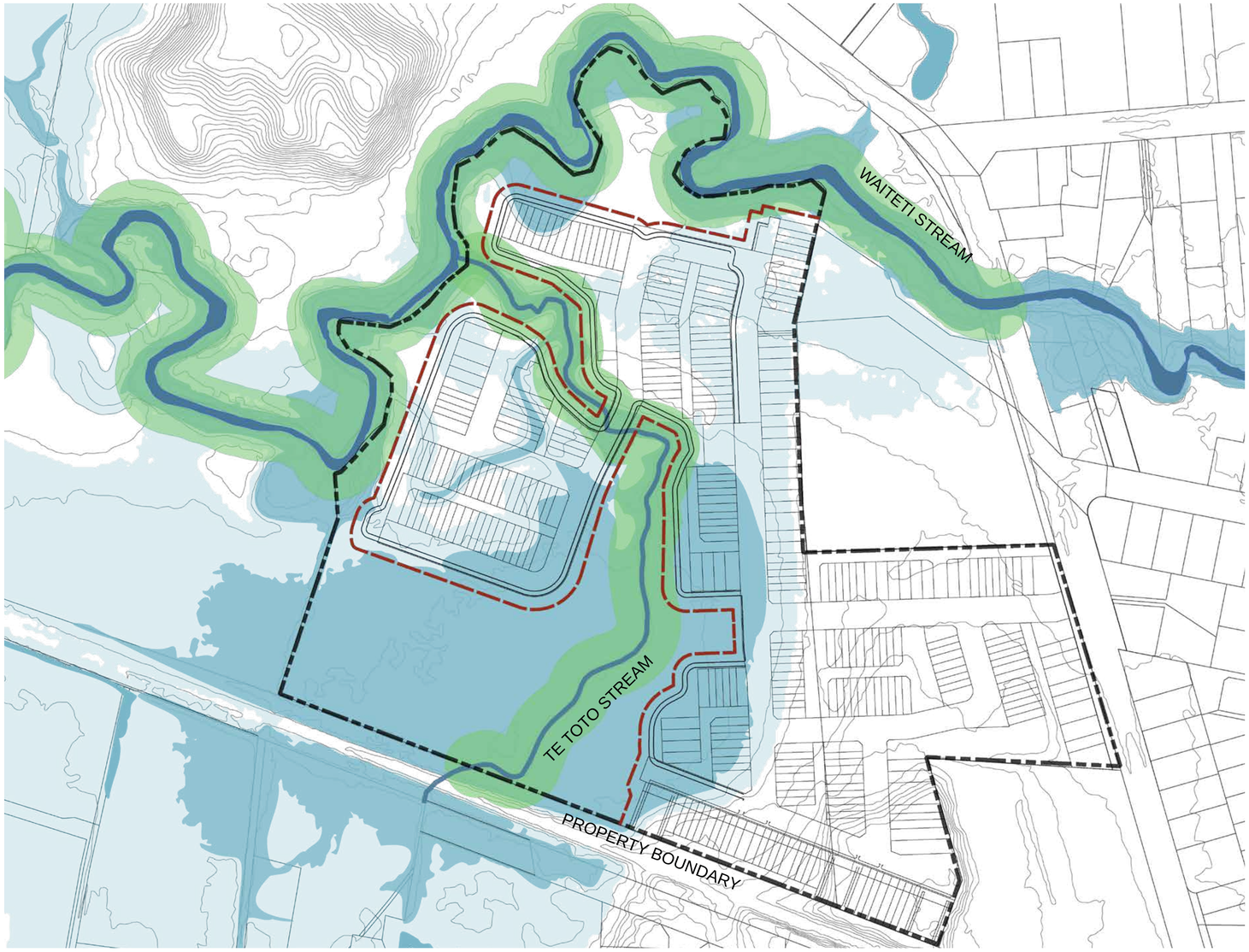
- Adequate provision to be made to protect development from natural hazards including erosion, falling debris, subsidence, inundation, and slippage

BoPRC guidelines (2012/01 Stormwater Management and 2012/02 Hydrological and Hydraulic)

- Floor level of habitable buildings to be minimum 0.5 m above 1% AEP (100yr ARI) flood level
- Up to 20m wide riparian buffer zone each side of Waiteti and Te Toto Streams
- The 90% storm (approx. 50% AEP – 1 hr or 30mm event) to be retained and treated on-site
- Difference between pre-development and post-development flood levels not to exceed 15 mm
- 1% AEP (100yr ARI) flood levels not to exceed 100 mm depth at road centreline
- Peak surface water discharge not to exceed pre-development, and not to exceed 80% of pre-development in the 1% AEP (100yr ARI) event

BoPRC Natural Resources Plan (2022)

- Management of riparian margins to protect and enhance their soil conservation, water quality and heritage values
- Prevention of peat soil drying
- Maintenance and/or enhancement of terrestrial and aquatic ecological values important to indigenous biodiversity
- Maintenance and/or enhancement of Māori cultural resources and natural character
- Enabling of communities to provide for their social, economic and cultural wellbeing whilst maintaining ecological function of the wetland



DEVELOPMENT CONTEXT

Riparian Buffer (20m)

Wetland Extent

Proposed Development Masterplan (McKenzie and Co, March 2023)

Floodplain Extent

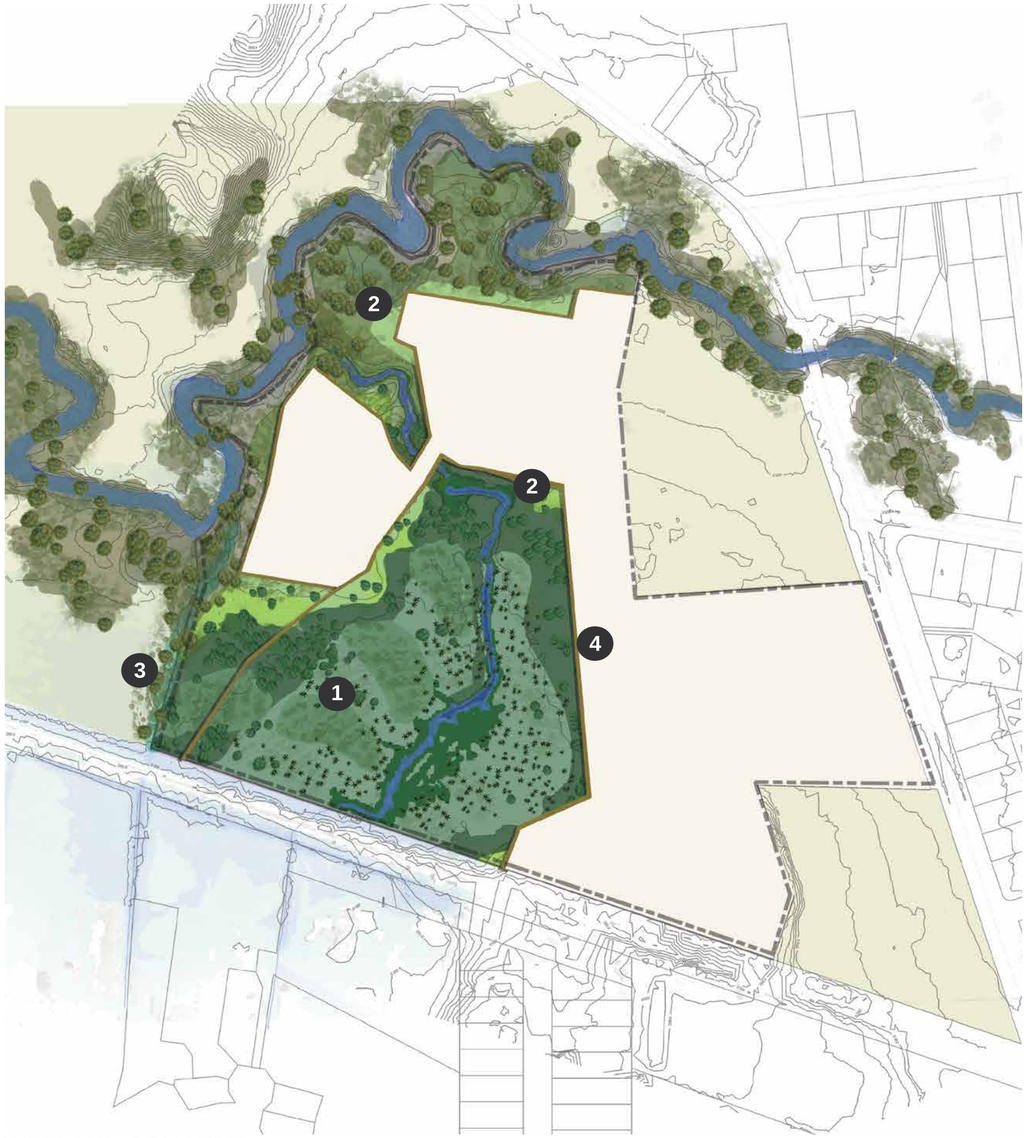
Bottom of fill embankment based on 1:3 grade

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	DEVELOPMENT CONTEXT	DATE :	27/03/2023		
PROJECT :	MARTIN RURAL WETLAND DESIGN	DRAWING # :	SK1_005	SCALE :	AS SHOWN @ A1		
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW		

SYRINX

PROPOSED WETLAND CONCEPT



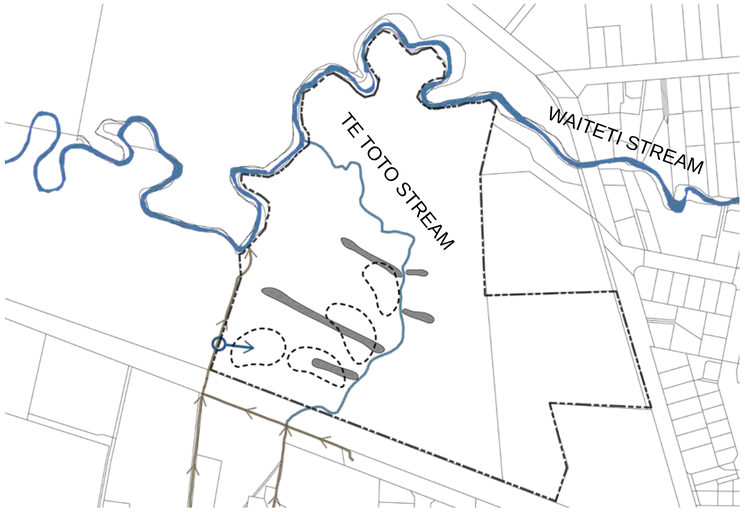
WETLAND CONCEPT

- Kahikatea, Pukatea and Maire Tawake Swamp Forest
- Kuta, Kāpūngāwhā and Mokuautoto Sedgeland
- Harakeke, tī kōuka and Mingimingi Flaxland

1. Restored Wetland (4.8 ha)
2. Create/Enhance Riparian Buffers
3. Convert Drain to Stream; Divert Low Flows through Wetland
4. Public realm frontage to Development

The proposed wetland concept is to restore native swamp forest, sedgeland and flaxland vegetation communities and reinstate natural wetting and drying cycles within the wetland extent. The proposed wetland area is 4.8 ha, of which ~2.8 ha is seasonally inundated, and ~1 ha is seasonally waterlogged.

The wetland restoration will require the existing drain to the Waiteti Stream to be modified to divert low magnitude storm events from the catchment to the south into the wetland. It will require minor earthworks (up to 300 mm depth) to remove agricultural topsoil and create shallow depressions to support seasonally inundated areas forming part of the water treatment train. The wetland will provide sufficient volumetric capacity to treat some 13,000 m^3 of run-off across some 3 ha of its area.



WATER MOVES

- Divert Low Flows From 95 ha Te Toto Catchment Into Wetland
- Fill Existing Drains Within Wetland
- Remove Agricultural Topsoil And Create Shallow Depressions Within Wetland

BENEFITS

Habitat

- Restores Kahikatea Swamp Forest, flaxland and sedgeland, providing for improved biodiversity and cultural resources

Hydrology

- Reinstates natural wetting and drying cycles of the wetland by diverting Te Toto catchment flows to Te Akau Swamp, filling drains within the swamp to allow local groundwater rise, and removing agricultural topsoil so vegetation intercepts groundwater year-round
- Provides flood storage for surface water run-off from Te Toto catchment (up to 20% AEP) and the Waiteti Stream (exceeding 20% AEP), and treated surface water run-off from the proposed development (exceeding 63.2% AEP)

Water quality

- Removes 1.8 t/yr TN from Lake Rotorua by year-round groundwater interception and capturing and treating the 90% storm (50% AEP – 1hr, or 30mm event) run-off from the Te Toto catchment

Soils and carbon

- Retains stored carbon and rebuilds capacity for ongoing carbon sequestration

Erosion management

- Includes riparian buffers to prevent bank and surface soil erosion and sedimentation of stream aquatic habitats
- Provide flood storage for surface water run-off to reduce discharge velocity and damage downstream

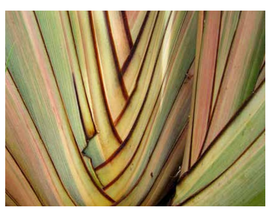
Climate resilience

- Protects development by mitigating flood impact and buffering extreme weather events
- Provides habitat diversity

People

- Provides cultural resources, connection to nature, and amenity and recreation opportunities



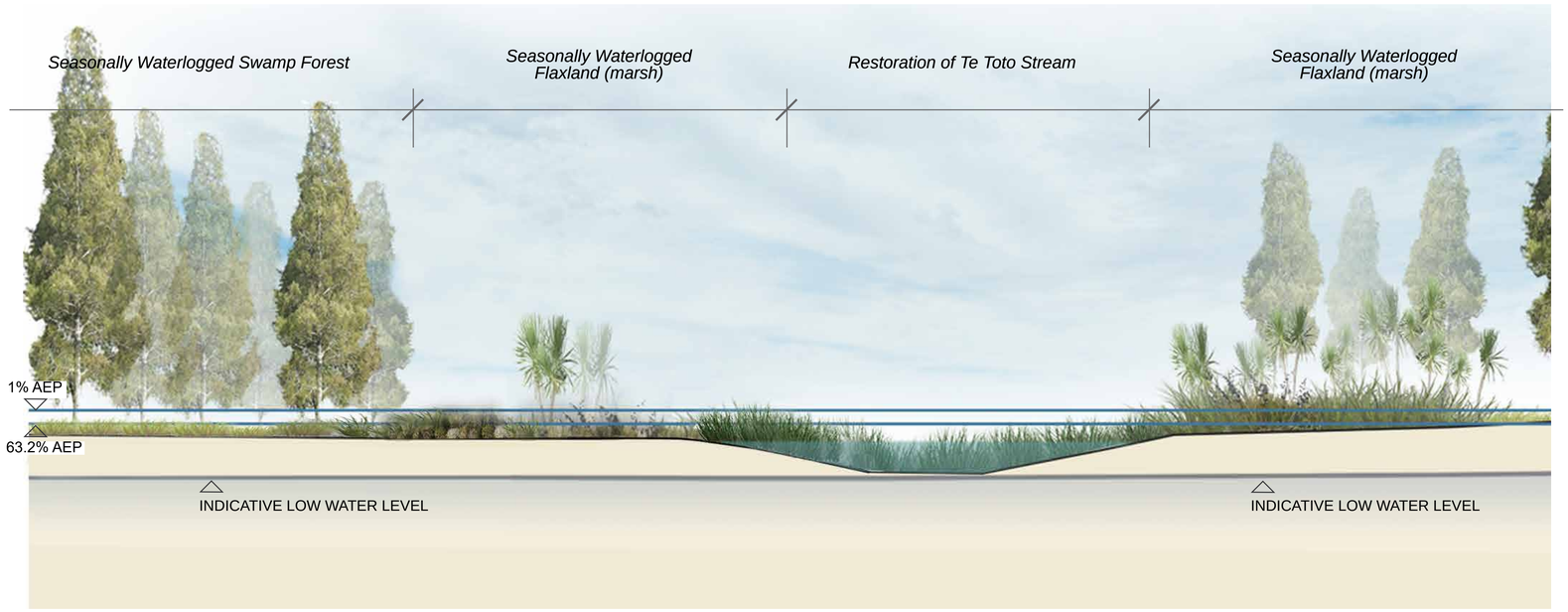




31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	PROPOSED WETLAND CONCEPT	DATE :	27/03/2023
PROJECT :	MARTIN RURAL WETLAND DESIGN	DRAWING # :	SK1_006	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

PROPOSED WETLAND CONCEPT - SECTIONS



31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	PROPOSED WETLAND CONCEPT SECTIONS	DATE :	27/03/2023
PROJECT :	MARTIN RURAL WETLAND DESIGN	DRAWING # :	SK1_007	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

Appendix 4
Alternative Wetland Configuration Proposal

B.O.P.R.C. Appendix4

Alternative Wetland Configuration

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND

SYRINX

ALTERNATIVE WETLAND CONFIGURATION

ALTERNATIVE CONCEPT PROPOSAL

This concept seeks to resolve the requirement for a wetland within the development site that meets multiple objectives (nutrient removal, restoration and cultural connection, etc) with the required development yield.

This alternative configuration is intended to support the BoPRC's commentary and response to the developers Stage 1 submission under the Fast-track Consenting Act.

This concept shows a development area of 10.6 ha (350 lots as required), inclusive of a multi-faceted wetland/riparian interface that incorporates recreational landscape and development WSUD infrastructure. The development extent and layout (masterplan by McKenzie and Co., March 2023) were modified to maintain a minimum workable wetland area to demonstrate how the yield can still be met.

The alternative concept:

- Proposes a reduced wetland and stream area of 3.6 ha (from the initial 5.1 ha). This references the wetted perimeter boundary of the wetland and stream components. We note the developer has publicly stated they will restore a 4 ha wetland, which may have included top of bank sizing in their plans.
- Ensures the extent of the historic wetland as mapped by the iwi (Landmarks of Te Arawa) is fully embedded within the wetland area.
- Reduces the nutrient removal from ~1.8 t N/year to ~1 t N/year N treatment.
- Maintains the protection and enhancement of the Waiteti and Te Toto Stream riparian habitat.
- Provides for the yield defined within the March 2023 masterplan.
- Provides for 1.7ha of WSUD / POS perimeter additional to the restored wetland and stream.
- Retains and treats on-site the 90% storm (50% AEP – 1hr, or 30 mm event) for the upstream Te Toto catchment (95 ha).
- Maintains extended detention (above wetland standing water level) of nom. 13,000 m3.

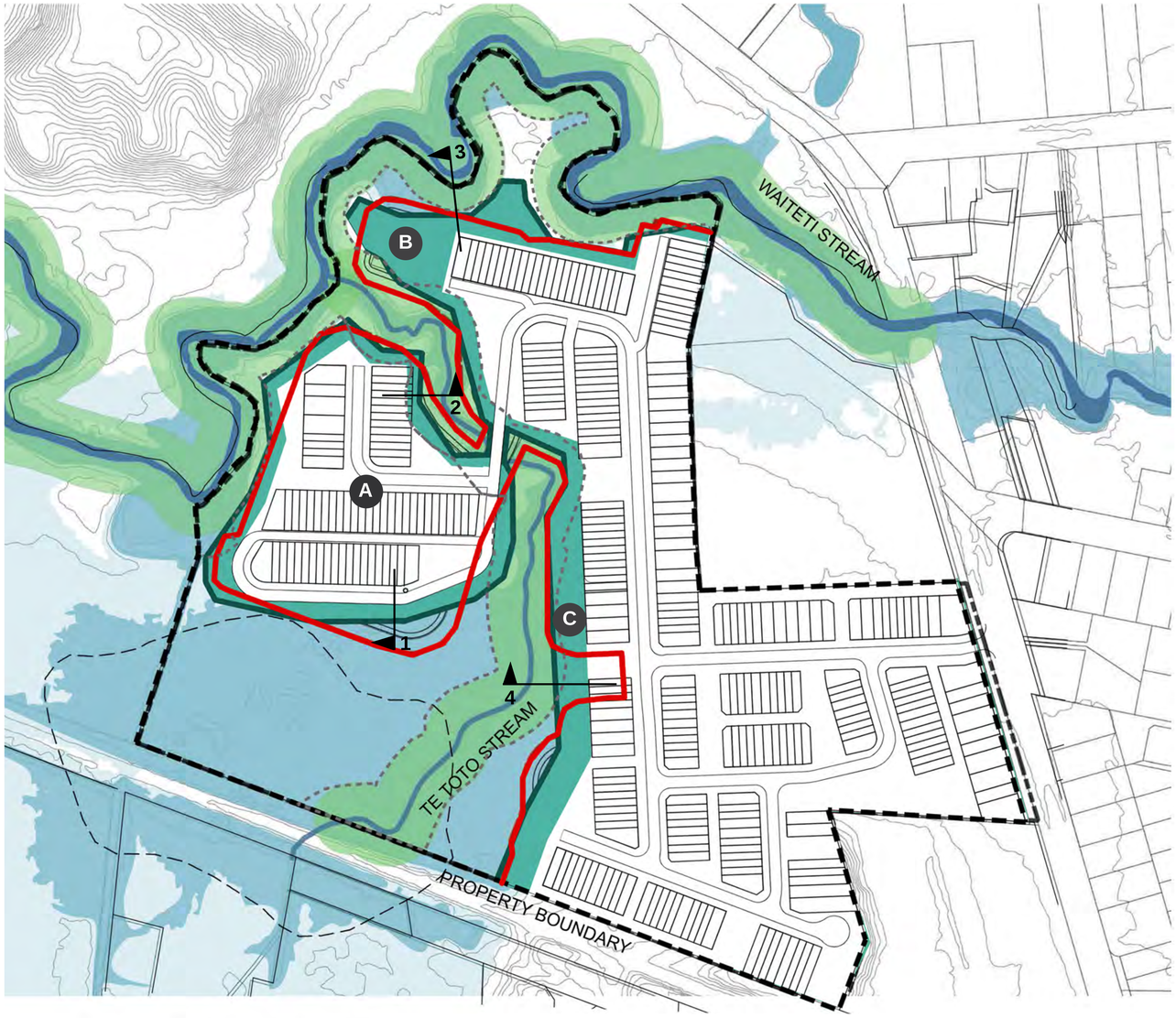
This alternate concept provides an opportunity to deliver an innovative, culturally and ecologically sound wetland design, whilst achieving minimum yield requirements.

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	PROPOSED WETLAND CONCEPT WITH DEVELOPMENT	DATE :	03/04/2023
PROJECT :	31 NGONGOTAHĀ RD WETLAND DESIGN	DRAWING # :	SK1_001	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

COMPARISON WITH MARCH 23 DEVELOPER PLAN



DESIGN RULES AND RESPONSES

The following design rules were set to design the alternative wetland:

1. Fully incorporate the iwi mapped wetland extent.
2. Maintain a morphometry similar to the natural wetland and conducive to optimal engagement of flows, water quality treatment and diversity of vegetation and habitat.
3. Average grade between wetland surface and development to be no steeper than 1:10 to support safe access and use; permits universal access across slopes.
4. Grade between wetland surface and development to not exceed 1:4 to maintain slope stability using vegetation and bioengineering rather than civil revetment structures or difficult to revegetate steep embankments.
5. Maintain the required 20 m riparian buffer to Waiteti and Te Toto Streams, with the following changes proposed to permissible activities:
   a. No development or filling within the inner 10 m of Te Toto buffer.
   b. WSUD and recreational landscape allowed within the outer 10 m of Te Toto buffer (e.g. pathways, biofilters, bio-engineered terracing) - note, this is considered a positive step for maintaining the integrity of the habitat and maintaining natural subsurface flows. This needs endorsement with BOPRC as to whether this is possible.
   c. Full 20 m riparian buffer to Waiteti to be maintained without development or filling.
6. Development stormwater treatment to be hydraulically separate from the wetland (i.e. WSUD invert levels to be above wetland 63.2% AEP flood level).

Key design responses include:

A. Re-orientation of north-western development zone to provide natural wetland morphometry to wetland.

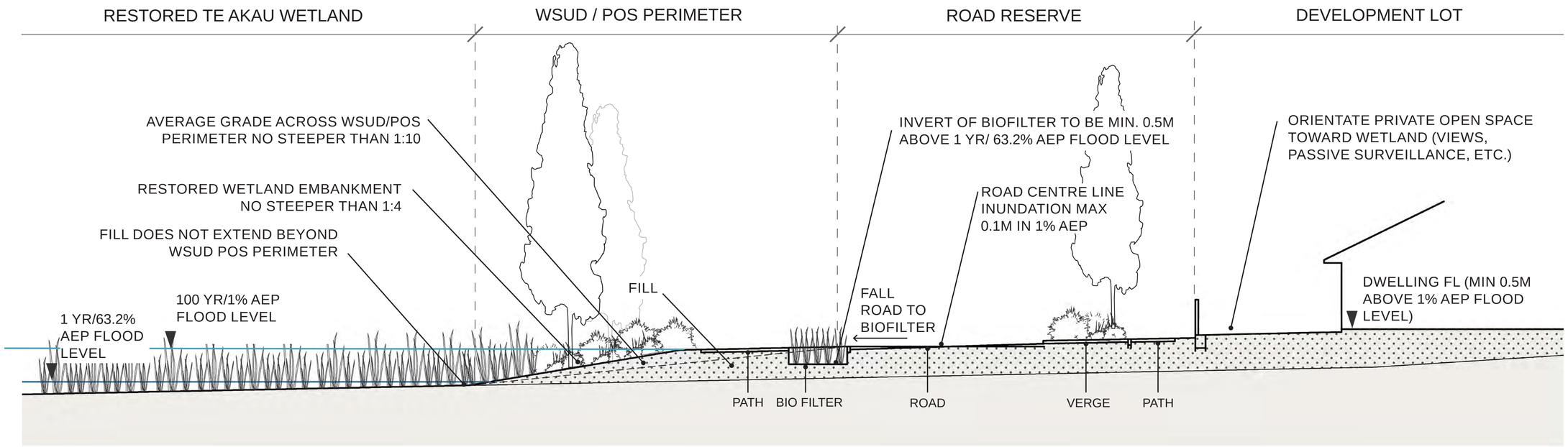
B. Contraction of northern development zone to the east and re-orientation of lots to reduce filling and to achieve softer grades between the development and the Waiteti Stream.

C. Re-arrangement of the eastern edge to enable the required wetland area to be accommodated.

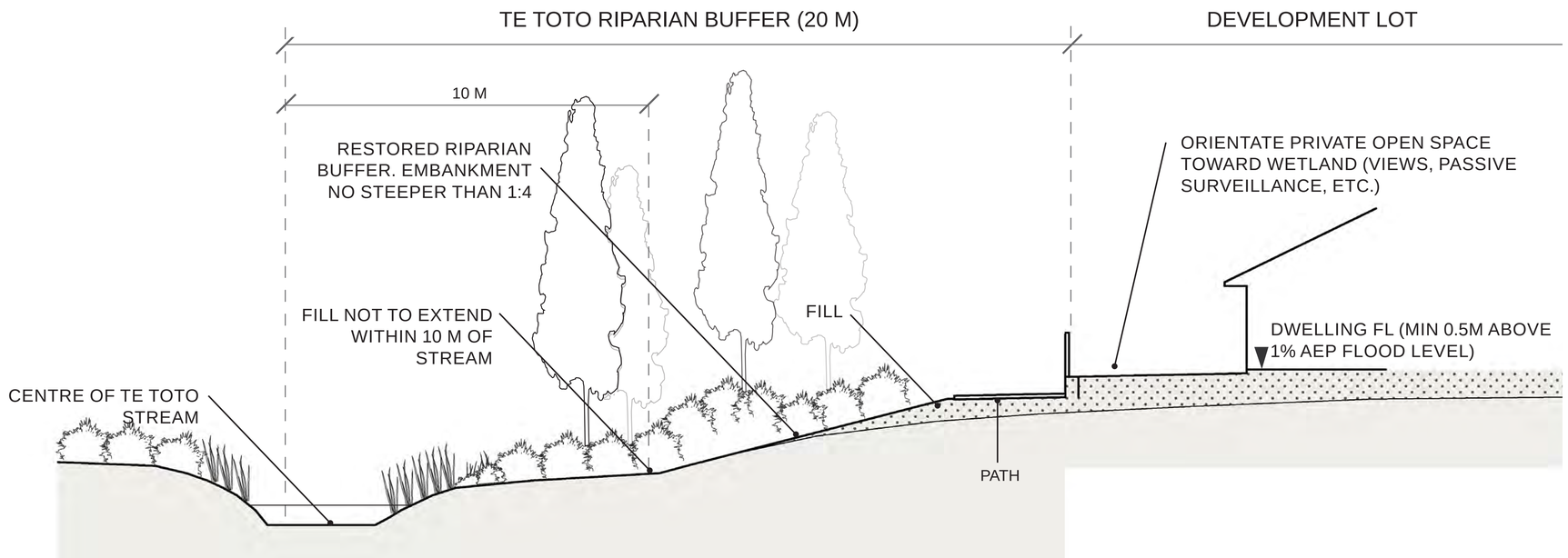
ASSUMPTIONS AND COMMENTS

- Assumes the wetland retains sufficient flood function within the extent shown, or that any loss of flood capacity is compensated for elsewhere.
- This concept is purely a rearrangement, not an endorsement of the urban plan.
- Groundwater levels and soil profile are based on the Geotechnical Assessment Report (Stratum, 2020) and flood levels shown are based on modelling (PDP, March 2023). We make no comment on the accuracy of these and further detailed studies will be required if a wetland design was to be supported further.
- WSUD/POS perimeter extends partially into wetland - requires interface planning.

TYPICAL SECTIONS



SECTION 1 - DEVELOPMENT ROAD TO RESTORED TE AKAU WETLAND



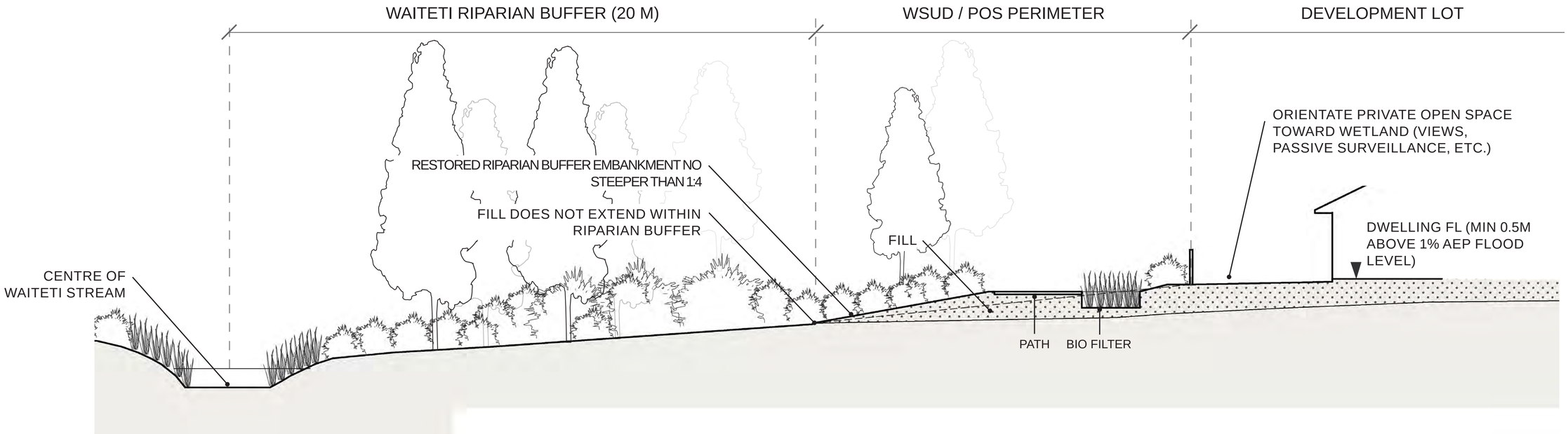
SECTION 2 - DEVELOPMENT LOTS TO TE TOTO RIPARIAN BUFFER

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

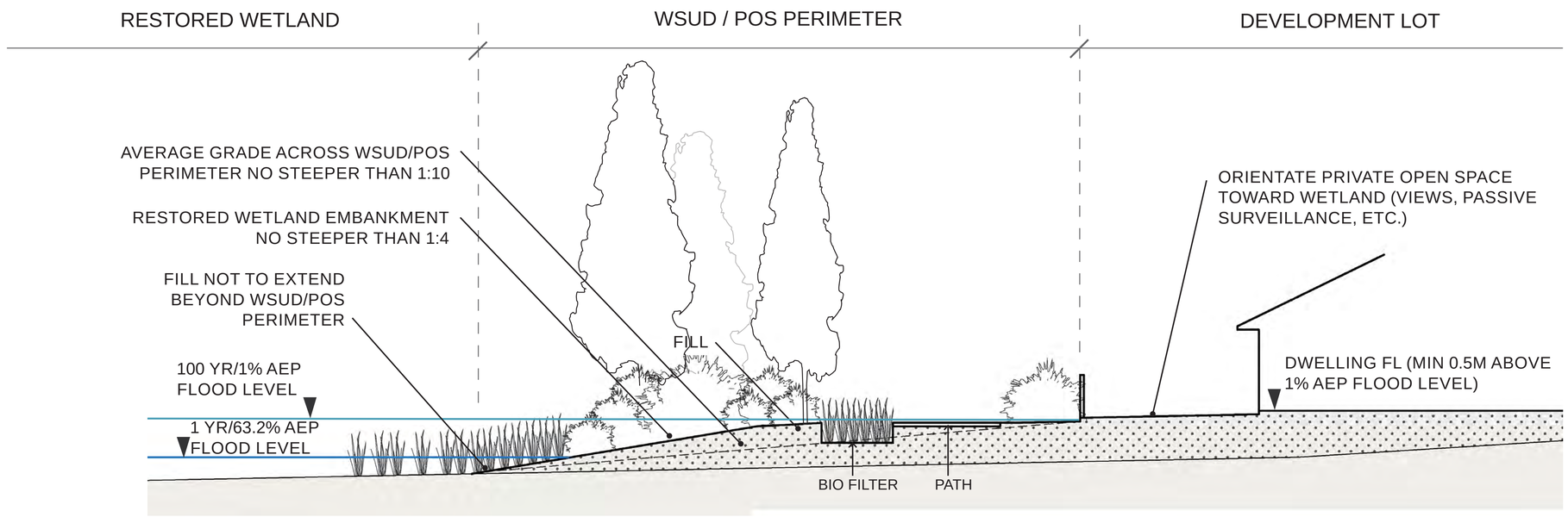
CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	ALTERNATIVE WETLAND CONFIGURATION - TYPICAL SECTIONS	DATE :	03/04/2023
PROJECT :	31 NGONGOTAHĀ RD WETLAND DESIGN	DRAWING # :	SK1_003	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

TYPICAL SECTIONS



SECTION 3 - DEVELOPMENT LOTS TO WAITETI RIPARIAN BUFFER



SECTION 4 - DEVELOPMENT LOTS TO RESTORED TE AKAU WETLAND

31 NGONGOTAHĀ RD
RURAL DRAIN WETLAND PROJECT

CLIENT :	BAY OF PLENTY REGIONAL COUNCIL	DRAWING :	ALTERNATIVE WETLAND CONFIGURATION - TYPICAL SECTIONS	DATE :	03/04/2023
PROJECT :	31 NGONGOTAHĀ RD WETLAND DESIGN	DRAWING # :	SK1_004	SCALE :	AS SHOWN @ A1
PROJECT # :	23003	DRAWING REV :	0	DRAWN BY :	DW

SYRINX

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Rotorua Lakes Council
Contact person (if follow-up is required)	Jean-Paul Gaston DCE – District Development

Comment form

Please use the table below to comment on the application.

Project name	Ngongotaha Housing Development
General comment – potential benefits	- Addressing Rotorua's housing shortfall - Creation of construction jobs - Wetland creation which will provide a destination recreation space and also provide significant benefits to Water Quality in Lake Rotorua.
General comment – significant issues	- Storm water needs to be carefully considered by the applicant. The applicant is currently directing significant resource towards this critical area of the project.
Is Fast-track appropriate?	- Yes - Project aligns with RLC Strategic Documents - Able to be serviced - Multi Criteria Assessment (MCA) has been carried out for this site as part of the draft Future Development Strategy (FDS) and the site has scored well across multiple criteria. (see comments attached
Environmental compliance history	- No compliance history with RLC
Reports and assessments normally required	- Storm water - Transportation Assessment - Urban Design - Landscape and visual Assessment - Standard Infrastructure Reports including Geotechnical - Ecological Assessment - Land Contamination

Iwi and iwi authorities	- Ngati Rangiwewehi - Ngati Tura & Ngati Te Ngakau - Ngati Tuteaiti & Ngati Ngararanui
Relationship agreements under the RMA	- Waiteti Stream Statutory Acknowledgment Area
Insert responses to other specific requests in the Minister's letter (if applicable)	*1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?* No *2. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?* No *3. Provide feedback on whether you agree with the applicant's legal commentary relating to Consent Notice 6238089.* Yes we agree with the applicant that consent notice 6238089.1 will not prevent the site from being developed in the form proposed. The lifestyle lot restriction was placed on the title in 2004 in accordance with rule 16.4.3.1 (b) of the Rotorua District Plan at the time. This rule has since been removed from the Operative Rotorua District Plan and no longer has legal effect. The applicant proposes to cancel/remove this consent notice following the decision to approve the project by the Minister. Rotorua Lakes Council agrees with the applicant that this process will not impact on the certainty or the timing of the project. Rotorua Lakes Council can also confirm that there is enough water capacity to service this development and therefore this consent notice is no longer relevant. The applicant has engaged the services of a Suitably Qualified expert to assess site contamination including contaminated sludge and uncontrolled fill. A number of recommendations have been provide to the applicant to ensure that site contamination will be managed appropriately.
Other considerations	The site is located within the Esplanade Priority Acquisition Waterbody Overlay. An esplanade reserve is required to be taken as part of this process. The width and layout of this esplanade reserve will be finalised during the detailed phase of this application.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Multi Criteria Assessment (MCA)

The following summary of the site has been carried out as part of the draft Future Development Strategy (FDS). The site has scored well across multiple criteria.

Cultural Values

Falls within the statutory acknowledgement for the Waiteti stream. Ngati Rangiwewehi expressed some concerns over development in this area mainly around water quality. MHUD is actively engaging with iwi and hapu as part of development proposals for the site.

Housing

MHUD scheme identifies potential for 350 dwellings on-site in a range of typologies and tenures. Land under single ownership.

Land recently purchased by MHUD for a medium density comprehensive development. Schemes pitched by previous landowners for development.

Accessibility

Proximate to amenities/ services available from Ngongotahā Town Centre as well as existing PT and segregated cycling network.

Transport

Enhancement to north/south connections along State Highway and potentially south over rail corridor required to support growth. Wider PT frequency upgrades and/ or new routes may be required to support wider growth around Ngongotahā. Speed reductions along SH36 (which are currently under review) are likely required to support urbanisation in this area.

GHG Reduction

Development would result in moderate increases of VKT/ Carbon emissions when compared with other greenfield options. Less potential for mode shift that could contribute to reductions due to distances from city centre.

Natural Hazards/Climate Change Reduction

Fairly large portion of area affected by flooding with higher flood hazard levels which may be unsuitable for development. Some areas closer to Ngongotahā Road are free of hazard and is where development is proposed. On-site detention will be required to manage downstream impacts. Soft ground and liquefaction risk have been identified on the site and would need to be managed through appropriate design.

HPL

Majority of the site currently zoned for rural residential uses. Western portion features an area of LUC3 land associated with the wider Tupapakurua Stream system.

Biodiversity

Development of the site provides an opportunity for a constructed wetland in proximity to the Waiteti Stream. In addition, stream margin planting and on-site stormwater treatment could provide positive biodiversity effects.

Te Mana O Te Wai

Potential benefits in improved water quality through removal of stock from the site. Urbanisation has the potential to generate additional contaminants but these could be managed through appropriate on-site treatment prior to discharge.

Three Waters

Water supply: Within Ngongotahā water supply area (source:Taniwha Spring). Some spare capacity in the source. Connection of this area to Ngongotahā water supply is subject to iwi agreement.

Wastewater: Outside current WW service area but adjacent to catchment 134 - Gravity system. Area partly covered in the 2021 master plan. Some spare capacity in the gravity network. New pump station and local upgrade might be required.

Stormwater: Assume stormwater management by on site detention. Watchman Residential currently working through stormwater design.

Infrastructure

Open Space - Existing deficit of 9.5ha of parkland in Ngongotahā catchment.

Improved Sport and Recreation hub in Ngongotahā (~7ha required). Deficit of 3-4 local play opportunities. New development would need to incorporate some of these requirements.

Schools - Growth in this area will have significant impacts on the one existing school in Ngongotahā which is under considerable existing pressure. Pressure would also be created on Western Heights High School.

Significant development anticipated here would likely to require at least one new Primary School in this area (this may already be required due to the current pressures that exist).

Other Constraints

Within the Esplanade Priority Acquisition Waterbody Overlay.

s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Waka Kotahi New Zealand Transport Agency
Contact person (if follow-up is required)	Sonya McCall, Team Lead Poutiaki Taiao / Environmental Planning environmentalplanning@nzta.govt.nz

Comment form

Please use the table below to comment on the application.

Project name	Ngongotahā Housing Development Project
General comment	Waka Kotahi does not object to the fast-track process being utilised in this instance. However, Waka Kotahi is a key affected party and wishes to provide input into the fast-track consenting process should the project be referred. Waka Kotahi does not oppose the project in principle, provided that appropriate mitigations are implemented. Waka Kotahi has not identified any matters that would prevent the proposal from meeting the criteria for referral under the Act, specifically sections 18, 19, and 23.
Other considerations	N/A
[Insert specific requests for comment]	N/A

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.