

**Report From:** The Independent  
Hearing Panel -



**Date:** 20 August 2018

**To** The Bay of Plenty  
Regional Council -  
for the Minister for  
the Environment

**File Reference:** 7.00113

---

**Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty  
Regional Policy Statement**

**The Hearing Panel's Recommendation Report**

**1. Recommendations**

In summary, the Independent Hearing Panel (Hearing Panel) recommends that the Minister for the Environment:

- **Approves Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement as notified and make the changes to extend the urban limits to include Tauriko West; and**
- **Accepts, accepts in part or rejects the submissions as set out below.**

The proposed changes to the Regional Policy Statement are set out in Appendix 3.

**2. Introduction**

The Bay of Plenty Regional Council (Regional Council) notified Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement (Proposed Change 4) to move the urban limit to include Tauriko West. This is to enable urban development at Tauriko West.

At the 2 August 2017 Regional Council Regional Direction and Delivery Committee meeting, that committee agreed to use the Streamlined Planning Process provided for in the Resource Management Act 1991 for Proposed Change 4.

On 8 August 2017, the Regional Council applied to the Minister for the Environment to use the Streamlined Planning Process. The streamlined approach provides for the Minister for the Environment to make a decision to approve Proposed Change 4.

In February 2018, the Minister for the Environment issued his Direction and consultation requirements for use of the Streamlined Planning Process. That Direction set out the process steps to be undertaken by the Regional Council including the associated timeframes. A copy of the Gazette notice is attached as Appendix 2.

Proposed Change 4 was notified on 22 May 2018 and 20 submissions were received. As a Streamlined Planning Process, the Regional Council was not obliged to notify a summary of submissions and call for further submissions.

### **3. Appointment of an Independent Hearing Panel**

The Regional Council appointed three independent hearing commissioners pursuant to 34A of the Resource Management Act 1991. Their role was to hear the submissions to Proposed Change 4 and to make recommendations to the Regional Council (and Minister) on those submissions, and any changes recommended to Proposed Change 4.

The appointed commissioners are:

- Ms Elva Conroy,
- Ms Gina Sweetman, and
- Mr Greg Hill.

Mr Hill was appointed by the Hearing Panel to chair the hearing.

### **4. The Hearing and Recommendation Report**

The hearing of submissions before the Hearing Panel was held on 6 August 2018.

The hearings process and this recommendation report forms a part of the streamlined process. This process was fully explained to submitters at the hearing.

A list of submitters heard is set out below.

<b>Submitter</b>	<b>Represented by</b>
Tauranga City Council	Mr Larking and Mr Pottinger
Western Bay of Plenty District Council	Mr Martelli
NZ Transport Agency	Ms Cottle, Mr Cree and Mr Troughton
Tauriko Property Group	Mr Cooney
Nicola O'Donoghue	Ms O'Donoghue
Elements IMF	Mr Donne
Kitchener Trust	Ms Burman and Ms Hayson
John Coster	Mr Coster

Keith Catran	Mr Catran
George and Shirley Marriot	Mr Marriot and Mrs Marriot
Heather Jones	Mrs Jones

Mr Ken Tremaine, on behalf of the SmartGrowth Leadership Group, was unable to attend the hearing, but tabled a statement of evidence which the Hearing Panel has considered.

While not all of the submitters were heard before the Hearing Panel (some having indicated they did not wish to be heard), the Hearing Panel has read and considered all of the submissions. The submissions are addressed below.

Having heard all of the submitters who wished to be heard, and from the Regional Council officers, the hearing was formally closed on 6 August 2018.

As set out in the Minister's Direction, this recommendation report addresses and meets our obligations in Clause 6 of that Direction - namely:

- “show how submissions have been considered and the changes (if any) “ recommended to the proposed planning instrument, including:*
- a. the evaluation under section 32 and 32AA; and*
  - b. a report summarising how the persons making the recommendation have had regard to the evaluation report; and*
  - c. the reports and documents required by clause 83(1)for the Minister’s consideration”*

## **5. Proposed Change 4 (Tauriko West Urban Limit)**

Proposed Change 4 (Tauriko West Urban Limit) seeks to enable urban development at Tauriko West by amending the Bay of Plenty Regional Policy Statement as follows:

- Add Tauriko West (under Tauranga West) to Table 17 in Appendix C - 'Indicative growth area timing and business land provisions',
- Add Tauriko West details to Diagram 1 of Appendix D - 'Indicative growth area sequencing' and
- Amend the Urban Limits line in Appendix E (Map 10) - Tauranga Central - Pyes Pa) to include Tauriko West.

## **6. Evaluation Report – sections 32 and 32AA of the Resource Management Act 1991**

Before notifying a Change (or Changes) to the Regional Policy Statement, the Council is required to prepare an evaluation report(s) in accordance with section 32 of the Resource Management Act.

Under section 32 of the Resource Management Act, a Proposed Change must be accompanied by an evaluation report at the time of public notification. The Bay of Plenty Regional Council undertook that evaluation<sup>1</sup> which:

- Examined whether the provisions in the proposal are the most appropriate way to achieve the objectives of the Bay of Plenty Regional Policy Statement by identifying other reasonably practicable options; assessing the efficiency and effectiveness of the provisions; and summarising the reasons for deciding on the provisions.
- Contained a level of detail that corresponds to the scale and significance of the effects anticipated from implementing the proposal.
- Identified and assessed the benefits and costs of implementing the proposal in terms of the environmental, economic, social and cultural effects that are anticipated, including opportunities for economic growth and employment.
- Assessed the risk of taking or not taking action if there is uncertain or insufficient information about the identified issues; and
- Included a summary of all advice concerning the proposal received from iwi authorities and a summary of the response to that advice, including any provisions of the proposal that are intended to give effect to the advice.

Having reviewed the Section 32 Report, we accept it had been prepared in accordance with the requirements of that section of the Resource Management Act, and the guidance on section 32 produced by the Ministry for the Environment<sup>2</sup>. We have considered this report as part of the hearing and deliberations process.

The Hearing Panel is required to include in its recommendation a further evaluation of the proposed changes in accordance with section 32AA of the Resource Management Act. This evaluation is only necessary for changes that we recommend be made and is undertaken at a level of detail that corresponds to the scale and significance of the changes.

Section 32AA Requirements for undertaking and publishing further evaluations states (as relevant to Proposed Change 4):

- (1) *A further evaluation required under this Act—*
  - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)*
  - (d) *must—*
    - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

---

<sup>1</sup>Section 32 Report - Proposed Change 4 - Tauriko West Urban Limits Change - May 2018.

<sup>2</sup>Ministry for the Environment. 2017. A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Legislation Amendment Act 2017. Wellington: Ministry for the Environment.

- (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

In response to the submission from George and Shirley Marriott, the Regional Council reporting officer recommended one change to Proposed Change 4 from that notified. It relates to amending Appendix E (Map 10) by deleting the words “Potential Future” from the map legend and removing the hatched shading so that the Tauriko West area belongs within the “Urban Limit (start pre-2021)” category. This is shown in Appendix 1. We accept this change.

On this basis, a section 32AA evaluation is required, and we address this later. Moreover, to the extent necessary, we note that the entire hearing process and the Hearing Panel’s deliberations have constituted its review for the purposes of section 32AA of the Resource Management Act.

The hearing enabled the Hearing Panel to 'test' and 'explore' possible amendments to Proposed Change 4 as notified, and in fact if Proposed Change 4 should be recommended for approval. Having done so, we have not made any changes beyond the change recommended by the reporting officer, and in this regard agree with the Bay of Plenty Regional Council reporting officer and those submitters supporting Proposed Change 4. We have however made a number of comments in response to submitters concerns. These are detailed below.

## **7. Reasons and Drivers for Proposed Change 4**

It was evident at the hearing, and in reading the submissions, that for some submitters, there was a lack of understanding about the scope of Proposed Change 4. This included how it related other projects and processes that are either subsequent stages to enable the development of Tauriko West, or are already being progressed e.g. the subsequent structure planning process to enable development, and state highway improvements etc. For the sake of completeness, we include additional information below to provide context to our recommendations.

## **8. Proposed Change 4 - Its Purpose**

As set out in the Section 32 Report and the reporting officer's section 42A report, the purpose of Proposed Change 4 is to enable urban development at Tauriko West; the first step of which is amending the urban growth limit to include Tauriko West. As explained in those documents, Tauranga and the Western Bay of Plenty continue to experience strong population growth and as a result more land is needed for housing. It is also to give effect to the National Policy Statement on Urban Development Capacity 2016.

The National Policy Statement on Urban Development Capacity 2016 provides direction to address the sub-region’s growth. The Tauranga City, Western Bay of Plenty

District and Bay of Plenty Regional Councils are collectively responsible for implementing this National Policy Statement.

At present, Tauranga City Council's land supply falls short of that required under the National Policy Statement on Urban Development Capacity in the medium term (3-10 years) and long-term (10-30 years).

The Western Corridor Strategic Study SmartGrowth Option 3B Settlement Pattern Review showed additional greenfield residential land supply was required to address a projected shortfall in development capacity. It was anticipated that without the additional capacity provided by that Settlement Pattern Review, there would be no more residential greenfield land available by 2026. That review suggested new greenfield areas needed to be identified and planned well in advance of this date to ensure capacity can be taken up at the appropriate time.

We were advised<sup>3</sup> that "*Greenfield development has been planned in Wairakei and Te Tumu in the eastern Corridor but this alone is not sufficient to meet the shortfall in capacity. Providing greenfield capacity at Tauriko West has benefits because it is:*

- *located on the periphery of the existing city adjacent to already existing commercial, industrial and residential areas;*
- *relatively easy to service with infrastructure;*
- *adjacent to State Highway 29; and*
- *owned by a limited number of landowners (i.e. not fragmented into many titles) and the majority of whom support urban development."*

The land area is approximately 346 hectares and has the potential to yield approximately 3,000 new dwellings.

The Western Corridor Strategic Study Smart Growth Option 3B Settlement Pattern Review provided an analysis of the feasibility and appropriateness of future urban development (including Tauriko West). Recommendations were made to SmartGrowth and subsequently its members about whether the Western Corridor should be urbanised. This included potential preferences as to the sequencing of new growth areas. The conclusion of this assessment was that the Western Corridor, and in particular Tauriko West, scored particularly well, while both Pukemapu and Neewood areas scored relatively poorly in comparison.

Moreover, the Western Corridor Strategic Study Smart Growth Option 3B Settlement Pattern Review determined the Keenan Road area remains suitable for urbanisation in the future. However, as set out in the section 42A report<sup>4</sup> "*there are a number of complex issues in the development of the area that will take a number of years to resolve, principally the fragmented nature of land holdings, typography, and sequencing of infrastructure servicing. Therefore, Tauriko West was recommended as the next growth area to be developed*".

---

<sup>3</sup>Section 3 - Reasons for Developing Proposed Change 4 - of the section 42A Report.

<sup>4</sup> ibid

## 9. Back ground to Proposed Change 4

In August 2016, the SmartGrowth Implementation Committee approved Tauriko West as the next growth area for urban development. As set out, enabling development of the area requires:

- Amending the Regional Policy Statement Urban Limit to include Tauriko West (Proposed Change 4)
- Altering the current local authority boundary between Tauranga City and the Western Bay of Plenty District under the Local Government Act 2002, so that the whole of Tauriko West would fall within Tauranga City; and
- A plan change to the Tauranga City Plan to rezone the land.<sup>5</sup>

It also required confirmation of the supporting New Zealand Transport Agency Western Corridor programme of work.

These four components of work are collectively referred to as the "Tauriko for Tomorrow Project". Tauriko for Tomorrow is a collaborative project driven by four key partners - Western Bay of Plenty District Council, Tauranga City Council, Bay of Plenty Regional Council and the New Zealand Transport Agency.

The Resource Management Act and the Local Government Act processes for Tauriko West matters had been discussed between the three councils and the New Zealand Transport Agency. It was agreed by them that Proposed Change 4 should progress before other project components. We agree with this for the reasons that follow in this report.

As already set out earlier the Bay of Plenty Regional Council agreed to use the Streamlined Planning Process provided for in the Resource Management Act for this Proposed Change. The Minister for the Environment agreed to this in February 2018 and issued his Directions and consultation requirements for the use of the Streamlined Planning Process. We address these below.

## 10. Urban Growth Management in the Regional Policy Statement and SmartGrowth.

The Bay of Plenty Regional Policy Statement sets out how urban growth management of the Region is to occur. Those provisions particularly relevant to Proposed Change 4 include:

### ***Policy UG5A - Establishing urban limits - western Bay of Plenty sub-region***

*Establish urban limits as provided in Appendix E within which urban activities shall occur up to at least 2051.*

---

<sup>5</sup>We note that our recommendations (can) only address the first bullet point. The other two require separate processes.

## *Explanation*

*In association with the nature of long term urban boundaries provided in Appendix C, Diagram 1 (Appendix D) and Maps 5 to 15 (Appendix E), urban development is enabled with a high degree of long term certainty as to location, yield, sequencing and timing. This assists long term strategic planning and also provides considerable certainty as to the future of land outside the urban limits, providing a strong basis for assuming that such land will have a non-urban future until at least 2051. Method 14 (Monitor and review growth) provides a strict but comprehensive methodology on how and when amendments to the urban limits may be made, with an assumption that changes will not be made lightly, and will need to be well justified in terms of the outcomes sought across all the western Bay of Plenty sub region growth management policies*

### ***Policy UG6A - Sequencing of urban growth development - western Bay of Plenty sub-region***

*Manage urban development within each identified management area in a way that provides for:*

- (a) The efficient use of land and infrastructure within the immediately preceding growth area stage before the development of the subsequent growth area stage as shown in Appendix C and Appendix D; and*
- (b) Network infrastructure is able to be provided to serve the proposed new growth area or new infill/intensification areas shown in Appendix C and Appendix D*

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

*Ensure there is co-ordination between:*

- (a) The urban form and layout, location, timing and sequencing of new urban development; and*
- (b) The development, funding, implementation and operation of transport and other infrastructure serving the area in question; so that all infrastructure required to serve new development is available, or is consented, designated or programmed to be available prior to development occurring. Bay of Plenty Regional Policy Statement 165 For Tauranga City and Western Bay of Plenty District only, in satisfying this policy, regard must be had to the indicative growth area timing shown in Appendix C*

### ***Policy UG 13B: Promoting the integration of land use and transportation***

*In promoting the integration of land-use and transport activities, regard should be given to:*

- (a) Land use and transport planning being closely linked;*
- (b) The land transport system providing opportunities and integrated links for both public and private transportation modes;*



- (c) Demand management is considered in planning, design and transport investment decisions;
- (d) Existing and future transport corridors defined and protected; and
- (e) Integrated transport packages for funding are developed.

**Policy UG 15B: Accommodating population growth through greenfield and residential intensification development – western Bay of Plenty sub-region**

*Population growth within the western Bay of Plenty sub-region out to 2051 shall generally be accommodated as follows:*

- (a) *By providing for 75% of projected growth within new greenfield development growth areas (e.g., Pāpāmoa East, Ōmokoroa, North-west Bethlehem, Pyes Pa West, Te Puke, Katikati and Waihi Beach); and*
- (b) *By providing for 25% of projected growth through intensification of residential development within existing urban areas through such techniques as infill development, mixed use zones and specifically identified intensification areas; at densities which aim to achieve the target yields set out in Policy UG 4A.*

Structure Planning is one of the main methods set out in the Regional Policy Statement to ensure the required detailed planning is undertaken within the identified growth areas. Method 18 - Structure plans for land use changes - sets out in considerable detail what is required. It states (in part):

**Method 18: Structure plans for land use changes**

*Prepare structure plans for all large-scale land use changes to ensure:*

- *Coordinated development through the integrated provision of infrastructure; and*
- *Integrated management of related environmental effects.*

Given the provisions set out above, the approach to strategic growth management for the Region is to:

- identity appropriate areas for urban growth,
- include these in the Regional Policy Statement as urban growth areas, and
- to then undertake the detailed structure planning to enable the areas to be urbanised.

The detailed works includes the structure planning process (Method 18), as well as any necessary statutory changes to the regional and district plans. As referred to by Mr Larking of Tauranga City Council - extending the urban limits in the Regional Policy Statement is the trigger to "go plan".

With respect to Tauriko West, the subject of Proposed Change 4, we accept that considerable work has been undertaken to identify that this area is suitable to be brought within the urban limits. The evidence of a number of submitters addressed this; the most detailed being from the SmartGrowth Leadership Group and Tauranga City Council. We address this below.

In order to provide a context for Proposed Change 4 and the Tauriko West Growth Area, Mr Tremaine's evidence, on behalf of the SmartGrowth Leadership Group, provided a brief overview of the SmartGrowth Strategy, which has been 'vehicle' for the western Bay of Plenty sub-region's growth management approach.

Mr Tremaine set out that the western Bay of Plenty sub-region had experienced rapid growth since the 1950s. The continuing cumulative impacts of growth crystallised in the 1990s resulting in moves by local government in the sub-region to initiate strategic planning to manage growth: the SmartGrowth Strategy.

The original SmartGrowth Strategy was developed and adopted by its partner councils (i.e. the Bay of Plenty Regional Council, Tauranga City Council, and the Western Bay of Plenty District Council) between late 2001 and April 2004. The goal was to prepare an agreed strategy for the western Bay of Plenty sub-region to make provision for sustainable urban and rural development, specifically for the next 20 years and generally for the next 50 years.

SmartGrowth underwent a significant update in 2013. The Strategy now has a wider, more comprehensive approach and has evolved into a spatial plan, considering a range of environmental, social, economic and cultural matters.

Mr Tremaine set out that:

*"SmartGrowth's operational and implementation processes have been designed to be consistent with the three major planning statutes relevant to local government being the RMA 1991, LGA2002, and the LTMA 2003. This approach supports the partner councils in achieving their compliance obligations across all three planning statutes during SmartGrowth implementation.*

*A cornerstone of the SmartGrowth Strategy is the settlement pattern."*<sup>6</sup>

As a result of demographic information (much of which was detailed in the evidence of Mr Larking and Mr Pottinger of Tauranga City Council<sup>7</sup>) as well as the introduction of the National Policy Statement on Urban Development Capacity, the SmartGrowth settlement pattern is currently being updated. Mr Tremaine set out<sup>8</sup>:

*"The first phase of this update has been completed with three growth areas and an overall compact city approach confirmed by the SLG in August 2016. One of the three growth areas investigated and subsequently confirmed by the SLG and the partner councils was Tauriko West"*.

According to the Tauranga City Council and SmartGrowth evidence, Tauriko West underwent detailed investigations in 2015 and 2016, which resulted in it being confirmed as a growth area for the sub-region and prioritised for urban development.

---

<sup>6</sup> Mr Tremaine's evidence - paragraphs 3.5 and 3.6.

<sup>7</sup> Mr Larking and Mr Pottinger evidence - section The Growth Challenge, paragraphs 3.8 - 3.16.

<sup>8</sup> Mr Tremaine's evidence - paragraphs 3.7.

There were a number of reasons for selecting this area including: good development feasibility, a limited number of landowners, its proximity to an employment hub, and the fact that it has scale for efficient infrastructure and service delivery.

Furthermore, Tauriko West has also been included in the SmartGrowth Housing and Business Development Capacity Assessment required under the National Policy Statement on Urban Development Capacity. It is also identified as a key growth area in the draft SmartGrowth Future Development Strategy; also required under the National Policy Statement.

Tauriko West was not part of the original SmartGrowth settlement pattern and as such was not incorporated into the Operative Regional Policy Statement. According to supporting submitters, Proposed Change 4 is required in order to signal this growth area and to ensure that the next phase of implementation, through structure planning and ultimately changes to the District Plan, can occur.

We accept that the western Bay of Plenty sub-region is facing significant growth pressures with around 43,000 new houses required over the next 30 years. It was evidence of those supporting the Proposed Change that Tauriko West would make up a significant portion of the supply required in the short and medium term.

We heard from a number of submitters, including the SmartGrowth Leadership Group, Tauranga City Council, Western Bay of Plenty District Council, the New Zealand Transport Agency, Tauriko Property Group and Element IMF Ltd that detailed investigative work was well underway on the structure plan for Tauriko West. The Tauranga City Council evidence outlined<sup>9</sup> that:

*A summary of the status of the programme of works is provided below:*

- *Natural Hazard Assessments;*
  - *Geotechnical and Liquefaction – Completed;*
  - *Active Faults – Stage one complete;*
  - *Flood – Stage two underway;*
- *Local Transport Modelling – Complete;*
- *Infrastructure planning for water and wastewater – Underway;*
- *Contaminated Land Assessment – Complete;*
- *Archaeological Assessment – Complete;*
- *Commercial / Economic Assessment – Complete;*
- *Wairoa River Landscape Assessment – Complete;*
- *Cultural and Heritage Assessment – Complete;*
- *Community Facilities Assessment – Complete;*
- *Stormwater & Ecology Planning – Underway via a Stormwater Strategy;*
- *Ecological Assessment – Stage one complete;*
- *Prepared a landform development model – Complete subject to change;*
- *Master Planning – Draft concept developed (subject to change).*
- *Density considerations and calculations.*

---

<sup>9</sup>Mr Larking and Mr Pottinger evidence -paragraph 4.8.

The New Zealand Transport Agency set out the extent to which it had been involved in the "Tauriko for Tomorrow" project, part of which is to enable the integrated landuse and transport system planning of Tauriko West. The Tauriko for Tomorrow project includes the development of the Tauriko West Network Connections Business Case (currently at Detailed Business Case stage). This is being developed jointly by the SmartGrowth project partners and the New Zealand Transport Agency.

As stated by Ms Cottle<sup>10</sup>:

*"The focus of this Business Case is on identifying the transport system that enables the urbanisation of the Tauriko West area, integrates with the surrounding area, and supports the nationally significant freight route (State Highway 29) that extends through Tauriko.*

*We view the development of the Tauriko West Network Connections Business Case as an important part of the assessment and information gathering process towards urbanisation of Tauriko West. This is because the Business Case will identify a transport system for the next 30 years, including and implementation plan and co-investment delivery approach. We consider that this will include a transport system that is multi-modal, safe, accessible and resilient".*

Mr Cree said that while considerable work had occurred on considering the route for the State Highway (including multi-party consultation), the New Zealand Transport Agency was still at the 'long list'" stage. Once that list had been whittled down to a 'shortlist', it would then seek public comment.

The Regional Policy Statement gives statutory effect to the SmartGrowth sub-regional settlement pattern through the identification of key growth areas along with staging and timing, urban limits and other policies which support SmartGrowth principles. This sub-regional settlement pattern is fundamental to the SmartGrowth Strategy and it is a key part of the integrated approach to land use, infrastructure and funding, as set out in the policies quoted earlier.

Having had regard to all of the above, we are satisfied that the most appropriate way to achieve the growth management objectives of the Regional Policy Statement is to move the urban limits. With respect to Proposed Change 4 we accept that:

- land identified as suitable for urban development needs to be incorporated into the Regional Policy Statement to provide certainty and the trigger for more detailed planning, and
- the work completed by the Councils, SmartGrowth, the New Zealand Transport Agency, and the major land owners, demonstrates that the Tauriko West land is suitable for urbanisation.
- further community engagement will be needed by all Tauriko for Tomorrow partners with regards to subsequent stages and processes beyond this

---

<sup>10</sup>Ms Cottle's evidence - paragraphs 11 and 12.

Proposed Change Submitters to this Proposed Change and Te Kauae a Roopu will have the opportunity to be involved in subsequent processes.

Given the above, the main issue in section 32 terms, and considering all of the submissions is whether it is appropriate to recommend moving the urban limit to include all, some, or none of the land proposed. We address this below.

## 11. Statutory framework

The Resource Management Act (sections 59-62) sets out the requirements on the content and preparation of a Regional Policy Statement change or variation. It, amongst other things, must:

*give effect to:*

- a national policy statement or
- New Zealand coastal policy statement

*shall have regard to:*

- Any management plans and strategies prepared under other Acts
- relevant entries on the New Zealand Heritage List/Rarangi Kōrero register required by the Heritage New Zealand Pouhere Taonga Act 2014
- regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Māori customary fishing).

*take into account:*

- any relevant planning document recognised by an iwi authority and lodged with the council.
- the matters in a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 that relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

We accept that Proposed Change 4 has been developed in accordance with the relevant sections of the Resource Management Act, and this is essentially set out in the Section 32 Report. However, in relation to the statutory framework, we think it important to highlight four key aspects here:

- Giving effect to the National Policy Statement on Urban Development Capacity 2016
- Consultation and Tangata Whenua involvement (Te Kauae a Roopu), and
- The Wairoa River Valley Strategy

### **Giving effect to the National Policy Statement on Urban Development Capacity**

One of the key reasons for Proposed Change 4, and one of the main reasons the Minister agreed to the streamlined process, was to give effect to the National Policy Statement on

Urban Development Capacity. This matter has been addressed above and was detailed in the Tauranga City Council and SmartGrowth Leadership Group's evidence.

### **Consultation and Tangata Whenua involvement (Te Kauae a Roopu)**

In addition to the statutory requirements with respect to consultation, and in particular with Iwi and hapū, the Direction gazetted by the Minister for the Environment on the use of the Streamline Plan Process specifically required pre-notification consultation with 'Te Kauae a Roopu iwi/hapū and Ngāti Hinerangi iwi'.

We were advised that considerable engagement and consultation had occurred with partners and Iwi, and that a Partnership Engagement Agreement – Te Kauae a Roopu had been established. This Agreement was formally signed on 21 December 2017 between the six local hapū (Ngāti Kahu, Ngāti Pango, Ngāti Rangī, Ngāti Hangarau, Ngāi Tamarawaho and Pirirākau)<sup>11</sup>, the three Councils and the New Zealand Transport Agency.

This agreement sets out a framework to work collaboratively on the Tauriko for Tomorrow Project. As set out in the section 32 Report<sup>12</sup>, the intent of the agreement is to establish a solid foundation to build enduring working relationships. The section 32 Report states:

*The partnership is committed to working in the spirit of good-faith and cooperation based on the relationship principles below:*

- *Mana – Recognition and respect for each partner's mana and authority; acknowledging hapū autonomy.*
- *Whakapono – Acting with integrity, respect and being open and transparent.*
  - *Kōrero a kanohi – Engaging on issues face to face; being upfront and honest.*
  - *Rangatira kite Rangatira – Recognising respective leaders and involving key decision makers where and when appropriate.*
- *Kaitiakitanga and Te Ao Māori – Providing for kaitiakitanga; valuing mātauranga Māori; integrating Tikanga and Te Reo Māori where appropriate.*
- *Kotahitanga – Meeting agreed milestones; seeking solutions and looking for ways to mitigate challenges.*

Since the Te Kauae a Roopu agreement was signed, we were advised that meetings have been held on a regular basis during 2018 with the mandated hapū representatives. We did not hear any contrary evidence to this. It is also important to note that no submissions were received from Iwi or hapū for Proposed Change 4.

Mr Larking and Mr Pottinger set out in their evidence under the heading -Te Kauae a Roopu, the following:<sup>13</sup>

*Te Kauae A Roopu is a crucial equal partner in the Tauriko for Tomorrow Project, and as a collective we continue to engage on all aspects of the project.*

---

<sup>11</sup> All whom hold mana whenua over the Tauriko West area

<sup>12</sup> *ibid*

<sup>13</sup> Mr Larking and Mr Pottinger evidence -paragraphs 3.40 and 3.41.

*All partners are committed to the Tauriko for Tomorrow project and work together to discuss cultural matters associated with the impacts that the future development of the growth area may have, seeking to create strategic to reduce the impact of those issues – which will be resolved through the development of a future structure plan.*

### **Wairoa River Valley Strategy**

The Wairoa River Valley Strategy was adopted in 2005, with a desktop review undertaken in 2013 by SmartGrowth. It is a joint strategy between Western Bay of Plenty District Council, Tauranga City Council, Tangata Whenua and the communities within the Strategy area.

The Strategy was developed to protect the values of the Wairoa River Valley environment and did not contemplate urban development of Tauriko West. As already addressed the 2013 SmartGrowth Strategy Settlement Pattern review identified Tauriko West as a suitable new greenfield growth area.

The proposed development of Tauriko West has raised the need to understand the Wairoa River Valley's values and protect its significance as part of the Tauriko for Tomorrow project.

Western Bay of Plenty District Council received two submissions on its 2018-2018 Long Term Plan, from Pirirākau Incorporated Society and Te Kauae a Roopu hapū. Both submissions raised the need to review the Strategy, now that the valley's environment is proposed to be urbanised.

The Wairoa River Strategy is a key document for hapū and iwi, given the significance of the Wairoa River to them. Also, a major goal of the Strategy is to progress the fencing of the Wairoa River and increase public access from Mile Lane, Bethlehem. While outside of this process, it will be important that any effects on the Wairoa River are fully considered as part of the structure plan process.

## **12. Summary of the above sections.**

In summary, we accept that:

- the western Bay of Plenty sub-region is facing significant growth pressures with around 43,000 new houses required over the next 30 years.
- considerable work has been undertaken to identify that this area is suitable for urbanisation.
- Proposed Change 4 will provide certainty and trigger more detailed planning, which will be guided by Method 18 of the Regional Policy Statement.
- the 'Tauriko for Tomorrow' project will ensure a coordinated approach to urban development by the three Councils and the New Zealand Transport Agency.
- further community engagement will be needed by all Tauriko for Tomorrow partners with regards to subsequent stages and processes beyond this plan

change. Submitters to this proposed change and Te Kauae a Roopu will have the opportunity be involved in subsequent processes.

### 13. Submissions

Twenty submissions were received to Proposed Change 4. In the Section 42A report the submissions were grouped under five headings:

- Proposed Change 4 (Tauriko West Urban Limit)
- Appendix C – Indicative growth area timing
- Appendix D – Indicative growth area sequencing
- Appendix E – Map 10
- Other (various issues of concern outside the scope of Proposed Change 4)

For consistency and ease of understanding for all parties, we have made our recommendations based on the same format.

#### Proposed Change 4 (Tauriko West Urban Limit)

##### Submitters

Submitter	Submission point no	Submission type	Recommendation
Russell Williams	1-1	support	accept
Tauriko Property Group	2-2	support	accept
Western Bay of Plenty District Council	5-1	support	accept
Gull New Zealand	10-1	support	accept
New Zealand Transport Agency	13-5	support	accept
Tauranga City Council	15-1	support	accept
SmartGrowth	16-1	support	accept
Tauranga Crossing	18-1	support	accept
Element IMF	19-1	support	accept
Heritage New Zealand Pouhere Taonga	7-1	support	accept in part
Robyn Ford	12-1	oppose	reject
Brian & Heather Jones	14-1	oppose	reject
Yvonne James	20-1	oppose	reject
Yvonne James	20-2	oppose	reject

##### Hearing Panel Recommendation

That Proposed Change 4 to the Regional Policy Statement is retained and Appendix E (Map 10) is amended as shown in Appendix 1. The specific changes to Appendix E (Map 10) are described below:

- delete the words “Potential Future” from the map legend.



- remove the hatched shading so that the Tauriko West area belongs within the “Urban Limit (start pre-2021) category and to ensure the legend is consistent with all other Appendix E map legends.

## **Reasons**

Proposed Change 4 (Tauriko West Urban Limit) is a proposal to amend the Regional Policy Statement urban limits line to enable urban development in the Tauriko West area. Currently the Tauriko West area is outside the urban limit and is zoned rural or rural residential under the Tauranga City and Western Bay of Plenty District Plans and is not able to be used for urban development. Proposed Change 4 is solely focused on including the land within the identified urban limits.

We have fully addressed this issue in the preceding sections of this report.

***Submissions 1-1, 2-2, 5-1, 10-1, 13-1, 15-1, 16-1, 18-1, and 19-1 - Russell Williams, Tauriko Property Group, Western Bay of Plenty District Council, Gull New Zealand New Zealand Transport Agency Tauranga City Council SmartGrowth, Tauranga Crossing and Element IMF***

Support for Proposed Change 4 is acknowledged, and the reasons for this have been fully addressed in the preceding sections of this report.

### ***Submission 7-1 - Heritage New Zealand Pouhere Taonga:***

Heritage New Zealand Pouhere Taonga essentially supports the Proposed Change but seeks consideration of "*historic heritage, in particular archaeological and cultural matters in the Structure Plans that will be required as a consequence of this Plan Change*".

Structure planning for the area is and will be carried out by Tauranga City Council in partnership with others as set out earlier. Structure planning to date has included archaeological assessments by CFG Heritage Ltd (March 2017) and a supplementary archaeological assessment by Mr Matthew Campbell (April 2018) of three features identified in the earlier CFG report.

Mr Antoine Coffin also completed a cultural heritage report which provided further information on several sites identified in the CFG report. The assessments anticipate urban growth and full assessments and future authorities from Pouhere Taonga will be applied for in line with the archaeological and cultural values and sites identified within the Tauriko West growth area.

### ***Submission 12-1- Robyn Ford:***

As addressed earlier the Wairoa River Valley Strategy 2013 did not contemplate urban development of Tauriko West. The Smart Growth Strategy Settlement Pattern was reviewed in 2016 and resulted in Tauriko West being identified as a suitable new greenfield growth area.

The Wairoa River Valley Strategy is a partnership between Tauranga City Council, Western Bay of Plenty District Council, Tangata Whenua and the community. It recognises the significance of the Wairoa River Valley for its natural and spiritual qualities. The strategy seeks to protect the unique values of the Wairoa River Valley for the long term benefit of the community.

The Wairoa River Valley Strategy was developed as a rural strategy and is scheduled to be reviewed in 2020 to reflect the proposed urban development of the Tauriko West area. Structure planning for the area is and will be carried out by Tauranga City Council in accordance with Method 18 in the Regional Policy Statement. It will be important that the Wairoa River and its management along with the urbanisation of the area is fully considered as part of the structure plan process.

***Submission 14-1- Brian & Heather Jones:***

Mrs Jones presented her concerns at the hearing. She did not want the urbanisation of Tauriko West, mainly due to the likelihood of additional roads and the possible realignment of the State Highway. It was her view that the road re-alignment (based on a New Zealand Transport Agency map which she appended to her submission would be across her property.

Mrs Jones outlined that she and husband had built the "*house of our dreams*" less than two years ago, and that the proposal would also adversely affect their daughter and son-in law who live next door. She set out that while she did not want urbanisation or the State Highway realignment and that the uncertainty of what may happen was incredibly stressful. The Hearings Panel fully understand the concerns of Mrs Jones, and understand her reasons for opposing Proposed Change 4, and the possible alignment of the State Highway.

With respect to the proposal to extend the urban limits to include the additional land at Tauriko West, we have addressed its rationale earlier in this report. For the reasons set out there, we recommend that the urban limits be moved. If this is confirmed, this triggers the requirement for much more detailed planning of the nature, form and timing of any development - i.e. structure planning and plan changes to the regional and district plans.

With respect to the State Highway and any intersection improvement work, Proposed Change 4 does not address this. As addressed, Proposed Change 4 (Tauriko West Urban Limit) is solely limited to amending the Regional Policy Statement urban limits.

With respect to New Zealand Transport Agency and the State Highway, we have addressed this matter earlier in the section titled - The Regional Policy Statement's approach to urban growth management and SmartGrowth.

### **Submissions 20-1 and 20-2 - Yvonne James**

Ms James objects to the Tauriko West Urban Limit change on "*religious and environmental grounds, and because there is inadequate information provided to make informed comment*".

We have addressed the Regional Policy Statement's Growth Management Approach earlier in this decision, and the extent and nature of the work undertaken to propose that the urban limit be extended to include Tauriko West. Ms James is referred to that section of this report.

However, in summary, the Smart Growth Strategy Settlement Pattern was reviewed in 2016 and resulted in Tauriko West being identified as a suitable new greenfield growth area. As a result of this Proposed Change has been proposed and notified. If this is confirmed, this triggers the requirement for much more detailed planning of the nature, form and timing of any development - i.e. structure planning and plan changes to the regional and district plans.

Ms James also raised the issue "*we were never asked if we wanted the proposed development...*". We note that the consultation process followed for Proposed Change 4 is set out in the section 32 report. Residents, landowners, and affected parties were sent notification information and provided with links to websites for further information on both Proposed Change 4 and the wider Tauriko for Tomorrow Project as part of the Proposed Change 4 notification process.

### **Appendix C – Indicative growth area timing**

#### **Submitters**

Submitter	Submission point no	Submission type	Recommendation
Tauriko Property Group	2-1	support	accept
George & Shirley Marriott	9-1	oppose in part	reject
George & Shirley Marriott	9-2	oppose in part	reject

#### **Hearing Panel Recommendation**

That Appendix C – 'Indicative growth area timing' be retained as proposed. It is required to meet the requirements of Regional Policy Statement Policy UG 6A 'Sequencing of urban growth development – Western Bay of Plenty sub-region'.

#### **Reasons**

##### **Submissions 2-1- Tauriko Property Group:**

Support for Appendix C – Indicative growth area timing is acknowledged, and the reasons for this have been fully addressed in the preceding sections of this report.

### **Submissions 9-1, and 9-2 - George & Shirley Marriott:**

Mr and Mrs Marriott were essentially supportive of the proposed change to the Regional Policy Statement but wanted it to happen more quickly than proposed in Appendix C. Appendix C as notified has the indicative timing is "Development begins 2019 and capacity reached by 2045". The Marriott's were concerned about the uncertainty this timing creates - and whether for example the extent to which they should invest further in their property (currently used for blueberry production) such as putting in a new bore.

We understand the concerns raised and note that the issue of uncertainty was raised by a number of submitters. However, to the extent that we can address this, if Proposed Change 4 is confirmed and the Regional Policy Statement urban limit is extended, then this is a clear signal that the land will be urbanised. As already addressed detailed structure planning is required, followed by changes to the statutory planning documents (regional and district plans). These will take some time.

As set out in evidence, namely from Tauranga City Council and SmartGrowth, Tauranga City must meet the urban development supply/capacity of land to give effect to the National Policy Statement on Urban Development Capacity. Mr Larking advised that without Tauriko West, this would not be possible. Mr Cooney of Tauriko Property Group and Mr Donne of Elements IMF, outlined the desperate shortage of residential land to develop, and that Tauriko West would greatly assist with this.

The Indicative growth area timings are just that - indicative. It was Mr Larking's opinion that development will likely occur over 10-15 years for the reasons set out above (shortage of developable land). However, we accept that the dates can only be indicative, as the rate at which development occurs will depend on how quickly the structure planning and plan changes are completed, and importantly how quickly landowners/developers develop their land.

It is our findings that the Indicative growth area timings should remain as notified for the reasons we have set out.

We also record that Mr and Mrs Marriott were supportive of affordable housing, and that future development needs to consider educational and recreational facilities. As we have set out earlier these matters will be considered in the more detailed structure planning stage.

## **Appendix D – Indicative growth area sequencing**

### **Submitters**

Submitter	Submission point no	Submission type	Recommendation
Tauriko Property Group	2-4	support	accept
George & Shirley Marriott	9-3	oppose in part	reject

Submitter	Submission point no	Submission type	Recommendation
Kitchener Trust	11-1	neutral	reject

### **Hearing Panel Recommendation**

That Appendix D – ‘Indicative growth area sequencing’ be retained as proposed. It is required to meet the requirements of Regional Policy Statement Policy UG 6A ‘Sequencing of urban growth development – western Bay of Plenty sub-region’.

### **Reasons**

#### ***Submission 2-4- Tauriko Property Group:***

Support for Appendix D – Indicative growth area sequencing is acknowledged, and the reasons for this have been fully addressed in the preceding sections of this report.

#### ***Submission 9-3- George & Shirley Marriott:***

The concerns of Mr and Mrs Marriott have been addressed earlier and relate to timing and seeking that development happen more quickly.

Appendix D represents indicative growth area sequencing as required by Regional Policy Statement Policy UG 6A. As we have recommended the inclusion of the Tauriko West growth area, provision needs to be made to include it in Appendix D.

As set out in Appendix C, the timing for Tauriko West is 2019-2045, providing a 26 year period in which planning, development and full uptake can occur. We have already set out above that we consider this is a reasonable time frame to progress development of the Tauriko West growth area.

Also, as set out, time frames for growth area development and sequencing are and can only be indicative as the necessary planning (and plan changes) need to be completed, and development is driven by developers and landowners.

#### ***Submission 11-1- Kitchener Trust:***

Ms Burnam presented expert planning evidence on behalf of the Kitchener Trust. In summary, Ms Burman was seeking that that the Keenan Road areas should be included in Proposed Change 4 as the area is already identified as an Urban Growth Area for 2021. She pointed out that, while there a number of issues that have been identified (fragmented land holdings, topography, and sequencing of infrastructure<sup>14</sup>), including Keenan Road area in Proposed Change 4 would be "*a pro-active approach to growth management with little risk or commitment to overexposing councils or pressure to rezone land*"<sup>15</sup>.

<sup>14</sup>Ms Burman's evidence - paragraph 2.7.

<sup>15</sup>Ms Burman's evidence - paragraph 3.5

We do not think there is the ability for us to recommend that Keenan Road areas be included in Proposed Change 4. Proposed Change 4 is solely about including the land identified at Tauriko West into the Regional Policy Statement as an Urban Growth Area. Most of the Keenan Road area is already an Urban Growth Area.

Ms Hayson, a planner in same company as Ms Burman, accepted that there was a legal issue as set out above - but that Kitchener Trust's position was it would like to have the more detailed planning work commence on the same time schedule as proposed for Tauriko West.

As set out in Appendix C to the Regional Policy Statement, Pyes Pa West (Keenan Road) development is scheduled to begin after 2021. No change is recommended to be made to the current growth area sequencing because:

- There is no ability to include Pyes Pa West (Keenan Road) within Proposed Change 4 , and that:

While the SmartGrowth 3B Settlement Pattern Review determined the Keenan Road area is suitable for urbanisation in the future, there are complex issues relating to the development of the area that will take a number of years to resolve, principally the fragmented nature of land holdings, topography, and sequencing of infrastructure servicing. In respect of this, Mr Larking advised us that he considered there would need to be a change to the urban growth limit to include all of the Keenan Road catchment area before further development proceeded, as the current urban growth limit does not include the whole catchment. He also identified that the land is very fragmented, with some 48 landowners.

- The SmartGrowth 3B Settlement Pattern Review showed that additional greenfield residential land supply is required to address a projected shortfall in capacity required by the National Policy Statement on Urban Development Capacity. It was recommended to, and approved by SmartGrowth, Tauranga City Council, Western Bay of Plenty District Council, and Bay of Plenty Regional Council that Tauriko West be prioritised for urbanisation prior to the Pyes Pa Keenan Road area. A more detailed explanation of this is contained in the section 32 Evaluation Report for Proposed Change 4.
- Urban development in the Eastern Corridor (Te Tumu) is progressing currently and will contribute to meeting the National Policy Statement on Urban Development Capacity requirements.
- The Future Development Strategy for Tauranga and the Western Bay of Plenty (National Policy Statement on Urban Development Capacity requirement) is currently being developed and will determine location and scheduling of future urban development areas. Consultation for this is scheduled for late 2018 and is a more appropriate forum for this issue to be addressed.

## Appendix E – Map 10

### Submitters

Submitter	Submission point no	Submission type	Recommendation
Tauriko Property Group	2-3	support	accept
Keith Catran	8-1	oppose	reject
George & Shirley Marriott	9-4	oppose in part	accept in part

### Hearing Panel Recommendation

That Tauriko West residential growth area addition to Map 10 of Appendix E 'Management and Growth areas for the western Bay of Plenty' be retained. No change is recommended to the notified urban limit boundary.

Minor amendments are recommended to Appendix E (Map 10) as shown in Appendix 1. The specific changes are described below:

- delete the words “Potential Future” from the map legend.
- remove the hatched shading so that the Tauriko West area belongs within the “Urban Limit (start pre-2021) category and to ensure the legend is consistent with all other Appendix E map legends.

### Reasons

#### ***Submission 2-3 - Tauriko Property Group:***

Support for Tauriko West residential growth area addition to Map 10 of Appendix E 'Management and Growth areas for the western Bay of Plenty' is acknowledged, and the reasons for this have been fully addressed in the preceding sections of this report.

#### ***Submission 8-1 Keith Catran:***

It was Mr Catran's submission that the area south of Redwood Lane not be part of the proposed urban development of Tauriko West. He considered that it was not necessary for the area to be urbanised for residential purposes. The area is privately owned by people who bought it for its rural character, and he particularly sought that this character be retained.

Mr Catran set out that the properties are mostly in rural uses, with one a kiwifruit orchard, a small mandarin orchard, and three established lifestyle blocks. In all cases they are larger blocks, with shelter belts and large trees. They are independently serviced for water and sewage disposal and manage their own storm water.

He also said he would prefer to remain part of Western Bay of Plenty District Council which has a good understanding of the requirements of rural and lifestyle areas. He did not want to be included with Tauranga City Council, as this would likely increase rates which he considered would inevitably follow from inclusion in the city with its funding

constraints and debt and would be required to connect to the reticulated city infrastructure such as water supply and/or sewerage.

Mr Catran said he would be satisfied if the southern side of Redwood Lane was left outside the urban limits.

Proposed Change 4 includes the Redwood Lane area within the urban limit. The proposed new urban limit line follows the edge of the Wairoa River from the existing urban limit edge by River Oaks Drive to the Omanawa River Bridge. It is adjacent to the existing urban limit and the lower Belk Road urban limit area identified in the Regional Policy Statement to start post 2021. The lower Belk Road, post 2021 area, follows the line of the Omanawa River upstream. Proposed Change 4 joins the two areas either side of the Omanawa Bridge.

While we understand Mr Catran's concerns, we agree with Mr Martelli of the Western Bay of Plenty District Council that it would not be logical to leave this part of Redwood Lane out. It was his view that the river creates a natural limit/boundary and this area is 'surrounded' by Tauranga City. Moreover, Mr Martelli said that simply moving the urban limit line does not preclude Redwood Land from remaining rural residential.

With respect to retaining existing uses, we note that there are many existing landowners adjoining Wairoa River to the north of the Tauriko West growth area who have continued with their existing lifestyle land uses and relying on onsite services despite being included in the urban limits for the last 10 years.

However, we also note that other submitters have supported the proposed change. Those and other landowners may decide to take advantage of amended plan provisions that will, in time, allow them to develop their land more intensively than the current rural zone provisions may permit.

No change to the boundary is recommended.

***Submission 9-4- George & Shirley Marriott:***

The concerns of Mr and Mrs Marriott have been addressed earlier and relate to timing and seeking that development happen more quickly.

With respect to Appendix E, the words "Potential future" are recommended to be deleted from the legend of Map 10 as well as the area shown as "Potential future residential zones (currently outside of the urban limits" and the legend aligned with all other Appendix E maps. The Tauriko West area will be notated 'Urban limit (start pre 2021)'. Proposed Change 4 relates to adjustment of the Urban Limit (Map 10), indicative growth area timing and business land sequencing (Appendix C), and indicative growth area sequencing (Appendix D). Residential rezoning will be the subject of changes to the Tauranga City Plan.



As already set out previously, Proposed Change 4 relates to moving the Urban Limit (Map 10), indicative growth area timing and business land sequencing (Appendix C), and indicative growth area sequencing (Appendix D). Residential rezoning will be the subject of changes to the Tauranga City Plan.

We note that this is the only change we have recommended to the Proposed Change as notified. We record for completeness that our reasons (set out above) for making this change constitutes an evaluation pursuant to section 32AA of the Resource Management Act.

Accordingly, we accept in part the relief sought in relation the Marriott's submission. The amendments to Map 10 are provided in Appendix 1.

#### **Other (various issues of concern outside the scope of Proposed Change 4)**

##### **Submitters**

Submitter	Submission point no	Submission type	Recommendation
John Coster	3-1	neutral	reject
John Coster	3-2	neutral	reject
John Coster	3-3	neutral	reject
John Coster	3-4	neutral	reject
Wayne Fraser	4-1	neutral	reject
Wayne Fraser	4-2	neutral	reject
Wayne Fraser	4-3	neutral	reject
Wayne Fraser	4-4	neutral	reject
Wayne Fraser	4-5	neutral	reject
Wayne Fraser	4-6	neutral	reject
Wayne Fraser	4-7	neutral	reject
Powerco Limited	6-1	neutral	reject
Kitchener Trust	11-2	neutral	reject
Nicola O'Donoghue	17-1	neutral	reject
Nicola O'Donoghue	17-2	neutral	reject
Nicola O'Donoghue	17-3	neutral	reject
Keith Catran	8-2	oppose	reject

##### **Hearing Panel Recommendation**

That no changes be made to Proposed Change 4 than that notified. Several submissions are outside the scope of Proposed Change 4 (Tauriko West Urban Limit) and cannot be addressed through this process.

##### **Reasons**

***Submissions 3-1, 3-2, 3-3, 3-4, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 6-1, 8.2, 11-2, 17-1, 17-2, 17-3 and 8.2 - John Coster, Wayne Fraser, Powerco Limited, Kitchener Trust,***

**Nicola O'Donoghue and Keith Catran** - raise matters outside scope of Proposed Change 4 (Tauriko West Urban Limit).

Currently Tauriko West sits outside the urban limit and the land is not able to be used for urban development. Proposed Change 4 seeks to amend the Regional Policy Statement urban limits to enable urban development within the Tauriko West area. How that urban development takes shape is still to be determined through the Tauriko for Tomorrow Project work streams, consultation processes, structure planning and the city plan change processes under the Resource Management Act.

Proposed Change 4 does not address specific issues raised in these submissions regarding:

- The operation, maintenance and upgrade to electricity and gas distribution networks
- State highway realignment/improvement work
- Riparian margins, land for reserves, river greenbelt areas
- Restriction of industrial activities
- Archaeological assessments
- Housing Accord Special Housing Areas Act
- Education - public high school
- Provision for adequate parking at Tauranga Crossing interchange
- Engine braking restrictions
- Road widening, safety, speed limits and road surfacing
- Traffic congestion

All of these matters will be addressed via the structure plan process as set out in the Regional Policy Statement - Method 18.

Notwithstanding that these matters are the subject of structure planning, we record that Ms O'Donoghue raised concerns about the lack of secondary school nearby, and sought certainty on schools, particularly a secondary school and traffic management.

Mr Coster raised the issue of needing to ensure appropriate open space along Wairoa River, and that this should be more than 20m wide for riverside park and considered 100m would be more acceptable. He also sought protection of historic and archaeological sites<sup>16</sup>.

We agree that matters such as 'live, work, learn and play' as well as the protection of important values or features (e.g. historic and archaeological sites) need to be carefully considered in any structure planning exercise, and including all of the matters listed in RPS Method 18.

Approximately two thirds of the proposed Tauriko West growth area sits within the Western Bay of Plenty district. Western Bay of Plenty District Council is starting the

---

<sup>16</sup>We have addressed this matter in relation to the submission by Heritage New Zealand Pouhere Taonga earlier in this report.

process to alter the boundary to move the land within the Tauranga City area. The Local Government Commission, with community and landowner consultation, will make the final decision on the boundary alteration proposal.

Western Bay of Plenty District Council expects to submit the boundary change application to the Commission in late-2018. If the Commission agrees to consider the application it will publicly notify the application in early-2019 and carry out a further consultation process, with a decision expected by mid-2019.

If the Tauranga/Western Bay boundary alteration process is approved, Tauranga City Council will be able to complete structure planning for the area and commence a plan change process to embed the structure plan into the Tauranga City Plan. While we were not advised of any required amendments to enable development, we note that there may be changes also required to the regional plan.

The issue of a boundary adjustment between the two Councils is not a matter we can consider as part of Proposed Change 4. As set out above, any boundary adjustment will be addressed by the Local Government Act via the Local Government Commission.

With respect to roading, the New Zealand Transport Agency is working to identify the best solutions for the transport network in Tauranga's Western Corridor. The Government Policy Statement on Land Transport has increased funding for investment in safety, public transport, walking and cycling projects to enhance people's access to economic and social opportunities, and has reduced investment in building new state highways.

The New Zealand Transport Agency is responding to this change by re-evaluating 16 projects nationally, including the Tauriko Network Plan to ensure the agency delivers on the Government's priorities. The New Zealand Transport Agency plans to go back to stakeholders and the public to help inform its final recommended projects and timing of activity. In parallel, New Zealand Transport Agency is looking at safety and reliability improvements on State Highway 29 and State Highway 29A over the next one to three years. The areas being addressed are:

- Barkes Corner (State Highway 29A) – round about metering Pyes Pa Road and westbound on State Highway 29A with traffic signals that will operate during the peakflow, and is due to be in operation in August 2018
- Cambridge Road intersection (State Highway 29) – traffic lights
- Belk Road intersection (State Highway 29) – right turn bay
- Safe and appropriate speed limits from Barkes Corner (State Highway 29A) to Omanawa Road (State Highway 29)

While the New Zealand Transport Agency is seeking to coordinate development with the Councils, and roading will need to be addressed in any structure plan, the New Zealand Transport Agency's work and decision made are outside the scope of Proposed Change 4.

As discussed earlier, we accept that the 'Tauriko for Tomorrow' project will ensure a coordinated approach to urban development by the three Councils and the New Zealand Transport Agency. Further community engagement will be needed by all Tauriko for Tomorrow partners with regards to subsequent stages and processes beyond this plan change, which submitters to this proposed change and Te Kauae a Roopu will have the opportunity be involved in.

## 14. Overall Finding and Recommendation

For all of the reasons set out above, we find that moving the urban limit to include all of the land proposed in Proposed Change 4 the most appropriate way to achieve the growth management objectives of the Regional Policy Statement.

We recommend that Proposed Change 4 (Tauriko West Urban Limit) be approved and the following changes be made to the Regional Policy Statement:

- Add Tauriko West (under Tauranga West) to table 17 in Appendix C - 'Indicative growth area timing and business land provisions',
- Add Tauriko West details to Diagram 1 of Appendix D - 'Indicative growth area sequencing' and
- Amend the Urban Limits line in Appendix E (Map 10) - Tauranga Central - Pyes Pa) to include Tauriko West.

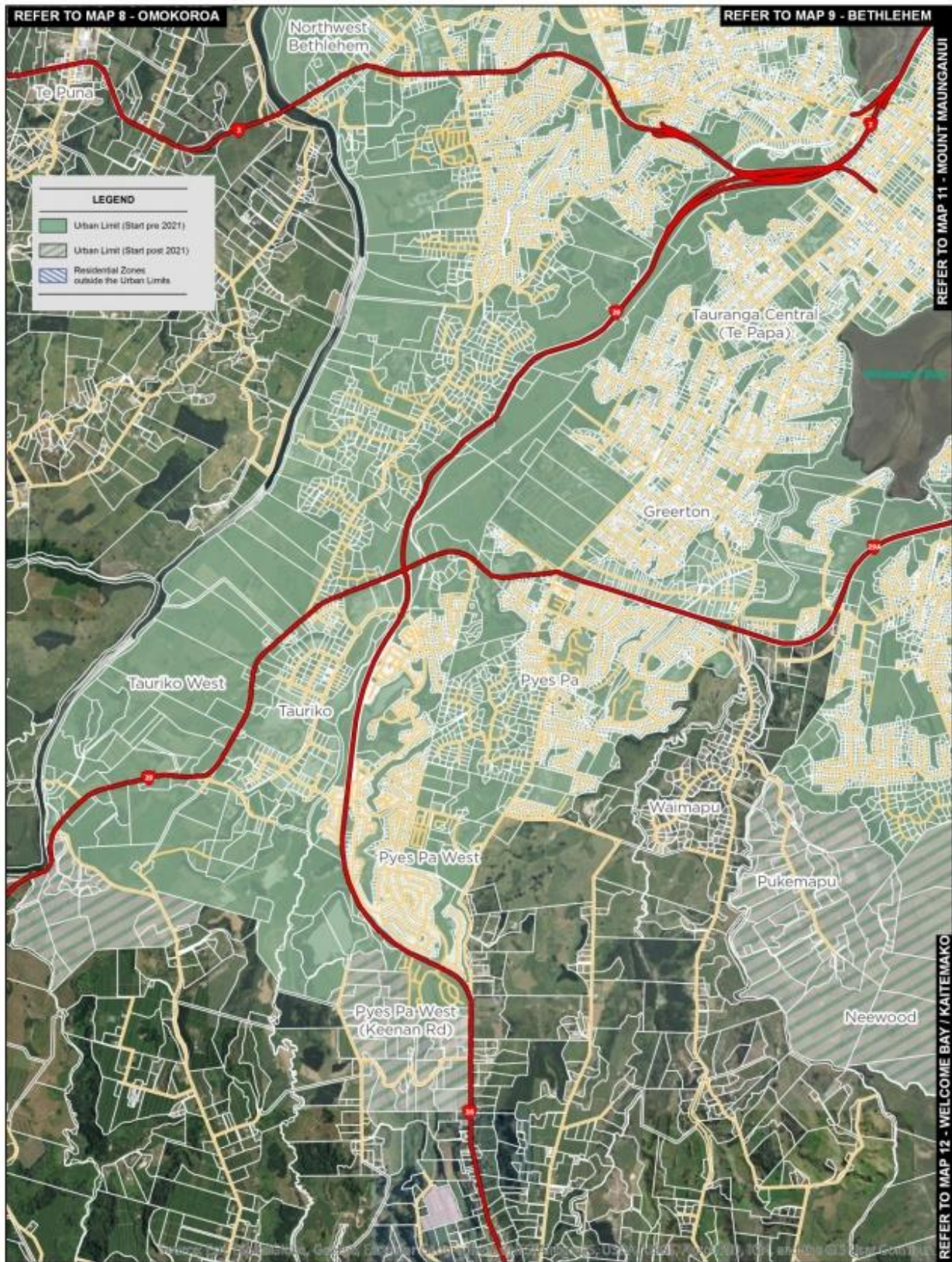
The proposed changes to the Regional Policy Statement are set out in Appendix 3.



Greg Hill  
Chair of the Hearings Panel  
20 August 2018



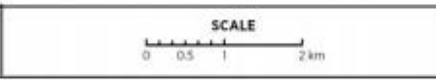
# Appendix 1 Amendment to Map 10



Bay of Plenty Regional Policy Statement



**Tauriko Central - Pyes Pa**



**Map 10**  
C2125 - 23 July 2018

# Appendix 2 Streamlined Planning Process for Proposed Change 4

NEW ZEALAND GAZETTE

## The Resource Management (Direction to the Bay of Plenty Regional Council to Enter the Streamlined Planning Process for Regional Policy Statement – Plan Change 4) Notice 2018

Pursuant to clauses 78 and 79(2) of Schedule 1 of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

### Notice

#### 1. Title and commencement

(1) This notice is the Resource Management (Direction to the Bay of Plenty Regional Council to Enter the Streamlined Planning Process for Regional Policy Statement – Plan Change 4) Notice 2018.

(2) This notice shall come into force on the date of gazettal.

#### 2. Direction to enter Streamlined Planning Process

In accordance with clause 78 of Schedule 1 of the Resource Management Act 1991, the Minister for the Environment directs that the following streamlined planning process is used for proposed Change 4 to the Bay of Plenty Regional Policy Statement.

#### Minister for the Environment’s Direction on the Application From the Bay of Plenty Regional Council to Use a Streamlined Planning Process to Amend the Urban Limit Line at Tauriko West in its Regional Policy Statement (Plan Change 4)

The Minister for the Environment received an application from the Bay of Plenty Regional Council on 8 August 2017, pursuant to section 80C and clause 75 of Schedule 1 of the Resource Management Act 1991 (“RMA”), to use a streamlined planning process to prepare a planning instrument known as Plan Change 4 to the Bay of Plenty Regional Policy Statement.

In accordance with clause 78 of Schedule 1 of the RMA the Minister directs that the following streamlined planning process is used for proposed Change 4 to the Bay of Plenty Regional Policy Statement.

	Step	Timeframes
1	Undertake the requirements specified in clauses 3, 3A, 3B and 3C of Schedule 1 of the RMA to the extent applicable and not already undertaken.	To be completed no later than 30 working days after gazettal of the Direction.
2	Undertake further pre-notification requirements with iwi authorities in accordance with clause 4A of Schedule 1 of the RMA.	To be completed no later than 30 working days after gazettal of the Direction.
3	Publicly notify Plan Change 4 for written submissions in accordance with clause 5 of Schedule 1 of the RMA (excluding 5(3) of Schedule 1). A minimum period of 30 working days for submissions must be specified in the public notice.	To be completed no later than 30 working days after the completion of Step 2.
4	Provide an opportunity for written submissions under clause 6 of Schedule 1 of the RMA (to the extent applicable under this direction).	Public Submissions to be received no later than 30 working days after public notification (Step 3).
5	Conduct a public hearing under clause 8B of Schedule 1 (to the extent applicable under this Direction).	Hearing to commence no later than 25 working days after close of submissions (Step 4).
6	Bay of Plenty Regional Council to provide a written report	To be provided to the Minister for the

	<b>Step</b>	<b>Timeframes</b>
	showing how submissions have been considered and the changes (if any) recommended to the proposed planning instrument, including: <ul style="list-style-type: none"> <li>a. the evaluation under section 32 and 32AA; and</li> <li>b. a report summarising how the persons making the recommendation have had regard to the evaluation report; and</li> <li>c. the reports and documents required by clause 83(1) for the Minister's consideration.</li> </ul>	Environment no later than 20 working days after completion of hearing (Step 5).
	The maximum total time period within which Plan Change 4 to the Bay of Plenty Regional Policy Statement must go through the Streamlined Planning Process as outlined here and in the RMA. The process is considered to be completed when the report referred to in 6 above is submitted to the Minister for the Environment.	Steps 1–6 to be completed no later than 7 months after gazettal of the Direction.
In accordance with clause 78(5) of Schedule 1 of the RMA, the Minister directs that the hearing panel convened to hear submissions under step 5 must include at least one independent hearings commissioner.		

### Statement of Expectations

The Minister for the Environment's expectations for the Bay of Plenty Regional Council are that in undertaking the Streamlined Planning Process as directed it will:

- a. consult with Te Kauae a Roopu iwi/hapū and Ngāti Hinerangi; and
- b. provide identified dates on its website to match the Direction once gazetted so members of the public can be informed about the actual anticipated timeframes of the Streamlined Planning Process.

### Reporting Requirements

The Bay of Plenty Regional Council shall provide a written report to the Minister within 10 working days of the completion of step 2 (pre-notification consultation) and step 4 (written submissions). The reports shall demonstrate compliance with the steps and timelines, and identify any issues which may have bearing on meeting the Minister's Direction and Statement of Expectations.

### Notes

- i. This Direction must be complied with.
- ii. Section 80B(2)(a) and (b) specifies all mandatory Schedule 1 requirements in any Streamlined Planning Process (to the extent they are applicable to the particular planning instrument).
- iii. Clause 80 of Schedule 1 of the RMA provides the Minister with the ability to amend this Direction on his own initiative or following a request from the local authority.
- iv. The Local Authority may, in accordance with clause 81 of Schedule 1 of the RMA apply in writing to the Minister for an amendment to the direction or extension of timeframes.
- v. Clause 89 of Schedule 1 of the RMA provides the Minister with the ability to revoke a Direction made under clause 78 of Schedule 1 of the RMA.
- vi. Clause 89 of Schedule 1 of the RMA provides for the Council to withdraw the planning instrument at any time prior to the Minister making his/her decision on the proposed planning instrument under Clause 84 of Schedule 1 of the RMA.

Dated at Wellington this 27th day of February 2018.

HON DAVID PARKER, Minister for the Environment.

**Appendix 3 Proposed Change 4 (Tauriko West Urban Limit)**



# **Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement STAFF RECOMMENDATIONS**

## **Redline/Strikeout**

This version shows the changes to the proposed change as recommended by staff in the “Staff Recommendations on Provisions with Submissions and Further Submissions Report” dated 20 July 2018.

Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158  
New Zealand



## Note to Reader (not part of Change)

The purpose of Proposed Change 4 (Tauriko West Urban Limit) is to adjust the current Urban Limits Line and indicative timing of growth in the Regional Policy Statement to provide for the development of Tauriko west.

Proposed Change 4 involves the following amendments:

- Add Tauriko West (under Tauranga West) to Table 17 in Appendix C – ‘Indicative growth area timing and business land provision’;
- Add Tauriko West details to Diagram 1 of Appendix D ‘Indicative growth area sequencing’; and
- Amend the urban limits line in Appendix E (Map 10) – Tauranga Central – Pyes Pa) to include Tauriko west.

No changes are proposed to any of the objectives, policies, or methods contained in the RPS.

### Key terms

For the purpose of this Change the terms defined or otherwise used in the Bay of Plenty Regional Policy Statement apply. For ease of reference these include the following:

**Act:** Unless the context otherwise requires, “Act” means the Resource Management Act 1991 and any amendments to it.

**Urban activities** include:

- Residential accommodation at a density of more than one dwelling per 2000 m<sup>2</sup> of site area;
- Commercial and industrial business, retailing and other commercial activities;
- Papakāinga or other Marae-based housing; and
- Any other land use for which reticulated wastewater and water supply is a requirement.

**Urban limits:** The outer extent of the areas (shown on Maps 5 to 15 in Appendix E) within which urban activities are located or which are committed for future urban expansion.

**The Statement:** refers to the Bay of Plenty Regional Policy Statement of which this change will form a part.



## Appendix C – Indicative growth area timing and business land provision

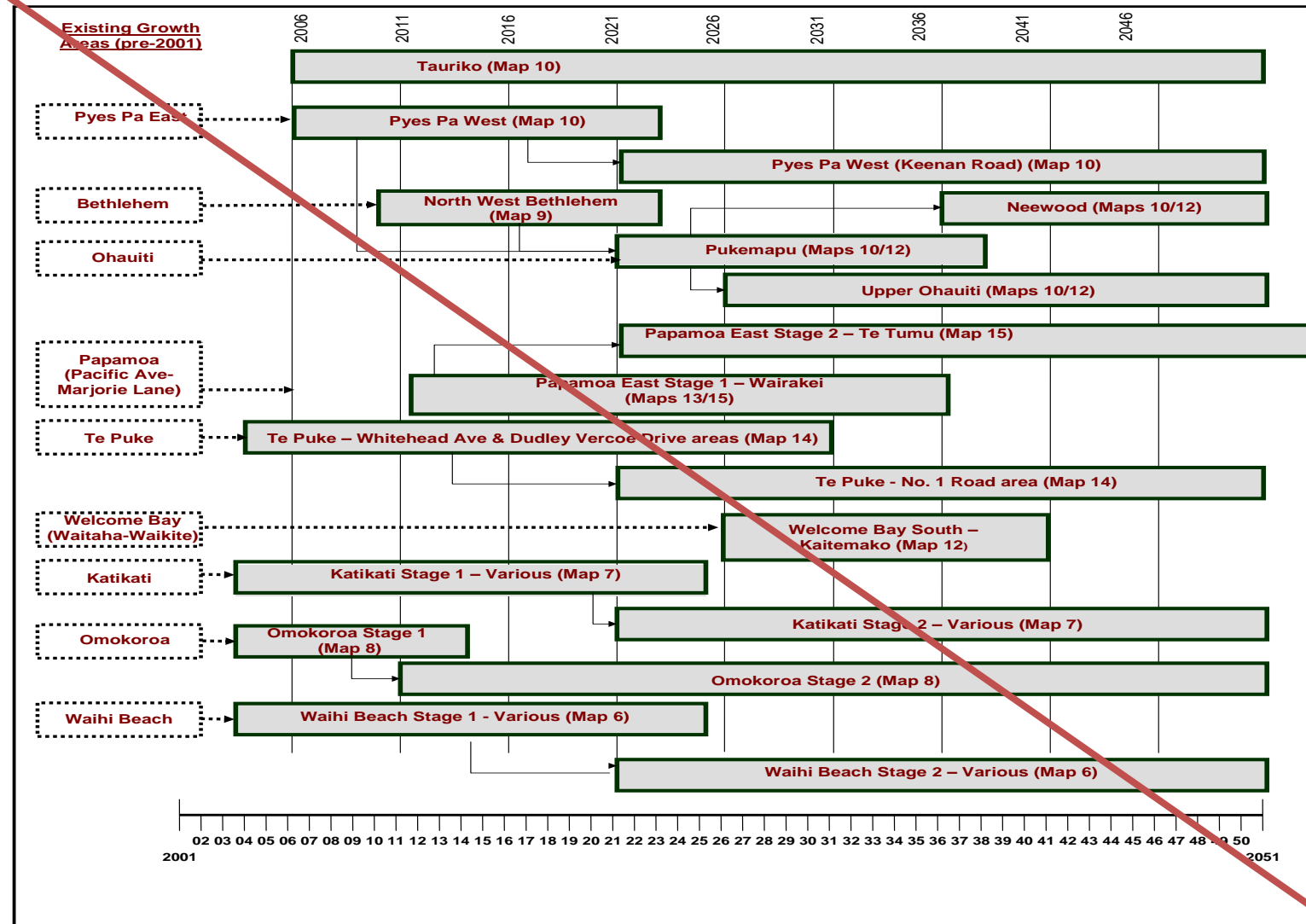
Table 17 Indicative growth area timing and business land provision table.

Management area	Growth Area	Development begins	For residential growth area development estimated capacity reached by	Provision of approximately 1000 ha net for large-scale business land
Waihi Beach	Stage 1 (various) Stage 2 (various)	Underway 2021	2041	Business land is provided at Waihi Beach through the Emerton Road Industrial Zone.
Katikati	Stage 1 (various) Stage 2 (various)	Underway 2021	2041	Existing business land and developments contiguous to it will provide for the needs of this community.
Omokoroa	Stage 1 Stage 2	2006 2011	2011 2041	Business land has been provided as part of Ōmokoroa Stage 2.
Tauranga West	North-west Bethlehem Tauriko <a href="#">Tauriko West</a>	2010 Underway <a href="#">2019</a>	<a href="#">2045</a>	New business land is located at Tauriko.
Tauranga Central	Infill/intensification Pyes Pa West Pyes Pa West (Keenan Rd) Pukemapu Neewood	2006 2006 2021 2021 2036	Unknown 2021 2041	Existing business land and developments contiguous to it will serve the Tauranga Central area.
Tauranga South	Welcome Bay South (Kaitemako) Upper Ohauti	2021 2026	2041 2041	
Mount Maunganui	Infill/Intensification	2006	Unknown	
Papamoa	Pāpāmoa East Stage 1 Pāpāmoa East Stage 2	2011 2021	2036 2041	The start date of 2021 for development in Pāpāmoa East Stage 2 is for residential development only. Developments that are predominantly non-residential in character may start before 2021. Any developments at Pāpāmoa East Stage 2 shall be subject to consideration of Policies UG 6A and UG 10B.
Te Puke	Dudley Vercoe Drive and Whitehead Ave areas No. 1 Road area	Underway 2021	2041	Business land will be provided at Te Puke to support the local community.
Paengaroa	Rangiuru	2007		Rangiuru business park.



## Appendix D – Indicative growth area sequencing

Diagram 1: Indicative growth area sequencing



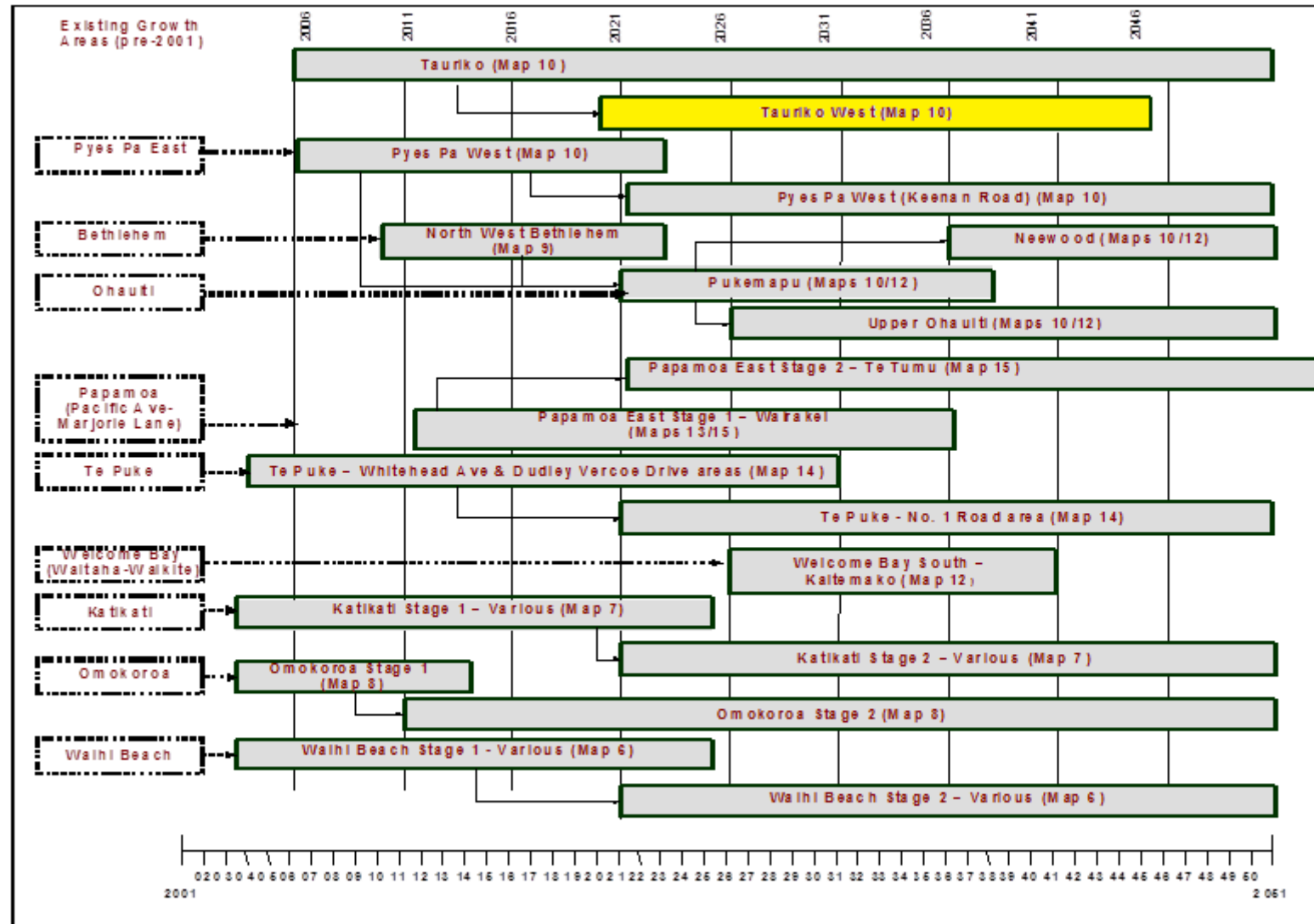
**Note** - The start date of 2021 for development in Pāpāmoa East Stage 2 is for residential development only. Developments that are predominantly non-residential in character may start before 2021. Any developments at Pāpāmoa East Stage 2 shall be subject to consideration of Policy UG 6A and Policy UG 10B.





## Appendix D – Indicative growth area sequencing

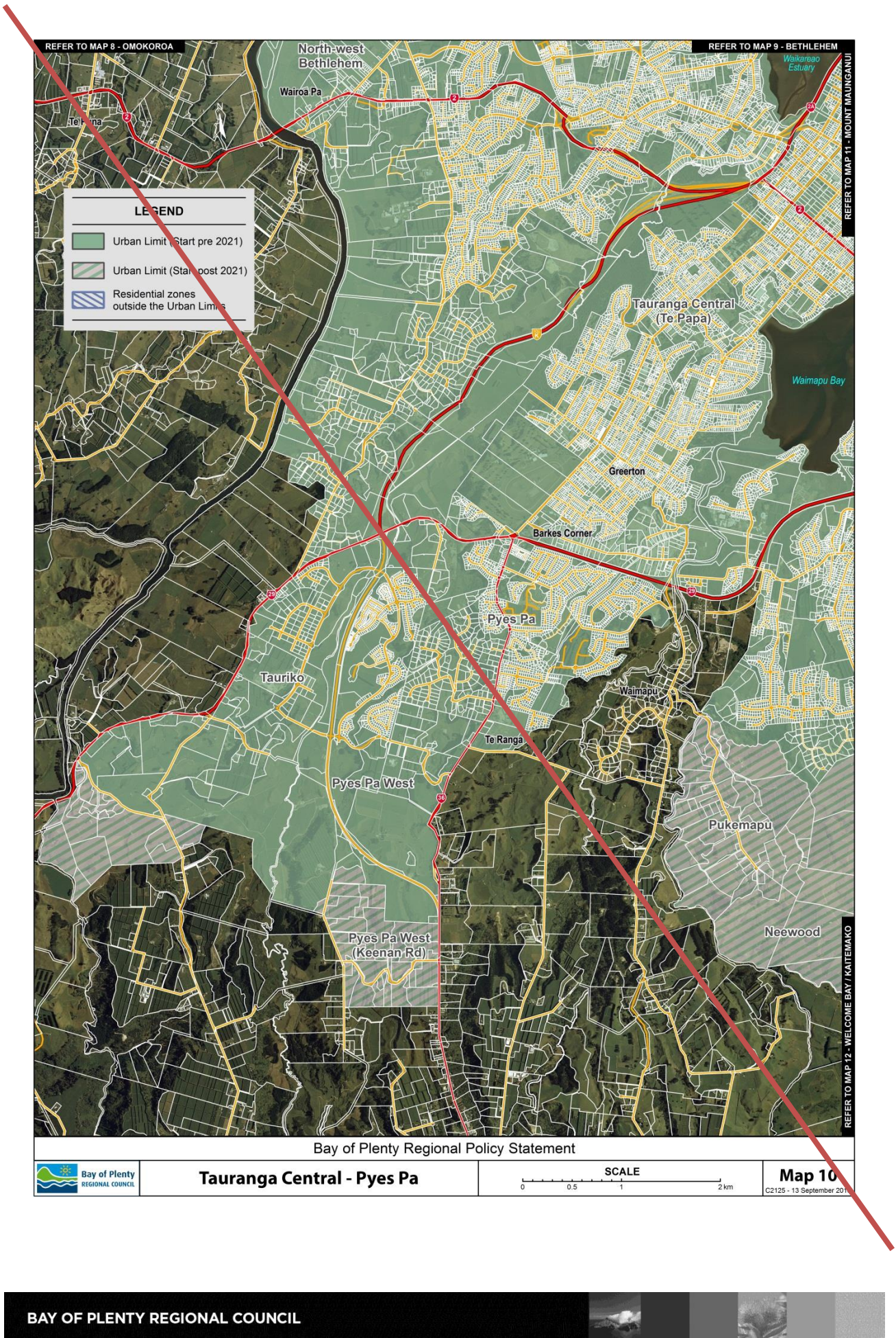
Diagram 1: Indicative growth area sequencing



**Note** - The start date of 2021 for development in Pāpāmoa East Stage 2 is for residential development only. Developments that are predominantly non-residential in character may start before 2021. Any developments at Pāpāmoa East Stage 2 shall be subject to consideration of Policy UG 6A and Policy UG 10B.

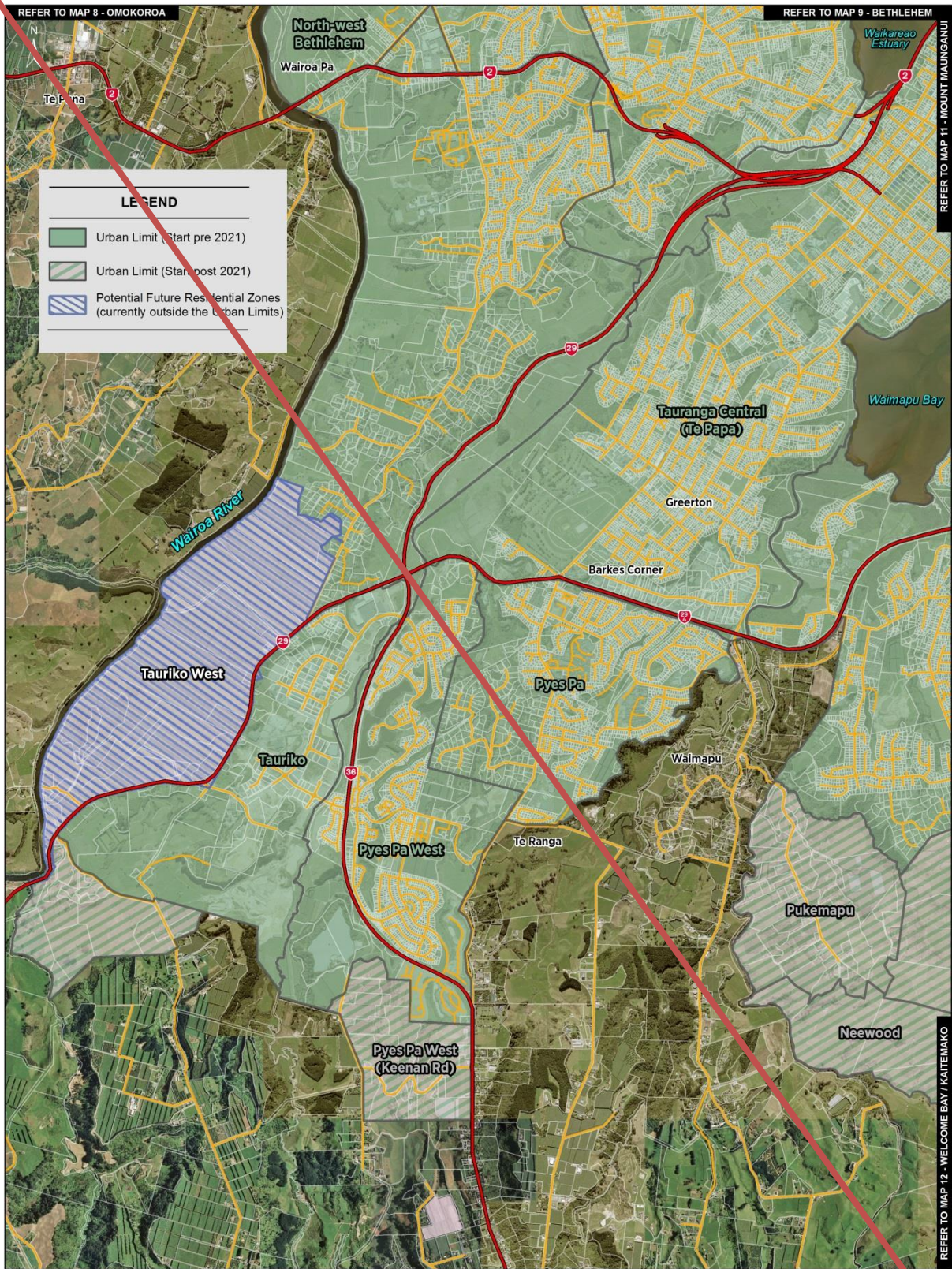












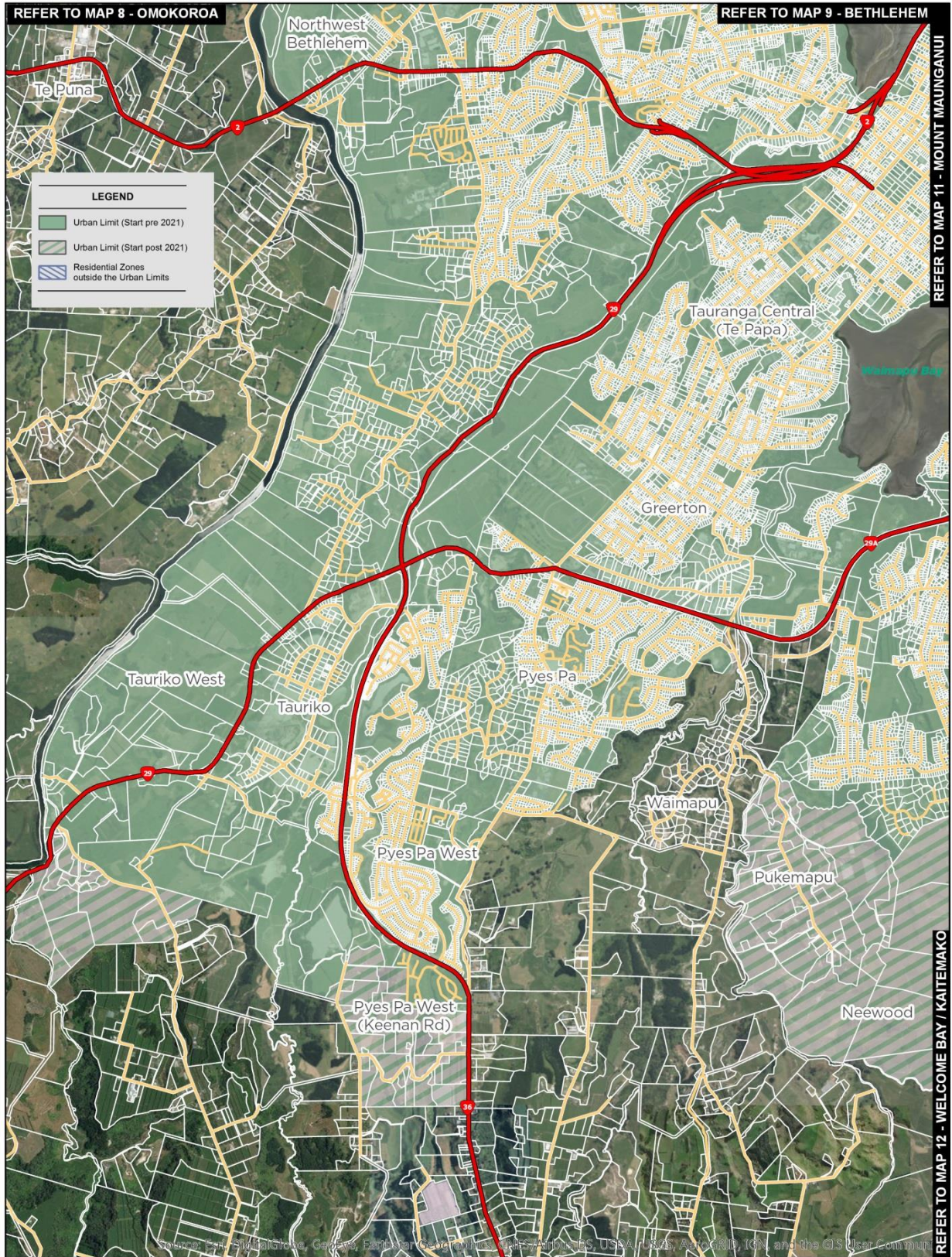
Bay of Plenty Regional Policy Statement

**Tauranga Central - Pyes Pa**

SCALE 0 0.5 1 2 km

**Map 10**  
C2125 - 21 February 2011





Bay of Plenty Regional Policy Statement



**Tauriko Central - Pyes Pa**



**Map 10**  
C2125 - 23 July 2018