

8<sup>th</sup> September 2022

The Policy Team  
BOP Regional Council  
PO Box 364  
WHAKATANE 3158

Dear Sir/Madam

**Element IMF Ltd - Submission to Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement (Proposed Change 6)**

Element IMF has made a submission on Plan Change 6 (NPS UD) to the Bay of Plenty Regional Policy Statement.

This is a late submission. This late filing has resulted from an omission by our planning consultant who we had instructed to prepare a submission on our behalf.

Element IMF is the developer of the Tauriko Business Estate, which comprises approximately 180 hectares of industrial business land. We are currently working on plan change that will enable a further 100ha stage of development.

Element has taken an active interest in all spatial planning and policy processes undertaken within the subregion over the last 15 years to assure its long-term interests are recognised and provided for. This has included submissions on land use planning, infrastructure and funding policies. We strongly support spatial planning that takes a rational, evidence-based approach. Certainty provided through this process provides the necessary foundation for large scale private sector investment in urban development. The SmartGrowth settlement strategy anchored in the RPS provides the foundation for our substantial investment at Tauriko. Tauriko Business Estate has become a significant strategic industrial node that has supported the economic success of the sub region.

We understand the reasons for the plan change and support it in principle. Our primary concern with Plan Change 6 is to ensure that there is sufficient certainty in the process for considering unanticipated or out of sequence urban growth proposals. The Plan Change has potential to create risks when considered in the context of partially developed spatial plans for the WBOP subregion, such as UFTI and the SmartGrowth joint draft spatial plan. The RPS Management and Growth areas and related policies should be retained until the spatial plan and/or Future Development Strategy are formally adopted by the subregion.

Yours faithfully



Grant Downing  
Element IMF Ltd



## Submission Form

Send your submission to reach us by  
**4 pm on Tuesday 6 September 2022**

Submission Number

*Office use only*

<b>Post:</b> The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	<b>or Fax:</b> 0800 884 882	<b>or email:</b> rpschange6@boprc.govt.nz
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**Submitter: Element IMF Ltd**

This is a submission on **Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement**

- 1 I could not gain an advantage in trade competition through this submission.
- 2 The details of my submission are in the attached table.
- 3 I wish to be heard in support of my submission. [\*select one]
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing.

\_\_\_\_\_  
[Signature of person making submission or person authorised to sign on behalf of person making submission.]

[NOTE: A signature is **not** required if you make your submission by electronic means.]

6 September 2022

**Date**

**Contact person:** Grant Downing

**Telephone:** 021 779 144

**Email:** grant@elementimf.co.nz

**Daytime:**

**After Hours:** n/a

**Fax:** n/a

# Submission # 01

**Address for Service of Submitter:** Unit 2, Level 2, 59 The Strand, Tauranga

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*Submissions contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public and published on our website, and for the information collected to be held in accordance with our Privacy Statement available at [www.boprc.govt.nz](http://www.boprc.govt.nz).*

## The specific provisions of the proposal that my submission relates to are:

Page No	Reference	Support/Oppose	Decision Sought	Reasons
23	Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments	Oppose	Amend to refer to the FDS and RMA Plans as the key documents that anticipate and sequence urban development with the following amendments to criterion (a):  <i>The development is of large enough scale to contribute to meeting demand for additional urban land identified through the HBA for the area FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. <del>Where there is no HBA, there is evidence that there is a need for additional urban land, and</del></i>	The FDS is the strategic planning document that is recognised in the NPS UD.  The criterion should refer to the FDS, not the HBA. The HBA is not a plan. It is a tool used to inform the FDS alongside other inputs and does not deliver capacity on its own. It is a technical analysis that is not subject to formal consultation nor decision making under the RMA or LGA.  The explanation does not refer to the HBA, but to the FDS and other plans.
23	Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments	Oppose	Amend the Explanation:  <i>Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy, <del>growth-strategy, or RMA plan, Long Term Plan, or 30-year-infrastructure-strategy.</del> Out of sequence development is development that is not consistent with the development sequence set out in <del>one or more of those documents.</del></i>	The explanation lists other plans as 'or relevant plan or growth strategy, RMA planning document, Long Term Plan, or 30-year infrastructure strategy'.  Referring to plans other than the FDS and RMA plans is inappropriate, being inconsistent with the NPS-UD, and will create undesirable uncertainty. These other documents also may not always be aligned, or subject to the same rigour of analysis, community engagement, or decision making.
45	Appendix E – Management and Growth areas for the Western Bay of Plenty and key related policies.	Oppose	Retain Management and Growth areas for the western Bay of Plenty and related policies UG5A, UG6A, and UG 7A until an FDS (or equivalent) has been formally approved.	TCC/WBOPDC/BOPRC have produced a draft FDS through SmartGrowth and several other spatial planning policy documents are at various stages of development. These have yet to be completed, including a formal public consultation and approval process.  A subregional centres strategy and Tauranga Urban Strategy reviews were initiated several years ago but have yet to be completed and it is understood these will be reinitiated in 2023.

Page No	Reference	Support/Oppose	Decision Sought	Reasons
				<p>While the principles of UFTI are generally supported there are gaps in its delivery that need to be addressed ahead of it being integrated into the SmartGrowth joint draft spatial plan/FDA.</p> <p>The Western Bay Joint Spatial Plan (2021) referred to in the s32 report is acknowledged as a 'first step' and is currently a draft with no formal status. Gaps are fundamental and include the need to <i>understand tangata whenua values and aspirations</i>. The draft will be an input to the FDS required by the NPS-UD. Close out of an FDS is mid-2024.</p> <p>The SmartGrowth Housing Action Plan is a stop gap measure and an evolving plan, while the above policy framework is finalised.</p> <p>It would be premature to delete the Management and Growth areas and related policies ahead of formal approval of the Spatial Plan/FDS. This will create a policy vacuum with no credible baseline against which to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A.</p>