

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

**of Proposed Change 6 (National Policy
Statement on Urban Development) to the Bay of
Plenty Regional Policy Statement**

**STATEMENT OF EVIDENCE OF MARK NICHOLAS ARBUTHNOT FOR
TAURANGA CROSSING LIMITED IN RELATION TO PC6 (NATIONAL
POLICY STATEMENT ON URBAN DEVELOPMENT) TO THE BAY OF
PLENTY REGIONAL POLICY STATEMENT**

19 JUNE 2023

EXECUTIVE SUMMARY

- A. This statement of evidence is in relation to Proposed Change 6 (National Policy Statement on Urban Development) to the Bay of Plenty Regional Policy Statement (“**PC6**”).
- B. It addresses the submissions and further submissions of Tauranga Crossing Limited (“**TCL**”) on PC6, which sought the requirement for development capacity to be “infrastructure-ready” to be expressly recognised within the following Regional Policy Statement (“**RPS**”) policies and method:
- (a) Policy UG6A and Policy UG10B;
 - (a) Policy UG7A;
 - (b) Policy UG7Ax;
 - (c) Policy UG13B;
 - (d) Policy UG14B; and
 - (e) Method 18.
- C. The National Policy Statement on Urban Development 2020 (“**NPS-UD**”) provides a clear directive at clauses 3.2 and 3.3 that every local authority must provide sufficient development capacity in its region or district to meet expected demand for housing and business land. Clause 3.2 and 3.3 also provide that in order to be “sufficient” to meet expected demand for housing and business land, the development capacity must be (amongst other things) “infrastructure-ready”. Given this clear policy directive, and that the RPS is required to “give effect” to the NPS-UD under s62(3) of the Resource Management Act 1991 (“**RMA**”), I consider amendments are required to the above policies and method to ensure that PC6 appropriately ensures that development in the region is coordinated with the timely provision of infrastructure.

1. INTRODUCTION

1.1 My full name is Mark Nicholas Arbuthnot. I am a Director at Bentley & Co. Limited (“**Bentley & Co.**”), an independent planning consultancy practice based in Auckland.

Qualifications and experience

1.2 I hold the qualifications of Bachelor of Arts (Honours) (Town Planning) and Diploma in Town Planning (Urban Conservation) from Newcastle University, England, obtained in 2000 and 2002 respectively.

1.3 I am a Member of the Royal Town Planning Institute, and an Associate of the New Zealand Planning Institute.

1.4 I have been with Bentley & Co. for 18 years. Prior to my current employment with Bentley & Co., I was a local authority planning officer in the United Kingdom for a period of five years.

1.5 I was first engaged by TCL in 2012 to provide planning advice to inform the acquisition of its landholdings that now comprise the “Tauranga Crossing” shopping centre located at 2 Taurikura Drive, and the “Lifestyle Centre” large format retail centre located at 31 Taurikura Drive.

1.6 Since this time, I have obtained multiple resource consents for the staged development of “Tauranga Crossing” and the “Lifestyle Centre” and have provided strategic planning advice across a wide range of matters.

Code of conduct

1.7 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on the evidence of

another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. BACKGROUND

- 2.1 As set out within its submission, TCL is the owner and operator of a regional shopping centre (“**Tauranga Crossing**”) and large format retail centre (“**Lifestyle Centre**”). TCL is a leading shopping centre company that has carefully designed and planned Tauranga Crossing and the Lifestyle Centre to establish a high-quality retail and services environment for the Bay of Plenty region.
- 2.2 TCL has undertaken a staged approach to the development of its retail centre. The first two development stages of Tauranga Crossing are now complete, and resource consent is held for the construction of Stage 3, which is scheduled to begin in the next 12 months. This will result in a total retail gross floor area of 64,242m² being provided on the site, together with parking for 1,993 private vehicles.
- 2.3 Stage 1 of the Lifestyle Centre opened in 2018 and further stages are being planned. When complete, the Lifestyle Centre will include a Gilmours wholesale, 14,442m² gross floor area of bulk goods and large format retail stores, and a 3,900m² supermarket, together with at-grade parking for 675 vehicles. Upon completion, Tauranga Crossing is expected to be one of the 10 largest shopping centres in New Zealand, illustrating the importance of this centre to the Bay of Plenty region.
- 2.4 TCL’s activities are key to ensuring that additional development capacity and growth within the region has convenient and sustainable access to goods and services. Its activities are largely vehicle orientated and highly sensitive to changes to the performance of the surrounding transport system. TCL therefore seeks to ensure that PC6 appropriately manages transport effects by ensuring there is adequate development infrastructure to support intensification in the region.

3. SCOPE OF EVIDENCE

- 3.1 My evidence relates to the primary and further submissions of TCL.
- 3.2 In its primary submission, TCL sought the following amendments to the provisions of the RPS:
- (a) Changes to Policy UG 6A, together with a consequential change to Policy UG 10.
 - (b) Policy UG 7Ax.
 - (c) Method 18.
- 3.3 TCL's submission identified that these policies, in their current form, do not align with the NPS-UD policy directive in Clauses 3.2 and 3.3, which requires the Council to provide sufficient development capacity in a manner that is “plan-enabled” and “infrastructure ready” (as those terms are defined in the NPS-UD).
- 3.4 In its further submissions on PC6, TCL:
- (a) Supported changes to Policy UG 7A to refer to the Future Development Strategy (“**FDS**”), not the Housing and Business Development Capacity Assessment (“**HBA**”).
 - (b) Opposed the deletion of the words “large enough” from criterion (a) of Policy UG 7A for unanticipated and/or out of sequence plan changes.
 - (c) Opposed the deletion of the “5 hectares or more” threshold from criterion (b) of Policy UG 7A for unanticipated and/or out of sequence plan changes.
 - (d) Supported changes to criterion (f) of Policy UG 7A in relation to the provision of development infrastructure.
 - (e) Supported changes to Policy UG 13B to be amended to include planning, design, and transport investment decisions

to support compact and sustainable growth management and land use patterns.

- (f) Opposed the deletion or substantial rewording of Policy UG 14B.

3.5 In preparing this evidence, I have had regard to:

- (a) The primary and further submissions of TCL, and the primary and further submissions made by other parties;
- (b) The “Overview report on submissions” prepared by Samantha Pottage on behalf of the Bay of Plenty Regional Council, dated 6 June 2023; and
- (c) The “Staff recommendations on provisions with submissions and further submissions” dated June 2023.

3.6 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives, policies and rules that are relevant to the submitters’ primary submissions. I have also had regard to section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

4. PURPOSE OF PROPOSED CHANGE 6

4.1 The stated purpose of PC6 is to implement the responsive planning and intensification planning requirements of the NPS-UD, as well as to take into account the principles of Te Tiriti o Waitangi in urban planning.¹

4.2 The stated outcomes of PC6 are to:²

- (a) Implement policies 3, 5, 8 and 9 of the NPS-UD.
- (b) Contribute to the Urban Growth Agenda’s objectives addressing restrictive RMA planning practices.

¹ Section 2.1; Section 32 Analysis – Proposed Change 6 (NPS UD).
² Section 2.2; Ibid.

- (c) Provide support to Toi Moana, and the region’s city and district councils in achieving the relevant objectives in the NPS-UD.

4.3 The stated “key development principles” of PC6 are to:³

- (a) Achieve the objectives of the NPS-UD.
- (b) Implement Te Tiriti o Waitangi principles in relation to urban planning, and thereby implement policy 9 of the NPS-UD.
- (c) Keep changes to a minimum and limited to that which is required to give effect to the NPS-UD and preserve the majority of the existing RPS Urban and Rural Growth Management provisions.

National Policy Statement – Urban Development 2020

4.4 The NPS-UD places clear and detailed requirements on local authorities to provide “sufficient development capacity” to meet expected demand for housing and business land over the short, medium, and long term.⁴ “Development capacity” is defined in the NPS-UD as means the capacity of land to be developed for housing or business use based on:

- (a) the zoning, objectives, policies, rules, overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provisions of adequate development infrastructure to support the development of land for housing and business use.

4.5 Clauses 3.2(2) and 3.3(2) of the NPS-UD provide that in order to be “sufficient” to meet the expected demand, the development capacity must (amongst other things) be “infrastructure ready”, meaning that:

³ Section 2.3; Section 32 Analysis – Proposed Change 6 (NPS UD).

⁴ National Policy Statement on Urban Development 2020 at Subpart 1 – Providing development capacity.

- (a) in relation to the short term, there is adequate existing development infrastructure⁵ to support the development of the land;
- (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan; and
- (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

4.6 The intended outcome of PC6 includes the implementation of policies 3, 5 and 8 of the NPS-UD:

- (a) Policy 3 (amongst other things) focuses on enabling building heights and densities in various zones within tier 1 urban environments to realise as much development capacity as possible and to maximise the benefits of intensification. Given the directives in clauses 3.2(2) and 3.3(3) of the NPS-UD, I consider this inherently requires such development capacity to be “infrastructure ready”.
- (b) Policy 5 sets the requirements for regional policy statements and district plans applying to tier 2 and 3 urban environments (such as parts of the Bay of Plenty region). It essentially encourages a level of development and density that matches either the accessibility to commercial activities and community services or the relative demand for housing and business use. In my opinion, ensuring sufficient, infrastructure-ready capacity is key to the effective implementation of this policy.

⁵ Development infrastructure is defined by the NPS-UD as meaning “...the following to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002): (a) network infrastructure for water supply, wastewater, or stormwater (b) land transport (as defined in section 5 of the Land Transport Management Act 2003).

(c) Policy 8 aims to ensure that local authorities are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. In my opinion, ensuring that the development capacity proposed to be provided through plan changes is infrastructure-ready is critical to ensuring well-functioning urban environments.

4.7 While TCL is supportive of PC6, it seeks some changes to the notified provisions to ensure that development capacity is provided in a manner that is both “plan-enabled” and “infrastructure-ready” in accordance with those terms as defined in the NPS-UD.

5. POLICY UG 6A (AND POLICY UG 10)

5.1 In its primary submission (26.2), TCL identified that Policy UG 6A, as notified, requires urban development to be *managed* in a way that provides for the integration and efficient use of land and infrastructure, which is less directive than the NPS-UD policy directives, which *requires* development capacity to be “infrastructure-ready”.

5.2 TCL sought an amendment to notified Policy UG 6A to align with the requirements of the NPS-UD in respect of the provision of plan enabled and infrastructure-ready development capacity.

5.3 The s.42A report (at paragraph 10.4) recommends that TCL’s submission be rejected for the following reason:⁶

...Being infrastructure-ready is relevant to existing infrastructure and funding in long-term plan and local authority infrastructure strategies.

Sequencing of development capacity for housing and business land or infrastructure is not the role of the RPS, but rather a process for territorial authority plans. For Tier 1 and 2 urban authorities (and Tier 3 on a voluntary basis), this work will overlap with FDS which addresses urban development capacity for the long-term range of 30 years.

5.4 I disagree with the analysis of the s.42A report in respect of this matter.

⁶ Pg.43; Staff recommendations on provisions with submissions and further submissions; June 2023.

- 5.5 While I agree that zoning and infrastructure planning typically occurs at the territorial authority level, the RPS plays a critical role in setting the overall framework and strategic direction for the region.⁷ While the regional council may not directly control the detailed sequencing of development capacity or provision of infrastructure, the RPS is still required to give effect to the NPS-UD pursuant to s62(3) RMA.
- 5.6 The NPS-UD provides a clear policy directive that development capacity “must” be plan enabled and infrastructure-ready. Therefore, PC6 must give effect to this directive per s62(3) RMA.
- 5.7 Notified Policy UG 6A does not use directive language and does not specify how it intends to direct territorial authority plans to ensure that development capacity is infrastructure-ready. While the proposed Policy UG 6A wording suggests an intention to align with the policy directive in clauses 3.2 and 3.3 of the NPS-UD, it does not convey the same clear, directive language. I therefore consider the following changes are necessary to Policy UG 6A:

Policy UG 6A: Efficient use of land and infrastructure for urban growth and development

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

~~(a) The efficient use of land and infrastructure; and~~

~~(b) The integration of land use and infrastructure provision.~~

Provide sufficient plan-enabled and infrastructure-ready development capacity to meet expected demand for housing and business land over the short term, medium term, and long term in a manner that ensures the efficient use of land and infrastructure and integrates land use with infrastructure provision.

~~For the purposes of this policy, efficient use of land and infrastructure the provision of sufficient development capacity shall include consideration of the matters referred to in Policy UG 10B.~~

Explanation

The servicing (including the provision of access) and timing of urban development is critical to achieving integrated and sustainable growth management. ~~Large-scale~~ Urban development (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters,

⁷ Resource Management Act 1991, s59

urban design, and provision and funding of network infrastructure.

5.8 I also consider that the following consequential change to Policy UG 10B is necessary to ensure that investment and infrastructure considerations are more closely aligned with the NPS-UD:

Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations

Require the rezoning or other provisions for the urban development of land to take into account:

- (a) Sustainable rates of land uptake,
- (b) ~~Existing or committed public and private sector investments in urban land development and infrastructure~~ Existing development infrastructure to support the development of the land in the short term,
- (c) ~~Sustainable provision and funding of existing and future infrastructure~~ Funding for adequate development infrastructure to support development of the land in the medium term is identified in a long-term plan,
- (d) Development infrastructure to support the development capacity in the long term is identified in the local authority's infrastructure strategy (as required as part of its long-term plan), and
- (~~e~~) Efficient use of local authority and central government financial resources, including prudent local authority debt management.

6. POLICY UG 7A – UNANTICIPATED AND OUT OF SEQUENCE DEVELOPMENTS

6.1 In its further submissions, TCL:⁸

- (a) Supported the primary submissions of Element IMF and others in respect of certain amendments to Policy UG 7A.⁹
- (b) Opposed¹⁰ the primary submissions of Classic Developments Limited and others that sought:

⁸ 6.1, 6.2, 6.3, 6.8, 6.9, 6.10, 6.12, 6.13 6.14, 6.18, 6.20, 6.22.

⁹ Namely; the replacement of references to the HBA with the FDS; the removal of references to the growth strategy, Long Term Plan, or 30 year infrastructure strategy; the removal of the requirement for development infrastructure to be provided without materially reducing the benefits of other existing or planned development infrastructure; and the deletion of the reference to "Private" Plan Changes. *It is noted that TCL does not intend to pursue these further submission points in evidence.*

¹⁰ 6.15, 6.16, 6.17, 6.19, 6.21.

- (i) The deletion of the “5 hectares or more” threshold for unanticipated/out of sequence development.
- (ii) The deletion of the words “large enough” from Policy UG 7A(a).

6.2 The s.42A report recommends that the further submission points by TCL at paragraph 6.1(b) are accepted. I agree with the recommendations of the s.42A report in respect of this matter, and the further submission of TCL that:

- (a) 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 it is open to the regional council to set a five hectare “threshold” for Tauranga City and Western Bay of Plenty District.
- (b) The words “large enough” within criterion (a) are consistent with the requirements of policy 8 of the NPS-UD which requires plan changes “to add significantly to development capacity.”

7. POLICY UG 7AX – INCREASED-DENSITY URBAN DEVELOPMENT

7.1 In its primary submission (26.3), TCL sought the following changes to Policy UG 7Ax, which provides for and enables increased-density urban development in urban environments that (amongst other things) is well serviced by existing or planned development infrastructure and public transport:

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 existing development infrastructure (in relation to the short and medium term), or funding for development infrastructure is identified in a long-term plan (in relation to the medium term), or the development infrastructure is identified in the local authority's infrastructure strategy (in relation to the long term).

Explanation

Increasing density of urban development has a number of benefits, including...

7.2 The reason for this submission was that the requirements of the NPS-UD relating to development capacity that is “infrastructure-ready” go beyond simply requiring that the necessary future development infrastructure be “planned”. Rather, pursuant to clause 3.4(3), development capacity is considered to be “infrastructure ready” if it:

- (a) is serviced by existing development infrastructure (in the short and medium term); or
- (b) has funding identified for the development infrastructure (in the short and medium term); or
- (c) has funding identified for the development infrastructure in the long-term plan (in the medium term); or
- (d) is otherwise identified in the local authority's infrastructure strategy (in the long term).

7.3 The s.42A report recommends that the relief of TCL be rejected for the following reason:¹¹

Staff consider that it is the role of the territorial authorities to determine the sequencing of development capacity and whether that capacity is infrastructure ready through spatial planning processes and housing and building land capacity assessments. The intent of this policy is to enable increased density within existing urban areas but is not to set targets on when infrastructure should be provided.

7.4 Instead, the s.42A report considers that the reference to adequate existing or planned development infrastructure and public transport

¹¹ Pg.75; Staff recommendations on provisions with submissions and further submissions; June 2023.

within sub-clause (c) of Policy UG 7Ax provides an appropriate level of detail for the regional level.

7.5 While I agree that the specific details of spatial planning and land capacity assessments typically rests with the territorial authorities, the NPS-UD clearly specifies that the development capacity must be both plan-enabled and infrastructure-ready (clauses 3.2(2) and 3.3(2)). The RPS therefore should give effect to these requirements and establish a policy directive that territorial authorities will then give effect to in their own plan making and decision-making processes.

7.6 I am of the opinion that the term “planned” development infrastructure used in Policy UG 7Ax is ambiguous relative to the specific language in the NPS-UD and does not fully capture the “infrastructure ready” requirement of the NPS-UD. Under the NPS-UD, “infrastructure-ready” not only means that there is a plan in place, but also that in the short term, there is adequate existing infrastructure, or in the medium term, funding for infrastructure development is identified in a long-term plan. In the long term, the infrastructure to support the development must be identified in the local authority’s infrastructure strategy.

7.7 Having regard to the above matters, I consider the following changes are necessary to Policy UG 7Ax:

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~~ Is supported by existing or adequately funded strategically planned development infrastructure and is accessible via existing or planned public transport.

Explanation

Increasing density of urban development has a number of benefits, including...

7.8 My recommended changes to Policy UG 7Ax more clearly address the “infrastructure ready” requirements of the NPS-UD by clarifying that the increased-density urban development should occur in areas whether

there is existing or planned and adequately funded infrastructure to support the development.

8. POLICY UG 13B – PROMOTING THE INTEGRATION OF LAND USE AND TRANSPORT

8.1 For completeness, TCL does not intend to pursue the further submission points it made (6.4, 6.6, 6.11, 6.23) in support of the primary submissions of Toi Te Ora Public Health, Tauranga City Council, Bell Road Limited Partnership, and Waka Kotahi in relation to certain amendments to Policy UG 13B.

9. POLICY UG 14B – RESTRICTING URBAN ACTIVITIES OUTSIDE URBAN ENVIRONMENTS

9.1 Policy UG 14B seeks to restrict the growth of urban activities located outside of urban environments.¹²

9.2 TCL made a further submission (6.7) in opposition to the primary submission of Tauranga City Council, which sought the deletion or substantial rewording of Policy UG 14B on the basis that:

- (a) the matters it covers are dealt with elsewhere;
- (b) the policy appears to be re-introducing an urban limit; and
- (c) if the policy is only intended to apply to *ad hoc* urban development in the wider rural area not associated with an urban environment, or to development of smaller settlements, then it should be re-worded and clarified to be more explicit.

9.3 The reason stated for TCL's further submission is:

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 (i.e. in rural areas that do not meet

¹² Note: the definition of urban environment includes land that is intended to be urban in character and form part of a housing and labour market of at least 10,000 people.

the definition of an “urban environment”). TCL does not consider amendments to the wording of Policy UG 14B to be necessary.

9.4 I continue to support this further submission point and consider that:

- (a) While the efficient use of land and infrastructure is covered in Policies UG 6A, UG 9B, and UG 13B, Policy UG 14B integrates these aspects in the specific context of urban activities outside of urban environments.
- (b) Policy UG 14B does not restrict growth outside urban environments, but it is qualified by a requirement to demonstrate that sound resource management principles are achieved, which provides a level of flexibility.
- (c) Policy UG 14B’s intent is relatively clear on its reading. It restricts urban activities outside urban environments unless sound resource management principles are met.

10. METHOD 18: STRUCTURE PLANS FOR LAND USE CHANGES

10.1 In its primary submission (26.4), TCL sought the following change to Method 18(o):

(o) Show how ~~efficient infrastructure servicing~~ sufficient development capacity detailed in Policy UG 6A will be achieved.

10.2 The reason for the submission was that consistent with the requirements of the NPS-UD, Method 18(o) should relate to how sufficient development capacity will be achieved, rather than “efficient infrastructure servicing”.

10.3 The s.42A report recommends that the submission of TCL be declined for the following reasons:¹³

Submission 26-4 seeks amendments to Method 18 to show how efficient infrastructure servicing sufficient development capacity detailed in Policy UG 6A will be achieved. Sufficient development capacity is achieved by, amongst other things,

¹³ Pg.119; Staff recommendations on provisions with submissions and further submissions; June 2023.

large scale land use change to cater for urban development.
The RPS defines large scale as a minimum of 5ha.

10.4 While I agree with the s.42A report that large scale land use change (greater than 5ha) would naturally involve considerations around plan enablement and infrastructure readiness, it does not mean that these considerations are inherently fulfilled by Method 18(o).

10.5 While I also agree that Method 18(o) aligns with the directive language and the requirement of the NPS-UD to some extent by mentioning the need to demonstrate how infrastructure will be effectively utilised to meet the sequencing of urban growth requirements, it is not explicitly clear if it incorporates the NPS-UD's requirements for development capacity to be both "plan enabled" and "infrastructure-ready".

10.6 In my opinion, Method 18(o) would benefit from additional clarity to align it more fully with the requirements of the NPS-UD by specifying that sufficient development infrastructure is available or planned at the right time to meet the demands of urban development:

(o) Show how ~~efficient infrastructure servicing readiness of infrastructure will meet the sequencing of urban growth requirements~~ detailed in Policy UG 6A ~~will be achieved~~.

10.7 I consider the above changes more appropriately give effect to the requirements of the NPS-UD.

11. SECTION 32AA RMA

11.1 With reference to s.32AA of the RMA, I consider that the changes outlined above and detailed within **Attachment 1** to this statement of evidence:

- (a) Appropriately give effect to the requirements of the NPS-UD.
- (b) Achieve the objectives of PC6 in relation to implementing the responsive planning requirements and integrated planning requirements of the NPS-UD.

- (c) Represent a more efficient and effective way of achieving the requirements of the NPS-UD without placing unnecessary or onerous requirements of urban growth.
- (d) Better support a well-functioning urban environment.

Mark Nicholas Arbuthnot

19 June 2023

Attachment 1

Recommended changes

Notified changes to text are shown in underline and ~~strikethrough~~.

Text amendments recommended by Bay of Plenty Regional Council in the "Overview report on submissions are shown in underline and ~~strikethrough~~.

Text amendments recommended by Tauranga Crossing Limited in evidence are shown in underline and ~~strikethrough~~.

.....

(I) **Policy UG 6A: Sequencing of Efficient use of land and infrastructure for urban growth and 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) The integration of land use and infrastructure provision.

(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.

Urban growth area development may proceed in a manner other than sequential growth as per (a) where it can be demonstrated that concurrent development of a subsequent growth area stage will provide more efficient use of land and network infrastructure overall and the conditions in (b) are met.

Provide sufficient plan-enabled and infrastructure-ready development capacity to meet expected demand for housing and business land over the short term, medium term, and long term in a manner that ensures the efficient use of land and infrastructure and integrates land use with infrastructure provision.

For the purposes of this policy, efficient use of land and infrastructure the provision of sufficient development capacity shall include consideration of the matters referred to in Policy UG 10B.

Appendices C and D are indicative guides for the expected timing and sequencing of growth areas.

(m) Explanation

The servicing sequencing (including the provision of access) and timing of urban development within the urban limits for the western Bay of Plenty is critical to achieving integrated and sustainable growth management. Each Large-scale urban growth development (greenfield and brownfield) area in Appendix C and Appendix D and shown on Maps 5 to 15 (Appendix E) must be subject to detailed structure planning to address, among other matters, urban design, and provisions and funding of network infrastructure and funding of that infrastructure.

Note that the indicative sequencing and time frames are at a level of detail appropriate for this Statement. They are intentionally indicative given the uncertainties inherent in population forecasts.

*Table reference: **Objective 25, Methods 1, 18, 50 and 51***

....

(p) **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 adequately served by existing or planned development infrastructure and public transport. Is supported by existing or adequately funded strategically planned development infrastructure and is accessible via existing or planned public transport.

Explanation

Increasing density of urban development has a number of benefits, including:

Notified changes to text are shown in underline and ~~strikethrough~~.

Text amendments recommended by Bay of Plenty Regional Council in the "Overview report on submissions are shown in underline and ~~strikethrough~~.

Text amendments recommended by Tauranga Crossing Limited in evidence are shown in underline and ~~strikethrough~~.

- 1 Increased transport choice and viability of public transport
- 2 Reduced environmental impacts from reduced need for urban expansion
- 3 Reduced per unit infrastructure costs
- 4 More walkable neighbourhoods, supporting active transport modes
- 5 Reductions in greenhouse gas emissions
- 6 Greater housing choice and therefore affordability.

Increased density refers to development that is higher density than the existing urban form. Increased density development may not be appropriate in some areas and is relative to different urban environments. City and district plans should enable greater building heights and density where there is high housing and business use and demand.

The intention of this policy is to encourage increased density, and compact urban form, but not to set density targets for areas or locations. Density targets and provisions are best set in district or city plans relative to local opportunities and constraints (including infrastructure and transport systems).

This policy does not negate the requirement for increased density urban development to give effect to other relevant provisions in this policy statement and in particular Policy UG 8B Implementing high quality urban design and live-work-play principles set out in Appendix B. Urban development will also be directed by Future Development Strategies, which must achieve well-functioning urban environments in existing and future urban areas. Territorial authorities may develop spatial plans to assist achieving high quality urban design and outcomes.

<p><u>Table reference: Objective 23 and 25, Methods 1, 3 and 18</u></p>
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...

(u) Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations

Require the rezoning or other provisions for the urban development of land to take into account:

- (a) Sustainable rates of land uptake,
- (b) Existing or committed public and private sector investments in urban land development and infrastructure Existing development infrastructure to support the development of the land in the short term,
- (c) Sustainable provision and funding of existing and future infrastructure Funding for adequate development infrastructure to support development of the land in the medium term is identified in a long-term plan,
- (d) Development infrastructure to support the development capacity in the long term is identified in the local authority's infrastructure strategy (as required as part of its long-term plan), and
- (e) Efficient use of local authority and central government financial resources, including prudent local authority debt management.

(v) Explanation

Because commitments to and investments in urban land use and servicing are often made 20 or more years in advance of delivery, there is potential for both local authority policy changes and ad hoc private market development decisions to result in significant adverse social and economic effects. Policies to address timing and sequencing of development should therefore be designed to ensure, within broad limits, that development proceeds in a way that gives infrastructure service providers time to match demand, and the ability to fund that service delivery. The overall purpose is to provide a broad framework that signals to the market the importance of integrating public and private development decisions.

The focus of Policy UG 10B is on broad investment and infrastructure considerations. More detailed matters

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are the subject of other RPS policies, for example Policies WQ 6B, WQ 7B and WQ 8B which specifically address water efficiency.

Table reference: **Objective 23, Methods 3 and 18**

...

3.1 Methods to implement policies

This section contains the methods for implementing the policies set out in section 3.1. It is divided into two main groups of methods: directive methods and guiding methods to implement the policies.

Under each method the key organisations who will implement the methods are identified. An asterisk * indicates the lead authority responsible for implementation, if this is designated. The delivery and timing of methods is subject to long-term council community planning and annual plan schedules.

Within section 3.2 the methods are presented in numeric order, although in the summary table below, methods are listed under key topics.

Table 13 *Methods to implement policies.*

Section 3.2: Methods to implement policies		Page
3.2.1: Directive methods		
Method 1: District plan implementation		
Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans		
Method 4: Bay of Plenty Regional Land Transport Plan implementation		
Method 13: Develop a roading hierarchy		
Method 14: Monitor and review growth – western Bay of Plenty sub-region		
Method 16: Consider amendments to the urban limits – western Bay of Plenty sub-region		
Method 17: Identify and manage potential effects on infrastructure corridors		
Method 18: Structure plans for land use changes		
Method 19: Provision of infrastructure outside of structure plan areas		
Method 20: Plan provisions enabling efficient operation and growth of rural production activities		
3.2.1: Directive methods		
Method 67: Support rural structure plans		

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3.1.1 Directive methods

Change 6 note – only those Methods that are amended, deleted or added are shown. All other Methods are not changed.

Method 14: Monitor and review

growth – western

Bay of Plenty sub-region

Growth patterns within the western Bay of Plenty sub-region shall be regularly monitored and this Statement's provisions relating to urban and rural growth management shall be reviewed in the event that monitoring shows that actual sub-regional growth patterns are or are likely to be such as to render the growth strategy (see Section 2.8) inappropriate. Other triggers for review shall include the occurrence of any one of the following:

- (a) — The population predictions in Figure 9 of the Western Bay of Plenty sub-region Growth Management Strategy (3 May 2004) vary by more than 10% from actual Census figures for all of the growth for the relevant Census period;
- (b) — It can be demonstrated that insufficient land exists within all of the Urban Limits shown on Maps 5 to 15 (Appendix E of this document) to cater for growth anticipated to occur within 10 years of the analysis;
- (c) — It can be demonstrated that exceptional circumstances have arisen in one or more of the management areas shown on Maps 5 to 15 (Appendix E) and a review is necessary to achieve the objectives of this part of the Statement;
- (d) — Any review of the Western Bay of Plenty Sub-region Growth Management Strategy amends the strategy to the extent that the urban and rural growth management objectives, policies and methods are in conflict; and
- (e) — As a result of Method 15 an amendments is required.

~~Implementation responsibility: Regional council, city and district councils.~~

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Method 16: Consider amendments to the urban limits – western Bay of Plenty sub-region

Amendments to the urban limits shown on Maps 5 to 15 (Appendix E) will be considered only where they:

- ~~(a) Promote and do not compromise an integrated and sustainable use of infrastructure and services and community facilities such as schools, libraries and public open space;~~
- ~~(b) Do not compromise the implementation of the development strategy described in Policy UG 4A;~~
- ~~(c) Are consistent with the purpose and principles of the Act;~~
- ~~(d) Do not adversely affect marae or papakāinga areas nearby;~~
- ~~(e) Meet the review conditions of Method 14 for the subject area;~~
- ~~(f) Are triggered by a situation where there is insufficient development capacity in other parts of the sub-region;~~
- ~~(g) Are prompted by a situation where the development strategy prescribed in Policy UG 4A has failed in its intended purpose; and~~
- ~~(h) Reflect territorial authority decisions on plan changes or structure plans that require minor amendments to the urban limits line.~~

~~Implementation responsibility: Regional council~~

(w) 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.

Structure plans shall, as appropriate and applicable:

- | | |
|---|---|
| (a) Identify land which is to be used or developed for urban purposes, | (d) In respect of proposed land uses (see (c) above), demonstrate the live-work-play principle to development, |
| (b) Identify intensification areas, | (e) Show how the target yields set out in Policy UG 4A will be met; |
| (c) Show proposed land uses, including: | (f) Identify all existing and consented, designated or programmed infrastructure and infrastructure corridors, |
| (i) Arterial and collector roads, rail and network infrastructure | (g) Identify infrastructure requirements, including the provision of and responsibility for that infrastructure, |
| (ii) Residential, commercial and business centres | (h) Identify all known contaminated sites that land to be used for urban purposes may contain and show how adverse effects from contaminated land are to be avoided, remedied or mitigated, |
| (iii) Schools | (ha) Identify all known natural hazards that land to be used for urban purposes may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved, |
| (iv) Parks | (i) Identify significant cultural, natural and historic heritage features and values and show how they are to |
| (v) Land required for recreation | |
| (vi) Land to be reserved or otherwise set aside from development for environmental protection purposes | |
| (vii) Appropriate infrastructure corridors | |
| (i) Community, health and social service facilities, including those necessary to cater for an ageing population. | |

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be protected,

outcomes for the proposed development.

- (j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development,
- (k) Show how any adverse effect of increased stormwater runoff is to be mitigated,
- (l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated,
- (m) Show how provision has been made for public transport, cycleways and pedestrian connections,
- (n) Document consultation undertaken with persons (including tangata whenua) affected by or interested in the proposed land uses, and any response to the views of those consulted,
- (o) Show how efficient ~~infrastructure servicing the sequencing of urban growth requirements~~ readiness of infrastructure will meet the sequencing of urban growth requirements detailed in Policy UG 6A ~~will be~~ achieved,
- (p) Include Urban Design Plans which:
 - (i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities,
 - (ii) Outline the urban design objective and rationale,
 - (iii) Provide an analysis of context,
 - (iv) Provide a site analysis, and
 - (v) State design

"As appropriate and applicable" is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates and, to give effect to this Method, District plans can identify methods for assessing which of the above matters must be addressed, in light of the particular scope of the proposed land use change and its environmental effects.

Implementation responsibility: Regional council, city and district councils.

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3.1.2 Guiding methods

Method 67: Support rural structure plans

Support the development of rural structure plans for rural areas outside ~~the urban limits or~~ existing and planned urban zone areas that are subject to growth pressure.

Implementation: Regional council and city and district councils.