

TABLED DOCUMENT NO. 5  
DATE 21 June 2023  
*Craig Batchelor*

BEFORE THE BAY OF PLENTY REGIONAL COUNCIL  
HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Bluehaven Investments Ltd and Bell  
Road Partnership, on Regional Policy  
Statement Plan Change 6.

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**STATEMENT OF EVIDENCE OF Craig Batchelar**  
**Planner in sole practice trading as Cogito Consulting Ltd.**  
21 June 2023

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## **1.0 QUALIFICATIONS AND EXPERTISE**

- 1.1 My name is Craig Batchelar, and I am a Planner in sole practice trading as Cogito Consulting Ltd.
- 1.2 I hold the qualification of Bachelor of Regional Planning with First Class Honours from Massey University (1984). I have been a full member of the New Zealand Planning Institute since 1988. I am currently on the Board of the New Zealand Planning Institute.
- 1.3 I have been involved in range of planning issues during my career as a planner, but my primary expertise is in urban development and growth management.
- 1.4 From 1989 to 2000, I was employed by Tauranga City Council as a planner in a variety of roles including management of the Council's Environmental Services Group from 1995 to 2000.
- 1.5 From 2000 to 2004 I was self-employed as a planning consultant. My projects included an engagement as Technical Director for the western Bay of Plenty subregional "SmartGrowth" initiative during 2000-2003.
- 1.6 From 2004 to 2021, I was employed by Boffa Miskell Ltd and played a lead role as planning advisor to a wide range of urban development projects in Tauranga, Western Bay of Plenty, Whakatane, Rotorua and Hamilton.
- 1.7 I have been assisting the Bluehaven Group of entities, of which Bluehaven Investments Ltd is a part (Bluehaven), with residential and commercial development projects at Papamoa since 2004. This has included planning input to the Wairakei Charrette, Plan Change 44 Wairakei Urban Growth Area, and the related Comprehensive Stormwater Consent; submissions and appeals on the City Plan Review and plan changes; submissions on Annual and Long-Term Plans; project management of Bluehaven' s input to the Wairakei/Te Tumu Framework Plan, and Comprehensive Development Consents

for a range of development projects including The Sands Subregional/Town Centre.

- 1.8 I have been assisting the Bell Road Partnership on the assessment of land at Bell Road as a potential urban development area since mid-2021. The Bell Road Limited Partnership is a joint venture between Zariba Holdings and Bluehaven Group, formed to acquire, investigate and plan for the urban development of approximately 350ha at Bell Road, Pāpāmoa.

## **2.0 INVOLVEMENT IN THE PROCEEDINGS**

- 2.1 I assisted Bluehaven and the Bell Road Partnership in providing comments on Draft Plan Change 6 provisions, and later in preparing submissions on Proposed Plan Change 6. I have read the Section 42A hearings report.

## **3.0 CODE OF CONDUCT**

- 3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

## **4.0 CONFLICT OF INTEREST**

- 4.1 I am currently contracted to the SmartGrowth Urban Growth Partnership as 'Strategic Adviser (Interim)' for the period May - July 2023. This is a strategic leadership and technical advisory role.
- 4.2 SmartGrowth has not made submissions on Plan Change 6, although several of the SmartGrowth partners have done so. I have had no involvement in those submissions. The SmartGrowth administering authority is aware that I am providing this statement of evidence.

4.3 I confirm that I have no other real or perceived conflict of interest in the matters addressed in my evidence.

## **5.0 SCOPE OF EVIDENCE**

5.1 This evidence provides commentary on:

- Overview of submitter interests and submissions
- Policy UG 7A Providing For Unanticipated Or Out-Of-Sequence Urban Growth
- Policy UG 13B - Promoting The Integration Of Land Use And Transportation

## **6.0 OVERVIEW**

6.1 Both Bluehaven (Submitter 12) and Bell Road Partnership (Submitter 11) are interested in Plan Change 6 because it relates to the orderly development of the western Bay of Plenty subregion. They support the Plan Change in principle as it is necessary to give effect to the NPS UD. The subregional urban growth strategy, given effect through an efficient and effective RPS policy framework, can provide the certainty that is necessary to support appropriate investment in land development and infrastructure by both the public and private sectors.

6.2 Bluehaven control significant land holdings in the Wairakei /Pāpāmoa East Urban Growth Area of Tauranga, known as 'Golden Sands' (approximately 180ha). This location is Bluehaven's primary land and property development area. The development area includes extensive residential areas, open space, primary schools, three local/neighbourhood commercial centres, a new town centre/subregional centre<sup>1</sup> (22ha) and mixed industry and business area (10ha).

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<sup>1</sup> <https://bluehavengroup.co.nz/>

- 6.3 Bluehaven's primary concern with Plan Change 6 is to ensure that there is sufficient certainty in the process for considering unanticipated or out of sequence urban growth proposals. The submission is that Plan Change 6 has potential to create risks when considered against the current backdrop of partially developed spatial plans for the WBOP subregion, ahead of an approved FDS.
- 6.4 The Bell Road Partnership owns land at Bell Road, Papamoa which is being investigated as a potential urban growth area as outlined above. The project is in the early investigation stage. The land sits outside the current RPS urban limits.
- 6.5 The Bell Road Partnership's additional concern is that the policy framework should give appropriate consideration to the opportunities within a development area to create a well-functioning urban environment, as well as connectivity to existing and proposed centres.

## **7.0 POLICY UG 7A PROVIDING FOR UNANTICIPATED OR OUT-OF-SEQUENCE URBAN GROWTH**

### **Future Development Strategy**

- 7.1 The main submission point concerns the exclusion of reference to the Future Development Strategy (FDS) in Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments.
- 7.2 The submission seeks that the policy be amended to refer to the FDS as the key document that anticipates and sequences urban development. Consequential amendments to the Explanation are also sought.
- 7.3 The staff recommendation is to reject the submission and rely on the HBA, and to reference the Future Development Strategy, growth strategy, RMA plans, Long Term Plan, or 30-year infrastructure strategy all as appropriate benchmarks for assessing whether a development is 'unanticipated' or 'out-of-sequence'.

- 7.4 The FDS is the strategic planning document that is recognised in the NPS UD and is the primary benchmark against which development should be considered 'unanticipated' or 'out of sequence'. To not mention it in the policy is not appropriate. The reference in the Explanation understates the role of the FDS as the primary policy instrument that other secondary plans should follow and implement.
- 7.5 The HBA is not an appropriate benchmark, although could inform a decision on whether the 'unanticipated' or 'out of sequence' development is warranted and/or significant. However a policy that limits evidence of need to the HBA will fetter the delivery of the responsive planning policy requirement under the NPS UD. The policy should allow for evidence of need other than that from the publicly funded HBA which has no formal process for challenge or testing by third parties.
- 7.6 Referring to plans other than the FDS (and RMA plans) is inappropriate, being inconsistent with the NPS-UD, and will create undesirable uncertainty. These other documents may not always be aligned, or subject to the same rigour of analysis, community engagement, or multi-agency decision making.
- 7.7 I have reconsidered the Policy UG 7A and suggest the following wording changes which are within the scope of the submissions:

*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 are unanticipated by, or out-of-sequence with, an approved FDS or an RMA plan, will add significantly to development capacity based on the extent to which the proposed development satisfies the following criteria:*

- (a) *There is evidence, which may include an HBA, that 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~~*

(b) ...

- 7.8 Related to this submission is opposition by Bluehaven to the removal of urban limits in Appendix E until an FDS is formally approved.
- 7.9 A draft FDS and several other spatial planning policy documents are at various stages of development, as noted in the submission. None have been subject to a formal public consultation and approval process.
- 7.10 It would therefore be premature to delete the Management and Growth areas and related policies ahead of formal approval of the FDS. This would create a policy vacuum with no credible baseline against which to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A.
- 7.11 An FDS for the western Bay of Plenty subregion should be approved by the end of the first quarter in 2024.

### **Accessibility to Urban Environments**

- 7.12 The Bell Road Partnership submission opposes criterion (d) because, as drafted, it does not address accessibility within a development area, which can also contribute significantly to a well-functioning urban environment.
- 7.13 For a large scale development area, accessibility between housing, employment, community and other services and open space within the development area should be a consideration in whether the proposal provides a '*well-functioning urban environment*'.
- 7.14 The staff recommendation is to reject the submission. As reported, staff consider that to achieve the requirements of NPS-UD Policy 1, out of sequence or unanticipated urban development could only be acceptable when it is "*within, or is an extension to, an existing urban*

*environment*". This interpretation is narrow and is not clear from the policy criterion as currently drafted.

- 7.15 The Bell Road Partnership land is segregated from an existing urban environment and town/subregional centre (The Sands) by a road (the Tauranga Eastern Link). A direct and highly functional multi modal connection will be provided by the Papamoa East Interchange currently under construction, which would appear to meet the staff interpretation of accessibility. Clarification is needed.

### **Development Infrastructure**

- 7.16 The Bell Road Partnership submission opposes criterion (e) where it states that development infrastructure must be provided without materially reducing the benefits of other existing or planned development infrastructure or undermining committed development infrastructure investment.
- 7.17 The staff recommendation is to reject the submission.
- 7.18 No 'material' effect is a high threshold and may defeat the policy intention of responsive planning. Unanticipated or out of sequence development may affect planned development and infrastructure in a material way, however there may be situations where that is deemed acceptable because the overall benefits outweigh the costs.
- 7.19 For example, an urban growth area may be slow to development and provide housing and business land supply despite infrastructure commitments. The policy as drafted will potentially support land banking.

## **8.0 POLICY UG 13B - PROMOTING THE INTEGRATION OF LAND USE AND TRANSPORTATION**

- 8.1 The Bell Road Partnership submission seeks recognition of existing and proposed commercial centres, places of employment, community services and areas of high amenity in the consideration of land use and transportation.



- 8.2 The staff recommendation is to reject the submission on the basis that referring to 'proposed centres' is uncertain and poses a risk as there is no guarantee that such centres will be developed.
- 8.3 Prospective proposals are an inherent part of planning, including long term spatial planning. Centres will be defined in the FDS as part of the UFTI 'Connected Centres' spatial plan, to be implemented through RMA plan changes and infrastructure investment.
- 8.4 In the case of The Sands Town Centre, there is currently no existing commercial activity, although a resource consent has been granted for approximately 200,000 m2 GFA. and the site works are underway for the first stage. Development is likely to occur over 10-15 years. The Papamoa East interchange is under construction, justified by the zoning and consented environment.
- 8.5 The Policy should be amended to:

*"Proximity to existing and proposed commercial centres places of employment, community services and areas of high amenity shown in an FDS or RMA plan are considered in transport planning to support higher density development".*

Craig Batchelar

21 June 2023