

Before Bay of Plenty Regional Council Hearings Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Bay of Plenty Regional Policy Statement –
Change No 6 (NPS-UD)

**STATEMENT OF EVIDENCE OF AARON COLLIER
FOR THE TAURANGA URBAN TASKFORCE AND OTHERS (SUBMITTER 29
AND FURTHER SUBMITTER (13)
19 June 2023**

1. Qualifications and Experience

- 1.1 My full name is Aaron Mark Collier.
- 1.2 I am a Consultant Planner and a Director of Collier Consultants Limited. Prior to establishing Collier Consultants in 2019 I was a Principal and Technical Director of Aurecon.
- 1.3 My qualifications are Masters' degree with Honours and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato. I am a full member of the New Zealand Planning Institute (NZPI).
- 1.4 I have 28 years' experience working as a Local Authority and Consultant Planner. My predominant experience has been in the area of plan policy development and land use planning. I have prepared numerous Private and Council Plan Changes. I have provided planning evidence and advice in relation to a number of second-generation District Plans, including those for the Taupo, Tauranga, Rotorua, Thames-Coromandel, Western Bay of Plenty and Waikato Districts as well as the Auckland Unitary Plan. I was heavily involved in Council hearings and subsequent appeal processes for a number of these Plans. More recently I have been involved in a number of Intensification Planning Instrument Plan Changes (IPIs) introducing changes under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 to set new medium density residential standards (MDRS) and make other amendments that are set to change the future of housing development in New Zealand. My work includes submissions, expert conferencing and hearings on changes to the Hamilton City, Waikato District, Western Bay of Plenty District and Tauranga City Plans.
- 1.5 In relation to the Bay of Plenty Regional Policy Statement (RPS), I was involved in Change 4 (Tauriko West Urban Limit) to the RPS acting for the Tauriko Property Group.
- 1.6 I regularly present evidence as an expert planning witness at other Council hearings the Environment Court, High Court and Boards of Enquiry.
- 1.7 I confirm I have read the "Code of Conduct for Expert Witnesses" contained in the Environment Court Consolidated Practice Note 2011. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.8 I was asked by the Tauranga Urban Taskforce (UTF) in August 2022 to assist with preparing their submission and subsequent further submissions on Plan Change 6 to the Bay of Plenty Regional Policy Statement. The UTF was established in 2020 and their purpose and role is as set out in the statement of Scott Adams.

- 1.9 My evidence relates to UTF's submission points and further submission points and responds to a number of matters raised in the Section 42A staff Report on Plan Change 6¹. My evidence addresses the key and most significant points set out in the UTF submissions.
- 1.10 In preparing this evidence I have reviewed UTF's original and further submissions. I have also reviewed the relevant provisions of the NPS-UD the Section 42A Report.
- 1.11 The UTF supported Plan Change 6 and sought a number of amendments based on sound planning policy. The focus of the submission was to ensure that the changes proposed did not create uncertainty, nor lead to unintended outcomes which will inadvertently act to restrict development capacity. Previous policy (including the adoption of urban limits) has resulted in a severe shortage of urban zoned land which is able to be serviced to provide for housing for the Western Bay of Plenty subregion.
- 1.12 Urgent actions are required from a policy perspective to address development capacity, as currently Tauranga City Council in particular are in breach of the NPS-UD. Housing capacity assessments prepared under the NPS-UD show a significant deficit in the short-, medium- and long-term housing supply scenarios.
- 1.13 To resolve this, Change No 6 to the RPS must be responsive and to enable plan changes that add to development capacity and contribute to a well-functioning urban environment. In my opinion, both enabling amendments (to better provide for unanticipated or out of sequence development) are required as well as technical wording changes to ensure that policy changes are both clear and certain.
- 1.14 I generally agree with the relevant statutory and policy considerations as set out in the Council's s.42 A report and do not intend to repeat these in my evidence.

2. Scope of Evidence

My evidence focuses on the following matters which generally follow the points as set out in the submissions. I have identified where further submissions which are related, apply.

Regionally Significant Urban and Rural Growth Management issues (Submission 29.2 and 29.3, and Further Submission 11.1 Bell Road Partnership, Further submission 9.5 Tauranga City Council)

- 2.1 I support the deletion of the provisions in 9. (Intensive urban development) which removes the reference to *adverse impacts on residential character and amenity* and recognises the need for *well planned transport improvements to be provided with growth*.

¹ My evidence relates to a number of common submissions which have been lodged by UTF members. These submissions include those from Newman Group, Classic Group and Verco Holdings Ltd.

2.2 In my opinion, this change is consistent with Policy 6 of the NPS-UD which acknowledges that planned urban built form may involve significant changes to an area, and that those changes may:

- (i) *detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
- (ii) *are not, of themselves, an adverse effect.*

2.3 I also agree that well planned transport is also necessary to achieve successful intensification outcomes as supported by objective 2 of the NPS-UD.

Policy UGA: Efficient use of land and infrastructure for urban growth and development.

(Explanation) (29.4)

2.4 I have sought that the explanation for the policy statement in relation to its reference to urban design be amended as follows:

Large-scale urban growth (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, high level urban design, and provisions and funding of network infrastructure.

2.5 My direct experience with plan changes is that Regional Council staff get significantly involved with a level of both structure planning and urban design that is more appropriate to be dealt with by District Councils through District plan rule frameworks and standards. There are different levels of urban design which occur and the change I have recommended will avoid any cross over with District Council processes. For example, it is appropriate at the time of a plan change for urban design to consider the general location of open space, transport connections, and general zones, however, matters such as the on the ground layout of development including internal roading, pipework, layout of residential allotments, and internal infrastructure are matters which are addressed at the time of a resource consent. For this reason, I consider it appropriate to retain the reference to “*high level*” in the context of structure planning necessary for plan changes.

Definition of Urban Environment (Submission 29.5), further Submission 9.31 Tauranga City Council, and 33.8 Western Bay of Plenty District Council)

2.6 The plan change refers throughout to “urban environment” but contains no definition of an urban environment. Having reviewed the s.42A report, I agree that it is efficient to not repeat definitions contained in the NPS-UD. Therefore, I support in part the amendment to Appendix A – Definitions, as follows:

Definitions

Terms are not included if they are:

- *defined in the Resource Management Act 1991 or other commonly used Acts,*

or

- *referred to in National Policy Statements.*

2.7 I do not agree with the suggestion in the s.42A report that definitions should refer to “the usual dictionary meaning” as in my opinion this will create confusion. Ideally the definitions section should be amended to refer to those in the NPS-UD and I agree with TCC’s submission on this point.

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments (Housing bottom lines) (Submission 29.6 and Further Submission 1.1 Element IMF, Further Submission Ford Land Holdings Pty Ltd 16.14 and 16.15, Further Submission Kaianga Ora Homes and Communities 5.2).

I consider that the policy incorrectly relies on Housing and Business Capacity Assessments to determine the need for additional urban land. In my view these assessments “feed into” the future Development Strategy (FDS).

Section 3.13 of the NPS-UD sets out the purpose and content of FDS as follows:

- (1) The purpose of an FDS is:
 - (a) *to promote long-term strategic planning by setting out how a local authority intends to:*
 - (i) *achieve well-functioning urban environments in its existing and future urban areas; and*
 - (ii) *provide at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand; and*
 - (b) *assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.*
- (2) Every FDS must spatially identify:
 - (a) *the broad locations in which development capacity will be provided over the long term, in both existing and future urban areas, to meet the requirements of clauses 3.2 and 3.3; and*
 - (b) *the development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it; and*
 - (c) *any constraints on development.*
- (3) Every FDS must include a clear statement of hapū and iwi values and aspirations for urban development.

Section 3.14 of the NPS-UD also specifies that the the FDSs are informed by the following:

- (a) ***the most recent applicable HBA***

- (b) *a consideration of the advantages and disadvantages of different spatial scenarios for achieving the purpose of the FDS*
- (c) *the relevant long-term plan and its infrastructure strategy, and any other relevant strategies and plans*
- (d) *Māori, and in particular tangata whenua, values and aspirations for urban development*
- (e) *feedback received through the consultation and engagement required by clause 3.15*
- (f) *every other National Policy Statement under the Act, including the New Zealand Coastal Policy Statement*
- (g) *any other relevant national policy required by, or issued under, legislation.*

2.8 The wording of the housing bottom line policy should therefore be amended to reflect the NPS-UD as follows:

The development is of ~~large enough~~ a scale to contribute to meeting demand for additional urban land identified through the ~~HBA for the area FDS or RMA Plans, 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 ~~HBA, FDS Future Development Strategy~~ there is evidence that there is a need for additional urban land, and

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments (c) (Submission 29.7 and Further Submission 9.10 Tauranga City Council).

- 2.9 I consider that there is no valid planning justification for the inclusion in (b) of the policy (a 5ha area reference) as a criteria for implementing policy 8 of the NPS-UD.
- 2.10 One of the difficulties currently faced is that there is no FDS in place, nor a draft FDS which has been released for any public feedback or comment. At this stage it is unclear who will be preparing the FDS and whether this will be led by the Regional Council or Tauranga City Council. Given the uncertainty around what the FDS will contain, it is my opinion that the Commissioner's should adopt a very enabling approach to providing for development which may occur outside of the FDS.
- 2.11 The reason for this is that cumulatively areas outside the FDS may have the capability to add significantly to housing capacity. This is evidenced for example through the large number of small land holdings which adjoin existing residential zones and which are currently zoned rural under District Plans, but were identified in the "Stage 2 Urban Limits" under Change No.1 to the RPS. The majority of these areas have never been rezoned either by applicants or TCC, as the urban limit did not apply until post 2021.

- 2.12 The housing crisis in our region continues to worsen despite increased focus and investment across the housing system. Tauranga City has the worst housing affordability in the country relative to incomes.
- 2.13 I agree that under 3.8 (3) of the NPS-UD the Council must include criteria in its RPS for determining “what” plan changes will be treated (for the purpose of implementing Policy 8), as adding significantly to development capacity. However I do not agree that there is a need for a land area criteria (5ha or more) to be included for two reasons.
- 2.14 Firstly, in Tauranga City there are large numbers of these smaller parcels of land (such as those identified as stage 2 Urban limit areas as I have noted above) which are not large enough to be included in the FDS, but which cumulatively, have the ability to deliver large numbers of houses. They should not be arbitrarily excluded from the mechanism of a future plan change process to enable them to be re-zoned because of a current lack of a FDS8. I believe that these areas (if rezoned) will play an important role by delivering short and medium term housing supply until Brownfield redevelopment and further Urban Growth Areas can deliver supply. Many of these areas are adjacent to existing infrastructure and urban boundaries and to exclude them by way of an arbitrary minimum area requirement serves no valid planning outcome.
- 2.15 Secondly, given the critical the critical shortage of urban land and housing supply faced by the sub region, the inclusion of such a provision is in my opinion contrary to policy 3.7 of the NPS-UD given the acknowledged shortfalls under the Tauranga Housing capacity assessment. The Capacity assessment identifies that the sub-region does not have sufficient housing to support current and future demand so any reasonable supply addition is in my view adding significantly to capacity.
- 2.16 Housing demand, supply and sufficiency for the western Bay of Plenty subregion (Tauranga City and the Western Bay of Plenty District) is summarised in the table below.

	short	medium	long	Total
Housing Demand	4,630	11,490	20,570	36,690
Housing Demand incl margin	5,550	13,780	23,660	42,990

	Short term	Medium term	Long term	Total
Infill/ Intensification	700	3,000	8,760	12,460
Rural, Lifestyle, Small Settlement	240	230	30	500
Greenfield Urban Growth Area	3,210	7,780	11,860	22,850
Total	4,150	11,010	20,650	35,810

	Short term	Medium term	Long term	Total
Supply-Demand	-480	-480	90	-870
Supply-Demand incl. Margin	-1,400	-2,780	-3,000	-7,180

Table 1: Housing Supply and Demand (Source: Smartgrowth Housing and Business Capacity Assessment 2022)

- 2.17 The capacity assessment acknowledges both that there is insufficient housing supply has been determined for the sub-region in the short, medium and long term (next 30 years), and that this reflects the delay in being able to bring to market crucial new development areas due to infrastructure and national policy hurdles. Example of this include Te Tumu and Tauriko West. These sites have taken up to 14 years to get to the point of plan changes which are still not notified.
- 2.18 Smaller sites adjacent to existing urban areas which are able to be serviced and connected therefore provide an interim solution through private plan change processes. Some of these sites may deliver up to 100 dwellings.
- 2.19 I support the issue of whether such smaller sites are appropriate or not being controlled through the remaining criteria provided for under 3.8 (3) of the NPS-UD including criteria A, C, D, E, and F proposed as part of Policy UG 7A as follows:
- (a) *The development is of large enough scale to contribute to meeting demand for additional urban land identified through the HBA 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, there is evidence that there is a need for additional urban land, and*
 - (c) *For all other urban environments, the development is at a scale commensurate with the size of the urban environment and includes a structure plan for the land use change that meets the requirements of Method 18, and*
 - (d) *The development is located with good accessibility between housing, employment, community and other services and open space, and*
 - (e) *The development is likely to be completed earlier than the anticipated urban development and/or land release sequence, and*
 - (f) *Required development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment.*

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments and (d) (29.8)

- 2.20 The UTF submission sought amendments to (d) as follows

The development ~~is located with~~ provides good accessibility between housing, employment, community and other services and open space, and

- 2.21 I consider that the policy as notified does not reflect the need for internal (rather than external) consideration required to achieve a well-functioning urban environment such as public space connections within developments, schools, planned commercial and social spaces, and transport connections. The amendment I have suggested,

provides for the contribution of local services and amenities to be considered rather than those just being external to a development site.

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments (f) (29.9) and Further Submission 11.4 and 11.5 Bell Road Limited Partnership)

- 2.22 I oppose the wording of this policy as notified. In my opinion there is a strong need to ensure that there is an adequate pipeline of land available for future development and to date this has been a failing of growth management in the Region. I have therefore suggested the changes below:

Amend (f) as follows:

~~Required~~ Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure ~~without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment.~~

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.~~

- 2.23 Future unanticipated development may often impact on planned development and infrastructure; however the benefits may outweigh costs, and in some instances the benefits (including efficiencies) may be significant. This has been part of the existing problem with the current housing shortfall faced by the subregion. Reliance on only a small number of urban growth areas (which have not proceeded in a timely manor) has severely limited opportunities for growth. It may also be entirely appropriate to change the sequencing of development in the future. This along with unanticipated or out-of-sequence development may affect planned development and infrastructure, however this may be an acceptable outcome where the benefits outweigh the costs.
- 2.24 The proposed policy unnecessarily restricts opportunities for alternative growth proposals and in my view is inconsistent with the NPS-UD. Over the last 15 years a number of alternative developments have been deferred whilst awaiting others which have failed to deliver any housing outcomes for a range of reasons.

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments (x) and method 18 (Further Submission 33.5 and 33.7, Western Bay of Plenty District Council

- 2.25 The Western Bay of Plenty District Council sought an amendment to the policy to “require” increased density without any reference to a benchmark. In my view, the RPS should contain policy which enables higher density via policy means to be achieved at a sub-regional level. The appropriateness of density for particular developments or sites is determined by lower order planning documents (ie City/District plans) and rule frameworks as part of spatial planning/Plan Change processes, to achieve well-functioning urban environments. Setting density through a “one size fits all” policy in the RPS does not tailor for individual circumstances which I see as the role of future plan change processes.
- 2.26 Similarly, the idea that method 18 should require applicants to “*show how a variety of dwelling typologies will be provided for*” is inappropriate to be included in an RPS and is something not able to be determined until resource consent stage. Dwelling types may change over time as housing preferences and the cost of land and infrastructure changes. Again, this is a matter for lower order planning documents (City/District Plans) and future resource consent processes.

Policy UG 14B: Restricting urban activities outside urban environments and explanation (29.10)

- 2.27 I have sought a number of amendments to this policy and its supporting explanation as follows:

~~Restrict the Manage growth of urban activities located outside urban environments to ensure 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 coordinated use and development of infrastructure, and~~
- (c) ~~there are benefits and efficiencies of expanding existing settlements/towns~~

Explanation

~~While areas outside urban environments have not been and are unlikely to face the same growth pressures, some urban growth pressures can be expected. Outside of urban environments and urban growth that forms part of an urban environment, new urban areas (or urban zoning) is not desirable as it can create a sporadic settlement pattern and result in an inefficient use of natural and physical resources. There are, however, some limited circumstances where such proposals could be acceptable such as extensions to existing towns that have reticulated water and wastewater services. Therefore, the same overarching growth principles of the National Policy Statement on Urban Development (2020) should apply~~

in other areas to ensure proposals result in an efficient use of land and resources. ~~For the avoidance of doubt, this policy does not enable development in villages and settlements that do not have reticulated water and wastewater services.~~

- 2.28 In my opinion there may be circumstances where expansions to existing settlements are appropriate but currently such settlements are not serviced via reticulated services. Provisions need to be included in the RPS to ensure that such settlements are not precluded from future consideration for urban growth where these extensions have the potential to lead to servicing being implemented as a consequence.

Method 18: Structure plans for land use changes/Definitions (Submission 29.11 and further Submission Bell Road Limited Partnership 11.7).

- 2.29 I agree that the term “Structure plans” should be deleted throughout the plan change and replaced with the term “Spatial plans” along with an amendment to the Structure plan definition to refer to “Spatial plans”. In my opinion this aligns with the terminology used in the NPS-UD (including with reference to an FDS).

- 2.30 I would be happy to answer any questions the Commissioners may have.



Aaron Collier
Planner
19 June 2023