

Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To: **The Chief Executive**
Bay of Plenty Regional Council
PO Box 364
Whakatāne 3158

Name: Tauranga Crossing Limited (“**TCL**”)
PO Box 2529, Shortland Street, Auckland, 1140

Scope of further submission

1. This is a further submission in support and opposition to submissions on a change to the following plan (the **proposal**):
 - Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement.
2. TCL has an interest in the proposal that is greater than the interest that the general public has because TCL owns land within the Bay of Plenty region which is potentially affected by the relevant submissions either directly or indirectly.
3. This further submission responds to points raised in other submissions that may have implications for TCL’s assets and operations.

Submissions supported and opposed

4. The submissions supported and opposed are set out in the table **attached** as **Schedule 1** to this further submission.

Reasons for further submission

5. For the submissions set out in **Schedule 1** that TCL supports (either in full or in part), those submissions should be allowed (either in full or in part) so as to:
 - (a) promote sustainable management of resources, achieve the purpose of the Resource Management Act 1991 (“**RMA**”) and give effect to Part 2 and other provisions of the RMA;
 - (b) contribute to well-functioning urban environments in the Bay of Plenty region;
 - (c) enable the social, economic and cultural well-being of the community in the Bay of Plenty region;
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;
 - (e) ensure the proposal is otherwise most appropriate in terms of section 32 of the RMA.

6. For the submissions set out in **Schedule 1** that TCL opposes (either in full or in part), those submissions should be disallowed (either in full or in part) so as to:
 - (a) promote sustainable management of resources, achieve the purpose of the Resource Management Act 1991 (“**RMA**”) and give effect to Part 2 and other provisions of the RMA;
 - (b) contribute to well-functioning urban environments in the Bay of Plenty region;
 - (c) enable the social, economic and cultural well-being of the community in the Bay of Plenty region;
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;
 - (e) ensure the proposal is otherwise most appropriate in terms of section 32 of the RMA.
7. Without limiting the generality of the above, the additional reasons why TCL opposes each submission are set out in **Schedule 1**.

Decisions sought

8. TCL seeks the following relief:
 - (a) That the submissions supported in **Schedule 1** be allowed (either in full or in part).
 - (b) That the submissions opposed in **Schedule 1** be disallowed (either in full or in part).
 - (c) Such further, alternative or other consequential amendments as may be necessary to fully address TCL’s further submissions set out above and in **Schedule 1**.
9. TCL wishes to be heard in support of its further submission.

Dated 10 February 2023

Signature by its planning and resource management consultants and authorised agents Bentley & Co. Ltd.



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Submitter	Sub #	Policy #	Council Summary of Submission	Support / Oppose	Decision Sought	Reasons
Element IMF	1-1	UG 7A	<p>Amend criterion (a) to remove references to the HBA and instead refer to the FDS and RMA Plans as the key documents that anticipate and sequence urban development to read:</p> <p>The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.</p>	Support	Allow the submission	Tauranga Crossing Limited (“TCL”) agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.
Element IMF	1-2	UG 7A	<p>Amend the explanation to remove references to the 'growth strategy, Long Term Plan, or 30 year infrastructure strategy' to read:</p> <p>'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, or RMA plan. Out of sequence development</p>	Support	Allow the submission	TCL agrees with the Submitter that reference to other documents that are not the FDS (such as the growth strategy, Long Term Plan, or 30 year infrastructure strategy) is inconsistent with the requirements of the NPS-UD, and has the potential to create uncertainty.

Schedule 1 Further Submissions of Tauranga Crossing Limited

Submitter	Sub #	Policy #	Council Summary of Submission	Support / Oppose	Decision Sought	Reasons
			is development that is not consistent with the development sequence set out in those documents.			
Kainga Ora	5-2	UG 7A	Amend Policy UG7A to reference FDS as follows: (a) The development is of large enough scale to contribute to meeting demand for additional urban land identified through the HBA or FDS for the area, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. Where there is no HBA or FDS, there is evidence that there is a need for additional urban land, and...	Support in part	Allow the submission as it relates to referencing the FDS within the Policy	TCL agrees with the Submitter that it is the FDS which forms the basis for integrated, strategic, and long-term planning, and supports the submission to the extent that it seeks to add reference to the FDS in Policy UG 7A. However, TCL also considers that reference to plans other than the FDS is inconsistent with the NPS-UD and has the potential to create uncertainty.
Toi Te Ora Public Health	7-10	UG 13B	Retain Policy UG 13B with amendment to include planning, design, and transport investment decisions for transport demand management to support compact and sustainable growth management and land use patterns.	Support	Allow the submission	The submission adds clarity to the intent of the Policy, and is supported by TCL.

Submitter	Sub #	Policy #	Council Summary of Submission	Support / Oppose	Decision Sought	Reasons
Tauranga City Council	9-12	UG 7A	<p>Amend Policy UG 7A including Explanation as follows:</p> <p>Private plan changes, submissions on plan changes, or submissions on plan reviews providing for urban development that is unanticipated or out-of-sequence-, will be treated, for the purpose of implementing Policy 8 of the NPS-UD, as adding significantly to development capacity based on the extent to which the proposed development satisfies the following criteria:...[full submission not reproduced]</p>	Support in part	Allow the submission as it relates to clarifying the intent of Policy UG 7A	TCL supports the proposed changes to the wording of Policy UG 7A to the extent that the Submitter seeks to better align this policy with the wording used in the NPS UD itself.
Tauranga City Council	9-16	UG 13B	<p>Amend Policy UG 13B, clause (b) as follows:</p> <p>(b) The land transport system providing a range of transport mode choices to provide access opportunities and integrated links for both public and private transportation modes</p>	Support	Allow the submission	TCL supports the proposed amendments to Policy UG 13B. The amendments clarify the intent of the Policy and are consistent with the wording used in the NPS-UD itself.

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Tauranga City Council	9-17	UG 14B	Delete or substantially reword Policy UG 14B	Oppose	Disallow the submission as it relates to rewording Policy UG 14B	<p>Policy 14B seeks to restrict the growth of urban activities located <i>outside</i> of urban environments, noting that the definition of an “urban environment” includes land that is, <i>or is intended to be</i>, urban in character and part of a housing and labour market of at least 10,000 people.</p> <p>The Submitter seeks that the Policy be either deleted (as it conflicts with Policy 7A) or substantially reworded to more explicitly relate to <i>ad hoc</i> urban development in the wider rural area.</p> <p>TCL considers that Policy UG 14B has merit, and does not conflict with Policy UG 7A. Policy UG 7A applies to out-of-sequence development within existing urban environments and urban growth that forms part of an urban environment, whereas Policy 14B addresses all other forms of urban activities outside existing urban environments (ie in rural areas that do not meet the definition of an “urban environment”). TCL does not consider amendments to the wording of Policy UG 14B to be necessary.</p>

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Submitter	Sub #	Policy #	Council Summary of Submission	Support / Oppose	Decision Sought	Reasons
Bell Road Limited Partnership	11-3	UG 7A	Amend Policy UG 7A 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): The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.	Support	Allow the submission	TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.
Bell Road Limited Partnership	11-4	UG 7A	Amend Policy UG 7A criterion (d) as follows: The development will provide good accessibility between housing, employment, community and other services and open space, and Amend Policy UG 7A ([f]) as follows: Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure.	Support in part	Allow the submission as it relates to Policy UG 7A (f)	TCL agrees with the Submitter that the requirement for development infrastructure to be provided " <i>without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment</i> " is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.

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Bell Road Limited Partnership	11-5	UG 7A	Amend the Explanation to Policy UG 7A as follows: 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 or RMA plan. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents.	Support	Allow the submission	TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.
Bell Road Limited Partnership	11-6	UG 13B	Amend Policy 13B as follows: Proximity to existing and proposed commercial centres, places of employment, community services and areas of high amenity that support higher density development and compact form.	Support in part	Allow the submission to improve clarity to the extent that it is consistent with TCL's further submission.	TCL agrees that Policy UG 13B(c) requires clarification, however, considers that the criterion should relate to the <i>role</i> of transport planning in servicing commercial centres, places of employment, etc., to support higher density development, rather than <i>the proximity of</i> the commercial centres and places of employment, etc., to support higher density development.
Bluehaven Investments Limited	12-2	UG 7A	Amend Policy UG 7A 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):	Support	Allow the submission	TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.

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			The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.			
Bluehaven Investments Limited	12-3	UG 7A	Amend the Explanation of UG 7A as follows: 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, or RMA plan. Out of sequence development is development that is not consistent with the development sequence set out in those documents.	Support	Allow the submission	TCL agrees with the Submitter that reference to other documents that are not the FDS (such as the growth strategy, Long Term Plan, or 30 year infrastructure strategy) is inconsistent with the requirements of the NPS-UD, and has the potential to create uncertainty.
Classic Developments Limited	13-5	UG 7A	Amend Policy UG 7A criterion (a) as follows: The development is of a scale to contribute to meeting demand for additional urban land identified through the Future Development	Oppose in part	Disallow the submission as it relates to the removal of the words "large enough" from	While TCL supports to the removal of references to other documents that are not the FDS or RMA Plans, TCL is opposed to the deletion of the words "large enough" from criterion (a).

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			Strategy including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. Where there is no Future Development Strategy there is evidence that there is a need for additional urban land, and Explanation: Remove references to documents (other than the Future Development Strategy from the explanations for the policy).		criterion (a)	Policy 8 (NPS-UD) requires local authorities to be responsive to plan changes “that add significantly to development capacity” Subpart 2, Clause 3.8 of the NPS-UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of-sequence plan changes against. TCL considers that the words “large enough” assist with the interpretation of Policy UG 7A and the extent to which plan changes “add significantly to development capacity.”
Classic Developments Limited	13-6	UG 7A	Delete "5 hectares or more" from Policy UG 7A (b) Amend Policy UG 7A (c) in the policy as follows: for all urban environments	Oppose	Disallow the submission	The requirement of Policy 8 NPS UD is to be responsive to plan changes that would “add significantly to development capacity.” Subpart 2, Clause 3.8 of the NPS UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of-sequence plan changes against, and TCL supports the five hectare “threshold” for Tauranga City and Western Bay of Plenty District.
Classic Developments Limited	13-8	UG 7A (f)	Amend Policy UG 7A criterion (a) as follows: The development is of a scale to contribute to meeting demand for	Oppose in part	Disallow the submission as it relates to the removal of the	While TCL supports to the removal of references to other documents that are not the FDS or RMA Plans, it is opposed to the deletion

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			<p>additional urban land identified through the Future Development Strategy including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. Where there is no Future Development Strategy there is evidence that there is a need for additional urban land, and</p> <p>Explanation: Remove references to documents (other than the Future Development Strategy from the explanations for the policy).</p>		words “large enough” from criterion (a)	<p>of the words “large enough” from criterion (a).</p> <p>Policy 8 (NPS-UD) requires local authorities to be responsive to plan changes “that add significantly to development capacity”.</p> <p>Subpart 2, Clause 3.8 of the NPS-UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of-sequence plan changes against. TCL considers that the words “large enough” assist with the interpretation of Policy UG 7A and the extent to which plan changes “add significantly to development capacity.”</p>
Newman Group Limited	22-2	UG 7A	Delete the area reference in (b) of Policy UG 7A, i.e. 5 hectares or more Amend Policy UG 7A (c) as follows: for all urban environments	Oppose	Disallow the submission	<p>The requirement of Policy 8 NPS UD is to be responsive to plan changes that would “add significantly to development capacity.”</p> <p>Subpart 2, Clause 3.8 of the NPS-UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of-sequence plan changes against, and TCL supports the five hectare “threshold” for Tauranga City and Western Bay of Plenty District.</p>

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Tumu Kaituna	28-2	UG 7A	Amend Policy UG 7A as follows: Plan changes, submissions on plan changes, or submissions on plan reviews providing for development of urban environments and urban growth that forms part of an urban environment, that is unanticipated or out-of-sequence, will add significantly to development capacity based on the extent to which the proposed development satisfies the following criteria. Make consequential changes where there are references to Private Plan Changes.	Support	Allow the submission	TCL supports the submission and considers that Policy 8 of the NPS-UD applies to all plan changes, and is not limited to private plan changes.
Urban Taskforce for Tauranga	29-7	7A	In Policy UG 7A delete the area reference in (b) of the policy as follows: [delete] "5 hectares or more", and Amend (c) in the policy as follows: for all urban environments	Oppose	Disallow the submission	TCL is opposed to the deletion of the words "large enough" from criterion (a) as Policy 8 (NPS UD) requires plan changes "to add significantly to development capacity."
Urban Taskforce for Tauranga	29-9	7A	Amend Policy UG 7A (f) as follows: Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure.	Support	Allow the submission	TCL agrees with the Submitter that the requirement for development infrastructure to be provided " <i>without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure</i>

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			<p>Remove the following from the explanation: "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, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents. The criteria apply to private plan changes, submissions on plan changes and submissions on plan reviews seeking additional greenfield or brownfield urban development. Plan changes and plan reviews initiated by local authorities do not fall within this policy, as they are anticipated."</p>			<p><i>investment</i>" is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.</p>

Submitter	Sub #	Policy #	Council Summary of Submission	Support / Oppose	Decision Sought	Reasons
Vercoe Holdings Limited	30-2	7A	Delete the area reference in Policy UG 7A (b) of the policy as follows: 5 hectares or more, and Amend (c) in Policy UG 7A to read: "for all urban environments"	Oppose	Disallow the submission	TCL is opposed to the deletion of the words "large enough" from criterion (a) as Policy 8 (NPS UD) requires plan changes "to add significantly to development capacity."
Vercoe Holdings Limited	30-3	7A	Amend Policy UG 7A (f) as follows: Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure. Remove the following from the explanation: "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, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents. The criteria apply to private plan changes, submissions on plan	Support	Allow the submission	TCL agrees with the Submitter that the requirement for development infrastructure to be provided " <i>without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment</i> " is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.

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			changes and submissions on plan reviews seeking additional greenfield or brownfield urban development. Plan changes and plan reviews initiated by local authorities do not fall within this policy, as they are anticipated."			
Waka Kotahi	31-4	13B	Amend policy UG 13B (c) along the lines of: "[In promoting the integration of land-use and transport activities, regard should be given to:] The extent to which proximity to commercial centres, places of employment, community services and high amenity support higher density development..."	Support in part	Allow the submission as it relates to clarifying the intent of the policy	TCL agrees that Policy UG 13B(c) requires clarification, however, considers that the criterion should relate to the <i>role</i> of transport planning in servicing commercial centres, places of employment, etc., to support higher density development, rather than <i>the proximity of</i> the commercial centres and places of employment, etc., to support higher density development.