

**Further Submission on Proposed Change 6 to the Bay of
Plenty Regional Policy Statement by
Kāinga Ora – Homes and Communities**

Clause 8 of Schedule 1 to the Resource Management Act 1991

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

Submitted via email to: rpschange6@boprc.govt.nz

Name of Further Submitter: Kāinga Ora – Homes and Communities

1. **Kāinga Ora – Homes and Communities (“Kāinga Ora”)** makes this further submission on Proposed Change 6 (“**PC6**”) to the Bay of Plenty Regional Policy Statement (“**RPS**”) in support of/in opposition to original submissions to **PC6**.
2. Kāinga Ora has an interest in PC6 that is greater than the interest the general public has, being an original submitter on the PC6 with respect to its interests as Crown entity responsible for the provision of public housing, and its housing portfolio in the Bay of Plenty Region.
3. Kāinga Ora makes this further submission in respect of submissions by third parties to PC6.

Reasons for further submission

4. The submissions that Kāinga Ora supports or opposes are set out in the table attached as **Appendix A** to this further submission.
5. The reasons for this further submission are:

- (a) The reasons set out in the Kāinga Ora primary submission on the PC6.
 - (b) In the case of the Primary Submissions that are opposed:
 - i) The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 (“**RMA**”);
 - ii) The relief sought in the Primary Submissions is not the most appropriate in terms of section 32 of the RMA;
 - iii) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
 - iv) The Primary Submissions are inconsistent with the policy intent of the Kāinga Ora primary submission.
 - (c) In the case of Primary Submissions that are supported:
 - i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
 - ii) The reasons set out in the Primary Submissions; and
 - iii) Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
6. Without limiting the generality of the above, the specific relief in respect of each Primary Submission that is supported or opposed is set out in **Appendix A**.
7. Kāinga Ora wishes to be heard in support of its further submission.
8. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

DATED 10th of February 2023

Kāinga Ora – Homes and Communities



Brendon Liggett

Manager – Development Planning

ADDRESS FOR SERVICE:

Kāinga Ora – Homes and Communities

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Appendix A – Further Submission Table

Submitter Name	Submission Point Number	Provision / Chapter Topic	Submission Position	Summary of Decision Requested (Decision Sought)	Kāinga Ora response (support or oppose)	Kāinga Ora reasons	Decision(s) sought (allow or disallow)
Element IMF	1-1	Part three – Policies and methods Policy UG 7A	Oppose	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: 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 in part	Kāinga Ora supports the decision requested to the extent it is consistent with Kāinga Ora primary submission.	Allow in part
Federated Farmers	6-3	Part three – Policies and methods (general submission points on policies and methods)	Seek Amendment	That Council considers and implement the provisions that relate to the protection of rural areas, including reverse sensitivity provisions appropriately.	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow
Tauranga City Council	9-2	Part two – Resource management issues, objectives 2.8 Urban and rural growth management	Support in Part	Page 4, para 9: Reconsider this: ... The Bay of Plenty's population is steadily growing with the western Bay of Plenty sub-region projected to contain most of the population growth to 2021. Delete: Growth in the other districts is not expected to exceed 5% (Statistics New Zealand). Page 4, para 10 - amend as follows: The western Bay of Plenty sub-region has determined through its 50-year growth management strategy (SmartGrowth Strategy and Implementation Plan, 2013) how the pressures of growth will be best managed in a time, resource and cost-effective manner. This strategy was	Support	Kāinga Ora supports the need to remove reference to out of date documents, and supports specific reference to the SmartGrowth Strategy and Implementation Plan, 2013 and Urban Form and Transport Initiative (UFTI) Connected Centres Programme (2020).	Allow

				refreshed through the Urban Form and Transport Initiative (UFTI) Connected Centres Programme (2020), which set out an integrated land use and transport programme, and delivery plan for the western Bay of Plenty. UFTI caters for projected population growth, housing demand, and additional transport movements within the next 30 to 70 plus years. The districts of Rotorua, Whakatāne, Ōpōtiki and Kawerau have different pressures. Rotorua and Whakatāne District Councils have undertaken their own urban growth strategies.			
Tauranga City Council	9-3	Part two – Resource management issues, objectives 2.8.1 Regionally significant urban and rural growth management issues	Seek amendment	Amend 2.8.1.1 as follows: Sporadic un-coordinated, and poorly connected growth and development can adversely affect urban and rural amenity values, heritage, health and safety, accessibility, transportation costs, the provision and operation of infrastructure, the use and development of productive rural land and important mineral resources, and access to community, social, employment and commercial facilities.	Support	Kāinga Ora supports the amendments sought as well functioning environments include being well connected and easily accessible.	Allow
Tauranga City Council	9-10	Part three – Policies and methods Policy UG 6A	Seek amendment	Amend Policy UG 6A Explanation as follows The servicing (including provision of access) and timing of urban development is critical to achieving integrated and sustainable growth management. Large-scale urban development of 5 hectares or more (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, urban design, and provision and funding of network infrastructure. Table reference: Objective 25, Methods 1, 18, 50 and 51.	Support in part	Kāinga Ora agrees that the amendments provide better clarity to define the intent of the Policy and that the wording “large-scale urban development” is in line with the NPS-UD. However, structure planning is a prerequisite from rural to urban (or future urban to urban) and should not include brownfield development, which is already live zoned. Kāinga Ora also consider that all development where a change of zone from rural/future urban to urban is undertaken should be subject to a structure plan, commensurate with the proposal and should not be based on the size of the development.	Allow in part
Fonterra	15-1	Part two – Resource management issues, objectives 2.8.1 Regionally significant urban and rural growth management issues	Support in part	Amend Issue 2.8.1, as follows (or words with similar effect): 2. Land supply and inefficient patterns of land use An imbalance of land supply, demand, and uptake can have adverse economic and social	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly	Disallow

				effects, yet it is very difficult to plan and predict. Inefficient and low density patterns of land use and ad hoc development, are difficult and costly to service and maintain, and contribute to increasing greenhouse gas emissions. A shortage of appropriate developable land and housing supply reduces housing choices and leads to increases in prices. Unplanned growth and inefficient land use also have the potential to create land use conflicts and reverse sensitivity effects, adversely affect rural production activities and to reduce the ability of versatile land to be used for a range of productive purposes.		directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	
Fonterra	15-4	Part three – Policies and methods Policy UG 7A	Support in part	Amend Policy UG 7A, as follows (or words with similar effect): (g) The development avoids the potential for reverse sensitivity effects on lawfully established industrial activities and rural production activities. And Consequential amendments to the explanation of Policy UG 7A.	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow
Fonterra	15-5	Part three – Policies and methods Policy UG 7Ax	Support in part	Amend Policy UG 7Ax with the addition of criterion "(d)" as follows (or words with similar effect): Policy UG 7Ax: Enable increased-density urban development – urban environments Provide for and enable increased-density urban development in urban environments that: (a) Contributes to a well-functioning urban environment, (b) Encourages increased density in areas of identified demand, and (c) Is well served by existing or planned development infrastructure and public transport, and (d) minimising land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects. And Consequential amendments to the explanation of Policy UG 7Ax	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow

Fonterra	15-7	Part three – Policies and methods Policy UG 14B	Support in part	Amend Policy UG 14B as follows (or words with similar effect): Policy UG 14B: Restricting urban activities outside urban environments Restrict the growth of urban activities located outside urban environments unless it can be demonstrated that sound resource management principles are achieved, including: (a) The efficient development and use of the finite land resource, and (b) Providing for the efficient, planned and co-ordinated use and development of infrastructure, and (c) The avoidance of reverse sensitivity effects. And Consequential amendments to the explanation of Policy UG 14B	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow
Fonterra	15-8	Part three – Policies and methods Policy UG 18B	Support in part	Amend Policy UG 18B as follows (or words with similar effect): Policy UG 18B: Managing rural development and protecting versatile land The productive rural land resource shall be protected for rural production and rural based industrial activities by ensuring that to the extent practicable subdivision, use and development in rural areas does not result in versatile land being used for non-productive purposes and rural based industrial activities outside existing and planned urban areas, unless it is for regionally significant infrastructure which has a functional, technical or locational need to be located there, or it is urban development that has satisfied the criteria in UG 7A. Particular regard shall be given to whether the proposal will result in a loss of productivity of the rural area, including loss of versatile land, and cumulative impacts that would reduce the potential for food or other primary production, and including the potential for reverse sensitivity effects that may impact rural	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow

				<p>activities. In the catchments of the Rotorua Te Arawa Lakes, land-use change to achieve reduced nutrient losses may justify over-riding this policy. Any such changes in land use must however be integrated and co-ordinated with the provision of appropriate infrastructure. And Consequential amendments to the explanation of Policy UG 18B. And Insert a new definition into the RPS as a consequential amendment, as follows: Rural based industry: an activity that has a direct connection to or processes the output of land based activities involving animal, agriculture, forestry or horticultural crops, and includes (but is not limited to) rural transportation and agricultural contractors depots, and the preliminary packaging and processing of agricultural produce including packhouses and coolstores, stock saleyards, sawmills, grain silos and feedmills, meat and poultry processing, dairy product processing and / or discharge of dairy factory wastewater and by-products, wineries and rural research facilities</p>			
Fonterra	15-10	Part three – Policies and methods Policy UG 20B	Support in part	<p>Amend Policy UG 20B as follows (or words with similar effect): Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas Require that subdivision, use and development of rural areas (including rural lifestyle activities) does not compromise or result in reverse sensitivity effects on: (a) Rural production activities and rural based industries, and (b) The operation of infrastructure located beyond existing and planned urban areas. And Consequential amendments to the explanation of Policy UG 20B.</p>	Oppose	<p>Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.</p>	Disallow

				<p>And Insert a new definition into the RPS as a consequential amendment, as follows: Rural based industry: an activity that has a direct connection to or processes the output of land based activities involving animal, agriculture, forestry or horticultural crops, and includes (but is not limited to) rural transportation and agricultural contractors depots, and the preliminary packaging and processing of agricultural produce including packhouses and coolstores, stock saleyards, sawmills, grain silos and feedmills, meat and poultry processing, dairy product processing and / or discharge of dairy factory wastewater and by-products, wineries and rural research facilities</p>			
Fonterra	15-11	Part three – Policies and methods Policy UG 24B	Support in part	<p>Amend Policy UG 24B as follows (or words with similar effect): Policy UG 24B: Managing reverse sensitivity effects on existing rural production activities and rural based industries in urban areas. Avoid the potential for reverse sensitivity effects on existing rural production activities and rural based industries located within, or adjacent to, existing and planned urban zoned areas</p>	Oppose	<p>Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.</p>	Disallow
Royal Forest & Bird Protection Society of NZ - BOP branches	17-4	Part three – Policies and methods Policy UG 7A	Oppose	<p>Amend Policy UG 7A in Table 8 (pages 7 & 11 under Objectives 23 & 25), and in Table 11 (page 18) and on page 23, as follows: (Note that there is a grammatical flaw in the heading paragraph) Private 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, must add significantly to development capacity based on the extent to which the proposed development</p>	Oppose	<p>Kāinga Ora notes that encouraging the restriction of the holding of domestic cats and dogs is not a resource management issue and therefore should not be included within a Regional Policy Statement.</p>	Disallow

				<p>satisfies the following criteria. Add another sub-paragraph: (g) the development will not increase the risk of adverse effects on the coastal environment, rural land and significant natural areas and landscapes.</p> <p>In Table 8 (pages 7 & 11) after "Method 18" for Policy UG 7A, add the following: Method 49: Improve biodiversity values of open spaces. [With reference to] Method 64: Encourage agencies and landowners to protect key sites: [Add] New Method 79 (or alternatively amend Method 64) - Encourage agencies and landowners to restrict the holding of domestic cats and dogs where in close proximity to wildlife habitat and significant natural areas</p>			
Horticulture New Zealand	18-5	Part three – Policies and methods Policy UG 7A	Support in part	<p>Amend Policy UG 7A criteria (g) and (h) to read as follows: g. Reverse sensitivity effects from development are managed so as not to constrain land-based primary production activities on highly productive land h. Restricting urban and lifestyle activities outside urban environments</p>	Oppose	<p>Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to protect primary production from reverse sensitivity effects that might arise from new activities taking place in those areas is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.</p>	Disallow
KiwiRail Holdings Limited	20-2	Part two – Resource management issues, objectives 2.8.1 - 2 Land supply and inefficient patterns of land use	Support in part	<p>Amend Issue 2.8.1, as follows: 2. Land supply and inefficient patterns of land use An imbalance of land supply, demand, and uptake can have adverse economic and social effects, yet it is very difficult to plan and predict. Inefficient and low density patterns of land use and ad hoc development, are difficult and costly to service and maintain, and contribute to increasing greenhouse gas emissions. A shortage of appropriate developable land and housing supply reduces housing choices and leads to increases in prices. Unplanned growth and inefficient land use also have the potential to create land use conflicts and reverse sensitivity</p>	Oppose	<p>Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of transport corridors should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to consider 'conflicting landuses' for reverse sensitivity effects is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects. Noting also that lower density in areas that have been identified for growth is not an efficient landuse.</p>	Disallow

				effects, adversely affect rural production activities and to reduce the ability of versatile land to be used for a range of productive purposes. [...]			
KiwiRail Holdings Limited	20-7	Part three – Policies and methods Policy UG 7Ax	Support in part	Amend Policy UG 7Ax as follows: Policy UG 7Ax: Enable increased-density urban development – urban environments Provide for and enable increased-density urban development in urban environments that: (a) Contributes to a well-functioning urban environment, (b) Encourages increased density in areas of identified demand, (c) Is well served by existing or planned development infrastructure and public transport, and (d) Minimising land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects. And such consequential amendments as are necessary to the explanation of Policy UG 14B.	Oppose	Kāinga Ora opposes the relief sought, particularly in relation to “Minimising land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects”.	Disallow
KiwiRail Holdings Limited	20-9	Part three – Policies and methods Policy UG 13B	Support in part	Amend Policy UG 13B as follows: [...] [renumber (d) to (f)]. [Change text to:] Existing and future transport corridors are defined and protected to ensure their safe and efficient operation [renumber (e) to (g) Integrated transport packages for funding are developed (h) The interface between land use and transport activities, including potential reverse sensitivity effects on transport corridors, and (i) Any appropriate reductions in building height and/or density of urban form to provide for qualifying matters.	Oppose	Kāinga Ora opposes the relief sought in relation to reverse sensitivity effects and considers that effects from the operation of transport corridors should first be mitigated at the source. Kāinga Ora considers that a policy requiring decision makers to consider ‘potential reverse sensitivity effects on transport corridors’ for reverse sensitivity effects is ambiguous, overly directive, and places undue responsibility on the receiving environment to mitigate adverse effects.	Disallow
Ngā Potiki a Tamapahore Trust	23-8	Part three – Policies and methods Policy UG 22B	Support	Support the introduction of Policy UG22B with amendments Amend Policy UG22B, Clause (a) as follows: Enabling Maori to develop their land, including but not limited to papakāinga housing, community and social housing, marae and community facilities	Support	In line with the Kāinga Ora submission, Kāinga Ora supports enabling Māori to develop their land and supports policies that reduce barriers to do so.	Allow

				Amend Policy UG22B, Clause (e) as follows: (e) Protecting marae, papakāinga and Maori development from incompatible uses or development and reverse sensitivity effects			
Waka Kotahi NZ Transport Agency	31-3	Part three – Policies and methods Policy UG 7A	Support in part	Amend policy UG 7A as follows: “The development is located with good accessibility, either now or in the future, in particular with respect to public and active transport modes, between housing, employment, community and other services and open space...” Waka Kotahi also requests the inclusion of additional emissions reduction and climate change adaption criteria within Policy UG 7A.	Support	Kāinga Ora supports the relief sought.	Allow