

# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Chapter: Whole of Change 6 (general submission points)

1427

Section: Whole of Change 6 (general submission points)

1427

### Council Decision

Retain Proposed Change 6 (NPS-UD) to the RPS subject to amendments elsewhere in this report.

### Reasons for Council Decision

Proposed Change 6 (PC6) to the Regional Policy Statement (RPS) is required to implement the National Policy Statement on Urban Development 2020 (NPS-UD). This change does not seek to amend the RPS beyond the scope of the NPS-UD.

Submissions 5-7, 9-1 11-9, FS 3-2, 12-5, 26-5, 29-1, 31-1, FS 9-19 and 33-1 support Proposed Change 6 subject to the relief sought on specific provisions provided in other submission points. A fulsome response to those points are made in the relevant sections of this report.

Submissions 1-4, 7-1 seeks to retain Proposed Change 6 and supports the addition of Te Tiriti o Waitangi principles through Proposed Change 6. This submission recognises that unplanned development can have detrimental effects on the wellbeing of the community and seeks that there should be a requirement for proposals to demonstrate why they should go ahead.

Unplanned development in reference to Policy 8 of NPS-UD refers to unanticipated or out of sequence developments. Proposed Policy UG 7A sets out the criteria for consideration of a proposal that would be considered as unplanned. If these criteria can be met, the other relevant urban growth policies and Method 18 shall be considered to ensure that such proposals contribute to well-functioning urban environments.

Submission 21-1 support for Proposed Change 6 is noted. Proposed Policy UG 7A seeks to implement Clause 3.8(3) of the NPS-UD. It sets out criteria for determining whether unanticipated or out of sequence urban development proposals will add significant development capacity, and how the merits of individual proposals will be consistently assessed. It applies to both residential and business development proposals.

Submissions 2-1, 25-10 support for Proposed Change 6 is noted.

Submissions 3-1, 3-2, 14-1, 14-2, 23-1, FS 5-3, 24-1, FS 5-4, relate to tangata whenua consultation and participation (and raise issues with tangata whenua engagement in Council processes, cultural off-setting and that Western Bay of Plenty District Council ("WBOPDC") should not be considered a Tier 1 local authority.

Care has been taken to undertake consultation consistent with the Resource Management Act requirements, RPS consultation Policy IR 4B 'Using consultation in the identification and resolution of resource management issues' and RPS Method 41 'Promote consultation with potentially affected tangata whenua'. Staff take an open-door policy approach to consultation and have afforded genuine opportunities to tangata whenua and representatives of hapu and iwi authorities to be consulted during the process of developing Proposed Change 6. The specific details on consultation undertaken with iwi and hapu representatives and tangata whenua consulted are documented in the Section 32 report.

Issues of tangata whenua lacking capability and capacity is acknowledged. This is a wider issue and partly the result of the scale of policy and plan changes underway to implement various national directives. Regional Council are required to notify this RPS change by August 2022 and used the full time available before the deadline to try and effectively engage tangata whenua, iwi and hapu interested.

Concerns in relation to cultural offsetting are acknowledged. Cultural offsetting is a novel process and specific provision for it as a method or policy was opposed by tangata whenua representatives consulted. A cultural offsetting research project was being progressed by the SmartGrowth Combined Tangata Whenua Forum. The desire is that project would build a better understanding of how cultural offsetting can be applied in practice. Reference to cultural offsetting in the explanation text to Policy UG 22B has been deleted. Tangata whenua still have discretion whether or not to employ offsetting as a mechanism in their own processes.

For these reasons, Council accepts submissions seeking to remove reference to offsetting in the explanation text for Policy UG 22B.

In terms of WBOPDC, the NPS-UD defines Tauranga as a Tier 1 urban environment, and WBOPDC (specifically Te Puke and Omokoroa) form part of that urban environment. To not include WBOPDC as part of the Tier 1 urban environment would be contrary to the NPS-UD.

In relation to the 'Wananga Report' prepared by Nga Aho and Papa Pounamu key recommendations are included in Section 5.1 which include that the Productivity Commission consider the following:

1) Acknowledgment of Maori histories in urban areas, and Maori aspirations for urban planning and development.

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2) The diverse roles and interests of Maori communities in urban planning, and ensure these roles and interests are provided for in any recommendations to reform the urban planning system.

3) Providing further support for the Maori planning and design community to continue this conversation about 'the future of planning.

Policy UG 22B in combination with existing operative RPS Iwi Resource Management and Matters of National Importance policies (e.g. Policies IW 2B, IW 2B, IW 5B, MN 1B and MN 8B) also apply to future urban development proposals. Collectively these provisions can be relied on to give effect to Policy 9 of the NPS-UD and address tangata whenua values as part of urban planning related decision-making processes.

With respect to submission 23-1 support for removal of the Appendix E urban limits line and policy to support increased density and intensification is noted.

Submission 34-1 raises various concerns and questions about the process, involve matters beyond scope and unable to be addressed. For example, the submitter raises questions on notification and a referendum process for Proposed Change 6, questions about the current urban limits and suggestions on returning land in Tauriko West back to farming/horticulture activities. The submitter offers no relief sought on specific provisions within Proposed Change 6. It is noted that staff contacted the submitter to discuss and better understand their concerns. The submitter did not want to further discuss their submission.

Proposed Change 6 has followed the Resource Management Act Schedule 1 process for the preparation of an RPS change and give effect to the NPS-UD. The scope of Proposed Change 6 is limited to those necessary to give effect to the NPS-UD. The urban limits are proposed to be removed to be more flexible and responsive to urban development opportunities. This is aligned with guidance from the Ministry for the Environment that states; 'a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy.'

Removing the urban limits within the western bay is the most practical approach to enable more land and infrastructure supply to give effect to the NPS-UD. For this reason, this submission is declined.

Other policy changes proposed as part of Proposed Change 6 include amendments to enable more land and infrastructure supply, growth (both up and out) and direction to support well-functioning urban environments.

The operative RPS continues to provide a framework for the sustainable management of the regions natural and physical resources including land, fresh and coastal water, issues of significance to iwi, biodiversity and infrastructure. These matters will remain relevant to future urban development proposals.

Submission 4-1 raises a number of concerns including not understanding the purpose of Proposed Change 6, lack of maps clearly articulating the areas affected and confusion over the meaning of terms. Staff attempted to contact the submitter to arrange a meeting, discuss and better understand their concerns. No response was received from the submitter.

The submitter also raises concerns with the removal of urban limits as this could create effects on the natural environment, infrastructure costs and additional carbon emissions. The relief sought by this submitter is that land use rights are protected, and that infill of existing areas occurs rather than sprawl.

Proposed Change 6 and Policy UG 7Ax 'Enable increased-density urban development – urban environments' seeks to provide for the intensification of existing urban environments. This aligns with the submitter's relief sought that existing urban areas should be infill and go up not out.

The purpose of Proposed Change 6 is clearly articulated and substantiated in the Section 32 report and that is to give effect to the NPS-UD requirements. Proposed Change 6 does not affect or distinguish peoples lawfully established existing use rights.

The operative RPS Appendix E urban limits maps set for the western bay of plenty subregion are proposed to be removed to be more flexible and responsive to development opportunities. The Ministry for the Environment Responsive Planning Guidance Fact Sheet states: 'a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy.' Retaining the urban limits would mean both a district/city plan change and RPS change would be required for unanticipated urban development proposals. This would be an inefficient policy approach. In addition, other Proposed Change 6 policy amendments seek to enable more land and infrastructure supply, growth of urban centres and direction to support well-functioning urban environments.

The operative RPS continues to provide a broader policy framework for the sustainable management of the regions natural and physical resources including land, fresh and coastal water, issues of significance to iwi, biodiversity, energy and infrastructure. These provisions will continue to apply including where relevant to future urban growth development proposals.

Submissions 10-1, FS 3-1, 32-1, FS 3-5, FS 5-5, FS 5-3, FS 5-4 oppose Policy UG 22B as notified on the basis that the policy does not recognise existing use rights and the reverse sensitivity effects that occur from existing activities.

Policy UG 22B aims to protect against incompatible uses or development and reverse sensitivity effects, and the explanation statement recognises that industrial development undertaken around marae that have existed for decades have compromised culturally significant viewshafts and the enjoyment of normal cultural activities. This policy seeks to avoid these outcomes from occurring.

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Objective 5 and Policy 9 of the NPS-UD require decision makers to take into account the Treaty of Waitangi Principles. The Treaty principle of active protection involves an obligation to take positive steps toward ensuring Maori interests are protected. This is primarily in association with property interests but also includes an active duty to protect taonga which includes and encompass marae.

The operative RPS defines reverse sensitivity as being “the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity”.

New proposed developments (including industrial activities) that could generate reverse sensitivity effects on existing marae would be contrary to Policy UG 22B. Existing lawfully established industrial activities are protected under sections 10, 10A and 20A of the Resource Management Act. Under Policy UG 22B if existing industrial activities propose to operate outside their existing use rights or in breach of a resource consent or regional or district planning rules, a concerted effort will be needed to demonstrate how marae or Papakainga will be protected from further reverse sensitivity effects.

The Resource Management Act functions under sections 10, 10A and 20A are relevant to existing lawful activities and sets a baseline for a degree of effect that is accepted. Giving effect to the Treaty of Waitangi means that further adverse effects are not acceptable, and Policy UG 22B aims to enforce this. For these reasons submissions in opposition to Policy UG 22B are declined.

Submissions 15-12, FS 5-1 18-1, FS 3-4, 20-1, FS 5-2 raise concerns with urban growth and development in proximity to existing activities and critical infrastructure and how reverse sensitivity effects can arise. An integrated approach to planning is necessary to support increasing urban development.

The RPS defines reverse sensitivity as being “the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity”.

The RPS recognises reverse sensitivity effects on existing lawfully established activities through various policies. Of relevance to the submissions are the following operative RPS policies:

- Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
- Policy EI 7B: Managing the effects of infrastructure development and use.
- Policy AQ 1A: Discouraging reverse sensitivity effects associated with odours, chemicals and particulates.
- Policy EI 3B: Protecting nationally and regionally significant infrastructure

The primary purpose of Proposed Change 6 is to give effect to the responsive planning and intensification requirements of the NPS-UD. Broader urban and rural growth management issues will need to be addressed as part of the pending RPS review. Reverse sensitivity effects are appropriately recognised by the aforementioned RPS provisions which remain relevant to new urban growth proposals.

Submissions 18-1 and FS 3-4 has raised concern with the interaction between the NPS-UD and the National Policy Statement on Highly Productive Land (NPS-HPL).

Proposed Change 6 was notified prior to the NPS-HPL’s gazettal on 17 October 2022. Proposed Change 6 was not developed with the intention of giving effect to the NPS-HPL and submissions on it are considered out of scope.

The RPS already addresses rural growth management issues pertaining to reverse sensitivity and the protection of versatile/highly productive land. The operative RPS uses the term ‘versatile land’ which is defined as ‘land under the New Zealand Land Use Capability Classification System categorised as being in Classes 1, 2 and 3.’ Consequently, operative RPS references to versatile land will need to be amended to refer instead to highly productive land.

Except for differences in key terminology (i.e. versatile v highly productive) the RPS rural growth management Objective 26 and its corresponding policies are considered generally in alignment with the NPS-HPL policy framework.

Rural growth management Objective 26 states: ‘The productive potential of the region’s rural land resources is sustained and the growth and efficient operation of rural production activities are provided for.’

Policy UG 17B addresses urban growth management outside the western Bay of Plenty sub-region by ensuring it is undertaken following sound resource management principles including the efficient development and use of the finite land resource (including versatile land).

Policy UG 18B seeks to protect versatile land and the productive rural land resource for rural production activities, ensuring proposals have particular regard to any loss of productivity to rural areas, including versatile land, and cumulative impacts that would reduce the potential for food or other primary production.

Policy UG 19B requires the productive potential of versatile land is not compromised when providing for rural lifestyle activities.

Policy UG 20B requires that subdivision, use and development in rural areas does not compromise or result in reverse sensitivity effects on rural production activities and the operation of infrastructure.

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Policy UG 23B provides for the operation and growth of rural production activities including having regard to appropriate plan (and zone) provisions, access to and use of rural resources, and protection from reverse sensitivity effects.

A separate program of works is underway to implement the NPS-HPL. In the interim, Implementation 3.5, clause 7 of the NPS-HPL outlines that until the RPS is amended to include maps of the highly productive land, each relevant territorial authority and consent authority must apply the NPS-HPL as if reference to highly productive land:

- Is zoned general rural or rural production; and
- Is LUC 1, 2 or 3 but;

Is not

- Identified for future urban development; or
- Subject to Council initiated or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

The best option is to give effect to the NPS-HPL on a comprehensive basis as part of Proposed Change 8 (NPS-HPL) to the RPS, which in turn, may require further amendments or additions to the existing operative RPS rural growth management provisions.

For these reasons this submissions is declined as it is not considered appropriate to incorporate NPS-HPL provisions into Proposed Change 6.

Submission 26-1 seeks to ensure the requirement for development capacity to be 'infrastructure ready' be expressly recognised in RPS policies. In the NPS UD 'development capacity' is defined as: 'the capacity of land to be developed for housing or for business use, based on:

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

Therefore, capacity does not just mean spatial area, it means a spatial area that can be serviced with adequate infrastructure. Whilst none of the new or amended Proposed Change 6 policies expressly use the term infrastructure ready, indeed that is the intent of the existing Urban Growth Management provisions. In particular Policies UG 6A 'Efficient use of land and infrastructure for urban growth and development' and Policy UG 9B 'Co-ordinating new urban development with infrastructure'.

Submission 17-1 seeks decision sought to amend Proposed Change 6 to incorporate relevant aspects of the National Policy Statement on Indigenous Biodiversity. (NPS-IB) Further submission 3-3 opposes this relief sought.

This submission is declined on the basis that the NPS-IB is still under development and is yet to be gazetted.

Submission 27-1 seeks changes to various Proposed Change 6 policies to recognise and provide for the National Grid and ensures that the operation, maintenance, upgrading and development of the National Grid.

RPS operative Policy EI 3B: 'Protecting nationally and regionally significant infrastructure' seeks to protect the ability to develop, maintain, operate and upgrade existing, consented and designated infrastructure from incompatible subdivision, use or development.

This policy sets out how district councils and infrastructure providers shall determine an appropriate buffer corridor to ensure that inappropriate development in proximity to infrastructure, including reverse sensitivity effects, is avoided.

Additionally, large scale urban development and land use change is subject to structure planning under Method 18. Method 18 requires that a structure plan is prepared for all large-scale land use changes to ensure coordinated development through integrated provision of infrastructure and integrated management of related environmental effects. Of relevance to significant infrastructure, clause (f) of Method 18 requires that structure plans shall identify all existing and consented, designated or programmed infrastructure and infrastructure corridors.

The operative RPS already includes appropriate provisions protecting significant infrastructure such as the National Grid which negates the need to introduce further provisions recognising the National Grid within Proposed Change 6.

For these reasons, this submission is declined.

### Submissions

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Submission Number:	1: 4	Submission Type:	Support in Part
Submitter:	Element IMF		



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released a 'Better Urban Planning' Issues Paper to assist people to participate in the inquiry. The Commission then contracted Nga Aho to work with Papa Pounamu to inform their 'Better Urban Planning' Draft Report. A wananga was held at with the Productivity Commission at Te Noho Kotahitanga on 17 June 2016, and a 'Wananga Report' prepared subsequently by Nga Aho and Papa Pounamu representatives in July 2016. The 'Wananga Report' made the following points about urban planning:

- 'Maori communities have strong and varied interests in better urban planning
- A better urban planning system needs to recognise planning based on matauranga Maori
- Better urban planning must focus on holistic outcomes
- The existing planning framework does not deliver outcomes for Maori communities
- There is a lack of guidance and capacity
- Kaitiakitanga is more than 'preservation; and
- Rangatiratanga is more than 'consultation'.

In response the NPS-UD contains direction to require urban planning decision provide for tangata whenua values and aspiration, e.g., NPS-UD policies 1(a)(ii) and Policy 9.

Proposed Change 6 (NPSUD) must actively implement these requirements to address the urban planning issues identified in the Nga Aho and Papa Pounamu 'Wananga Report'.

Decision Sought:

We e support the key points of the Nga Aho and Papa Pounamu 'Wananga Report' and the intent of NPS-UD Policies 1 and 9 and seek to ensure Proposed Change 6 (NPS-UD) enables urban planning decisions that address tangata whenua values and aspirations for urban development.

Council Decision:	Accept in Part
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Submission Number:

4: 1

Submission Type:

Oppose

Submitter:

Ian and Elizabeth Gargan

Submission Summary:

We do not understand Proposed Change 6, its contents are confusing, there are no clear maps to clarify the changes or areas affected. Words and terminology are ambiguous and confusing when definitions and specific meanings are not provided.

We are unclear of the intent of the proposed changes but if it means adding further 'development' beyond the current urban limits tehn we object to this on the basis it will create more infrastructure costs and additional carbon emissions. We also have concerns about the destruction of the natural environment in favour of tarseal, concrete and sprawling buildings and their impact.

We would prefer to see existing urban areas infilled and go up not out.

It appears there is a hidden agenda to facilitate/benefit those who covet our property then we believe this is not right, and there should be no need to legislate for the same as all prospective purchasers we have encountered (developers/land agents/land bankers etc) know that all properties are saleable if the sale price and conditions satisfy the vendor.

Our fee simple rights and existing land use rights are paramount at all times.

Decision Sought:

Infill existing urban areas by providing for higher more intensive development rather then conventional sprawl. Protect our existing land use rights.

Council Decision:	Reject
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Submission Number:

5: 7

Submission Type:

Support in Part

Submitter:

Kainga Ora

Submission Summary:

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Decision Sought: Overall, Kainga Ora supports the updated RPS provisions. The submission seeks amendments to the RPS in the following topic areas:

- i. Housing choice – Kainga Ora seeks that housing choice is incorporated within Policy UG7Ax. The lack of housing supply and choice is of particular concern for Kainga Ora and how this directly affects housing affordability.
- ii. Public Transport - Kainga Ora seeks the incorporation of equality in accessible transportation options that provide public transport options for all and to service those most in need. This is important as demand for public transport will likely increase or be required (i.e., new network connections) due to the anticipated residential growth and development that will occur across the region.
- iii. Infrastructure – Kainga Ora seeks that policies relating to infrastructure are updated to align with the NPS-UD and to provide more clarity on the level of service required for infrastructure to support increased urban intensification.
- iv. Te Tiriti o Waitangi - Kainga Ora support the inclusion of a policy or policies focusing on marae and papakainga, Kainga Ora seeks that the RPS promotes urban papakainga to recognise that the diverse need for housing typologies and layouts.

The changes requested are made to:

- i. Ensure that Kainga Ora can carry out its statutory obligations;
- ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991;
- iii. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
- iv. Provide clarity for all plan users; and
- v. Allow Kainga Ora to fulfil its urban development functions as required under the Kainga Ora–Homes and Communities Act 2019.

Kainga Ora seeks the retention of RPS Change 6 subject to specific amendments, additions or retentions including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Council Decision:	Accept in Part
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Submission Number:	7: 1	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	<p>In line with the National Policy Statement – Urban Development, we fully support the addition of Te Tiriti o Waitangi principles into the regional policy statement. We also support that these principles underline all decisions, and that local and regional councils work in partnership with iwi.</p> <p>We note that the purpose of the plan change is to provide criteria for assessing private plan changes for unanticipated or out-of-sequence urban development and proposals for urban environments. Toi Te Ora would like to support Council by providing advice to develop the assessment criteria to prevent unanticipated or out-of-sequence urban development from harming human health for generations. Unplanned development has the potential to be detrimental to the well-being of the whole community. We would like to see the regional policy statement include a requirement for planned and unplanned urban environment proposals to demonstrate why the development should go ahead. This can be done by assessing the direct and wider community health impacts of the proposal.</p> <p>Toi Te Ora acknowledges the significance of enabling intensification to promote healthy environments. This is because when our environments support our health and promote wellbeing - individuals, and communities' flourish. To do this, it is important that urban development processes include:</p> <ul style="list-style-type: none"> <li>• healthy, safe, and resilient communities</li> <li>• wai ora – healthy environments</li> <li>• equity</li> <li>• climate change mitigation and adaptation (Ministry of Health, 2022).</li> </ul> <p>For humans to thrive and be healthy the natural and built environment needs to be healthy. Biophilic cities is an international urban development and design planning concept that benefits the environment and health. The concept is aligned to Wai Ora and the core kaupapa of Maori understanding that the</p>		

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health of nature and of people is entwined and interconnected.

We have various position statements which may assist Council is developing criteria for assessing private plan changes, enable intensification of urban environments in a healthy way. These include; active transport, built environment , food security, housing and health and sanitary services. To learn more about biophilic public health and how this plan change could take it into account go to [https://toiteora.govt.nz/public/biophilic- public-health/](https://toiteora.govt.nz/public/biophilic-public-health/)

Toi Te Ora support Council with their approach to responsive planning. It is important that Council does this in a way that safeguards public health. Urban development should avoid increasing the population density in areas known to be of high risk to natural hazards, particularly areas that have multiple natural hazard risks.

Therefore, promoting development of an approach that reduces people in harm's way and manages the effects of natural hazards, including those derived from climate change, will increase community resilience, and assist council respond to climate change.

Decision Sought: Retain RPS Change 6.

Council Decision:	Accept
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Submission Number:	9: 1	Submission Type:	Support in Part
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Submitter:	Tauranga City Council
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Submission Summary:	Issues we identified through engagement have been addressed in Proposed Change 6, and TCC is broadly in support RPS Change 6
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Decision Sought:	Retain RPS Change 6 with amendment,
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Council Decision:	Accept in Part
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Submission Number:	10: 1	Submission Type:	Oppose
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Submitter:	Ballance Agri-Nutrients
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Submission Summary:	Consistency of treatment of existing lawful activities as referred in below rows.
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Decision Sought:	We seek amendments to the Plan Change in so far as it is necessary to ensure recognition of existing lawful activities and their future needs.
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Council Decision:	Reject
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### Further Submission(s)

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Further Submission No:	3 - 1	Submission Type:	Support
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Further Submitter:	Fonterra Ltd.
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Submission Summary:	For the reasons outlined in the Ballance Agri-Nutrients submission. Fonterra agrees with Ballance Agri-Nutrients that PC6 should recognise and provide for existing lawful activities.
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Decision Sought:	Accept Submission
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Council Decision:	Reject
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Submission Number: 11: 9 Submission Type: Support in Part

Submitter: Bell Road Limited Partnership

Submission Summary: In broad terms, we support the proposed Plan Change 6.

Our submission mainly concerns policy UG7A Providing for unanticipated or out-of-sequence urban growth – urban environments. Our key issues are:

- The criteria should refer to the FDS and RMA plans, not the HBA. The HBA is not a plan. It is a tool used to inform the FDS alongside other inputs and does not deliver capacity on its own. It is a technical analysis that is not subject to formal consultation nor decision making under the RMA or LGA.
- The criteria as drafted does not give adequate consideration to the opportunities within a development area to create a well-functioning urban environment.
- We also seek that that Policy UG 18B: Managing rural development and protecting versatile land explain that the use of versatile land for urban development may be justified where there are limited alternatives available and efficient use (i.e. high intensity use) is made of that land to achieve a well-functioning urban environment.
- Ensuring the integration of land use and transportation acknowledges the benefits of proximity to existing and proposed sub-regional centres.

Decision Sought: Retain RPS Change 6 with amendment

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 3 - 2 Submission Type: Support in Part

Further Submitter: Fonterra Ltd.

Submission Summary: Fonterra agrees with the intent of the submission; however Fonterra considers that any provision enabling urban development needs to recognise existing lawfully established activities and ensure that the potential for reverse sensitivity is considered.

Decision Sought: Accept submission in part

Council Decision:	Accept in Part
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Submission Number: 12: 5 Submission Type: Support in Part

Submitter: Bluehaven Investments Limited

Submission Summary: We understand the reasons for Plan Change 6, and support it in principle.

Our 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. Plan Change 6 has potential to create risks when considered against the current backdrop of partially developed spatial plans for the WBOP subregion.

- TCC/WBOPDC/BOPRC have a proposed FDS produced through SmartGrowth and several other spatial planning policy documents, at various stages of development that have yet to completed, including formal public consultation and an approval process:
- A subregional centres strategy & the Tauranga urban strategy reviews were initiated several years ago, and have yet to be completed and it is understood will be re-initiated in 2023. These are key strategic documents for guiding centres development in the subregion.
- The UFTI, where there are gaps that need to be addressed ahead of it being integrated into the SmartGrowth joint draft spatial plan/FDS.
- The Western Bay Joint Spatial Plan (2021) referred to in the s32 report is acknowledged as a 'first step' and is currently a draft with no formal status. Gaps are fundamental and include the need to understand tangata whenua values and aspirations. The draft will be an input to the FDS required by the NPS-UD. Close out of an FDS is mid-2024.
- The SmartGrowth Housing Action Plan is only a stop gap measure and an evolving plan, while the above policy framework is finalised.

These plans do currently form an adequate spatial planning baseline to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A. It is premature to delete the Management and Growth areas and related policies ahead of formal approval of the Spatial Plan/FDS.

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Decision Sought: Retain RPS Change 6 with amendment.

Council Decision:	Accept in Part
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Submission Number: 14: 1 Submission Type: Oppose in Part

Submitter: Ngati He hapu

Submission Summary: Tangata whenua capability and capacity is severely lacking and a major impediment to actively engage in the myriad of Regional, City and District Plan change processes being hammered through to comply with central government requirements. Proposed Change 6 (NPS-UD) is just one example. Tangata whenua need specific technical and independent advice and appropriate resourcing to enable us to produce timely, effective, relevant and appropriate input to these processes.

It is not fair to say tangata whenua consultation has been properly implemented in any real sense when tangata whenua don't fully understand the totality of the changes proposed and their true implications for iwi Maori.

This situation will only worsen with all the resource management reform pending under the Natural and Built Environments Act (NBEA), Spatial Planning Act (SPA) and the Climate Adaptation Act (CAA).

Compliance with the NPSUD requirements means decision making is effectively over and concluded. Implementation is purely a management administrative matter. Governance becomes almost an irrelevancy.

Cultural offsetting must be placed into statutory context for without that context it is mere words.

Where intensive development results in sacred sites having been destroyed or modified then the plan must be amended to include appropriate compensation or alternative compensatory options.

These concerns require specific mention in Proposed Change 6 - not a mere mention in a side note.

Decision Sought: Amend RPS 6 to strengthen Maori involvement in decision making by requiring that all applications be subject to Tangata Whenua Manawhenua assessment for effects and options

Council Decision:	Accept in Part
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Submission Number: 14: 2 Submission Type: Support in Part

Submitter: Ngati He hapu

Submission Summary: In 2015 the NZ Productivity Commission undertook a review of the urban planning system to identify, from first principles, the most appropriate system for allocating land use to support desirable social, economic, environmental and cultural outcomes. In December 2015 the Productivity Commission released a 'Better Urban Planning' Issues Paper to assist people to participate in the inquiry. The Commission then contracted Nga Aho to work with Papa Pounamu to inform their 'Better Urban Planning' Draft Report. A wananga was held at with the Productivity Commission at Te Noho Kotahitanga on 17 June 2016, and a 'Wananga Report' prepared subsequently by Nga Aho and Papa Pounamu representatives in July 2016. The 'Wananga Report' made the following points about urban planning:

- 'Maori communities have strong and varied interests in better urban planning
- A better urban planning system needs to recognise planning based on matauranga Maori
- Better urban planning must focus on holistic outcomes
- The existing planning framework does not deliver outcomes for Maori communities
- There is a lack of guidance and capacity
- Kaitiakitanga is more than 'preservation; and
- Rangatiratanga is more than 'consultation'

In response the NPS-UD contains direction to require urban planning decision provide for tangata whenua values and aspiration. For example Policy 1(a)(ii) of Policy 9. Proposed Change 6 must actively implement these requirements to address the urban planning issues identified in the Nga Aho and Papa Pounamu Wananga report.

Decision Sought: We support the key points of the Nga Aho and Papa Pounamu 'Wananga Report' and the intent of NPS-UD Policies 1 and 9 and seek to ensure Proposed Change 6 (NPS-UD) enables urban planning decisions that address tangata whenua values and aspirations for urban development.

Council Decision:	Accept
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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 15: 12 Submission Type: Support in Part

Submitter: Fonterra Ltd.

Submission Summary: Reasons for Submission

Fonterra supports the intent of PC6 in giving effect to the requirements of the National Policy Statement on Urban Development 2020 (“NPS-UD”). However, Fonterra considers that further refinement is required in order to ensure that urban development and intensification occurs in a manner that minimises land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects.

Reverse sensitivity is a well-established planning principle, and is an adverse effect under the Resource Management Act 1991 (“RMA”).

Reverse sensitivity refers to the susceptibility of established, effects-generating activities (which often cannot internalise all of their effects) to complaints or objections arising from the location of new sensitive activities nearby. Reverse sensitivity is broader than just being about noise – concerns can relate to a wide range of effects including vibration and odour. Such complaints can place significant constraints on the operation of established activities, as well as their potential for future growth and development. In extreme cases, reverse sensitivity effects can force established activities to relocate elsewhere or close.

Reverse sensitivity effects are a key issue for Fonterra across its manufacturing sites and, in its experience, they can occur regardless of compliance with resource consent conditions or with performance standards in a District or Regional Plan. Even the perception of unacceptable adverse effects which are not substantiated can result in reverse sensitivity effects (such as complaints, or submissions by neighbours against ongoing operations).

This often means industrial operators are expected to respond to complaints, and to implement mitigation measures. The operator also incurs additional costs in consenting processes and is restricted in its ability to develop and expand operations.

The direction of the RPS in respect of reverse sensitivity largely relates to rural areas. However, Fonterra notes that reverse sensitivity effects occur within urban environments, for example when residential and industrial activities are located in close proximity to one another.

The more sensitive activities allowed to establish in proximity to existing Fonterra manufacturing sites, or irrigation farms, the greater likelihood that these reverse sensitivity effects will arise.

#### OVERALL CONCLUSION

In relation to the provisions that Fonterra has raised concerns about, without amendment the provisions:

- will not promote sustainable management of resources, will not achieve the purpose of the RMA;
- are contrary to Part 2 and other provisions of the RMA;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of use, development or protection of land and associated resources in the Bay of Plenty Region;
- will not enable the efficient use and development of Fonterra’s assets and operations, and of those resources; and
- do not represent the most appropriate way to achieve the objectives of the RPS, in terms of section 32 of the RMA.

Decision Sought: Retain RPS Change 6 with amendment per the specific submission points Fonterra has provided, or any alternative relief which achieves the same or similar outcome.

Council Decision:	Accept in Part
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#### Further Submission(s)

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Further Submission No: 5 - 1 Submission Type: Support

Further Submitter: Balance Agri-Nutrients

## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: We concur with the recommendations to ensure alignment with higher order documents and to recognise established existing use and reverse sensitivity effects for the reasons provided in our submission.

Decision Sought: Accept submission

Council Decision: Reject

Submission Number: 17: 1 Submission Type: Support in Part  
Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
Submission Summary: Forest and Bird supports intensification of urban environments to reduce greenhouse gas emissions from commuting, other transport emissions, and provisions for adaptation to the effects of climate change.

Forest and Bird is concerned that under this proposed plan change urban environments may develop and/or extend into rural areas where significant natural areas and landscapes may be threatened by human settlements through the introduction of domestic pets that are predators on indigenous fauna and the spread of pest plants from home gardens.

Decision Sought: Retain RPS Change 6 with amendments to incorporate relevant aspects of the National Policy Statement on Indigenous Biodiversity if that is notified before this plan change process is complete and consequential changes arising from amendments as required.

Council Decision: Accept in Part

#### Further Submission(s)

Further Submission No: 3 - 3 Submission Type: Oppose

Further Submitter: Fonterra Ltd.

Submission Summary: Fonterra does not agree that PC6 should be amended if the National Policy Statement on Indigenous Biodiversity is gazetted prior to the completion of the PC6 process. Consideration of any additional national policy direction should be subject to its own statutory process.

Decision Sought: Reject submission

Council Decision: Accept

Submission Number: 18: 1 Submission Type: Support

Submitter: Horticulture New Zealand

Submission Summary: HortNZ generally supports Change 6 to the Regional Policy Statement (RPS) to the extent that it excludes areas outside of urban environments and does not unexpectedly extend the intensification areas into productive land area. Two key areas that HortNZ would like strengthened are protections against reverse sensitivity and erosion of highly productive land (HPL).

#### Reverse sensitivity:

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations with regards to the noise that can occur as a result of primary production activities. Horticulture tends to be particularly susceptible to reverse sensitivity effects due to the location of highly productive land often being located near urban centres and/or the land they operate on being subject to demand for urban development.

For horticulture, reverse sensitive effects are a very real issue, which impacts on the ability of growers to productively use their land. Agrichemical spraying in terms of chemical use and noise, odour, time of operation and machinery noise, frost protection including by helicopter and frost fans, bird scaring devices and hours of operation can all be cause for complaint despite the effects of these activities being managed to meet regional plan requirements.

Residential and lifestyle development, as well as other commercial or sensitive activities (e.g. educational facilities, community facilities etc.) can result in:

- Increased pressure on crop rotations (for vegetable growing)
- Restricts opportunities for orchard establishment or expansion
- Increases land prices
- Competition for resources (e.g. water)
- Increased social tension due to complaints from neighbours about horticultural activities and resulting operational limitations on the grower reducing their economic viability and social licence to operate.

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Not all effects can be internalised and the introduction of sensitive activities and urban development by rural production environments erodes the accessibility and utility of highly productive land. It is our experience that reverse sensitivity is a key planning consideration that is often overlooked is the reverse sensitivity effects on horticulture from urban encroachment.

Highly productive land:

HPL is identified using the Land Use Capability (LUC) classification system and consideration of other factors such as:

- The size of the property
- Water availability
- Access to transport routes and appropriate labour markets.

HPL is a finite resource and intergenerational asset that is under threat in New Zealand – most significantly due to urban development, as reported in ‘Our Land 2021’ which states that the area of HPL that was unavailable for horticulture because it had a house on it increased by 54% from 2002 to 20191.

HPL can be lost directly to urban development and inappropriate subdivision creates reverse sensitivity issues

The importance of HPL, and the need to manage this natural resource strategically, was clearly articulated in the consultation on the proposed NPSHPL, including that the lack of clarity under the RMA means HPL is given inadequate consideration by local government<sup>35</sup>:

“The value of this land for primary production is often given inadequate consideration, with more weight generally given to other matters and priorities. This absence of considered decision-making is resulting in uncoordinated urban expansion over, and fragmentation of, highly productive land when less productive land may be available and better suited for urban use. This is preventing the use of this finite resource by future generations... National direction on highly productive land could provide councils with a clearer framework for managing this resource and assessing trade-offs between competing land uses ...”

1 <https://environment.govt.nz/assets/Publications/our-land-2021.pdf>

Decision Sought: Retain RPS Change 6 with amendments

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	3 - 4	Submission Type:	Support
Further Submitter:	Fonterra Ltd.		
Submission Summary:	For the reasons outlined in the Horticulture New Zealand submission		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	20: 1	Submission Type:	Support in Part
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Submitter:	KiwiRail Holdings Ltd
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Submission Summary:	KiwiRail generally supports the intent of PC 6 but considers further amendments are required to ensure urban development around transport corridors occurs in an appropriate and integrated way.
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KiwiRail supports urban development around transport nodes, and recognises the benefits of co-locating housing near transport corridors. An integrated approach to planning is critical to support well-functioning urban environments, as well as to ensure that our transport network can support increasing urban development.

It is critical that PC 6 adequately manages the interface between urban development and critical infrastructure, such as the railway network. Such management is necessary to ensure communities are built with healthy living environments, and the railway network can operate and continue to develop in the future without constraint.

The nature of railway operations means KiwiRail cannot fully internalise all its effects within the railway corridor boundaries. Increasing development around railway corridors consequentially means the introduction of more sensitive receivers to adverse effects of existing and lawful railway activities. With an

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

increase in sensitive activities there is an increased risk of reverse sensitivity effects.

Reverse sensitivity is a well-established planning principle that refers to the susceptibility of established effects-generating activities to complaints or objections arising from new sensitive activities locating in close proximity to these activities. Such complaints can potentially constrain KiwiRail's ongoing operations, as well as future development.

While the RPS recognises and includes provisions relating to reverse sensitivity, these are limited in application to rural areas. Given the railway corridor intersects with urban areas in the Bay of Plenty, there is the potential for reverse sensitivity effects to arise from the operation of the railway corridor and this needs to be recognised in the RPS.

It is essential that PC 6 appropriately manages urban development in proximity to the railway corridor.

For those provisions of PC 6 that require amendment as sought by KiwiRail in Annexure A, those provisions will not (without the amendments proposed by KiwiRail):

- (a) promote or enable efficient use and development of railway infrastructure and the operation of the railway corridor;
- (b) adequately protect and provide for KiwiRail's current and future operations in the Bay of Plenty;
- (c) promote sustainable management of resources or achieve the purpose of the RMA, and are contrary to Part 2 and other provisions of the RMA;
- (d) promote or enable the social and economic wellbeing of the community in the Bay of Plenty or reasonably need the needs of future generations; and
- (e) provide positive health and amenity outcomes for people locating in proximity to the railway corridor.

Decision Sought: Retain RPS Change 6 subject to amendments to

- (a) proposed provisions to be retained, deleted, or amended as set out in this submission (set out above and in Annexure A); and
- (b) such further or other consequential relief as may be necessary to fully give effect to the relief sought in this submission and Annexure A.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 2	Submission Type:	Support
Further Submitter:	Balance Agri-Nutrients		
Submission Summary:	We concur with the recommendations to ensure alignment with higher order documents and to recognise established existing use and reverse sensitivity effects for the reasons provided in our submission.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	21: 1	Submission Type:	Support
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Submitter: Mitre 10 Holdings

Submission Summary: Application of PC6 to Mitre 10 Holdings Limited

PC6 proposes a number of amendments that will increase the ability for responsive urban development across the Bay of Plenty and addresses the requirements of the NPS-UD, in particular:

- The responsive planning requirements.
- The intensification planning requirements.
- The requirement to take into account the principles of Te Tiriti o Waitangi.

Mitre 10 supports the proposal to include provisions that support development outside the extent of the historic urban limits within the Bay of Plenty Region, in particular recognising the need for unanticipated

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

or out-of-sequence urban growth as per Policy 8 of the NPS-UD.

The NPS-UD requires that additional flexibility be provided within the BOPRC RPS, through the adoption of provisions that will deliver sufficient, feasible, plan-enabled commercial, residential and mixed-use development beyond the confines of the existing urban environment. It is important that the RPS is responsive to the variability of urban development capacity within the lifetime of the RPS and district plans, to ensure the needs of the community are reliably and sustainably met through the well-functioning urban environments.

Mitre 10 supports PC6 insofar as it will ensure the RPS gives effect to the NPS-UD, as required by section 62(3) RMA.

Decision Sought: Retain RPS Change 6 with amendment, in particular to recognise the need for unanticipated or out-of-sequence urban growth.

Council Decision:	Accept in Part
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Submission Number:	23: 1	Submission Type:	Support
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Submitter:	Nga Potiki a Tamapahore Trust
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Submission Summary:	In general, Nga Potiki, and its housing and development entities:
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- support the removal of the current Urban Growth Limits which will provide more flexibility for its greenfield development projects. This will assist with Treaty settlement land that is intended to be developed by the iwi or hapu for its members.
- support the intention for increased density and residential intensification within existing developed residential areas, which will allow Nga Potiki and its housing and development entities to provide additional housing for members and whanau.
- support the introduction of a direct policy (UG22B) that seeks to give effect to Te Tiriti o Waitangi Principles. This will allow Nga Potiki to develop their land for their needs and also recognises the importance of Maori involvement in wider planning proposals.

Decision Sought:	Retain RPS Change 6 as notified with amendment to Policy UG 22B
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Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 3	Submission Type:	Oppose
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Further Submitter:	Balance Agri-Nutrients
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Submission Summary:	We support retention of the RPS Change as notified however also seek amendment to Policy UG22B. We support the inclusion of UG22B however seek amendment in terms of our submission to ensure alignment with the higher order planning instruments and RMA as per our submission.
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Decision Sought:	
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Council Decision:	Reject
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Submission Number:	24: 1	Submission Type:	Oppose in Part
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Submitter:	Ngati Moko
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Submission Summary:	Tangata whenua capability and capacity is severely lacking and a major impediment to actively engage in the myriad of Regional, City and District Plan change processes being hammered through to comply with central government requirements. Proposed Change 6 (NPS-UD) is just one example. Tangata whenua need specific technical and independent advice and appropriate resourcing to enable us to produce timely, effective, relevant and appropriate input to these processes.
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It is not fair to say Tangata whenua consultation has been properly implemented in any real sense when tangata whenua don't fully understand the totality of the changes proposed and their true implications for iwi Maori.

This situation will only worsen with all the resource management reform pending under the Natural and

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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Built Environments Act (NBEA), Spatial Planning Act (SPA) and the Climate Adaptation Act (CAA).

Tangala whenua/mana whenua interests are hardly referenced in Proposed Change 6. There are no clear obligations to consult or be involved in decision making. This is a Developers Facilitation model intended to make intensive urban development easier in the WBOPDC area.

Reference to Te Tiriti obligations just doesn't do it. This is a failure in the NPSUD. Proposed Change 6 may be fine for intensive urban environments like Tauranga but not for the Western Bay of Plenty district.

Compliance with the NPSUD requirements means decision making is effectively over and concluded. Implementation is purely a management administrative matter. Governance becomes almost an irrelevancy.

Cultural offsetting must be placed into statutory context for without that context it is mere words.

Where intensive development results in sacred sites having Papakainga including marae-based housing outside urban areas and the urban limits. The operative policy doesn't recognise nor provide for urban marae which have existed for many generations. It is more appropriate to enable Maori land development both inside and outside urban areas.

Objective 5 and Policy 9 of the NPSUD seek to ensure planning decisions relating to urban environments take into account Te Tiriti o Waitangi principles. The new 'Te Tiriti o Waitangi Principles' policy has a broader focus on planning decisions and encapsulates both urban and rural marae and papakaing. It seeks to ensure planning decisions provide for Te Tiriti o Waitangi principles and expands on the existing Policy UG 228 by seeking to (e) protect marae and Papakainga from incompatible uses or development and reverse sensitivity effects ... and (a) enabling Maori to develop their land, including but not limited to Papakainga housing, marae and community facilities.' These provisions seek to provide for te Tiriti o Waitangi principle of active protection.

New Policy UG 22B goes further by providing for (b) likanga Maori and opportunities for Maori involvement in Council's decision making processes and (c) enabling early and ongoing engagement with iwi, hapu and affected Maori land trusts and (f) demonstrating how Maori values and aspirations identified during consultation in (c) have been recognised and provided for.

It also seeks to (d) identify and protect cultural significant areas and view shafts.

By implementing the NPS-UD, RPS Change 6 is expected to contribute to social, cultural and economic benefits particularly in terms of meeting the government's urban housing objectives. The addition of a new Te Tiriti o Waitangi policy in relation to urban development is expected to clarify the obligations for developers and resource management planning decisions around Te Tiriti o Waitangi principles.

The thrust of this submission is withdrawal of WBOPDC from Tier 1 on the basis that it is rural rather than urban in nature. It is not involved in any intensive urban development

Decision Sought: Retain RPS Change 6 to the extent that it strengthens Maori involvement in decision making requiring that all applications be subject to Tangata Whenua Manawhenua assessment for effects and options

Council Decision:	Accept in Part
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#### Further Submission(s)

Further Submission No:	5 - 4	Submission Type:	Oppose
Further Submitter:	Balance Agri-Nutrients		
Submission Summary:	We support the retention of the RPS Change as notified however also seek amendment to Policy UG22B in terms of our submission to ensure alignment with the higher order planning instruments and RMA an recognition of existing use. The proposed amendment is broad and without clear direction and scope. The RMA and higher order planning documents provide for, mandate and indicate how such involvement should and can take place. We support such involvement and consider it to be of benefit to our community and environment as a whole, however by inclusion of such a broad and non-specific policy, we consider confusion may be created at an operational and processing level that will not promote and efficient and effective administration of our built and natural resources.		

Decision Sought:

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 10 Submission Type: Support

Submitter: Rotorua Lakes Council

Submission Summary: RLC notes the intent of Proposed Change 6 to keep proposed changes to a minimum and to preserve the majority of the existing RPS while still being able to give effect to the NPS-UD. RLC also acknowledges that further amendments and updates to the RPS are proposed by BoPRC through to 2024.

RLC acknowledges and supports the key changes in Change 6 to the RPS, which include a new responsive planning policy for urban environments that includes criteria to determine if an urban development proposal will 'add significantly to development capacity'. Amongst others, a further change that we support is in relation to an existing policy to provide for Papakainga, by being expanded to a 'Te Tiriti o Waitangi principles' policy that seeks to enable the development of Maori land.

Of specific relevance to Rotorua are the following policies:

- UG 6A: Efficient use of land and Infrastructure for urban growth and development
- UG 7A: Providing for unanticipated or out of sequence urban growth-urban environments
- UG 7Ax: Enable increased density urban development- urban environments
- UG 228: Te Tiriti o Waitangi Principles

We have provided a submission attached, in support of these policies.

RLC has recently notified its Housing for Everyone- Plan Change 9 ("PC 9"). The focus of PC 9 is to also give effect to the NPS-UD as well as the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 ("the Amend Act"). It is our view that PC 9 is generally consistent with BoPRC's Proposed Change 6, in particular in assisting district councils to develop well function urban environments and implement housing intensification standards within the relevant urban areas- including both the existing residential and business zones. RLC believes that Proposed Change 6 supports the District Council in better enabling both medium density and high-density residential development- in suitable locations throughout our urban area.

Of particular relevance to RLC is the inclusion of criteria in RPS for determining what district plan changes will be treated as adding significantly to the development capacity of the District, including out of sequence or unplanned private development proposals. The NPS-UD has required that RLC undertake a Housing and Business Development Capacity Assessment ("HBA"), completed in 2022, as key evidence to support any changes to the District Plan. The objective the HBA was to provide a robust assessment of Rotorua's housing and business market within the urban environment. The reporting undertaken for the HBA was extensive and included a detailed evaluation of housing and business demand and plan-enabled, feasible, infrastructure ready, and reasonably expected to be realised capacity.

Decision Sought: Retain RPS Change 6 with minor amendments

Council Decision: Accept in Part

Submission Number: 26: 1 Submission Type: Support in Part

Submitter: Tauranga Crossing Limited

Submission Summary: TCL's submission relates to:

- The amendments to the Regional Policy Statement ("RPS") policies that relate to ensuring efficient use of land and infrastructure servicing for urban growth and development.
- The amendments to the explanation to policy UG6A which reinforce that large scale urban growth (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, urban design, and the provision and funding of network infrastructure.
- New policy UG7Ax, which promotes increased-density urban developments, but which recognises that such urban environments need to be well serviced by existing or planned development infrastructure and public transport.
- The amendments to policy UG13B, which require consideration of proximity to commercial centres, places of employment, community services, and high amenity values be considered in transport planning to support higher density development.

Summary of position:

TCL supports enabling intensification and is supportive of PC6, subject to appropriate provisions being included to ensure that additional development capacity is supported by, and well-integrated with, appropriate development infrastructure.

TCL's activities are key to ensuring that additional development capacity and growth within the region

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## **2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions**

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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 seeks to ensure that a framework is established under PC6 that appropriately manages transport effects by ensuring there is development infrastructure to support intensification in the region.

The National Policy Statement on Urban Development 2020 ("NPS-UD") requires local authorities to provide "sufficient development capacity" to meet expected demand for housing and business land over the short term, medium term, and long term. Clauses 3.2(2) and 3.3(2) provide that in order to be "sufficient" to meet expected demand for housing and business land, the development capacity provided must (amongst other things) be "infrastructure-ready".

Decision Sought: TCL seeks that the requirement for development capacity to be "infrastructure-ready" be expressly recognised in the RPS policies

Council Decision:	Accept in Part
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Submission Number:	26: 5	Submission Type:	Not Applicable
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Submitter: Tauranga Crossing Limited

Submission Summary: TCL supports the proposal and is supportive of provisions which seek to enable and support housing intensification and provide for sufficient development capacity in the Bay of Plenty Region. TCL acknowledges that the housing shortage in New Zealand is a very real issue and supports a planning framework that moves towards removing the barriers to the supply of land for residential use and provision of infrastructure to support that use. TCL supports planning provisions that are focused on well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and into the future.

While TCL is supportive of the proposal, it seeks some changes to the notified provisions to ensure that intensification and urban development are supported by, and integrated with, appropriate development infrastructure. In particular, TCL seeks changes to ensure that development capacity is provided in a manner that is both "plan-enabled" and "infrastructure-ready" as those terms are defined in the NPS-UD. With the amendments set out below, TCL considers that the proposal will contribute to well-functioning urban environments in the Bay of Plenty Region now and in the future.

Decision Sought: TCL seeks the following decision from the local authority:  
(a) That the RPS Change 6 be amended as set out within this submission.  
(b) Such further or other consequential relief as may be necessary to fully give effect to the relief sought in this submission.

Council Decision:	Accept in Part
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Submission Number:	27: 1	Submission Type:	Support
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Submitter: Transpower New Zealand Ltd

Submission Summary: Council must ensure its planning framework under Proposed Change 6 appropriately recognises and provides for the National Grid. Specifically, from Transpower's perspective, the provisions of Proposed Change 6 need to ensure that it:

- Gives effect to the National Policy Statement on Electricity Transmission 2008 ("NPSET" or "NPS");
- Recognises the need to sustainably manage the National Grid as a physical resource of national significance;
- Recognises the benefits of the National Grid at local, regional and national levels, and
- Provides for the effective operation, maintenance, upgrading and development of the National Grid.

Transpower generally supports Proposed Change 6. Transpower understands that under the National Policy Statement Urban Development, the Regional Policy Statement (RPS) must recognise and be 'responsive to plan changes that add significantly to development capacity and contribute to well-

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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functioning urban environments’.

While Transpower is generally supportive, some specific amendments are sought to ensure Proposed Change 6 appropriately recognises the National Grid and provides for its ongoing operation, maintenance, upgrade and development. Specifically, Transpower seeks clarification of the relationship between the new urban development provisions and the operative RPS provisions and seeks recognition of the National Grid in order to give effect to the NPSET. To support clarity, Transpower seeks amendments to the draft wording to include specific reference to the National Grid.

Decision Sought: Retain RPS Change 6 with amendment to recognise and provide for the National Grid

Council Decision:	Reject
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Submission Number: 29: 1 Submission Type: Support in Part

Submitter: Urban Taskforce for Tauranga

Submission Summary: We generally support change No. 6 to the RPS, but with appropriate amendments and further wording changes to address matters raised in our submission.

The Urban Taskforce for Tauranga (UTF) advocates for connected thinking, connected planning, connected governments and strong leadership. UTF’s submission is primarily focused on ensuring that Change 6 is consistent with the policies and requirements of the NPS-UD and that the Change 6 will be effective in achieving the intended outcomes required by the NPS-UD. UTF consider that changes to the RPS should be based on sound planning policy which will rectify the capacity shortage, whilst also avoiding unnecessary and inefficient process and uncertainty. UTF’s view is that incorporating clear, certain and efficient RPS provisions is a fundamental part of the sustainable and efficient growth of the subregion, and in giving effect to the NPS-UD

Change 6 to the RPS is required to be responsive and to enable plan changes that add significantly to development capacity and contribute to a well-functioning urban environment. UTFs view is that further enabling amendments are required to Change 6 to achieve this. Changes are required to provide for unanticipated or out of sequence development, as set out in the submission table below.

Decision Sought: UTF seeks that Change 6 be approved with:

- (a) amendments to address UTFs submission.
- (b) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out in the attached table.

Council Decision:	Accept in Part
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Submission Number: 31: 1 Submission Type: Support in Part

Submitter: Waka Kotahi

Submission Summary: Waka Kotahi supports the intent and content of the National Policy Statement on Urban Development (NPS- UD). This Policy Statement recognises the national significance of having well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes. While the proposed RPS change 6 responds to the requirements to provide for growth, it is also vital to ensure that this growth occurs in the way intended by the NPS-UD. Waka Kotahi is of the view that the proposed changes to the RPS would benefit from amendments to support a greater focus on accessibility by public and active transport; and on enabling urban form that supports emissions reduction.

Decision Sought: Retain RPS Change 6 with amendments that consider adoptions of the necessary accessibility and emissions reduction.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 9 - 19 Submission Type: Not Applicable

Further Submitter: Kainga Ora



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	3 - 5	Submission Type:	Support
Further Submitter:	Fonterra Ltd.		
Submission Summary:	For the reasons outlined in the Waste Management NZ Limited submission in respect of ensuring that Policy UG 22B includes consideration of reverse sensitivity effects.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Further Submission No:	5 - 5	Submission Type:	Support
Further Submitter:	Balance Agri-Nutrients		
Submission Summary:	We concur with the recommendations to ensure alignment with higher order documents and to recognise established existing use and reverse sensitivity effects for the reasons provided in our submission.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	33: 1	Submission Type:	Support in Part
Submitter:	Western BOP District Council		
Submission Summary:	Western Bay of Plenty District Council (WBOPDC) acknowledges that the changes proposed to the Regional Policy Statement (RPS) are generally as a result of the National Policy Statement – Urban Development. They also reflect that times have changed since the RPS was made operative. Change 6 was produced in a collaborative manner with the TLA's and this has been appreciated.		
Decision Sought:	Retain Proposed Change 6 with amendments as recommended below [see subsequent submission points]		

Council Decision:	Accept in Part
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Submission Number:	34: 1	Submission Type:	Oppose
Submitter:	Yvonne James		
Submission Summary:	<p>Re notification of August 5 2022 delivered August 19 2022 proposed plan change 6 BOP Regional Policy Statement</p> <p>Submission and Notification of objection to plan change 6</p> <p>Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal</p> <p>Please notice I use the word 'submission' only so that my document is counted as an objection. I do not submit to any decisions made by local government corporations.</p> <p>I find your documents confusing and contradictory as they raise more questions than answers. I would like answers to my questions in time to potentially include the information you provide at the hearing of September 22. This hearing seems to be being pushed through in undue haste.</p> <p>1 Why was there such a delay from the date of the documents to delivery of them?</p> <p>2 Why is there not a referendum on this change, given the huge potential impact and cost to every ratepayer in the Bay of Plenty?</p> <p>3 Why, therefore, has not every ratepayer in the region been given written information and notification of this proposed plan change? As there is no legal requirement for anyone to buy newspapers, TVs, radios, or computers, I believe it is not the regional council's place to tell people where to look things up, but rather to provide this information to ratepayers. I believe ratepayers are being deliberately disenfranchised.</p> <p>4 Why are there no maps included showing the current urban limits? Please supply these.</p> <p>5 Where are the definitions? For example, 'urban' 'urban limits', 'remove urban limits'. The statement 'remove urban limits' is in itself ambiguous. Does it mean extend outwards or does it mean remove the limits on what can be built within the current urban boundary?</p> <p>6 The legislation is dated 2020. What is the BOPRC's current document on urban limits, and why now does it need to be changed?</p> <p>7 Given the above questions, how can anyone be expected to make an informed decision or</p>		

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## Council Decisions on Provisions with Submissions and Further Submissions

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even understand what this is all about?

I can see nothing about removing urban limits in the directives and everything about working within current limits. Your plan of removing urban limits seems to contradict the intent of the policy statement.

I observe that your documents state that I 'received' this notification 'because your property is within the current western Bay urban limits and is not otherwise zoned.' It is zoned rural residential. My land is held in fee simple and I hold existing land use rights. Your document states that the directive is 'to be more responsive to urban development proposals and provide more intensification of urban areas.' I notice the use only of the co-ordinating conjunction with no punctuation of separation, which thereby makes this statement one item and intention. This would mean the intention is to intensify within the current urban areas only. Is this correct?

Regarding bullet point 1 'out of sequence or unplanned private development proposals,' Tauranga City Council and the Bay of Plenty Regional Council appear to do this already, although a definition of 'out of sequence' would be helpful. Does this mean putting in 'developments' before infrastructure

to cope with the 'development' is in place? Or do you mean allowing a private property developer to excavate a huge, clearly visible area of land without a resource consent, then telling him he needs one, which he immediately applies for, thereby avoiding any chance of prosecution once his application is in, the consent for which is then granted retrospectively? (Bay of Plenty Times, 2006) Then there are the 'private development proposals' at least some of which have historically had a 'hands-off' (Judge Dickey p18 s79, Bryce Donne court case 2021) approach by local councils. It would seem your proposed changes may well increase such happenings of poor, if any, monitoring. Not only do these cost ratepayers huge amounts, but the damage to the environment is also substantial. Some examples, I believe, are:

- Retrospective resource consents (2006 TCC)
- Bella Vista (TCC)
- Water discharge convictions related to the Tauriko Business Estate (2011,.2014,2021)

Removing urban limits, if this means extending outwards, allows for open slather of all rural land with extra costs for infrastructure, and added food mile costs once horticultural and farm food producing land is gone for good. This would also not be responsive to climate change directives. For example, the highest part of my farm has been decreed a flood zone by Tauranga City Council which says I am not allowed to build there. Yet from such lofty heights I can see the Tauriko Business Estate industrial area and a large part of the proposed Tauriko West housing 'development' some 10 metres below me, both in the Wairoa River catchment area (contaminated drainage going into the river) and adjacent to the tidal Wairoa River. Should this plan change go ahead and climate change related damage occur (slips, flooding etc) then I believe those who made this unwise decision and developers who benefitted financially should be named and made financially accountable, not ratepayers.

It also appears from the latest Kiwibank housing report that within the next 12 months there will be a housing surplus, in part from people leaving NZ, currently started housing and apartments, and because of a lot more building work is being completed now that gib wallboards are being made available, not hoarded, making the Tauriko West 'development' and the Winstone wallboard factory surplus to requirements before they are started/completed.

I suggest that the Tauriko West land be returned to farming/horticulture and that no further 'development' of any sort be done in areas likely to suffer flood related damage, such damage already happening in record fashion throughout New Zealand this year. I believe new housing restrictions to meet climate change are due out next year so perhaps such decisions should wait for that, unless, of course council's intention is to put things in place to avoid the new legislation.

Y James Auth Rep All rights reserved

Decision Sought: No specific decisions sought.

Council Decision: Reject

**Chapter: Part two – Resource management issues, objectives ... (general submission points on issues and obje** 1430

**Section: Part two – Resource management issues, objectives ... (general submission points on issues an** 1430

### Council Decision

Amend paragraph 21 in section 2.11 'Natural Hazards' on page 110c to read:

"Similarly, the management of urban growth in the region has been provided for in district plans and through the Urban and Rural Growth Management policies and methods and in section 2.9. As more detailed planning and consenting is undertaken for urban growth, the natural hazard risk will need to be identified and managed. This Statement anticipates the need to manage natural

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hazard risk by, for example, influencing the design and location of urban development. Method 18 of this Policy Statement is a key means by which that can occur.

Amend paragraph 1 in Section 2.2.3 'Use and allocation of coastal resources' on page 27/28 to read:

“Coastal use and development can also result in conflict and competition for space, where uses and activities are not compatible or are not managed proactively and effectively. Management of coastal space to avoid conflicts, protect the rights of existing and lawfully established uses, retain amenity values and meet safety and navigation requirements is crucial and requires direction on which activities take priority, as well as guidance on managing the cumulative effects of coastal development. This can be achieved by providing direction (including in resource management planning documents) on the appropriate location and form of use and development within the coastal environment, encouraging development in areas where the natural character has already been highly compromised and is (except where areas and opportunities for restoration and rehabilitation have been identified) unconstrained.

### Reasons for Council Decision

Submissions 16-14 and 28-13 seek changes to Section 2:11: Natural Hazards under the operative RPS. Submissions 16-15 and 28-15 seek changes to Section 2.2.3: Use and Allocation of Coastal Resources.

These submissions recognise references to Appendix E within the Coastal Environment Chapter of the RPS under Section 2.2.3: Use and Allocation of Coastal Resources, and references to Appendix D and E within the Natural Hazards Chapter of the RPS under Section 2.11: Natural Hazards.

Change 6 proposes the deletion of:

- Appendix D – Indicative growth area sequencing.
- Appendix E – Management and Growth areas for the western Bay of Plenty.

Change 6 recognises the deletion of Appendices D and E within the urban and rural growth management chapter but has not sought changes elsewhere in Part Two of the RPS. It is noted that the sections referred to within the submissions are the only two remaining sections that refer to Appendices D and E within the operative RPS.

The submissions are accepted in part as it relates to the removal of reference to Appendices D and E from the Natural Hazards and Coastal Environment Chapters and consider their removal will have no more than a minor effect. Sections 23, 24 and 25 of the Staff Overview report provide a full response to application of 'minor effect'.

Further Submissions 13-10, and 13-11 support in part original submission. These further submissions consider that identified urban areas should be provided for in an adopted Future Development Strategy as other strategies are confusing or unnecessary.

It is considered that reference to other growth strategies and plans do align with the direction of the NPS-UD. Of relevance, Tier 1 and 2 local authorities are the only authorities that must adopt a Future Development Strategy (FDS) as directed under subpart 4, section 3.12 of the NPS-UD.

The Bay of Plenty Region includes Tier 3 urban environments including Opotiki, Whakatane and Kawarau of which those authorities have aligned in preparation of their own urban growth plans. Identified and adopted 'other' strategies and plans are important to provide for well-functioning urban environments for Tier 3 authorities and differentiates what the NPS-UD requires of Tier 1 authorities.

Further submissions 13-10 and 13-11 are declined on the basis that the recognition of adopted local authority RMA plans, Long Term Plan or 30-year infrastructure strategies are important to recognise for Tier 3 authorities.

### Submissions

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Submission Number:	16: 14	Submission Type:	Support in Part
Submitter:	Ford Land Holdings Pty		
Submission Summary:	Re Section 2.11: Natural Hazards: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Consequential Amendment of second paragraph on p110c, as follows:  However, the Statement anticipates that any required risk reduction can be achieved within urban development areas that have been 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.		

Council Decision:	Accept in Part
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### Further Submission(s)

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No:	13 - 10	Submission Type:	Support in Part
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	The submission should be accepted in part. Urban development areas that have been identified should be provided for in an adopted Future Development Strategy (FDS). Other strategies and plans mentioned are unnecessary and many are contrary to the direction under the NPS-UD. Priority must be given to the development of an FDS.		
Decision Sought:	Accept in part.		

Council Decision:	Reject
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Submission Number:	16: 15	Submission Type:	Support in Part
Submitter:	Ford Land Holdings Pty		
Submission Summary:	Re Section 2.11: Natural Hazards - 2.2.3 Use and allocation of coastal resources: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Make consequential amendments to second paragraph of Section 2.11 on page 28, as follows:		

Coastal use and development can also result in conflict and competition for space, where uses and activities are not compatible or are not managed proactively and effectively. Management of coastal space to avoid conflicts, protect the rights of existing and lawfully established uses, retain amenity values and meet safety and navigation requirements is crucial and requires direction on which activities take priority, as well as guidance on managing the cumulative effects of coastal development. This can be achieved by providing direction (including in resource management planning documents) on the appropriate location and form of use and development within the coastal environment, encouraging development in areas where the natural character has already been highly compromised (except where areas and opportunities for restoration and rehabilitation have been identified) and constraining development on undeveloped land (except where urban development areas have been 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).

Council Decision:	Accept in Part
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**Further Submission(s)**

Further Submission No:	13 - 11	Submission Type:	Support in Part
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	The submission should be accepted in part. Urban development areas that have been identified should be provided for in an adopted Future Development Strategy (FDS). Other strategies and plans mentioned are unnecessary and many are contrary to the direction under the NPS-UD. Priority must be given to the development of an FDS.		
Decision Sought:	Accept in part.		

Council Decision:	Reject
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Submission Number:	28: 13	Submission Type:	Support in Part
Submitter:	Tumu Kaituna 14 Trust		
Submission Summary:	Section 2.11: Natural Hazards  Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Make Consequential Amendment to second paragraph on p110c, as follows:		

However, the Statement anticipates that any required risk reduction can be achieved within urban development areas that have been 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.

Council Decision:	Accept in Part
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Submission Number:	28: 15	Submission Type:	Support in Part
Submitter:	Tumu Kaituna 14 Trust		
Submission Summary:	Section 2.11: Natural Hazards, 2.2.3 Use and allocation of coastal resources		



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Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.

Decision Sought: Make Consequential Amendment to second paragraph of Section 2.11, 2.2.3 on page 28, as follows:

Coastal use and development can also result in conflict and competition for space, where uses and activities are not compatible or are not managed proactively and effectively. Management of coastal space to avoid conflicts, protect the rights of existing and lawfully established uses, retain amenity values and meet safety and navigation requirements is crucial and requires direction on which activities take priority, as well as guidance on managing the cumulative effects of coastal development. This can be achieved by providing direction (including in resource management planning documents) on the appropriate location and form of use and development within the coastal environment, encouraging development in areas where the natural character has already been highly compromised (except where areas and opportunities for restoration and rehabilitation have been identified) and constraining development on undeveloped land (except where urban development areas have been 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).

Council Decision:	Accept in Part
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<b>Section:</b> 2.8 Urban and rural growth management (submission points on whole section and changes in s	1431
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#### Council Decision

Delete the remaining sentence in paragraph 10 of section 2.8 'Urban and rural growth management' which currently reads: '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.'

#### Reasons for Council Decision

Submissions 6-2 and FS 3-6 refer to the interaction between the NPS-UD and NPS-HPL. Proposed Change 6 was notified prior to the NPS-HPL's gazettal on 17 October 2022. Proposed Change 6 was not developed with the intention of giving effect to the NPS-HPL and submissions on it are considered out of scope.

The RPS already addresses rural growth management issues pertaining to reverse sensitivity and the protection of versatile/highly productive land. The operative RPS uses the term 'versatile land' which is defined as 'land under the New Zealand Land Use Capability Classification System categorised as being in Classes 1, 2 and 3.' Consequently, operative RPS references to versatile land will need to be amended to refer instead to highly productive land.

Except for differences in key terminology (i.e. versatile v highly productive) the RPS rural growth management Objective 26 and its corresponding policies are considered generally in alignment with the NPS-HPL policy framework.

A separate program of works is underway to implement the NPS-HPL. The preferred option is to give effect to the NPS-HPL on a comprehensive basis as part of Proposed Change 8 (NPS-HPL) to the RPS, which in turn, may require further amendments or additions to the existing operative RPS rural growth management provisions.

For these reasons, submission 6-2 is declined as it is not appropriate to incorporate NPS-HPL provisions into Proposed Change 6.

Further submission 3-6 recognizes the RPS will need to go through further evaluation rather than being incorporated into Proposed Change 6.

Submission 12-1 and FS 8-1 seeks for the removal of the final paragraph in Section 2.8. The references to the current Smartgrowth Strategy are still valuable in demonstrating how the pressure of growth will be best managed in the absence of a published and consulted on Future Development Strategy or Spatial Plan.

Submission 9-2 and FS 9-3 seeks wording changes to Section 2.8, as it relates to growth within the Western Bay of Plenty sub-region, specifically population projections to the year 2021. Council agree with this submission and outdated population projections can be removed.

Submission 9-2 notes that Smartgrowth has been refreshed through the Urban Form and Transport Initiative (UFTI) and seeks changes to Issue Statement 2.8 to recognize UFTI to reflect the most up-to-date SmartGrowth Settlement Pattern.

The SmartGrowth Strategy is in the process of being updated (SmartGrowth Strategy 2023) and will build on the direction and programme laid out in UFTI and include the requirements of the Future Development Strategy under the NPS-UD. The Draft SmartGrowth Strategy will follow a special consultative procedure (SCP) between August and October 2023, with finalisation of the plan between December 2023 and March 2024.

UFTI is informing the preparation of the SmartGrowth Strategy 2023. Until such time that the strategy has gone through the SCP, it is inappropriate to refer to UFTI and the updated strategy within the Issue Statement. For these reasons, this part of the submission is declined.

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## Council Decisions on Provisions with Submissions and Further Submissions

### Submissions

Submission Number:	6: 2	Submission Type:	Seek Amendment
Submitter:	Federated Farmers NZ (BOP and Rotorua, Taupo)		
Submission Summary:	<p>Federated Farmers notes that there is a lack of clarity on how highly productive land should be managed under the RMA, and that the value of this land for primary production is often given inadequate consideration. It is agreed that this absence of considered decision-making is resulting in uncoordinated urban expansion over, and fragmentation of, highly productive land when less productive land is both usually available and better suited for urban use.</p> <p>While not yet adopted, the National Policy Statement for Highly Productive Land (NPS-HPL) will require local authorities to identify highly productive land through the Land Use Capability system, which considers factors such as soil, erosion, and climate. Land would be categorised from Class 1 (high production) to Class 8 (low production) based on its versatility and ability to sustain productive uses. While it is accepted that the Land Use Classes I to III are considered the most versatile (and the RPS uses this as the basis for the definition of 'versatile land'), it does not mean that the lower classes are unproductive land but are limited in some way. In fact, the land identified in the lower classes may be more suitable for growing some crops due to the limitations. We also note that LUC classes IV – VII land types tend to be less suitable for residential dwellings due to being more prone to erosion, land instability and inundation.</p> <p>We believe that consideration of the NPS-UD must dovetail neatly alongside the proposed NPS- HPL. It is imperative that development and housing growth must also:</p> <ul style="list-style-type: none"><li>• Recognise the full range of values and benefits associated with the use of high-class soils for primary production.</li><li>• Maintain the availability of high-class soils for primary production for future generations, and</li><li>• Protect high class soils from inappropriate subdivision, use and development</li></ul>		
Decision Sought:	Council response as to how the NPS-HPL may be incorporated into the RPS in the future and what implications this may have on the proposed changes.		

Council Decision: Reject

### Further Submission(s)

Further Submission No:	3 - 6	Submission Type:	Oppose
Further Submitter:	Fonterra Ltd.		
Submission Summary:	<p>Fonterra acknowledges that the National Policy Statement for Highly Productive Land has been gazetted following the notification of PC6. Fonterra considers that specific changes are required to the RPS (including specific section 32 evaluation reports) to give effect to the national direction, rather than those being incorporated into an existing change.</p>		
Decision Sought:	Reject submission.		

Council Decision: Accept

Submission Number:	9: 2	Submission Type:	Support in Part
Submitter:	Tauranga City Council		
Submission Summary:	<p>The statement that “the western Bay of Plenty sub-region projected to contain most of the population growth to 2021” is vague and is no longer relevant in 2022. It should be deleted or revised to reflect updated population growth projections. For example, UFTI uses a 30-year population forecast from the National Institute of Demographic and Economic Analysis (NIDEA) of reaching a western Bay of Plenty population of approximately 269,000 people requiring an additional 35,000 plus homes. For the long term (70 plus years), UFTI uses a population scenario of reaching a western Bay of Plenty population of approximately 400,000 people requiring an additional 62,000 plus homes.</p> <p>This section should be amended to include reference to the UFTI Connected Centres Programme, which in effect represents the most up-to-date SmartGrowth Settlement Pattern. In the absence of a Future Development Strategy (FDS), it is the UFTI Connected Centres Programme that would allow us to determine when urban development is anticipated vs unanticipated, and in or out of sequence for the purposes of the responsive planning policies.</p> <p>Support the removal of the reference to growth management areas and associated appendices which are inconsistent with the NPS-UD.</p>		

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Decision Sought: 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 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, Whakatane, Opotiki and Kawerau have different pressures. Rotorua and Whakatane District Councils have undertaken their own urban growth strategies.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	9 - 3	Submission Type:	Support
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Further Submitter:	Kainga Ora
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Submission Summary:	Kainga 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).
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Decision Sought:	Accept submission,
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Council Decision:	Accept in Part
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Submission Number:	12: 1	Submission Type:	Oppose
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Submitter:	Bluehaven Investments Limited
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Submission Summary:	Page 4 - The final paragraph offers little benefit to the Policy. The spatial planning/policy environment is dynamic and the RPS will invariably become out of date through making specific references of this type.
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For example, the SmartGrowth Strategy and Implementation Plan 2013 is in a process of being replaced by UFTI, a draft Spatial Plan, and an FDS in 2024.

Decision Sought:	Delete the following final paragraph:
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The western Bay of Plenty sub-region has determined through its 50-year growth management strategy (SmartGrowth Strategy and Implementation Plan, 2007 2013) how the pressures of growth will be best managed in a time, resource and cost effective manner. The districts of Rotorua, Whakatane, Opotiki and Kawerau have different pressures. Rotorua and Whakatane District Councils have undertaken their own urban growth strategies

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	8 - 1	Submission Type:	Support in Part
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Further Submitter:	Bluehaven Investments Limited
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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Submission Summary: The particular part of the submission I support in part is the covering letter which provides an overview of the submission.  
The reasons for my support in part are that there is a typographical error in the final paragraph of the cover letter.

The final paragraph should read:

These plans do not currently form an adequate spatial planning baseline to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A. It is premature to delete the Management and Growth areas and related policies ahead of formal approval of the Spatial Plan/FDS. When read as a whole the intention of the submission is clear. However, we wish to put this beyond any doubt.

Decision Sought: Accept submission as it relates to intention, recognising the error within the cover letter.

Council Decision:	Reject
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<b>Section: 2.8.1 Regionally significant urban and rural growth management issues (submission points on v</b>	1432
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#### Council Decision

Amend issue 2.8.1.1 'Un-coordinated growth and development' to read: 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.'

Amend the first bullet of issue 2.8.1.9 'Intensive urban development' to replace the first bullet proposed to be deleted in the notified version of Proposed Change 6 to read: More intensive urban development is necessary to accommodate growth but has the potential to: 'Overload network infrastructure including water supply, wastewater and stormwater, as well as creating an unanticipated demand on social infrastructure such as schools and healthcare facilities if not integrated with infrastructure planning and funding decisions.'

#### Reasons for Council Decision

Submission 11-1, FS 13-1 and FS 10-5 support the removal of point one of statement 2.8.1.9 as it relates to intensive urban developments as notified.

Submission 11-2, and further submission 31-2 oppose statement 2.8.1.9 and seek additional wording to recognise potential effects intensification has on infrastructure if not well-planned and appropriately funded.

Issue 2.8.1.9 'Intensive urban development' is amended to read:

More intensive urban development is necessary to accommodate growth but has the potential to:  
'Overload network infrastructure including water supply, wastewater and stormwater, as well as creating an unanticipated demand on social infrastructure such as schools and healthcare facilities if not integrated with infrastructure planning and funding decisions.'

The above wording aligns with NPS-UD Objective 6, and the interpretation of additional infrastructure and development infrastructure.

Submission 15-1 seeks recognition that reverse sensitivity effects should be included within the statement. It is recommended that this submission is declined on the basis that 2.8.1.7: Conflicts between incompatible or sensitive activities and rural production activities in rural areas already addresses this issue.

FS 9-6 opposes this submission on the basis that industrial farming activities should be first mitigated at the source. Council oppose this further submission. Reverse sensitivity effects come from sensitive activities in proximity to existing rural production or industrial activities. New urban developments will need to consider reverse sensitivity effects in proximity to such existing activities.

Submission 31-2 seeks additional recognition of emission reductions. It is considered that land supply and inefficient patterns of land use is the most relevant issue that contributes to green house gas emissions.

2.8.1.8 issue statement is specific to the lack of integration between infrastructure and land use which creates a range of issues as listed. One issue with a lack of integration is in-efficient land use patterns.

In-efficient land use patterns is what increases green house gas emissions which is addressed as notified in section 2.1.8.2. Further, intensive urban developments as per 2.1.8.9 lists the potential negative effects associated with intensive urban development. Intensive urban development is an efficient use of land.

Adding text to achieve emissions reductions would stray from the purpose of the issue.

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Submission 9-3, FS 4-1 and FS 9-4 seek amendments to issue 2.8.1.1 to include additional wording to better clarify the issue.

Council agree that the relief sought reinforces the integration of urban form and transport and referring to accessibility being affected by un-coordinated growth and development better aligns with Policy 1 of the NPSUD.

### Submissions

Submission Number:	9: 3	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	<p>Include “poorly connected” in the description of growth and development which can have adverse effects, to reinforce the integration of urban form and transport.</p> <p>Include “accessibility” in the list of matters which can be adversely affected by un-coordinated growth and development, as accessibility is a key part of a well-functioning urban environment as described in Policy 1 of the NPS-UD.</p>		
Decision Sought:	<p>Amend 2.8.1.1 as follows:</p> <p>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.</p>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	4 - 1	Submission Type:	Support
Further Submitter:	Waka Kotahi		
Submission Summary:	The changes sought will support integrated development and a well-functioning urban environment as intended by the NPS □ UD.		
Decision Sought:	Accept submission.		

Council Decision:	Accept
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Further Submission No:	9 - 4	Submission Type:	Support
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga Ora supports the amendments sought as well functioning environments include being well connected and easily accessible.		
Decision Sought:	Accept submission.		

Council Decision:	Accept
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Submission Number:	11: 1	Submission Type:	Support
Submitter:	Bell Road Limited Partnership		
Submission Summary:	The reference to intensive urban development having the potential to ‘adversely impact on the residential character and amenity values of existing urban areas’ is inconsistent with the NPS policy direction and is inappropriate.		
Decision Sought:	Deletion of “Adversely impact on the residential character and amenity values of existing urban areas”.		

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	10 - 5	Submission Type:	Support
Further Submitter:	Transpower New Zealand Ltd		

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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Submission Summary: Transpower notes that generally correct interpretation of various plans and what should be included. Transpower is generally supportive.

Decision Sought: Accept submission.

Council Decision:	Accept
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Further Submission No: 13 - 1 Submission Type: Support

Further Submitter: Urban Taskforce for Tauranga

Submission Summary: We consider that the submission should be accepted, and the provision should be deleted. Policy 6 of the NPS UD acknowledges that planned urban built form may involve significant changes to an area and that those changes may detract from amenity values.

Decision Sought: Accept submission.

Council Decision:	Accept
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Submission Number: 11: 2 Submission Type: Oppose

Submitter: Bell Road Limited Partnership

Submission Summary: A potential effect of intensification is to place increased demand on infrastructure in addition to roads which may become overloaded if not properly managed.

Decision Sought: Amend 2.8.1 as follows:

Recognise potential adverse effects of intensive urban development on infrastructure in addition to roads including:

- Increased demand for intensive residential development may overload three waters, other network and social infrastructure if not undertaken with well-planned and appropriately funded network improvements.

Council Decision:	Accept in Part
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#### Further Submission(s)

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Further Submission No: 13 - 2 Submission Type: Support

Further Submitter: Urban Taskforce for Tauranga

Submission Summary: We consider that the submission should be accepted and that the Council should broaden the provision to refer to water infrastructure as well as other network and social infrastructure and appropriate planning and funded network improvements.

Decision Sought: Accept submission.

Council Decision:	Accept in Part
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Submission Number: 15: 1 Submission Type: Support in Part

Submitter: Fonterra Ltd.

Submission Summary: Fonterra supports the Issue 2.8.1 description; however, Fonterra considers that it should be amended to explicitly reference the potential for urban development to result in land use conflicts and reverse sensitivity effects.

Decision Sought: 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 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.

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# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Reject

### Further Submission(s)

Further Submission No: 9 - 6 Submission Type: Oppose

Further Submitter: Kainga Ora

Submission Summary: Kainga 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. Kainga 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.

Decision Sought: Reject submission.

Council Decision: Reject

Submission Number: 31: 2 Submission Type: Support in Part

Submitter: Waka Kotahi

Submission Summary: Emissions reduction is mentioned in Subsection 2, which identifies that inefficient and low-density patterns of land-use and ad hoc development contribute to increasing greenhouse gas emissions. However, this point is not raised in relation integration of land use and infrastructure (subsection 8) and intensive urban development (subsection 9) which are both also critical in achieving emissions reduction.

Decision Sought: Amend Sections 2.8.1.8 and 2.8.1.9 to include land use and infrastructure integration as well as intensive urban development being critical components to achieving emissions reduction.

Council Decision: Reject

**Section: 2.8.1 - 2 Land supply and inefficient patterns of land use (submission points specific to this issue)**

1433

### Council Decision

Retain issue 2.8.1.2 'Land supply and inefficient patterns of land use' as notified.

### Reasons for Council Decision

Submission 18-3 seeks to include that food supply and transition to lower emission food production be included within this issue statement.

Council recognise that versatile land for production purposes includes food production, and that this is recognised in both operative and proposed Policy UG 18B: 'Managing rural development and protecting versatile land'. 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.

The RPS section on Energy and Infrastructure issue statement recognises that the Bay of Plenty region has a large and varied amount of industry, including agriculture and horticulture which rely on having a secure and consistent energy supply. It is acknowledged that some industries will continue to use and rely on traditional non-renewable energy sources such as coal. However, the national and regional priority will continue to be reducing the dependency on non-renewable fuels and increasing the development and use of renewable energy sources.

It is not considered that the issue of lower emission of food production is appropriate to address under urban and rural growth management policies. The primary purpose of Proposed Change 6 is to give effect to the responsive planning and intensification requirements of the NPS-UD. Broader urban and rural growth management issues will need to be addressed as part of the pending RPS review.

Submission 20-2 seeks changes the issue statements 2.8.1.2 and 2.8.1.9.

For Issue 2, the submission seeks to add 'appropriate' to change the sentence to read 'A shortage of appropriate developable land and housing supply reduces housing choices and leads to increased prices'. Adding 'appropriate' is ambiguous when describing developable land. Each development opportunity when considering the characteristics, constraints and location of the land should be assessed on a case-by-case basis to determine its appropriateness based on the urban outcomes sought.

The submission seeks to have low-density pattern removed as reference to inefficient land patterns. Objective 2 of the NPS-UD sets out that planning decisions improve housing affordability by supporting competitive land and development markets. Providing for low-density affects the overall capacity and affordability associated with new urban developments.

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Policy 1 of the NPS-UD sets out that at a minimum a well-functioning environment enables a variety of homes that meet the needs in terms of type, price and location of different households. Issue 2 as notified through Proposed Change 6 recognises that low-density development contributes to inefficient land use.

Recognising low density as inefficient is consistent with the direction of Objective 2 and Policy 1 of the NPS-UD.

The submission also seeks to include land use conflicts and reverse sensitivity effects into the statement. The current wording that 'inefficient land use also have the potential to adversely affect rural production activities' is sufficient and captures reverse sensitivity effects. Further, the policies that follow this statement address reverse sensitivity, specifically Policy UG 11B: 'Managing the effects of subdivision, use and development on Infrastructure' and Policy UG 24B: 'Managing reverse sensitivity effects on existing rural production activities in urban areas'.

The infrastructure section of the RPS from section 2.3.2 acknowledges that this section should be read in conjunction with urban form and growth sections. Section 2.3.3.1 addresses reverse sensitivity effects associated with existing or planned infrastructure. For these reasons this submission is declined.

FS 9-15 opposes this submission in relation to reverse sensitivity effects caused by the operation of transport corridors should be first mitigated at the source. Reverse sensitivity effects should be managed within urban development proposals that are in proximity to incompatible activities as acknowledged under section 2.3.2 of the operative RPS.

Submissions 23-2 and 9-4 support for Section 2.8.1.2 as notified is noted.

### Submissions

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Submission Number:	9: 4	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support inclusion of references to emissions, housing choice, and affordability as these are key issues for our community.		
Decision Sought:	Retain amended 2.8.1.2		
Council Decision:	Accept		

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Submission Number:	18: 3	Submission Type:	Support in Part
Submitter:	Horticulture New Zealand		
Submission Summary:	Recognise domestic food supply and lower emissions food production		
Decision Sought:	Amend 2.8.1 (2) to include: 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 patterns of land use and ad hoc development are difficult and costly to service and maintain. Unplanned growth and inefficient land use also have the potential to adversely affect rural production activities and to reduce the ability of versatile land to be used for a range of productive purposes including food supply for New Zealand and transition to lower emissions food production.		
Council Decision:	Reject		

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Submission Number:	20: 2	Submission Type:	Support in Part
Submitter:	KiwiRail Holdings Ltd		
Submission Summary:	KiwiRail supports the description of Issue 2.8.1, but considers amendments are required to Issues 2 and 9 to recognise urban development and land use changes can result in reverse sensitivity effects, and that the interfaces between conflicting land uses must be appropriately managed. KiwiRail also considers that the reference to low density patterns of land use as being inefficient should be removed as there may be circumstances where lower density is more efficient.		



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 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 effects, adversely affect rural production activities and to reduce the ability of versatile land to be used for a range of productive purposes.  
[...]

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	9 - 15	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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. Kainga 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.		
Decision Sought:	Reject submission.		

Council Decision:	Accept
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Submission Number:	23: 2	Submission Type:	Not Applicable
Submitter:	Nga Potiki a Tamapahore Trust		
Submission Summary:	Issue acknowledges that there is a shortage of developable land and housing supply which reduces housing choices and leads to increased house prices		
Decision Sought:	Support change to wording as notified		

Council Decision:	Accept
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<b>Section: 2.8.1 - 9 Intensive urban development (submission points specific to this issue statement)</b>	1434
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### Council Decision

Amend the first bullet of issue 2.8.1.9 'Intensive urban development' to replace the first bullet proposed to be deleted in the notified version of Proposed Change 6 to read: More intensive urban development is necessary to accommodate growth but has the potential to: 'Overload network infrastructure including water supply, wastewater and stormwater, as well as creating an unanticipated demand on social infrastructure such as schools and healthcare facilities if not integrated with infrastructure planning and funding decisions.'

### Reasons for Council Decision

Submissions 9-5, FS 13-17, 13-1, 13-2, 22-1, 29-2, 29-3 support the changes to this issue statement as notified. Support is noted.

Submission 20-3 and FS 3-7 seeks changes to both issue statements 2.8.1.2 and 2.8.1.9 to include reference to reverse sensitivity effects.

These submissions are declined for the same reasons detailed in the above section to this report.

The RPS recognises reverse sensitivity effects on existing lawfully established activities through various policies. Of relevance to the submissions the following operative RPS direction is still relevant to consider for further urban growth

- Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
- Policy EI 7B: Managing the effects of infrastructure development and use.
- Policy AQ 1A: Discouraging reverse sensitivity effects associated with odours, chemicals and particulates.
- Policy EI 3B: Protecting nationally and regionally significant infrastructure

The primary purpose of Proposed Change 6 is to give effect to the responsive planning and intensification requirements of the NPS-UD. Broader urban and rural growth management issues will need to be addressed as part of the pending RPS review.

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Reverse sensitivity effects are appropriately recognised by the aforementioned RPS provisions which remain relevant to new urban growth proposals.

Of relevance to these submission points is the additional point proposed to be added to this issue statement, as detailed in the section above on responses to submissions on the whole of Section 2.8.1.

Submission 11-2 and FS 13-2 seek further relief to recognise the potential effects intensification has on network and social infrastructure. Council agree with the submission points but recommend alternative wording. The proposed additional text to issue statement 2.8.1.9 is as follows:

More intensive urban development is necessary to accommodate growth but has the potential to:

“Overload network infrastructure including water supply, wastewater and stormwater, as well as creating an unanticipated demand on social infrastructure such as schools and healthcare facilities if not integrated with infrastructure planning and funding decisions”.

Council agree with submissions 9-5, 13-1, 13-2, 22-1, 29-2, 29-3 and FS 13-17 that accept the wording as notified, and accept these submissions in addition to the amended wording as mentioned above to recognise the potential effects of intensification on network and social infrastructure.

### Submissions

Submission Number:	9: 5	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support removal of character and amenity values as adverse impacts on these matters are not limited to intensive urban development and are best managed through District and City Plans.		
	Support inclusion of reference to well-planned transport improvements to reinforce the integration of urban form and transport.		
Decision Sought:	Retain 2.8.1.9		

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	13 - 17	Submission Type:	Support
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	We consider that the submission should be accepted as the current wording is inconsistent with Policy 6 of the NPS-UD and is therefore inappropriate.		
Decision Sought:	Accept submission.		

Council Decision:	Accept
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Submission Number:	13: 1	Submission Type:	Support
Submitter:	Classic Developments Limited		
Submission Summary:	<p>This 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</p> <p>(i) may 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</p> <p>(ii) are not, of themselves, an adverse effect</p> <p>The current wording of the RPS is inconsistent with the NPS-UD and is therefore inappropriate</p>		
Decision Sought:	We support the deletion of the provisions relating to adverse impacts on residential character and amenity		

Council Decision:	Accept
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Submission Number:	13: 2	Submission Type:	Support
Submitter:	Classic Developments Limited		



# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 29: 3 Submission Type: Support  
Submitter: Urban Taskforce for Tauranga  
Submission Summary: Well planned transport improvements are necessary to achieve successful intensification outcomes.  
Decision Sought: Retain amended 2.8.1 - 9 as it recognises the need for well planned transport improvements to be provided with growth.

Council Decision: Accept

### Section: Objectives (General submission points on Table 8 – Objectives 23-26)

1435

#### Council Decision

Retain Table 8 and Objectives 23-26 as notified.

#### Reasons for Council Decision

Submission 9-6 recommends that Table 8 is updated to reflect its submissions points as appropriate. Any further proposed changes will be updated.

Submission 21-2 supports objective change as notified.

#### Submissions

Submission Number: 9: 6 Submission Type: Not Applicable  
Submitter: Tauranga City Council  
Submission Summary: Submissions points on objectives, policies and methods below should be reflected in Table 8 as appropriate.  
Decision Sought: Amend Table 8 to reflect submission points as appropriate

Council Decision: Accept in Part

Submission Number: 21: 2 Submission Type: Support  
Submitter: Mitre 10 Holdings  
Submission Summary: Objective 23  
Objective 23 recognises the need to enable and provide for unanticipated development that is responsive to the needs of the community. Mitre 10 support the recognition of the need for increased urban development within urban environments that is not restricted by urban limits or growth management areas.  
Decision Sought: Adopt proposed amendments to Objective 23 as notified.

Council Decision: Accept

### Section: Objective 25 (submission points specific to this objective - only one being changed)

1436

#### Council Decision

Retain Objective 25 as notified, correcting grammatical error.

#### Reasons for Council Decision

Submissions 15-2 and 21-3 support the notified proposed changes to Objective 25.

Submission 9-7 seeks a minor change to address a grammatical error.

These submissions are accepted.

Submission 20-4 seeks amendment to include 'network utility providers' twice. The objective as notified accurately captures the need for urban subdivision, use and development to integrate with network utility providers, and that adding this a second time

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

would be an unnecessary duplication.

This submission is declined.

### Submissions

Submission Number:	9: 7	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Consequential amendment. Comma to be added.		
Decision Sought:	Add comma after Urban subdivision, e.g. Urban subdivision, use and development is located and staged in a way that integrates with the long term planning and funding mechanisms of local authorities, central government agencies and network utility providers and operators whilst also being responsive to the growth plans of relevant industry sector groups and other development entities.		

Council Decision:	Accept
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Submission Number:	15: 2	Submission Type:	Not Applicable
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra supports the objective as notified.		
Decision Sought:	Retain Objective 25 as notified.		

Council Decision:	Accept
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Submission Number:	20: 4	Submission Type:	Support in Part
Submitter:	KiwiRail Holdings Ltd		
Submission Summary:	KiwiRail supports the objective as notified, subject to further amendments to appropriately recognise and provide for growth plans of network utility operators, such as KiwiRail.		
Decision Sought:	Amend Objective 25 as follows:  Objective 25  Urban subdivision use and development is located and staged in a way that integrates with the long term planning and funding mechanisms of local authorities, central government agencies and network utility providers and operators whilst also being responsive to the growth plans of relevant industry sector groups, network utility providers and operators, and other development entities.		

Council Decision:	Reject
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Submission Number:	21: 3	Submission Type:	Support
Submitter:	Mitre 10 Holdings		
Submission Summary:	Ensuring that urban subdivision and development can occur in a responsive manner. However, further clarity is sought regarding the inclusion of 'and other development entities' as identified in Objective 25 of the RPS.		
Decision Sought:	Adopt proposed amendments to Objective 25 as notified.		

Council Decision:	Accept
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<b>Chapter: Part three – Policies and methods (general submission points on policies and methods)</b>	1437
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<b>Section: Part three – Policies and methods (general submission points on policies and methods)</b>	1437
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### Council Decision

No changes are made to Part three (Policies and methods) in response to these submission points.

### Reasons for Council Decision

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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Concerns in relation to reverse sensitivity effects raised by submission 6-3 and FS 3-8 are acknowledged.

As outlined throughout this report, there are a number of existing policies within the RPS that will remain relevant to new urban development proposals in proximity to existing rural based activities.

Of relevance to the submissions the following operative RPS direction is still relevant to consider for further urban growth

- Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
- Policy AQ 1A: Discouraging reverse sensitivity effects associated with odours, chemicals and particulates.

Reverse sensitivity effects are appropriately recognised within the operative RPS and will remain relevant to new urban growth proposals.

FS 9-2 opposes that reverse sensitivity effects are recognised and considers that effects from the operation of farming activities, namely industrial farming activities should first be mitigated at the source. Council disagree with this submission and consider that reverse sensitivity effects continue to remain relevant to urban growth developments.

Concerns in relation to accessibility, variation and improvements on the transport network raised by submission 7-2 are acknowledged. Of relevance, to give effect to Policy UG 3A: Promoting travel demand management across the region is Method 4: Bay of Plenty Regional Land Transport implementation.

The Regional Land Transport Plan ("RLTP") combines the thinking from all the Councils in the region into a single strategic document for land transport investment. The RLTP is the way the Region seeks central government funding for activities ranging from road safety, to walking and cycling, to public transport and road improvements. It is a requirement under the Land Transport Management Act 2003.

The RLTP sets out the Region's preferred approach to investment - prioritising integrated planning, demand management, and network optimisation approaches before investing in expensive new infrastructure, and determining which outcomes are most important to the Region.

Policy UG 3A: Promoting travel demand management across the region by way of giving effect to Method 4 links the RPS to the RLTP, and in turn addresses the concerns raised within submission 7-2. This submission is declined on the basis that no further changes to Policy UG 3A are required.

Submission 28-14 recognises that Policy UG 25B: Housing bottom lines - Rotorua and western Bay of Plenty sub-region gives effect to the NPS-UD and provides for the sustainable management of growth in the region and supports this policy as notified. Support is noted.

#### Submissions

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Submission Number:	6: 3	Submission Type:	Seek Amendment
Submitter:	Federated Farmers NZ (BOP and Rotorua, Taupo)		
Submission Summary:	<p>A key concern our members face is the expansion of the peri-urban boundary into land used for primary production and commercial activities associated with the primary sector. Reverse sensitivity issues such as odour, aural or visual amenity concerns have the potential to affect the viability of some rural-based businesses.</p> <p>An example could be new (and typically urban) development in (or into) rural areas adversely affect the ability of existing and legitimately established primary production activities to operate (i.e., horticulture, dairy farming, silage making). This is because new-comers to the rural environment who are not directly involved in primary production activities hold unrealistic expectations regarding this environment and the nature of activities that occur within it, especially in terms of odour, noise and dust. Consequently, those landowners engaged in these existing, anticipated and lawfully established activities become the subject of newcomer's complaints.</p> <p>It is Federated Farmers' experience that reverse sensitivity issues inevitably arise when urban uses of land displace rural uses of that same land.</p> <p>Federated Farmers is particularly concerned to see that areas of productive land adjacent to areas that are designated to become urbanised, wherever they may be, are protected from the reverse sensitivity effects that might arise from new activities taking place in those areas. Reverse sensitivity effects can restrict how primary sector enterprises can operate, and that this compromises the productivity of the land. This is no more evident than with urban expansion around horticultural food hubs, creating tension between new ventures and established producing communities.</p>		
Decision Sought:	That Council considers and implement the provisions that relate to the protection of rural areas, including reverse sensitivity provisions appropriately.		

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	3 - 8	Submission Type:	Support
Further Submitter:	Fonterra Ltd.		
Submission Summary:	For the reasons outlined in the Federated Farmers NZ (BOP and Rotorua, Taupo) submission.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Further Submission No:	9 - 2	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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. Kainga 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.		
Decision Sought:	Reject submission.		

Council Decision:	Reject
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Submission Number:	7: 2	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	Policy UG 3A: Promoting travel demand management across the region Toi Te Ora supports this policy. But we would like to see attention given to the improvement of the transport network to make it easier to get around by promoting active transport and more sustainable transport options such as buses, bikes, and ferries.		
Decision Sought:	Retain Policy UG 3A with amendments to include improvement of the transport network to make it easier to get around by promoting active transport and more sustainable transport options such as buses, bikes, and ferries.		

Council Decision:	Accept in Part
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Submission Number:	28: 14	Submission Type:	Support
Submitter:	Tumu Kaituna 14 Trust		
Submission Summary:	Policy UG 25B: Housing bottom lines - rotorua and western Bay of Plenty sub-region:  Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Adopt Policy UG 25B as notified		

Council Decision:	Accept
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<b>Section: Policy UG 4A (submission points specific to this policy)</b>	1438
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### Council Decision

Retain the deletion of Policy UG 4A as notified.

### Reasons for Council Decision

Submitters 33-2, 23-3 and 9-8 support the removal of policy UG 4A as notified.

These submissions are accepted.

### Submissions

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 9: 8 Submission Type: Support  
 Submitter: Tauranga City Council  
 Submission Summary: Support removal of yield requirements from the RPS, particularly as the number of dwellings per hectare was significantly below current best practice and market trends. As outlined in the explanation to Policy UG 7Ax, we agree that density targets and provisions are best set (if they are to be set at all) in District Plans relative to local opportunities and constraints (including infrastructure and transport systems).  
 Decision Sought: Delete Policy UG 4A (as proposed by RPS Change 6)

Council Decision:	Accept
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Submission Number: 23: 3 Submission Type: Support  
 Submitter: Nga Potiki a Tamapahore Trust  
 Submission Summary: The removal of development yields allows for more flexibility for larger scale developments  
 Decision Sought: Support the removal of Policy UG4A as notified

Council Decision:	Accept
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Submission Number: 33: 2 Submission Type: Support  
 Submitter: Western BOP District Council  
 Submission Summary: Such yield requirements are no longer valid.  
 Decision Sought: Delete Policy UG 4A

Council Decision:	Accept
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<b>Section: Policy UG 5A (submission points specific to this policy)</b>	1439
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### Council Decision

Retain the deletion of Policy UG 5A.

### Reasons for Council Decision

Policy UG 5A sets out the urban limits for the western Bay of Plenty sub-region.

The urban limits are removed to be more flexible and responsive to urban development opportunities. This is aligned with guidance from the Ministry for the Environment that states; 'a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy.'

Removing the urban limits within the western Bay of Plenty sub-region is the most practical approach to enable more land and infrastructure supply to give effect to the NPS-UD.

Concerns on biodiversity raised by submission 17-2 are acknowledged. The operative RPS continues to provide a framework for the sustainable management of the regions natural and physical resources including land, fresh and coastal water, issues of significance to iwi, biodiversity and infrastructure. These matters will remain relevant to future urban development proposals.

FS 10-3 and 10-8 does not support the deletion of Policy UG 5A without replacement. The removal of the urban limits is the most practical way to meet the requirements of the NPS-UD. Although no limits are proposed, urban growth will still be managed through updated Policies: UG 6A, UG 7A, UG 7Ax and UG 14B.

Submissions 33-3, 21-4, 23-4 and 9-9 support the deletion of Policy UG 5A as notified. Support is noted.

### Submissions

Submission Number: 9: 9 Submission Type: Support  
 Submitter: Tauranga City Council  
 Submission Summary: Support removal of urban limits as these are inconsistent with the responsive planning policies of the NPS-UD.



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Delete text for Policy UG 5A as notified - page 22 of Proposed Change 6

Council Decision: Accept

### Further Submission(s)

Further Submission No: 10 - 3 Submission Type: Support in Part

Further Submitter: Transpower New Zealand Ltd

Submission Summary: Transpower notes that TCC propose the deletion of UG5BA, while Transpower is generally supportive it is concerned that something needs to take its place. This could be UG6A?

Decision Sought: Accept in part.

Council Decision: Accept in Part

Submission Number: 17: 2 Submission Type: Oppose

Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches

Submission Summary: If there are no urban limits, urban environments are more likely to develop closer to areas of significant indigenous biodiversity and threaten their integrity and function. Urban development results in an increase in domestic pets and garden plants which are a threat to biodiversity. The deleted explanation contains many aspects of the reasoning of not allowing ad hoc greenfield development including certainty for non-urban uses, and that such changes will not be made lightly.

Decision Sought: Reinstate deleted Policy UG 5A and associated maps and appendices or otherwise amend to discourage currently unplanned urban development on greenfield sites. Amendments required to reverse this deletion may require consequential changes to other policies where reference to urban limits has been made e.g including but not limited to Methods 14 and 16.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 10 - 8 Submission Type: Support

Further Submitter: Transpower New Zealand Ltd

Submission Summary: Transpower does not support the deletion of UG5A. Unless there is a clear replacement, either as a new UG5A or some other policy.

Decision Sought: Accept submission.

Council Decision: Reject

Submission Number: 21: 4 Submission Type: Support

Submitter: Mitre 10 Holdings

Submission Summary: The imposition of urban limits is an inflexible method that is inconsistent with the NPS-UD. The deletion of Policy UG 5A, and related amendments proposed in PC6, will ensure the RPS gives effect to the NPS-UD as required by section 62(3) RMA. Mitre 10 supports the removal of the establishment of urban limits as provided in Appendix E of the RPS. Removing the urban limits from the Bay of Plenty Region will allow responsive urban development across the Bay of Plenty and achieve the directive of the NPS-UD.

Decision Sought: Delete Policy UG 5A as notified.

Council Decision: Accept

Submission Number: 23: 4 Submission Type: Support

Submitter: Nga Potiki a Tamapahore Trust

Submission Summary: The removal of urban growth limits allows for more flexibility for development including plan changes and resource consent processes and provides scope for additional residential land and development to be utilised in areas currently on the Tauranga City and Western Bay urban area fringe

Decision Sought: Support the removal of Policy UG5A as notified

Council Decision: Accept

# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	33: 3	Submission Type:	Support
Submitter:	Western BOP District Council		
Submission Summary:	Urban limits have proved useful in the past, but in the current and future development environment are too rigid. The criteria contained in other policies are appropriate to manage any proposed developments.		
Decision Sought:	Delete Policy UG 5A		

Council Decision:	Accept
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1440

### Section: Policy UG 6A (submission points specific to this policy)

#### Council Decision

Amend the explanation text for Policy UG 6A to clarify servicing includes provision of access and to replace 'urban growth' with 'urban development' to read: '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, urban design, and provision and funding of network infrastructure.'

#### Reasons for Council Decision

Submissions 5-1, 7-3, 15-3, 16-1, 17-3, 21-5, 25-2, 28-1 and FS 10-9. Support is noted. These submissions are either accepted or accepted in part due to further changes to the policy explanation text.

Submissions 9-10 and FS 9-5 is accepted in part in so far as some changes are recommended to clarify servicing urban development includes provision for access and timing of urban development. FS 1-1 and 13-18 are accepted in so far as they oppose changes requested by Tauranga City Council to specify large scale urban development of 5 ha or more have not been accepted.

Submission 13-3, 20-5, 26-2, 27-2, 29-4, FS 7-1, and 30-1 are declined in so far as further amendments recommended do not align with the specific relief sought. The amendments recommended seek to better clarify policy intent. In respect to submissions 20-5 and 26-2, no further changes are made to Policy UG 10B.

Submission 20-5 supports Policy UG 6A subject to changes to Policy UG 10B. As Policy UG 10B has no proposed changes, the relief sought by this submission will be addressed below.

Submission 20-5 supports in part Policy UG 10B: Rezoning and development of urban land – investments and infrastructure considerations but considers that a range of other cost considerations beyond the efficient use of local authority and central government financial resources should appropriately be considered when providing for urban development of land. The relief sought is that subsection (d) "Efficient use of local authority and central government financial resources, including prudent local authority debt management" is removed to avoid unduly narrow considerations.

The wording of this policy requires that the rezoning of other provisions for the urban of development of land 'take into account' the following subsections. Further, the explanation statement acknowledges that the focus of Policy UG 10B is on board investment and infrastructure considerations. Policy UG 10B as worded is not limiting in its financial resources in decision making. Submission 20-5 is declined.

Submissions 9-10, 13-3, 26-2, 27-2, 29-4 and 30-1 seek specific changes to the wording of Policy UG 6A.

FS 1-1 and 13-18 opposes the relief sought by submission 9-10 based on defining large scale development greater than 5ha.

FS 9-5 supports in part submission 9-10 in relation to the term 'urban development' over 'urban growth' as notified. This FS does not support reference to brownfield development as this land is already live zoned and that all development is a transition from rural/future urban to urban.

The term brownfield remains as notified. It is not a matter of live zoning identified in a district plan, but rather the need to consider that the re-development of low-density brownfield could occur and that such re-development provides for the efficient use of land and infrastructure regardless of its prior use or zoning. This submission is accepted in part.

Submission 9-10 seeks changes to the explanation statement to refer to 'urban development' as opposed to 'urban growth' as it better describes brownfield redevelopment situations. Council agree that servicing also includes the provision of access. Provision for access to land is particularly important to the timing and integration of urban growth.

Council disagree that referring to 5 hectares is necessary. Large scale is defined in the operative RPS to include land use change great than or equal to 5 hectares. Further, consistency with Policy 7A wording is only relevant to Tauranga and Western Bay of Plenty Districts. Efficient use of land and infrastructure for growth and development is different across the region.

Submissions 13-3, 29-4 and 30-1 seeks that the wording 'high-level' is used before urban design when referring to the matters that must be addressed for urban growth and development.

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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FS 7-1 supports submission 29-4 as they agree that the RPS should clarify the appropriate scale of design input required as part of a spatial plan.

It is inappropriate to describe the level of urban design input. The term 'high-level urban design' is ambiguous and does not offer a clear understanding of what is expected in terms of urban design. Further, this text is part of the explanation statement to explain the elements involved to meet Policy UG 6A amongst other matters and is not a policy that provides any direction on the appropriate level of urban design.

Submissions 13-3, 29-4, 30-1, and further submission 7-1 are declined.

Concerns on development being plan-enabled and infrastructure ready raised by submission 26-2 are noted.

Submission 26-2 seeks changes to Policy UG 6A and Policy UG 10B to include that development capacity is plan-enabled and infrastructure ready. The definition for plan-enabled and infrastructure ready is provided under section 3.4 of the NPS-UD. In terms of being plan-enabled, the NPS-UD defines this by existing or proposed district plan changes or an FDS or other relevant local authority strategy.

Being infrastructure-ready is relevant to existing infrastructure, funding in a 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 Future Development Strategies which addresses urban development capacity for the long-term range of 30 years.

The recognition for efficient use of land and infrastructure are adequately addressed in the RPS as notified. This submission is declined.

Submission 27-2 seeks changes to Policy UG 6A to provide specific reference to the National Grid.

RPS operative Policy EI 3B: Protecting nationally and regionally significant infrastructure protects such infrastructure to develop, maintain, operate and upgrade existing, consented and designated infrastructure from incompatible development near significant infrastructure. This policy sets out how district councils and infrastructure providers shall determine an appropriate buffer corridor to ensure that inappropriate development in proximity to infrastructure is avoided.

Additionally, urban development is also subject to consideration of Method 18 which requires that a structure plan for all large-scale land use changes ensure coordinated development through integrated provision of infrastructure and integrated management of environmental effects. Of relevance to significant infrastructure, clause (f) of Method 18 requires that structure plans shall identify all existing and consented, designated or programmed infrastructure and infrastructure corridors.

The operative RPS already includes appropriate provisions to protect significant infrastructure such as the National Grid and that recognising the National Grid specifically within Proposed Change 6 policies is superfluous and unnecessary. For these reasons, this submission is declined.

### Submissions

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Submission Number:	5: 1	Submission Type:	Support
Submitter:	Kainga Ora		
Submission Summary:	Kainga Ora supports this policy as it is important to integrate urban growth with the means to service this growth at the same juncture. In turn, Kainga Ora also supports Policy UG 9B which also requires the co-ordination of new development with infrastructure. Of particular support, is the RPS recognition that "any urban growth and development must recognise the impact of growth on existing infrastructure and provide an equitable funding mechanism for the costs of that infrastructure."		
Decision Sought:	Retain as proposed		
Council Decision:	Accept in Part		

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Submission Number:	7: 3	Submission Type:	Support
Submitter:	Toi Te Ora Public Health		
Submission Summary:	Policy UG 6A: Efficient use of land and infrastructure for urban growth and development We support this policy as it aligns well with intensification and in fill which are two key aspects of urban development. Unless infill is in hazardous environments, such as areas that will be impacted by climate change and natural hazards.		



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Further Submission No:	13 - 18	Submission Type:	Support in Part
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	We consider that the submission should be accepted in part with respect to the changes in relation to the provision of access and reference to development. However, reference to the 5 hectare area is inconsistent with the policies under the NPS-UD which do not refer to any trigger in terms of land area relating to scale. Smaller areas still have the potential to deliver significant housing yield.		
Decision Sought:	Allow in part		
Council Decision:	Accept		

Submission Number:	13: 3	Submission Type:	Oppose in Part
Submitter:	Classic Developments Limited		
Submission Summary:	The amendment clarifies the appropriate scale of urban design input that is required as part of the preparation of a structure plan		
Decision Sought:	Amend the Explanation for Policy UG 6A 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		

Council Decision:	Accept in Part
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Submission Number:	15: 3	Submission Type:	Support
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra supports the policy as notified.		
Decision Sought:	Retain Policy UG 6A (Efficient use of land and infrastructure for urban growth and development) as notified.		

Council Decision:	Accept
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Submission Number:	16: 1	Submission Type:	Support
Submitter:	Ford Land Holdings Pty		
Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Adopt as notified.		

Council Decision:	Accept in Part
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Submission Number:	17: 3	Submission Type:	Support
Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches		
Submission Summary:	Forest & Bird supports infrastructure servicing because a lack of infrastructure servicing is inefficient and may contribute to adverse environmental effects.		
Decision Sought:	Retain Policy UG 6A as notified		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	10 - 9	Submission Type:	Support
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	Transpower supports the need for infrastructure to support development in UG6A.		
Decision Sought:	Accept submission.		

Council Decision:	Accept
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 20: 5 Submission Type: Support

Submitter: KiwiRail Holdings Ltd

Submission Summary: KiwiRail supports the policy as notified, subject to the proposed amendments to Policy UG 10B outlined below.

Decision Sought: Support subject to changes to Policy UG 10B.

Council Decision:	Reject
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Submission Number: 21: 5 Submission Type: Support

Submitter: Mitre 10 Holdings

Submission Summary: The proposed amendments to Policy UG 6A give effect to the NPS-UD in terms of Objective 4 and Policy 1. Further flexibility and provision must be provided to ensure that development is enabled in the Bay of Plenty to allow for responsive urban growth and increased development capacity.

Decision Sought: Adopt proposed amendments to Policy UG 6A as notified.

Council Decision:	Accept in Part
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Submission Number: 25: 2 Submission Type: Support

Submitter: Rotorua Lakes Council

Submission Summary: RLC supports the direction of this policy, which is consistent with the direction of the National Policy Statement- Urban Development (2020). We support that urban development needs to consider the efficient use of land and infrastructure, and that landuse and infrastructure provision needs to be integrated. However, it is important to note that the efficient use of land in the context of housing provision in particular, needs to be carefully considered with respect to housing challenges we face. The projected demand for housing; commercial feasibility for more intensive housing typologies; and the housing that is reasonably expected to be realised are key factors to consider when providing land for housing development. The ability for Rotorua to meet its housing bottom lines in Policy UG 25B, particularly in the medium to long term needs to be weighed up against providing for efficient urban form and use of land. We are currently developing our Future Development Strategy where we will be working through these issues with BoPRC, Waka Kotahi, MHUD and other key stakeholders groups.

Decision Sought: Retain RPS Change 6 as notified

Council Decision:	Accept in Part
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Submission Number: 26: 2 Submission Type: Support in Part

Submitter: Tauranga Crossing Limited

Submission Summary: While TCL supports the intent of the proposed changes to Policy UG 6A, it is concerned that the requirement of clause 3.2(1) of the NPS-UD for local authorities to provide sufficient development capacity\* to meet expected demand for housing and business is not properly reflected in the policy.

There are no policies in the RPS that require sufficient development capacity to be provided in a manner that is plan-enabled and infrastructure-ready. TCL also considers that Policy UG 6A does not align with this requirement. In particular, the policy requires that urban development be managed in a way that provides for the integration and efficient use of land and infrastructure. Use of term "manage" is less direct than what is required to ensure that development capacity is infrastructure- ready.

\* 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).

Consequential changes are required to Policy UG 10B to ensure that investment and infrastructure considerations are more closely aligned with the requirements of the NPS-UD

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Decision Sought: Policy UG 6A be recast to address the requirement for sufficient development capacity which is plan-enabled and infrastructure ready as follows:

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.

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

Further amend the Explanation for Policy UG 6A as follows:  
The servicing and timing of urban development is critical to achieving integrated and sustainable growth management. Urban growth (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, urban design, and provision and funding of network infrastructure

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

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

- (a) Sustainable rates of land uptake,
- (b) Existing development infrastructure to support the development of the land in the short term,
- (c) 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.

Council Decision:	Reject
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Submission Number:	27: 2	Submission Type:	Support in Part
Submitter:	Transpower New Zealand Ltd		
Submission Summary:	<p>Transpower supports the inclusion of a clear statement within the Proposed Change 6 provisions that provides clarity for RPS users. Such information provides clarity and assists the interpretation and implementation of the RPS.</p> <p>Transpower considers that specific reference and acknowledgment of the significance of the National Grid needs to be provided alongside some of these new provisions for avoidance of any doubt that the National Grid is nationally and regionally significant.</p> <p>The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed.</p> <p>To ensure clarity, Transpower would support specific reference within the Change 6 provisions to the National Grid. As an alternative, Transpower would support references to nationally and regionally significant infrastructure.</p>		

Decision Sought: Amend Policy UG 6A: Efficient use of land and infrastructure for urban growth and development as follows:

Manage urban development in a way that provides for:

- (a) The efficient use of land and infrastructure (including the National Grid); and
- ...

Explanation  
The servicing and timing of urban development is critical to achieving integrated and sustainable growth management, including the National Grid. Large-scale urban growth (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, urban design, and provisions and funding of network infrastructure.

Council Decision:	Reject
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Submission Number:	28: 1	Submission Type:	Support
Submitter:	Tumu Kaituna 14 Trust		
Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		





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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Amend the last paragraph 11 of the explanation text to read: 'For avoidance of doubt, meeting the criteria in Policy UG 7A does not negate the requirement to prepare a risk assessment (Policy NH 9B) and achieve a low level of risk as required by Policy NH 4B on the development site without increasing risk outside of the development site. Further consideration of hazards and infrastructure related matters are set out in RPS Policies IR 5B, UG 10B and UG 11B.'

Add a new paragraph within the explanation statement, at paragraph 2 to read "clause (b) of this policy does not apply to papakainga housing, community and social housing, marae and community facilities enabled by Policy UG 22B: Te Tiriti o Waitangi Principles'

### Reasons for Council Decision

Existing operative Policy UG 7A is proposed to be deleted through Proposed Change 6 (NPS-UD). It is the only policy in the operative RPS that makes provision for urban development outside the urban limits. However, it is strictly limited to the expansion of existing business activities or business land only. It does not provide for the expansion of other urban activities (e.g. residential) that is proposed to be connected to urban infrastructure but will be outside existing urban zoned areas or the urban limits (in the western Bay of Plenty sub-region).

As amended proposed Policy UG 7A seeks to implement Clause 3.8(3) of the NPS UD. It sets out criteria for determining whether unanticipated or out of sequence urban development proposals will add significant development capacity, and how the merits of individual proposals will be consistently assessed. It applies to both residential and business development proposals.

Policy UG 7A applies to urban growth proposals not included or provided for in a territorial authority endorsed planning process (e.g. FDS, RMA plan change or within the planned release of land recognised in an LTP). These are unanticipated or out-of-sequence urban growth proposals would normally be considered through a private plan change request but might also be sought through submissions on a formal district plan change or review. For the avoidance of doubt, Policy UG 7A does not apply to urban growth proposals that are provided for in an adopted local authority Future Development Strategy, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy

NPS-UD Policy 8 recognises local authority decisions must be responsive to unanticipated or out-of-sequence plan changes that will add significantly to development capacity and contribute to a well-functioning urban environment.

The size, location and demand for housing and business development capacity are relevant considerations for determining whether a proposal will add significant development capacity.

Large scale land to meet development capacity:

Ministry for the Environment guidance recognises that the requirement for regional councils to include criteria in their regional policy statements for determining what plan changes will be treated as adding significantly to development capacity should ensure that local authorities can focus resources and attention on opportunities that will support well-functioning urban environments. For example, focusing on large-scale opportunities instead of dedicating resources to requests for plan changes for small parcels of land that would not yield a large increase in dwellings or business land.

Policy UG 7A requires that the development is of a large enough scale to add significantly to development capacity. The operative RPS defines large scale: "in the context of land-use change involving the proposed development of land for urban purposes including proposed changes in zoning, refers to an area greater than or equal to 5 ha." Including a threshold in paragraph (b) provides certainty what constitutes large scale in the western Bay of Plenty sub-region and when the criteria apply.

Evidence of business and housing land demand:

The purpose of an HBA is to provide information on demand and supply of housing and business land, while quantifying the development capacity that is sufficient to meet demand for housing and business land. For a Plan Change to provide evidence that it will add significant development capacity it needs to be of a large scale and has quantifying evidence that there is demand for housing and business land in that location.

Well-Functioning Urban Environments:

The location of land that is unanticipated or out of sequence is essential in consideration of its ability to contribute to a well-functioning urban environment. Policy 1 of the NPS-UD sets out what a well-functioning urban environment comprises. To give effect to NPS-UD Policy 1, specifically clauses (c) and (e) for accessibility and to support reductions in greenhouse gas emissions, the plan change must also show how the development is well-connected along transport corridors. This should encourage urban developments in locations with easy access to a range of services.

It is considered that to achieve the requirements of NPS-UD Policy 1, out of sequence or unanticipated urban development is only acceptable when it is within or an extension to an existing urban environment.

Within the NPS-UD, urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- is, or is intended to be, predominantly urban in character; and
- is, or is intended to be, part of a housing and labour market of at least 10,000 people.

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## **2022 - Proposed Change 6**

### **Council Decisions on Provisions with Submissions and Further Submissions**

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Submissions 1-1, FS 6-1, FS 9-1, FS 13-7, 11-3, FS 1-3, FS 6-8, 12-2, FS 6-12, 13-5, FS 6-14, 29-6: These submissions oppose reference to the Housing and Business Development Capacity Assessment (“HBA”) in paragraph (a) and request replacing it with the Future Development Strategy (FDS).

The HBAs for the western Bay of Plenty and Rotorua identify shortfalls of residential capacity. As described above, to ensure that an unanticipated or out of sequence proposal contributes to a well-functioning urban environment, there needs to be evidence of demand for housing and business land in that location.

Submissions 13-6, FS 4-3, FS 6-15, 22-2, FS 6-17, 29-7, 30-2 seek ability to consider smaller scale development and oppose specifying a 5-ha large scale area threshold.

As described above, the operative RPS defines large scale as 5ha and sets this as the baseline for requiring structure plans under Method 18. For the Western Bay of Plenty sub-region, 5ha is a baseline of the size of land that could cater to a level of development that could offer significant capacity.

Unanticipated or out of sequence proposals should focus on large-scale opportunities instead of dedicating resources to requests for plan changes for small parcels of land that would not yield significant development capacity and a large increase in dwellings or business land.

Submissions 1-2, FS 6-2, FS 13-8, 11-5, FS 6-10, FS 13-5, 12-3, FS 6-13 oppose this policy as they consider that reference to growth strategy, Long Term Plan or 30-year infrastructure strategy are inappropriate and should only refer to Future Development Strategies (“FDS”) and RMA plans.

Only Tier 1 and 2 Local Authorities are required to prepare an FDS with the requirements detailed in Subpart 4 of the NPS-UD. The Bay of Plenty Region includes Tier 3 authorities that are also required to meet housing demand, although the preparation of an FDS is voluntary.

Other adopted local authority growth strategies, the LTP and 30-year infrastructure strategies are important when considering unanticipated and out of sequence urban development proposals and to capture all local authorities in the region.

Submissions 6-4, FS 10-2, 7-4, 9-11, 21-6, 23-5, 25-3, , , 17-7, 17-8 and 33-4 support for Policy UG 7A as notified is noted.

Submissions 15-4, FS 10-7, FS 9-7, 18-5, FS3-9, FS 9-14, FS 10-14, 20-6 seek changes to recognise reverse sensitivity effects within the policy.

As described throughout this report as it relates to submissions on reverse sensitivity effects, the RPS recognises reverse sensitivity effects on existing lawfully established activities through various policies. Of relevance to the submissions the following operative RPS direction is still relevant to consider for further urban growth

- Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
- Policy EI 7B: Managing the effects of infrastructure development and use.
- Policy AQ 1A: Discouraging reverse sensitivity effects associated with odours, chemicals and particulates.
- Policy EI 3B: Protecting nationally and regionally significant infrastructure

It is considered that reverse sensitivity effects are appropriately recognised within the operative RPS and will remain relevant to new urban growth proposals.

Submissions 11-4, FS 1-4, FS 4-2, FS 6-9, FS 13-3, FS 13-4, 13-7, 22-3, 29-8, 29-9, FS 6-20, FS 7-2 request changes to criteria (d), (e) and (f) to recognise accessibility within a proposed development area and that large scale development can provide self-sustaining local services.

Out-of-sequence urban development must show how the development is well-connected along transport corridors to ensure development is not disconnected or isolated. Relying on services and accessibility within the development area only could create ad-hoc or isolated pockets of urban development that are not well-connected.

Considerable planning and investment is required for future urban development areas and it is important that in order to qualify as adding significant development capacity any out of sequence or unanticipated urban development should be capable of being completed at pace and earlier than anticipated urban development or land release. Consequently criteria (e) and (f) intentionally create a high threshold.

It should be recognised the criteria are not absolute, proposals will need to be assessed on a case-by-case basis, and the preamble is clear it is the ‘extent to which the criteria are satisfied’ by the development proposal.

Submission 5-2, FS 6-3, FS 10-1, FS 13-15 seeks the inclusion of FDS within this policy. It is considered that including the FDS in this policy is inaccurate. Out of sequence development is development that is not already included in a Future Development Strategy. Land that is included in an FDS is irrelevant to this policy.

Submissions 17-1, 17-4, FS 9-13, 17-5, 17-6, seek recognition of the following:

- Adverse effects on the coastal environment, rural land, significant landscape areas and indigenous biodiversity.

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## **2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions**

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- Restriction on landowner holding of domestic cats and dogs

The concerns raised by these submission points are noted Policy UG 7A specifically seeks to implement NPS-UD Policy 8 and clause 3.8(3).

The operative RPS continues to provide a broader policy framework for the sustainable management of the regions natural and physical resources including land, fresh and coastal water, issues of significance to Iwi, biodiversity and infrastructure. These provisions will continue to apply including where relevant to future urban development proposals. Other RPS provisions addressing significant resource management issues for the coastal environment, rural growth management and specified matters of national importance still apply and can be considered and weighted on a case-by-case basis.

Submissions 13-8, FS 6-16, 29-9, 30-3, FS 6-22 seek the removal of part of the text in clause (f) that aims to protect existing and planned infrastructure or committed development infrastructure investment. Submissions also seeks removal of part of the explanation text that details what is meant by out-of-sequence development, but with no particular reason of relief sought.

Out of sequence development in reference to Policy UG 7A is aimed to capture development opportunities that have not been included in a Future Development Strategy or other Council endorsed document, allowing Councils to be responsive to growth opportunities. A high threshold is required to consider the appropriateness of development that has not been tested and consulted on through an FDS or other Council process to ensure that such development contribute to a well-functioning and connected environment.

Undermining existing infrastructure decisions in favour of out-of-sequence development is contradictory to the NPS-UD requirements for local governments to be infrastructure ready in the short, medium and long term as part of their growth strategies.

Every Council must provide at least sufficient development capacity including the requirement for infrastructure in its region for the short, medium and long term. Policy UG 7A captures any remaining gaps or opportunities that have not been included in an FDS or other Council endorsed strategy.

Submission 19-1 requests changes to Change 6 and Policy UG 7A specifically within the response.

The relief sought by the submitter is to provide greater protection for roading infrastructure in areas considered to already be at capacity. Policy UG 7A is relevant to areas of large-scale urban development that are not already anticipated by an FDS or other Council Plans. Any large scale and out of sequence development will require development infrastructure to cater to the additional urban growth.

Submission 27-3 seeks changes to recognise and protect the National Grid and ensure the operation, maintenance, upgrading and development of the National Grid.

RPS operative Policy EI 3B: Protecting nationally and regionally significant infrastructure protects such infrastructure to develop, maintain, operate and upgrade existing, consented and designated infrastructure from incompatible development near significant infrastructure. This policy sets out how district councils and infrastructure providers shall determine an appropriate buffer corridor to ensure that inappropriate development in proximity to infrastructure is avoided.

Additionally, urban development is also subject to consideration of Method 18 which requires that a structure plan for all large-scale land use changes ensure coordinated development through integrated provision of infrastructure and integrated management of environmental effects. Of relevance to significant infrastructure, clause (f) of Method 18 requires that structure plans shall identify all existing and consented, designated or programmed infrastructure and infrastructure corridors.

The operative RPS provisions protects significant infrastructure such as the National Grid and recognising the National Grid specifically within updated Change 6 policies is superfluous and unnecessary.

Submissions 16-2, FS 13-9, 28-2, FS 1-7, FS 6-18 seek amendments to remove 'private' from 'private plan change' as the wording private may preclude government entities and agencies from lodging plan changes.

A private plan change is a proposal that is not anticipated by the territorial authority. If a local authority is considering notifying an out-of-sequence development proposed by another government entity or agency it would still be considered a private plan change. It is more common for government agencies to be involved as stake holders in Spatial Plans or FDS processes, and urban development proposed by government agencies would form part of an anticipated development and would rarely be capture by this policy.

Submission 31-3 seeks changes to recognise public and active transport modes, and to include that this could be provided now or in the future. The submission also requests the inclusion of emission reductions into the policy.

Policy UG 7A is about the identification of land that is not included in an existing Council strategy, but still needs to be land for urban growth that forms part of an urban environment. If the land is of a location and size that is appropriate and the criteria set out in Policy UG 7A can be met, the other relevant urban growth policies and methods apply.

As detailed in the explanation statement 'Policies UG 6A, 9B, 10B and 11B and Method 18 are particularly relevant'. However, there are no existing RPS provisions that address emissions reduction and that matter is considered out of scope of Policy UG

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7A.

Submission 25-5 seeks amendment to the explanation statement, although the text being referred to is relevant to Policy UG 7Ax. For clarity, the change seeks the word 'density' is included such as: "City and district plans should enable greater building heights and density where there is higher housing and business use and demand". It is noted that the text this submission is referring to already includes the word 'density' as notified.

Submission 25-4 seeks that Maori urban development include Papakainga, iwi and hapu development aspirations is referenced after reference to Policy UG 22B: Te Tiriti o Waitangi Principles within the explanation statement. Maori aspirations are adequately referenced under UG 22B, and the link to this policy is sufficient. As at clause (a) of UG 22B, planning decisions will need to enable Maori to develop their land, including but not limited to Papakainga housing, marae and community facilities.

Submission 9-12, FS 1-2, FS 6-5 seeks amendments to clarify policy intent, reduce overly complex wording as well as identifying grammatical errors. Council agree with some of the requested changes to better reflect the intent of the NPS-UD.

Council does not agree with the relief to include reference to NPS-UD within the policy pre-amble text. Reference to NPS-UD Policy 8 is already provided within the explanation text as notified.

Policy UG 7A only applies to unanticipated or out of sequence development proposed within an existing urban environment. The suggested removal of this text within the preamble would make this unclear.

Submission 9-12 recognises this policy link to Policy UG 22B for out-of-sequence Maori urban developments, and within the context of the Tauranga and Western Bay of Plenty districts the criteria of being of a large enough development being 5ha or more may not be feasible and create unintended restrictions on Maori owned land.

Ministry for the Environment guidance recognises that Policy 8 of the NPS-UD requires local authorities to be responsive to plan changes that would add significantly to development capacity even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. These criteria help consider whether development fulfils needs for identified demand, including for housing that enables Maori to express cultural traditions and norms. The intent is to ensure local authorities consider whether plan changes add significantly to meeting iwi Maori needs.

Council recognises that Policy UG22B clearly enables the establishment of papakainga housing, marae and community facilities without being captured by the Policy UG 7A 5ha minimum threshold. For these reasons, the explanation statement of this policy has been amended to make this clear.

### Submissions

Submission Number:	1: 1	Submission Type:	Oppose
Submitter:	Element IMF		
Submission Summary:	<p>The FDS is the strategic planning document that is recognised in the NPS UD.</p> <p>The criterion should refer to the FDS, not the HBA. The HBA is not a plan. It is a tool used to inform the FDS alongside other inputs and does not deliver capacity on its own. It is a technical analysis that is not subject to formal consultation nor decision making under the RMA or LGA.</p> <p>The explanation does not refer to the HBA, but to the FDS and other plans.</p>		
Decision Sought:	<p>Amend criterion (a) to remove references to the HBA and instead refer to the FDS and RMA Plans as the key documents that anticipate and sequence urban development to read:</p> <p>The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.</p>		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 1	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	Tauranga Crossing Limited ("TCL") agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 9 - 1 Submission Type: Support in Part  
 Further Submitter: Kainga Ora  
 Submission Summary: Kainga Ora supports the decision requested to the extent it is consistent with Kainga Ora primary submission.  
 Decision Sought: Accept in part

Council Decision:	Reject
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Further Submission No: 13 - 7 Submission Type: Support  
 Further Submitter: Urban Taskforce for Tauranga  
 Submission Summary: We consider that the submission should be accepted so that the Policy refers to the Future Development Strategy (FDS) as the method for identification.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 1: 2 Submission Type: Oppose  
 Submitter: Element IMF  
 Submission Summary: 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 also may not always be aligned, or subject to the same rigour of analysis, community engagement, or decision making.  
 Decision Sought: Amend the explanation to remove references to the 'growth strategy, Long Term Plan, or 30 year infrastructure strategy' to read:

'Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy, or RMA plan. Out of sequence development is development that is not consistent with the development sequence set out in those documents.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 2 Submission Type: Support  
 Further Submitter: Tauranga Crossing Limited  
 Submission Summary: TCL agrees with the Submitter that reference to other documents that are not the FDS (such as the growth strategy, Long Term Plan, or 30 year infrastructure strategy) is inconsistent with the requirements of the NPS-UD, and has the potential to create uncertainty.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Further Submission No: 13 - 8 Submission Type: Support  
 Further Submitter: Urban Taskforce for Tauranga  
 Submission Summary: We consider that the submission should be accepted so that the Policy refers to the Future Development Strategy (FDS) as the method for identification.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	5: 2	Submission Type:	Support in Part
Submitter:	Kainga Ora		
Submission Summary:	<p>Kainga Ora generally supports this policy but seeks the inclusion of wording that requires the need to assess whether allowing out of sequence development compromises development ready land that is provided for within the FDS/Regional strategic and/or development framework.</p> <p>While it is important to include the HBA and understand the demand for housing and business land in an urban environment, it is the FDS which forms the basis for integrated, strategic and long-term planning. The FDS helps local authorities set the high-level vision for accommodating urban growth over the long term and identifies strategic priorities to inform other development- related decisions. Therefore, Kainga Ora request that the FDS is included in this policy.</p>		
Decision Sought:	Amend Policy UG7A to reference FDS as follows:		
	<p>(a) The development is of large enough scale to contribute to meeting demand for additional urban land identified through the HBA or FDS for the area, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.</p> <p>Where there is no HBA or FDS, there is evidence that there is a need for additional urban land, and...</p>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	6 - 3	Submission Type:	Support in Part
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	<p>TCL agrees with the Submitter that it is the FDS which forms the basis for integrated, strategic, and long-term planning, and supports the submission to the extent that it seeks to add reference to the FDS in Policy UG 7A. However, TCL also considers that reference to plans other than the FDS is inconsistent with the NPS-UD and has the potential to create uncertainty.</p>		
Decision Sought:	Accept submission as it relates to referencing the FDS within the policy.		

Council Decision:	Accept in Part
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Further Submission No:	10 - 1	Submission Type:	Support in Part
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	<p>Transpower is generally supportive of the Kainga Ora submission but does wonder if HBA is still required (UG7A(a)).</p>		
Decision Sought:	Accept submission in part,		

Council Decision:	Reject
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Further Submission No:	13 - 15	Submission Type:	Support in Part
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	<p>The submission should be accepted as the current wording is inconsistent with the NPS-UD and should refer to the demand for additional urban land being identified through the FDS rather than the range of plans and strategies currently referred to in the policy.</p>		
Decision Sought:	Accept in part.		

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 6: 4 Submission Type: Support

Submitter: Federated Farmers NZ (BOP and Rotorua, Taupo)

Submission Summary: Policy UG 7A provides criteria for unanticipated or out-of-sequence urban growth – urban environments. This policy and any reference to it in other provisions, has the potential to threaten land otherwise protected for rural production activities. We acknowledge that urban development is necessary in some instances, and as such the criteria proposed is supported by Federated Farmers.

Decision Sought: Retain criteria for unanticipated or out-of-sequence growth.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 10 - 2 Submission Type: Support

Further Submitter: Transpower New Zealand Ltd

Submission Summary: Transpower agrees with these comments and notes the importance of retaining existing protections.

Decision Sought: Accept submission.

Council Decision:	Accept
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Submission Number: 7: 4 Submission Type: Support

Submitter: Toi Te Ora Public Health

Submission Summary: Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth urban environments

We acknowledge Council has noted the importance of addressing zones that will be impacted by climate change and natural hazards. Taking into consideration the areas that are prone to floods and are coastal zones which will have significant impact to these communities is particularly important.

Prior to 'live zoning' land for structure planning and development, we suggest that the social and mental wellbeing effects of natural hazard impacts to public health are considered in addition to whether a site is significantly constrained when addressing natural hazards.

From a public health perspective to achieve integrated and sustainable growth management, large scale urban growth must address connectivity to existing urban development.

We support this policy and particularly policy 7A(d). From a public health perspective, to support health and wellbeing, large scale development must be located (or provide) good accessibility between housing, employment, community and other services and open space. In relation to what is considered good accessibility, it is a development that achieves all policy UG 3A, in particular increases active transport, reduces motor vehicle dependency, and reduces emissions.

Decision Sought: Retain Policy UG 7A. Prior to 'live zoning' land for structure planning and development, consider the social and mental wellbeing effects of natural hazard impacts to public health in addition to whether a site is significantly constrained when addressing natural hazards.

Council Decision:	Accept in Part
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Submission Number: 9: 11 Submission Type: Support

Submitter: Tauranga City Council

Submission Summary: Policy UG 7A - Providing for the expansion of existing business land - western Bay of Plenty sub-region

Support removal of current Policy UG 7A as it includes reference to urban and is inconsistent with the responsive planning policies of the NPS-UD.

Decision Sought: Delete Policy UG 7A as proposed by RPS Change 6

Council Decision:	Accept
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Submission Number: 9: 12 Submission Type: Seek Amendment

Submitter: Tauranga City Council

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## **2022 - Proposed Change 6**

### **Council Decisions on Provisions with Submissions and Further Submissions**

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Submission Summary: The intent of this policy is supported however it is considered that the proposed wording is confusing and overly complex.

With regard to the explanation, it states that this policy applies to Maori urban development enabled by Policy UG 22B where that development is unanticipated or out of sequence, mirroring a similar statement in Policy UG 22B itself. This would mean that for Tauranga City and Western Bay of Plenty District urban environments, the scale of the development would need to be 5 hectares or more for the responsive planning policies to apply. This threshold may not be feasible in relation to Maori development, and we suggest that this statement is reconsidered to avoid any unintended restrictions on the development of Maori land.

In addition to the changes requested, we suggest that the explanation is revised to group the various statements together under new sub-headings in a more logical order. The matters covered in the explanation are broad, and the text as proposed jumps around in a slightly scattered fashion. While this would not alter the intent of the policy, it would perhaps improve usability.



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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Decision Sought:

Amend Policy UG 7A including Explanation as follows:

Private plan changes, submissions on plan changes, or submissions on plan reviews providing for urban development that is unanticipated or out-of-sequence, will be treated, for the purpose of implementing Policy 8 of the NPS-UD, as adding significantly to development capacity based on the extent to which the proposed development satisfies the following criteria:

- (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
- (b) For Tauranga City and Western Bay of Plenty District urban environments, the development is large scale (5 hectares or more), and able to support multi modal transport options, 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.

#### Explanation

Policy UG 7A implements Policy 8 and Clause 3.8(3) of the National Policy Statement on Urban Development 2020. It requires that the RPS include criteria for determining whether unanticipated or out-of-sequence urban development proposals will add significantly to development capacity,

This policy applies to Maori urban development enabled by Policy UG 22B: Te Tiriti o Waitangi Principles, where that development is unanticipated or out-of-sequence.

This policy does not apply to small scale alterations to urban environments that have minor effects.

In addition to these criteria the development must be well-connected to existing or planned multi modal transport corridors and must contribute to a well-functioning urban environment.

Unanticipated urban development is subdivision, use and development that is not 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 change requests, 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. Where urban development satisfies the criteria, local authorities must respond by removing unnecessary constraints and focusing resources and attention to expedite decision making processes.

These criteria do not negate the requirement for urban development to give effect to the RPS as a whole, including all other relevant objectives and policies, satisfying other criteria, and implementing relevant methods.

Policies UG 6A, 9B, 10B and 11B and Method 18 are particularly relevant to ensure proposals are designed so that infrastructure, including multi-modal transport and three-waters infrastructure, provides for longer-term development

Climate change and natural hazards can have significant impacts on the region's urban growth aspirations and on people, property and infrastructure. Prior to 'live zoning' land for structure planning and development purposes, consideration is to be given to whether a site is significantly constrained by the effects of climate change or natural hazards.

For avoidance of doubt, meeting the criteria in Policy UG 7A does not negate the requirement to prepare a risk assessment (Policy NH 9B) and achieve a low level of risk as required by Policy NH 4B on the development site without increasing risk outside of the development site. Further consideration of hazards and infrastructure related matters are set out in RPS Policies IR 5B, UG 10B and UG 11B.

Table reference: Objective 23 and 25, Methods 1, 3 and 18

Note typo in spelling of "infrastructure" in clause (f)

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	1 - 2	Submission Type:	Support
Further Submitter:	Nga Potiki a Tamapahore Trust		
Submission Summary:	NPATT support the submission insofar as Maori land less than 5ha within an urban environment, is not precluded from meeting the responsive planning policies of the revised RPS.		
Decision Sought:	UG 7A: Submission seeks clarity to wording so that the development of Maori land in urban environments is not precluded if less than 5ha in area		

Council Decision:	Accept in Part
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Further Submission No:	6 - 5	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	TCL supports the proposed amendments to Policy UG 13B. The amendments clarify the intent of the Policy and are consistent with the wording used in the NPS-UD itself.		
Decision Sought:	Accept submission.		

Council Decision:	Accept in Part
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Submission Number:	11: 3	Submission Type:	Oppose
Submitter:	Bell Road Limited Partnership		
Submission Summary:	The FDS and RMA Plans are the strategic planning documents recognised in the NPS UD. The criterion should not refer to the HBA. The HBA is not a plan. It is a tool used to inform the FDS alongside other inputs and does not deliver capacity on its own. It is a technical analysis that is not subject to formal consultation nor decision making under the RMA or LGA. The Explanation does not refer to the HBA, but to the FDS and other plans.		
Decision Sought:	Amend Policy UG 7A to refer to the FDS and RMA Plans as the key documents that anticipate and sequence urban development with the following amendments to criterion (a): The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	1 - 3	Submission Type:	Support
Further Submitter:	Nga Potiki a Tamapahore Trust		
Submission Summary:	NPATT supports the submission to ensure the correct documents are referenced in the policy.		
Decision Sought:	UG 7A: Submission proposes deletion of reference to HBA and replacement with reference to FDS and RMA Plans which is consistent with the NPS- UD.		

Council Decision:	Reject
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Further Submission No:	6 - 8	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	11: 4	Submission Type:	Oppose
Submitter:	Bell Road Limited Partnership		
Submission Summary:	<p>The criterion as drafted does not clearly address accessibility within a development area, which will also contribute significantly to a well-functioning urban environment.</p> <p>Large scale development can provide self-sustaining local services with significant long-term benefits to liveability and greenhouse gas emissions that will contribute to well-functioning urban environment</p> <p>This includes provision of walkable local commercial, social and community service, schools, open space, and access to public and active transport modes.</p> <p>Unanticipated or out-of-sequence development may affect planned development and infrastructure, however this is an acceptable position where the benefits outweigh the costs.</p> <p>The proposed policy has a high threshold (i.e. ‘...without materially reducing the benefits of other existing or planned development...’ and would act to severely limit the opportunities for alternative growth proposals and is inconsistent with the NPS-UD).</p>		
Decision Sought:	<p>Amend Policy UG 7A criterion (d) as follows: The development will provide good accessibility between housing, employment, community and other services and open space, and</p> <p>Amend Policy UG 7A (e) as follows: Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure.</p>		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	1 - 4	Submission Type:	Support
Further Submitter:	Nga Potiki a Tamapahore Trust		
Submission Summary:	NPATT support the amendments to UG 7A criteria (e) and (d) so that out of sequence or unanticipated development that provides significant benefits, that outweigh costs and risks can be considered. This also achieves the intentions of the NPS-UD.		
Decision Sought:	UG7A: Submission proposes amendments to the relevant criterion (d) and (e) of Policy UG 7A to ensure that unanticipated or out of sequence growth is not unduly restricted if benefits outweigh cost of development		

Council Decision:	Reject
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Further Submission No:	4 - 2	Submission Type:	Support
Further Submitter:	Waka Kotahi		
Submission Summary:	The proposed amendment will support development that enables residents to live, work and enjoy recreation via an integrated and well-functioning transport system.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 6 - 9 Submission Type: Support in Part  
 Further Submitter: Tauranga Crossing Limited  
 Submission Summary: TCL agrees with the Submitter that the requirement for development infrastructure to be provided "without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment" is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.  
 Decision Sought: Accept submission in part as it relates to Policy UG 7A (f)

Council Decision:	Reject
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Further Submission No: 13 - 3 Submission Type: Support  
 Further Submitter: Urban Taskforce for Tauranga  
 Submission Summary: We consider that the submission should be accepted as the amendments are considered appropriate.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Further Submission No: 13 - 4 Submission Type: Support  
 Further Submitter: Urban Taskforce for Tauranga  
 Submission Summary: We consider that the submission should be accepted as the policy as drafted would continue to severely limit the opportunities for alternative growth proposals and is inconsistent with Objective 2 of the NPS-UD.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 11: 5 Submission Type: Oppose  
 Submitter: Bell Road Limited Partnership  
 Submission Summary: The explanation lists other plans as 'or relevant plan or growth strategy, RMA planning document, Long Term Plan, or 30-year infrastructure strategy'. 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 also may not always be aligned, or subject to the same rigour of analysis, community engagement, or decision making.  
 Decision Sought: Amend the Explanation to Policy UG 7A as follows:  
 Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy or RMA plan. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 10 Submission Type: Support  
 Further Submitter: Tauranga Crossing Limited  
 Submission Summary: TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No:	13 - 5	Submission Type:	Support in Part
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	We consider that the submission should be accepted. The policy should only refer to the FDS. This is consistent with the approach set out in the NPS-UD. Reference to the range of other plans and strategies will create significant uncertainty in decision making. The FDS needs to be developed and adopted as an urgent priority.		
Decision Sought:	Accept submission.		
Council Decision:	Reject		

Submission Number:	12: 2	Submission Type:	Oppose
Submitter:	Bluehaven Investments Limited		
Submission Summary:	Policy UG 7A: Providing for unanticipated or out- of-sequence urban growth – urban environments		
	The FDS is the strategic planning document that is recognised in the NPS UD. The criterion should refer to the FDS, not the HBA. The HBA is not a plan. It is a tool used to inform the FDS alongside other inputs and does not deliver capacity on its own. It is a technical analysis that is not subject to formal consultation nor decision making under the RMA or LGA. The explanation does not refer to the HBA, but to the FDS and other plans.		
Decision Sought:	Amend Policy UG 7A to refer to the FDS and RMA Plans as the key documents that anticipate and sequence urban development with the following amendments to criterion (a):		
	The development is of large enough scale to contribute to meeting demand for additional urban land identified through the FDS or RMA Plans, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types.		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 12	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	TCL agrees with the Submitter that the criterion should refer to the FDS, not the HBA, as the FDS is the strategic planning document that is recognised in the NPS-UD.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	12: 3	Submission Type:	Oppose
Submitter:	Bluehaven Investments Limited		
Submission Summary:	Policy UG 7A: Providing for unanticipated or out- of-sequence urban growth – urban environments		
	The explanation lists other plans as 'or relevant plan or growth strategy, RMA planning document, Long Term Plan, or 30-year infrastructure strategy'. 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 also may not always be aligned, or subject to the same rigour of analysis, community engagement, or decision making.		
Decision Sought:	Amend the Explanation of UG 7A as follows: Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy, or RMA plan. Out of sequence development is development that is not consistent with the development sequence set out in those documents.		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 13	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		





## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submitter:	Tauranga Crossing Limited
Submission Summary:	While TCL supports to the removal of references to other documents that are not the FDS or RMA Plans, it is opposed to the deletion of the words "large enough" from criterion (a).  Policy 8 (NPS-UD) requires local authorities to be responsive to plan changes "that add significantly to development capacity". Subpart 2, Clause 3.8 of the NPS-UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of-sequence plan changes against. TCL considers that the words "large enough" assist with the interpretation of Policy UG 7A and the extent to which plan changes "add significantly to development capacity."
Decision Sought:	Reject the submission as it relates to the removal of the words "large enough" from criterion (a).
Council Decision:	Reject

Submission Number:	15: 4	Submission Type:	Support in Part
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra supports the intent of Policy UG 7A of setting out a criteria for unanticipated or out of sequence urban growth. However, Fonterra considers that an additional criterion is required that specifically requires the consideration of reverse sensitivity effects.  The direction of the RPS in respect of reverse sensitivity largely relates to rural areas. However, Fonterra notes that reverse sensitivity effects occur with urban environments, for example when residential and industrial activities are located in close proximity to one another.  Nothing in Policy 8 or Clause 3.8 of the NPS-UD precludes the inclusion of a criteria seeking to avoid or minimise the potential for reverse sensitivity effects on lawfully established activities (both industrial activities and primary production activities).		
Decision Sought:	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.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	9 - 7	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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. Kainga 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.		
Decision Sought:	Reject submission.		
Council Decision:	Accept		



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 10 - 7 Submission Type: Support  
 Further Submitter: Transpower New Zealand Ltd  
 Submission Summary: Transpower requests that this be amended to be 'on lawfully established activities'. It does not need to be specific to industrial or rural production.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 16: 2 Submission Type: Support in Part  
 Submitter: Ford Land Holdings Pty  
 Submission Summary: There is no definition for a Private Plan Change. The use of the word private may preclude government entities, agencies or bodies lodging Plan Changes.  
 Provides for the sustainable management of growth in the region.  
 Decision Sought: Amend the first paragraph of Policy UG 7A as follows:  
 Plan changes, submissions on plan changes, or submissions on plan reviews providing for development of urban environments and urban growth that forms part of an urban environment, that is unanticipated or out-of-sequence, will add significantly to development capacity based on the extent to which the proposed development satisfies the following criteria.  
 Make consequential changes where there are references to Private Plan Changes.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 9 Submission Type: Support  
 Further Submitter: Urban Taskforce for Tauranga  
 Submission Summary: We consider that the submission should be accepted and that all references to "private" should be removed from the policy. The NPS UD refers to "Plan Changes", irrespective of whether they are Council initiated or private.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 17: 4 Submission Type: Oppose  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: The intention of this policy is to provide for growth in housing and supporting infrastructure. A potential adverse effect of the current wording of this policy is an increase in the number of predators emanating from urban environments.  
 The Explanation for Policy UG 7x  
 "2 Reduced environmental impacts from reduced need for urban expansion" acknowledges that urban expansion has adverse environmental impacts.

## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

**Decision Sought:** 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 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.

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.

On page 24, change the Table reference: Objective 23 and 25, Methods 1, 3, 18, 49, 64, and 79.

<b>Council Decision:</b>	Reject
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#### Further Submission(s)

Further Submission No:	9 - 13	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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.		
Decision Sought:	Reject submission.		

<b>Council Decision:</b>	Accept
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Submission Number:	17: 5	Submission Type:	Support in Part
Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches		
Submission Summary:	[With reference to] Explanation paragraph 7 avoiding predation and spread of plant pests in natural areas is not an unnecessary constraint. It is part of integrated and judicious decision-making and does not constitute focusing resources and attention away from expediting the decision-making process.		
Decision Sought:	Add to paragraph 10 of the Explanation for Policy UG 7A or include a separate paragraph to the effect that urban development can have significant adverse effects on indigenous biodiversity, the coastal environment and natural landscapes.		

<b>Council Decision:</b>	Accept in Part
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Submission Number:	17: 6	Submission Type:	Support in Part
Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches		
Submission Summary:	[With reference to] Explanation paragraph 8 Forest & Bird supports giving effect to the RPS as a whole, including all other relevant objectives and policies, satisfying other criteria, and implementing relevant methods. This proposed explanation should be augmented by other amendments sought including the relief sought for para 7.		
Decision Sought:	Add to paragraph 10 of the Explanation for Policy UG 7A or include a separate paragraph to the effect that urban development can have significant adverse effects on indigenous biodiversity, the coastal environment and natural landscapes.		

<b>Council Decision:</b>	Reject
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Submission Number:	17: 7	Submission Type:	Support
Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches		
Submission Summary:	[With reference to] Explanation para 10 Forest & Bird supports consideration being given to whether a site is significantly constrained by the effects of climate change or natural hazards because climate		

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change and natural hazards can have significant adverse effects.

Decision Sought: Retain Explanation para 10 for Policy UG 7A

Council Decision:	Accept
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Submission Number: 17: 8 Submission Type: Support

Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches

Submission Summary: [With reference to] Explanation para 11

Forest & Bird supports this wording because inadequate consideration of risk, hazards and infrastructure will have significant adverse effects.

Decision Sought: Retain Explanation paragraph 11 for Policy UG 7A

Council Decision:	Accept
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Submission Number: 18: 5 Submission Type: Support in Part

Submitter: Horticulture New Zealand

Submission Summary: HortNZ consider it important that urban development and productive land are considered together to provide a planned approach so new urban areas are designed in a manner that maintains the overall productive capacity of highly productive land and avoids reverse sensitivity effects

Decision Sought: 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

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 3 - 9 Submission Type: Support

Further Submitter: Fonterra Ltd.

Submission Summary: For the reasons outlined in the Horticulture New Zealand submission.

Decision Sought: Accept submission.

Council Decision:	Reject
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Further Submission No: 9 - 14 Submission Type: Oppose

Further Submitter: Kainga Ora

Submission Summary: Kainga 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. Kainga 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.

Decision Sought: Reject submission.

Council Decision:	Accept
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Further Submission No:	10 - 14	Submission Type:	Support
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	Transpower generally agrees. Transpower wants to make sure that this does not exclude the need to locate National Grid infrastructure on rural land. Urban development could include infrastructure unless otherwise excluded.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	19: 1	Submission Type:	Oppose
Submitter:	Keith Warwick		
Submission Summary:	We are a dead-end road [with a] quarry and heavy quarry trucks dominating our infrastructure. The [road is] damaged. Policy UG 7A puts our area at [risk of] more development and strain on infrastructure.		
Decision Sought:	Amend RPS Change 6 to provide greater protection for areas like my road that is already struggling with the population on it. The little infrastructure we have is at capacity. It cannot cope with more people, cars, houses, etc.		

Council Decision:	Accept in Part
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Submission Number:	20: 6	Submission Type:	Support in Part
Submitter:	KiwiRail Holdings Ltd		
Submission Summary:	<p>KiwiRail supports the intent of Policy UG 7A but considers that express recognition is needed for the consideration of reverse sensitivity effects which must be carefully managed when providing for out-of-sequence urban growth.</p> <p>The direction of the RPS in respect of reverse sensitivity largely relates to rural areas but reverse sensitivity effects can equally occur with urban environments, including at the interface between residential land uses and transport corridors.</p> <p>Nothing in Policy 8 or Clause 3.8 of the NPS-UD precludes the inclusion of a criteria seeking to avoid or minimise the potential for reverse sensitivity effects on lawfully established activities.</p> <p>KiwiRail considers express recognition of reverse sensitivity effects is necessary to ensure development near transport corridors can co-exist in an appropriate way. The Resource Management (Enabling Housing Supply) Amendment Act also expressly recognises and provides a nuanced approach to development where qualifying matters apply (including for example the provision of nationally or regionally significant infrastructure).</p>		

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Decision Sought: Amend Policy UG 7A, as follows:

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments  
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, will add significantly to development capacity based on the extent to which the proposed development satisfies the following criteria:

- (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
- (b) For Tauranga City and Western Bay of Plenty District urban environments, the development is large scale (5 hectares or more), and sufficient to support multi modal transport options, 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, and
- (g) The development avoids the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.

And such consequential amendments as are necessary to the explanation of Policy UG 14B.

Council Decision:	Reject
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Submission Number:	21: 6	Submission Type:	Support
Submitter:	Mitre 10 Holdings		
Submission Summary:	Mitre 10 supports the inclusion of Policy UG 7A recognising the need for unanticipated or out-of-sequence urban growth. The proposed policy under PC6 is seen to achieve Policy 8 of the NPS- UD and provide for development that is unanticipated by RMA planning documents. In particular, Mitre 10 support the inclusion of Policy UG 7A (b) defining the size of a 'large scale' development being greater than 5ha.		
Decision Sought:	Adopt proposed Policy UG 7A as notified.		

Council Decision:	Accept
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Submission Number:	22: 2	Submission Type:	Oppose
Submitter:	Newman Group Limited		
Submission Summary:	(a) and (c)  There is no valid reason why smaller scale developments cannot be considered under the policy. The exclusion of smaller sites is contrary to the NPS-UD. Such sites are numerous throughout the sub region and play an important role in providing land for housing and business use.		
Decision Sought:	Delete the area reference in (b) of Policy UG 7A, i.e. 5 hectares or more  Amend Policy UG 7A (c) as follows: for all urban environments		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 17	Submission Type:	Oppose
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	The requirement of Policy 8 NPS UD is to be responsive to plan changes that would “add significantly to development capacity.” Subpart 2, Clause 3.8 of the NPS-UD places a requirement on local authorities to set out what criteria it will consider unanticipated/out-of- sequence plan changes against, and TCL supports the five hectare “threshold” for Tauranga City and Western Bay of Plenty District.		





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Submission Summary: NPaTT supports the submission and amended wording which will ensure other forms of plan changes are appropriate for the development of land and urban growth.

Decision Sought: UG 7A: Submission seeks the removal of "private" from the text to ensure that all forms of plan changes are not excluded.

Council Decision:	Reject
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Further Submission No: 6 - 18 Submission Type: Support

Further Submitter: Tauranga Crossing Limited

Submission Summary: TCL supports the submission and considers that Policy 8 of the NPS-UD applies to all plan changes, and is not limited to private plan changes.

Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 29: 6 Submission Type: Oppose in Part

Submitter: Urban Taskforce for Tauranga

Submission Summary: The policy incorrectly relies on Housing and Business Capacity Assessments to determine the need for additional urban land.

Referring to other documents as set out in the explanation will also create uncertainty.

The approach is contrary to the NPS-UD which relies on the Future Development Strategy as the method for identification.

Decision Sought: Amend Policy UG 7A as follows:

The development is of a scale to contribute to meeting demand for additional urban land identified through the Future Development Strategy including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. Where there is no Future Development Strategy there is evidence that there is a need for additional urban land, and

Explanation  
Remove all references to documents (other than the Future Development Strategy from the explanations for the policy).

Council Decision:	Reject
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Submission Number: 29: 7 Submission Type: Oppose

Submitter: Urban Taskforce for Tauranga

Submission Summary: There is no reason why smaller scale developments cannot be considered under the policy. The exclusion of smaller sites is contrary to the NPS-UD. Such sites are numerous throughout the sub region and will play an important role in providing land for housing and business use.

Decision Sought: In Policy UG 7A delete the area reference in (b) of the policy as follows: [delete] "5 hectares or more", and

Amend (c) in the policy as follows: for all urban environments

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 19 Submission Type: Oppose

Further Submitter: Tauranga Crossing Limited

Submission Summary: TCL is opposed to the deletion of the words "large enough" from criterion (a) as Policy 8 (NPS UD) requires plan changes "to add significantly to development capacity."

Decision Sought: Reject submission.

Council Decision:	Accept
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 29: 8 Submission Type: Oppose in Part

Submitter: Urban Taskforce for Tauranga

Submission Summary: The provision should provide for and acknowledge the contribution of local services and amenities which are internal rather than external to a development site.

Decision Sought: Amend Policy UG 7A (d) as follows:

The development provides good accessibility between housing, employment, community and other services and open space, and

Council Decision:	Reject
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Submission Number: 29: 9 Submission Type: Oppose

Submitter: Urban Taskforce for Tauranga

Submission Summary: There is the need to ensure an adequate pipeline and supply of future land for urban development which has been a failing of growth management in the sub-region.

Future unanticipated development may impact on planned development and infrastructure, however benefits may outweigh costs, and in some instances the benefits (including efficiencies) may be significant.

Such development should not be excluded under the policy which acts to severely limit the opportunities for growth and is contrary to the NPS-UD.

Decision Sought: Amend Policy UG 7A (f) as follows:

Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure.

Remove the following from the explanation:

"Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents.

The criteria apply to private plan changes, submissions on plan 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."

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 20 Submission Type: Support

Further Submitter: Tauranga Crossing Limited

Submission Summary: TCL agrees with the Submitter that the requirement for development infrastructure to be provided "without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment" is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.

Decision Sought: Accept submission.

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 7 - 2 Submission Type: Support

Further Submitter: Element IMF

Submission Summary: The Plan Change should clarify the appropriate scale of urban design input that is required as part of a spatial plan.

We agree with the principle that in some instances, the benefits of future unanticipated development may outweigh the costs of impacts on planned development and infrastructure.

Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 30: 2 Submission Type: Oppose

Submitter: Vercoe Holdings Limited

Submission Summary: There is no valid reason why smaller scale developments cannot be considered under the policy. The exclusion of smaller sites is contrary to the NPS-UD. Such sites are numerous throughout the sub region and will play an important role in providing land for housing and business use.

Decision Sought: Delete the area reference in Policy UG 7A (b) of the policy as follows: 5 hectares or more, and Amend (c) in Policy UG 7A to read: "for all urban environments"

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 21 Submission Type: Oppose

Further Submitter: Tauranga Crossing Limited

Submission Summary: TCL is opposed to the deletion of the words "large enough" from criterion (a) as Policy 8 (NPS UD) requires plan changes "to add significantly to development capacity."

Decision Sought: Reject submission.

Council Decision:	Accept
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Submission Number: 30: 3 Submission Type: Oppose

Submitter: Vercoe Holdings Limited

Submission Summary: There is the need to ensure an adequate pipeline and supply of future land for urban development which has been a failing of recent growth management in the sub-region.

Future development may in many instances impact on planned development and infrastructure, however benefits may outweigh costs, and in some instances the benefits (including efficiencies) may be significant.

Such development should not be excluded under the policy which acts to severely limit the opportunities for growth and is contrary to the NPS-UD.

Decision Sought: Amend Policy UG 7A (f) as follows:  
Development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure.

Remove the following from the explanation:  
Unanticipated development is urban development (subdivision, use and development) that is not identified as being provided for in an adopted local authority Future Development Strategy, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy. Out of sequence development is development that is not consistent with the development sequence set out in one or more of those documents.

The criteria apply to private plan changes, submissions on plan 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.

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

### Further Submission(s)

Further Submission No:	6 - 22	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	TCL agrees with the Submitter that the requirement for development infrastructure to be provided "without materially reducing the benefits of other existing or planned development infrastructure, or undermining committed development infrastructure investment" is an unnecessarily high policy threshold that is inconsistent with the NPS-UD.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number:	31: 3	Submission Type:	Support in Part
Submitter:	Waka Kotahi		
Submission Summary:	Paragraph (d) reads "The development is located with good accessibility between housing, employment, community and other services and open space..."		
	Public and active transport is an important component of whether a development is considered to be accessible in a way that supports the desired outcomes of the NPS-UD, but is not specifically referenced here.		
	In supporting the desired outcomes of the NPS-UD it is also important to include consideration of emissions reduction and climate change adaptation.		

Decision Sought: 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.

Council Decision:	Reject
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Submission Number:	33: 4	Submission Type:	Support
Submitter:	Western BOP District Council		
Submission Summary:	The criteria listed are important to assess the appropriateness of unanticipated or out of sequence developments. They are essential for the funding of infrastructure and place-making purposes.		
Decision Sought:	Retain Policy UG 7A as notified		

Council Decision:	Accept
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### Section: Policy UG 7Ax (submission points specific to this policy)

1442

#### Council Decision

Amend paragraph (c) of Policy UG 7Ax by replacing 'well' with 'adequately' to read: '(c)Is adequately served by existing or planned development infrastructure and public transport.'

#### Reasons for Council Decision

Submissions 7-5, 16-3, 17-9, 17-9, 23-6, and 28-3 support this policy as notified.

Submission 5-3 and FS 13-16 seeks that housing choice is included in this policy. This policy is specific to enabling density, and links to Methods 1, 3 and 18 which is to be implemented by local territorial authorities through district plans, resource consents and structure planning.

The provision of housing-choice should be determined at the local authority level. Within the explanation statement it is recognised that a benefit of increased density provides greater housing choice and therefore affordability.

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## **2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions**

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Housing choice is appropriately addressed within the policy explanation statements. This submission is declined.

Concerns with equal access to public transport is raised by submission 5-4 is noted. The relief sought is to include 'equitable' in front of 'public transport' in paragraph (c). FS 4-4 supports the intent of this wording but recognise that the term 'equitable public transport' is not clearly defined in this context.

Council recognise this is a valid consideration, however it proposes a level of detail beyond the scope of Proposed Change 6.

Submission 5-5 seeks that clause (c) is updated to 'adequately served' in reference to existing and planned infrastructure and development, to better align with the NPS-UD definition of development infrastructure which refers to 'the provision of adequate development infrastructure' Council agree and update clause (c) accordingly.

Submission 9-13 seeks recognition of multi-modal transport corridors within subclause (c). This policy is specific to enabling density, and links to Methods 1, 3 and 18 which is to be implemented by local territorial authorities through district plans, resource consents and structure plans.

The provision for transport modes that are in addition to public transport should be determined at the local authority level. Within the explanation statement it is recognised that a benefit of increased density provides for more walkable neighbourhoods, supporting active transport modes.

Transport options are appropriately addressed as proposed within the policy. This submission is declined.

Submissions 15-5 and 20-7 seek recognition of reverse sensitivity effects within this policy. The intent of Policy UG 7Ax is to enable density within existing urban environments.

A fulsome response to the request for additional provisions to address 'reverse sensitivity' is provided in the responses on submissions on the Whole of Proposed Change 6. The operative RPS adequately addresses reverse sensitivity effects within existing policies. These submissions are declined.

FS 9-8 opposes submission 15-5 considering that industrial farming activities should be mitigated at the source. . Reverse sensitivity effects should be capable of being considered where relevant. This submission is declined.

FS 9-16 opposes submission 20-7 as it relates to reverse sensitivity effects.

Submission 33-5 seeks changes to the policy to 'require' rather than 'provide and enable increased-density'

Policy 3 of the NPS-UD recognises that in relation to tier 1 urban environments, regional policy statements and district plans enable increased density. Policy 5 sets a different requirement for tier 2 and 3 urban environments, while still referring to 'enable' density (and height). Further submission 13-12 recognises the word 'enable' in Policy 1 of the NPS-UD and recognises that the setting of specific densities should occur through lower order planning documents.

Submission 33-5 is declined, and FS 13-12 is accepted.

Submission 17-11 seeks the word 'may' should be changed to 'should' when referring to territorial authorities developing spatial plans to assist achieving high quality urban design outcomes.

It is acknowledged that the explanation statement is supplementary to understanding the implementation of this policy. It is not the intent of the RPS to require local authorities to produce spatial plans. Changing of this wording is un-necessary as it does not alter the intent of the explanation statement.

Submission 17-10 seeks that significant natural areas is included in the explanation statement in reference to the recognition that density targets and provisions are best set in district and city plan relative to local opportunities and constraints.

The explanation statement further includes, in brackets "(including infrastructure and transport systems)" Concerns relating to natural areas are noted however, these policy provisions are specific to urban growth which is particularly relevant to infrastructure and transport systems. This statement does not exclude natural areas, nor does it allow for other parts of the RPS and district plans that provide protection for natural areas to not be considered when enabling increased density.

This submission is declined.

Submissions 25-6 and 25-7 seek amendments to the explanation to include: "City and district plans should enable greater building heights and density where there is good accessibility for all people between, housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport." And to replace the term 'high housing' with 'planned and existing higher density'. Referring to high housing and business use demand is sufficient.

This explanation statement further acknowledges Policy UG 8B and Appendix B which further considers high quality urban design and the live-work-play principles. Appendix B principles adequately reflect the relief sought by the submitter specifically Principle 1 of Appendix B which recognises that high quality design:

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## Council Decisions on Provisions with Submissions and Further Submissions

- Provides a variety of connections between spaces and places, including provision for cars, cycles, buses, pedestrians and other transport modes;
- Is innovative and resource efficient;
- Provides lively and pleasant places for people to enjoy;
- Reflects the importance of community spaces;
- Provides a comfortable and safe urban environment; and
- Contributes to the wellbeing of people and communities.

Submission 26-3 seeks that subclause (c) is amended to recognise that infrastructure and the funding of infrastructure is provided for in the short, medium, and long term as identified under clause 3.4(3) of the NPS-UD. Clause 3.4(3) states development capacity is infrastructure ready if:

- In relation to the short term, there is adequate existing development infrastructure to support the development of land.
- 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 LTP.
- 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 LTP).

Clause 3.5 of the NPS-UD states that local authorities must be 'satisfied' that the additional infrastructure to service the development capacity is likely to be available. Development infrastructure refers to network infrastructure for wastewater, stormwater, water supply and land transport controlled by a local authority or council-controlled organisation.

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.

Council amend sub-clause (c) to refer to 'the provision of adequate development infrastructure' in response to submission 5-5. This level of detail is appropriate for a regional level. It will be the decision of the territorial authorities to determine the sequencing and funding of infrastructure over the short, medium and long term.

### Submissions

Submission Number:	5: 3	Submission Type:	Support in Part
Submitter:	Kainga Ora		
Submission Summary:	Kainga Ora seeks that 'housing choice' is included in the policy. The RPS has identified the lack of housing supply and choice within the Bay of Plenty Region and that housing affordability has declined and Kainga Ora acknowledges this issue. A shortage of developable land and housing supply reduces housing choices and leads to increases in prices.		
Decision Sought:	Amend Policy UG 7Ax to reference housing choice, as follows: Enable increased- density urban development – urban environments Provide for and enable increased-density urban development in urban environments that: (b) Encourages increased density and housing choice in areas of identified demand.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 16	Submission Type:	Support
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	The submission should be accepted as the policy is currently restrictive and should be broadened to refer to housing choice to ensure that there is a range of housing types provided in new urban areas as per Policy 1 of the NPS-UD.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 5: 4 Submission Type: Support in Part

Submitter: Kainga Ora

Submission Summary: Kainga Ora supports this policy but seeks additional wording to be included to require the incorporation of equality in accessible transportation options, that provide public transport options for all and to service those most in need. This is important as demand for public transport will likely increase or be required (i.e., new network connections) due to the anticipated residential growth and development that will occur across the region

Decision Sought: Amend Policy UG 7Ax as follows: Provide for and enable increased-density urban development in urban environments that:

(c) Is well served by existing or planned development infrastructure and equitable public transport

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 4 - 4 Submission Type: Other

Further Submitter: Waka Kotahi

Submission Summary: Waka Kotahi supports the intent of the changes sought, but the term “equitable public transport” is not clearly defined in this context, which could lead to uncertainty and unintended outcomes. We wish to engage further on options to address this.

Decision Sought: seeks further engagement with submitter (Kainga Ora) on matters relating to the term of 'equitable public transport'.

Council Decision: Accept in Part

Submission Number: 5: 5 Submission Type: Support in Part

Submitter: Kainga Ora

Submission Summary: Kainga Ora supports this policy but seeks additional wording to be included to align with the wording within the NPS-UD. In this instance “well serviced” infrastructure leaves a level of ambiguity which could constrain future urban development. Under 'Interpretations' the NPS UD defines development capacity as:

development capacity means the capacity of land to be developed for housing or for business use, based on:

(b) and the provision of adequate development infrastructure

Kainga Ora seeks that the wording is updated to align with the NPS-UD and to provide more clarity on the level of service required for infrastructure to support increased urban density.

Decision Sought: Amend Policy UG 7Ax as follows: Provide for and enable increased-density urban development in urban environments that:

(c) Is adequately served by existing or planned development infrastructure and public transport

Council Decision: Accept in Part

Submission Number: 7: 5 Submission Type: Support

Submitter: Toi Te Ora Public Health

Submission Summary: This policy is significant for public health and the community. Promoting dense urban development will allow walking and cycling and public transport more viable. Increasing density makes community sanitary services more affordable, increasing access and public health protection. Therefore, we support this policy and would like to assist Council in developing their future strategies.

Decision Sought: Retain Policy UG 7Ax

Council Decision: Accept

Submission Number: 9: 13 Submission Type: Seek Amendment



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Submission Number: 16: 3 Submission Type: Support  
 Submitter: Ford Land Holdings Pty  
 Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.  
 Decision Sought: Adopt as notified.

Council Decision:	Accept
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Submission Number: 17: 9 Submission Type: Support  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: [With reference to] Explanation: Forest & Bird acknowledges these benefits but they must be augmented by giving effect to the RPS as a whole and giving consideration to whether a site is significantly constrained by the effects of climate change, natural hazards or effects on indigenous biodiversity.  
 Decision Sought: Retain references to giving effect to the RPS as a whole in the Explanation for Policy UG 7Ax

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 10 - 10 Submission Type: Other  
 Further Submitter: Transpower New Zealand Ltd  
 Submission Summary: Transpower is generally neutral in regards to UG7Ax, on the grounds that there will be no adverse impact on Transpower. However, if there are any potential implications to Transpower then we would not be neutral.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 17: 10 Submission Type: Oppose  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: [With reference to] Explanation para 2 Forest & Bird supports giving effect to the RPS as a whole and giving consideration to whether a site is significantly constrained by the potential adverse effects on wildlife and potential adverse effects on significant natural areas.  
 Decision Sought: Change the last sentence of the explanation for Policy UG 7Ax to include as follows: (including infrastructure, transport systems, and significant natural areas).

Council Decision:	Reject
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Submission Number: 17: 11 Submission Type: Support in Part  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: [With reference to] Explanation Last sentence  
 The use of spatial plans in providing for increased housing density and development is best practice.  
 Decision Sought: Amend the last sentence of the Explanation for Policy UG 7Ax by replacing the word 'may' with the word 'should'.

Council Decision:	Reject
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Submission Number: 20: 7 Submission Type: Support in Part  
 Submitter: KiwiRail Holdings Ltd  
 Submission Summary: KiwiRail broadly supports the intent of Policy UG 7Ax to enable increased density in urban environments, but this needs to be carefully managed to ensure that any effects at the interface of conflicting land uses, including reverse sensitivity effects, are appropriately managed. This is critical to recognise and provide for well-functioning urban environments in accordance with the direction in the NPS-UD.



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 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.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	9 - 16	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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”.		
Decision Sought:	Reject submission.		

Council Decision:	Accept
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Submission Number:	23: 6	Submission Type:	Support
Submitter:	Nga Potiki a Tamapahore Trust		
Submission Summary:	Policy specifically provides for increased density urban development as rturied [required?] by the NPS-UD and will provide for more density in both greenfield and existing urban environments		
Decision Sought:	Support the introduction of Policy UG7Ax as notified		

Council Decision:	Accept
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Submission Number:	25: 6	Submission Type:	Support
Submitter:	Rotorua Lakes Council		
Submission Summary:	Explanation:  It is worth adding the term planned and existing to provide greater clarity.  We propose that 'planned and existing higher density' should replace the phrase 'higher housing'		
Decision Sought:	Retain Policy UG 7Ax but amend the explanation as follows: - “City and district plans should enable greater building heights and density where there is higher housing and business use and demand”-		

Council Decision:	Reject
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Submission Number:	26: 3	Submission Type:	Support in Part
Submitter:	Tauranga Crossing Limited		
Submission Summary:	Policy UG 7Ax provides for and enables increased-density urban development in urban environments that (amongst other things) is well served by existing or planned development infrastructure and public transport.  While TCL supports the intent of Policy UG 7Ax, the NPS-UD requires that for development capacity to be “infrastructure-ready”, it must be serviced by existing development infrastructure (in the short and medium term), or have funding identified for the development infrastructure in the long-term plan (in the medium term), or otherwise be identified in the local authority’s infrastructure strategy (in the long term).  The requirements of the NPS-UD go beyond simply requiring future development infrastructure to be “planned”.		



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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Submission 9-14 seeks reference to 'Learn' to recognise the recent update to the SmartGrowth Principles of 'Live, Learn, Work and Play'. It is acknowledged that the SmartGrowth Strategy 2013 principles have been broadened to include 'Learn' in the current adopted growth strategy for the Western Bay of Plenty sub-region.

Policy UG 8B applies to the whole region while the SmartGrowth Strategy applies specifically to the Western Bay of Plenty sub-region.

The live-work-play principles are embedded into operative Appendix B. As mentioned above, Proposed Change 6 seeks to implement the requirements of the NPS-UD. The NPS-UD does not provide direction on urban design matters. Through the section 32 analysis, there has been no consideration to incorporate 'learn' within Appendix B, Principle 2 which sets out the live-work-play policy approach. Referring to 'learn' is out of scope of Proposed Change 6. This submission is declined.

#### Submissions

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Submission Number:	7: 6	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	We support the preservation of rural catchments of Rotorua Lakes to reduce nutrient losses from existing rural land uses. It is important to note that this also protects areas that are not yet impacted by nutrient run off.  We support this policy in its entirety. However, references to managing an aging population should be removed. Planning document, particularly documents that manage urban development and design need to cater to all ages and social needs of the people in a community- the young, elderly, people with disabilities and cultures.		
Decision Sought:	Retain Policy UG 8B with amendment to remove references to managing an aging population.		

Council Decision:	Accept in Part
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Submission Number:	9: 14	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	We note that SmartGrowth now operates live, learn, work play principles. "Learn" should be added to both the policy text and the explanation where it currently refers to live, work, play.		
Decision Sought:	Retain Policy UG 8B with minor amendments as follows:		

Implementing high quality urban design and live-work-play principles

Demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) key urban design qualities.

In achieving this, territorial authorities shall implement the region's "high quality urban design" and "live-learn-work-play" principles as outlined in Appendix B, and additionally appropriate social infrastructure necessary to cater for an aging population, and include appropriate policies, methods and other techniques in their district plans and strategies.

This policy shall not apply to land use change (such as rural-residential or lifestyle development) within the rural catchments of the Rotorua lakes where such change will result in a significant reduction in nutrient losses from existing rural land uses.

#### Explanation

Growth and the development of new and existing urban areas across the region should apply urban design principles for the development of connected communities, an effective transport system and creating desirable places for people to live, learn, work and play.

The high quality urban design and live-work-play principles are key drivers of sustainable growth management. These principles are considered to be critical tools for ensuring that more intensively developed well-functioning urban environments are achieved, along with high quality urban design.

Table reference: Objective 23, Methods 3, 4, 17, 18 and 58

Council Decision:	Accept in Part
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Submission Number:	16: 4	Submission Type:	Support
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: This consequential change to align with other changes is supported.

Decision Sought: Retain policy UG9B as notified

Council Decision:	Accept
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Submission Number: 16: 5

Submission Type: Support

Submitter: Ford Land Holdings Pty

Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.

Decision Sought: Adopt as notified.

Council Decision:	Accept
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Submission Number: 17: 12

Submission Type: Support

Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches

Submission Summary: Forest & Bird supports co-ordinating urban development with infrastructure because a lack thereof contributes to adverse effects on the environment including effects of climate change.

Decision Sought: Retain Policy UG 9B as notified.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 10 - 11

Submission Type: Support

Further Submitter: Transpower New Zealand Ltd

Submission Summary: Transpower is supportive of UG 9B

Decision Sought: Accept submission.

Council Decision:	Accept
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Submission Number: 28: 5

Submission Type: Support

Submitter: Tumu Kaituna 14 Trust

Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.

Decision Sought: Adopt Policy UG 9B as notified

Council Decision:	Accept
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### Section: Policy UG 13B (submission points specific to this policy)

1445

#### Council Decision

Amend paragraph (c) to clarify it is 'areas of high amenity to read: '(c) Proximity to commercial centres, places of employment, community services and areas of high amenity are considered in transport planning to support higher density development,'

Amend paragraph (d) to insert 'Travel' in front of 'demand' to read: '(d) Travel demand management is considered in planning, design and transport investment decisions,'

#### Reasons for Council Decision

Submission 7-10 and FS 6-4 seek changes to Policy UG 13B to include planning, design and transport investment decisions. Funding is one consideration to promote the integration of land use and transportation.

Clauses (d) (as proposed to be amended) and (g) (as notified) provides an appropriate level of consideration for planning, design and transport investment decisions and that regard is given to developing integrated transport packages for funding.

Submission 11-6 and FS 6-11 seek changes to clause (c) for the following reasons:

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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- Provide greater clarification
- recognise 'existing and proposed' when referencing the listed land use activities.
- removal of transport planning from this clause.
- Reference to 'compact form' in relation to higher density and development.

Council agree in part with the relief sought in so far as it relates to wording clarification in relation to 'areas of high amenity, and disagree that (c) should be amended so that regard is given to existing and proposed commercial centres, places of employment etc. Referring to 'proposed centres' poses a risk as there is no guarantee that such centres will be developed.

In terms of reference to transport planning within Policy UG 13B, the consideration of proximity of the land use activities and areas of high amenity are important to be considered in transport planning to ensure integration between land use and transportation.

'Compact form' is an outcome of increased higher density development and transport integration and is addressed as 'compact and sustainable urban forms' within the explanation statement.

Submissions 15-6, 16-6, 17-13, 28-6 support Policy UG 13B as notified.

Submission 33-6 requests strengthening the preamble from 'regard should' to instead read 'regard must'. As the title of Policy UG 13B denotes it seeks to promote the integration of land use and transportation. The phrase 'regard must' places a stronger obligation or requirement on decision makers than the phrase 'regard should' which denotes decision makers have discretion to consider the criteria. It leaves room for judgement and flexibility which better aligns with the policy heading and intent. Consequently, Council reject this submission.

Submission 20-9 seeks changes to this policy to recognise:

- reverse sensitivity effects
- The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act ("MDRS")
- qualifying matters that affect density and height of urban form.

As detailed throughout this report, reverse sensitivity effects are adequately addressed elsewhere within the RPS. Those provisions are still relevant to new urban developments.

Under the Act, 'specified territorial authorities' are listed to implement the MDRS, and only include local authorities. The MDRS is not directly relevant to RPS Proposed Change 6.

In terms of height as relative to a qualifying matter, this is a matter that will be addressed by district plans.

Proposed Change 6 enables increased density within urban environments, as addressed under Policy UG 7Ax. In terms of qualifying matters, the explanation statement for Policy UG 7Ax recognises that increased density development may not be appropriate in some areas and is relative to different urban environments.

The intent of Policy UG 13B is to promote the integration of land use and transportation rather than to address qualifying matters, the MDRS and reverse sensitivity effects.

FS 9-17 opposes the relief sought in relation to reverse sensitivity effects, considering that activities should be mitigated at the source. As described throughout this report, Council disagree and consider that reverse sensitivity effects should be considered where relevant for urban development.

Submissions 31-4, 31-5 and 31-6 seek the following amendments:

- Insert 'the extent to which' at the beginning of clause (c)
- Insert 'travel' at the beginning of clause (d) to clarify the policy intent describes travel demand management; and
- Insert 'walking and cycling network' to the last sentence of the first paragraph within the explanation statement to strengthen reference to active mode transport.

FS 6-23 supports in part submission 31-4 as it relates to amendments sought to clause (c). FS 10-15 supports 31-5 as it relates to inserting 'travel demand' at the beginning of clause (d).

Referring to 'the extent to which' adds unnecessary text to clause (c) and reject these submissions.

Policy UG 3A actively promotes 'travel demand' management across the region to, among other things, create effective integrated land and travel networks. Consequently, for consistency Council agrees to inserting 'travel' at the beginning of clause (d) as sought in submission 31-5.

Active transport modes are already provided for within the policy explanation as notified and further reference to strengthen active modes of transport are considered unnecessary.

Submission 9-16 and FS 6-6 seek changes to clause (b) to refer to "The land transport system providing a range of transport mode choices to provide access opportunities and integrated links for both public and private transportation modes,"

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Clause (b) as worded is sufficiently clear while the relief sought adds unnecessary text.

The rewording of clause (c) in response to submission 11-6 is as follows:

“Proximity to commercial centres, places of employment, community services and areas of high amenity are considered in transport planning to support higher density development”

The rewording of clause (d) in response to submission 31-5 is as follows:

“Travel demand management is considered in planning, design and transport investment decisions”.

### Submissions

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Submission Number:	7: 10	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	We support this policy and the explanation, however, the policy which requires demand management only to be considered does not go far enough to achieve the desired outcome. Toi Te Ora would like to see this policy require planning, design, and transport investment decisions. This allows for transport demand management to support compact and sustainable growth management and land use patterns.		
Decision Sought:	Retain Policy UG 13B with amendment to include planning, design, and transport investment decisions for transport demand management to support compact and sustainable growth management and land use patterns.		

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No:	6 - 4	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	The submission adds clarity to the intent of the Policy, and is supported by TCL.		
Decision Sought:	Accept submission.		

Council Decision:	Accept in Part
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Submission Number:	9: 16	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	Support the intent of this policy but request minor amendments for clarification and consistency with the wording used in the NPS-UD itself.		
Decision Sought:	Amend Policy UG 13B, clause (b) as follows:  (b) The land transport system providing a range of transport mode choices to provide access opportunities and integrated links for both public and private transportation modes,		

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No:	6 - 6	Submission Type:	Support
Further Submitter:	Tauranga Crossing Limited		
Submission Summary:	TCL supports the proposed amendments to Policy UG 13B. The amendments clarify the intent of the Policy and are consistent with the wording used in the NPS-UD itself.		
Decision Sought:	Accept submission.		

Council Decision:	Reject
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Submission Number: 11: 6 Submission Type: Oppose

Submitter: Bell Road Limited Partnership

Submission Summary: Changes are required to improve clarity and to better align with the preamble text.

Decision Sought: Amend Policy 13B as follows:  
Proximity to existing and proposed commercial centres, places of employment, community services and areas of high amenity that support higher density development and compact form.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 6 - 11 Submission Type: Support in Part

Further Submitter: Tauranga Crossing Limited

Submission Summary: TCL agrees that Policy UG 13B(c) requires clarification, however, considers that the criterion should relate to the role of transport planning in servicing commercial centres, places of employment, etc., to support higher density development, rather than the proximity of the commercial centres and places of employment, etc., to support higher density development.

Decision Sought: Allow the submission to improve clarity to the extent that it is consistent with TCL's further submission.

Council Decision:	Accept in Part
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Submission Number: 15: 6 Submission Type: Support

Submitter: Fonterra Ltd.

Submission Summary: Fonterra supports Policy UG 13B as notified.

Decision Sought: Retain Policy UG 13B (Promoting the integration of land use and transportation) as notified.

Council Decision:	Accept
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Submission Number: 16: 6 Submission Type: Support

Submitter: Ford Land Holdings Pty

Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.

Decision Sought: Adopt as notified.

Council Decision:	Accept
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Submission Number: 17: 13 Submission Type: Support

Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches

Submission Summary: Forest & Bird supports co-ordinating urban development with land transport planning because a lack thereof contributes to adverse effects on the environment including effects of climate change.

Decision Sought: Retain Policy UG 13B as notified.

Council Decision:	Accept
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Submission Number: 20: 9 Submission Type: Support in Part

Submitter: KiwiRail Holdings Ltd

Submission Summary: KiwiRail broadly supports Policy UG 13B as notified, but considers that further amendments are required to ensure consistency with the NPS-UD and the Resource Management (Enabling Housing Supply) Amendment Act 2021.

Where urban development is enabled in new areas and at a higher density near lawfully established activities, like transport corridors, there is a need to ensure reverse sensitivity effects do not constrain the safe and efficient operation of transport networks. The Resource Management (Enabling Housing Supply) Amendment Act 2021 recognises a nuanced approach to urban development where a qualifying



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matter applies. Amendments are also necessary to recognise qualifying matters at the RPS level to ensure the district planning framework appropriately gives effect to the higher order planning documents.

Decision Sought: 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.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	9 - 17	Submission Type:	Oppose
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Further Submitter:	Kainga Ora
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Submission Summary:	Kainga 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. Kainga 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.
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Decision Sought:	Reject submission.
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Council Decision:	Accept
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Submission Number:	28: 6	Submission Type:	Support
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Submitter:	Tumu Kaituna 14 Trust
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Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.
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Decision Sought:	Adopt Policy UG 13B as notified
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Council Decision:	Accept
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Submission Number:	31: 4	Submission Type:	Support in Part
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Submitter:	Waka Kotahi
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Submission Summary:	Paragraph (c) reads “[In promoting the integration of land-use and transport activities, regard should be given to:] Proximity to commercial centres, places of employment, community services and high amenity are considered in transport planning to support higher density development...”
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Waka Kotahi considers that this paragraph could be strengthened and made clearer.

Decision Sought:	Amend policy UG 13B (c) along the lines of:
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“[In promoting the integration of land-use and transport activities, regard should be given to:] The extent to which proximity to commercial centres, places of employment, community services and high amenity support higher density development...”

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 23	Submission Type:	Support in Part
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Further Submitter:	Tauranga Crossing Limited
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### Reasons for Council Decision

Submissions 8-1, 16-7, 21-7, 23-7, 28-7 support for Policy UG 14B as notified is noted.

With respect to submission 8-1, further correspondence was received following the close of submissions which clarified the submitter's support for Policy UG 14B.

Submission 7-11 supports Policy UG 14B but seeks further amendments to clarify this policy does not enable further development of villages and settlements where existing reticulated water and wastewater services don't have adequate capacity. Clause (b) already provides recognition that infrastructure (which includes water and wastewater services) is provided for in an efficient, planned and co-ordinated manner. In addition, it is the responsibility of the territorial authority to ensure that there is capacity for water and wastewater to cater for a development proposal. The relief sought is unnecessary, as such this submission is declined.

Submission 9-17 opposes this policy, considering that it is a re-establishment of urban limits and conflicts with proposed Policy UG 7A.

Policy UG 7A is a gateway policy to consider unanticipated and out-of-sequence developments to give local authorities criteria to consider large scale private plan changes that would add significant development capacity to an urban environment. If the criteria in Policy UG 7A can be met, local authorities will still need to consider the existing rural environment that proposed urban development will interface with.

The explanation statement for Policy UG 14B details that outside urban environments new urban areas or zoning is not desirable and can create sporadic settlement patterns and result in an inefficient use of natural and physical resources.

Policy UG 14B is also linked to and contributes to achieving rural growth management Objective 26. Restricting urban activities is particularly relevant to protecting the productive potential of the regions rural land resource and providing for the growth and efficient operation of rural productive activities.

FS 2-1 supports submission 9-17 in part, recognising that this policy applies to development outside of the existing urban areas, and that it is important that the policy for development outside of existing zoned areas is made clear.

Council agree with this further submission in part and consider that there is a clear distinction between the intent of Policy UG7A and UG 14B. FS 3-10, 6-7, 10-4 and 13-19 oppose submission 9-17 and seek Policy UG 14B be retained.

Submission 9-17 is declined and FS 2-1 opposing it are accepted.

Submissions 13-9, 22-4, 29-10, and 30-4 oppose the policy with consideration that there may be circumstances where expansions to existing settlements may be appropriate where currently such settlements are not serviced by reticulated services. These submissions consider that provision to ensure that settlements are not precluded from considerations for urban growth.

FS 2-2 partially supports submission 13-9 in that the policy needs to be clear whether it applies to existing small settlements and considers there to be uncertainty that 'sound resource management principles' are not defined. There is no definition of sound resource management principles, and it is not the intent of this policy to define what this means.

In reference to this policy, sound resource management principles include that the land as a finite resource is efficiently developed and that efficient, planned and coordinated infrastructure is provided.

Settlements and villages are not defined as urban areas under section 1.4 of the NPS-UD unless they meet the following criteria:

- a) is, or is intended to be, predominantly urban in character; and
  - b) is, or is intended to be, part of a housing and labour market of at least 10,000 people
- There is an opportunity for growth of settlements to become urban if they:

- Are included within a Future Development Strategy
- Are considered to provide significant development capacity through an unanticipated out of sequence development plan change proposal.

In both cases the development capacity is required to be infrastructure ready which includes the provision of reticulated services.

The relief sought by these submissions is that an additional clause is included:

- c) there are benefits and efficiencies of expanding existing settlements/towns

and removal of parts of the explanation statement that detail:

- that new urban areas are not desirable as it can create a sporadic settlement pattern.
- References that refer to reticulated water and wastewater services.

Council does not agree that reference to expanding settlements/towns without the provision of reticulated services is appropriate and as worded would suggest that significant growth opportunities of villages and settlements would not require reticulated

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## Council Decisions on Provisions with Submissions and Further Submissions

services. These submissions are declined.

Submissions 15-7 and 20-10 seek reference to reverse sensitivity effects within this policy. As considered throughout this report, the operative RPS provisions include policies on reverse sensitivity effects. Those policies adequately address the concerns raised within these submissions.

FS 9-9 oppose submission 15-7 and consider that effects should be mitigated at the source. Urban development proposals will need to consider the relevant RPS policies that address reverse sensitivity effects. FS9-9 is declined.

Submission 18-4 and FS 10-13 seek recognition of highly productive land within this policy which is in reference to the National Policy Statement for Highly Productive Land (NPS-HPL)

Submissions on the NPS-HPL are out of scope. RPS change 6 has been developed and notified to specifically give effect to the NPS-UD. A separate Proposed Change 8 (NPS-HPL) is being developed to give effect to the NPS-HPL.

These submissions are declined.

Submission 17-14 seeks definition of urban activities to be included within this policy or to reword the policy to refer to 'residential areas located outside urban environments including lifestyle developments'

The operative RPS defines urban activities to include residential accommodation at a density of more than one dwelling per 2000m<sup>2</sup> or site area. It is the role of district plans to enforce density rules for housing including lifestyle developments outside of urban areas. Development that enables more than one dwelling per 2000m<sup>2</sup> is considered to be an urban activity, and as such is restricted by this policy. Another key element to the definition is the requirement for urban activities to have reticulated water and wastewater. The concerns raised by this submission as it relates to urban activities, namely lifestyle developments are captured by this policy. This submission is declined.

FS 10-12 opposes this submission in reference to 'residential area' replacing 'urban activities' as 'urban activities' is more encompassing, and not replaceable by residential activities. Council agree with this submission point and acknowledge this in reference to the RPS definition of 'urban activities' that lists more than just residential activities. FS 10-12 is accepted.

### Submissions

Submission Number:	7: 11	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	Toi Te Ora supports this policy if there is additional clarification that this policy does not enable development in villages and settlements when existing reticulated water and wastewater services do not have adequate capacity.		
	We support this policy's aim of restricting urban activities that are not supported with urban amenities, services, etc, and other public health infrastructure that supports safe and healthy communities like footpaths, lighting, and critical infrastructure.		
Decision Sought:	Provide clarification that this policy does not enable development in villages and settlements when existing reticulated water and wastewater services do not have adequate capacity.		

Council Decision:	Accept in Part
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Submission Number:	8: 1	Submission Type:	Support
Submitter:	Julian and Joy White		
Submission Summary:	Submitter is seeking property-specific acknowledgement of consent notice conditions as per consent notice from Tauranga City Council (TCC Ref RC1016 / 3220575) dated 22nd of July 2010 'referring to this constraint on lot 16 (27 Blackberry Way) with reference to urbanised land unsuitable for subdivision due to topographical constraints (page 29 of Proposed Change 6)		
Decision Sought:	Consideration of reasons from RMA 1991 for erecting dwellings on unsuitable land - steep sloping land		

Council Decision:	Accept in Part
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Submission Number:	9: 17	Submission Type:	Oppose
Submitter:	Tauranga City Council		
Submission Summary:	The policy conflicts with proposed Policy UG 7A and the intent of the responsive planning policies described in Policy 8 and Clause 3.8 of the NPS-UD. As worded, the purpose of the policy is unclear and appears to duplicate matters covered elsewhere. We therefore oppose the policy as worded and request its removal. Alternatively, the policy could be substantially reworded to address the issues outlined here.		

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Generally, we are unconvinced this policy is necessary at all, as the matters it covers are dealt with elsewhere. The efficient use of land and infrastructure is already covered by Policy UG 6A, while the co-ordinated use and development of infrastructure is covered by Policy UG 9B and Policy UG 13B (in the case of transport). Similarly, managing rural development and protecting productive land is covered by Policy UG 18B.

In seeking to restrict urban development outside existing urban environments, the policy appears to be re-introducing an urban limit – albeit a soft limit which is not mapped. For example, it is not clear whether an unanticipated or out of sequence plan change which proposed re-zoning an area of rural land directly adjacent to an existing urban area would be able to comply with this policy – or would it be considered urban activities located outside urban environments.

Depending on how the definition of urban environment in the NPS-UD is interpreted, this policy may not apply to the situation described above. If this is the case, and 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. However, even if this is the case the need for the policy is still questionable, as Policies UG 6A, UG 9B and UG 13B (referenced above) would still apply and cover the same matters.

If the proposal were to be retained in a modified form, refining the application of the policy to consents for activities, rather than plan changes, may also help to clarify the intent. We would also support removal of phrases such as “sound resource management principles” which are vague and do not provide sufficient direction to assess a proposal.

Decision Sought: Delete or substantiall reword Policy UG 14B

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	2 - 1	Submission Type:	Support in Part
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Further Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches
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Submission Summary:	Policy UG 14B
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The Society supports policy to restrict urban activities outside of urban areas and considers that this policy applies to developments outside of existing zoned urban areas, and Policy UG 7A applies to developments in areas zoned or anticipated for future urban development in the said documents.

Decision Sought:	It is very important that the policy for development of urban areas outside of existing zoned areas is made clear.
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Council Decision:	Accept in Part
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Further Submission No:	3 - 10	Submission Type:	Oppose
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Further Submitter:	Fonterra Ltd.
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Submission Summary:	Fonterra supports the retention of a policy restricting urban activities from locating outside of urban environments.
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Decision Sought:	Reject submission.
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Council Decision:	Accept
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Further Submission No:	6 - 7	Submission Type:	Oppose
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Further Submitter:	Tauranga Crossing Limited
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 16: 7 Submission Type: Support  
 Submitter: Ford Land Holdings Pty  
 Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.  
 Decision Sought: Adopt as notified.

Council Decision:	Accept
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Submission Number: 17: 14 Submission Type: Support in Part  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: Policy UG 14B is the most important policy for Urban Growth as without it there is a high likelihood of urban sprawl.  
 We are aware that a lack of clear definitions in some district plans is allowing interpretations that lifestyle blocks and rural-residential development are provided for in rural areas where that was not intended in those plans. We understand that "UB 14B" should state "UG 14B".  
 Decision Sought: Clarify that UB 14B should state UG 14B  
 Either define "urban activities" to refer to additions to existing settlements or reword: Restrict the growth of residential areas located outside urban environments including lifestyle developments 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.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 10 - 12 Submission Type: Oppose  
 Further Submitter: Transpower New Zealand Ltd  
 Submission Summary: Transpower has concerns in regards to UB14B and UB19B in relation to the words proposed. Transpower does not support changing urban activities with residential activities. Urban activities are more encompassing, and not replaceable by residential activities.  
 Decision Sought: Reject submission.

Council Decision:	Accept
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Submission Number: 18: 4 Submission Type: Support in Part  
 Submitter: Horticulture New Zealand  
 Submission Summary: HortNZ consider it important that urban development and productive land are considered together to provide a planned approach so new urban areas are designed in a manner that maintains the overall productive capacity of highly productive land.  
 Decision Sought: Amend  
 Restricting urban activities outside urban environments and avoiding urban development on highly productive land

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 10 - 13 Submission Type: Support  
 Further Submitter: Transpower New Zealand Ltd





## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 23: 7 Submission Type: Support  
 Submitter: Nga Potiki a Tamapahore Trust  
 Submission Summary: Support the proposed amendments to Policy U14B which seeks to restrict urban development outside urban environments but allows for provision for this where sound resource management  
 Decision Sought: Support the introduction of Policy U14B as notified

Council Decision:	Accept
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Submission Number: 28: 7 Submission Type: Support  
 Submitter: Tumu Kaituna 14 Trust  
 Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.  
 Decision Sought: Adopt Policy UG 14B as notified

Council Decision:	Accept
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Submission Number: 29: 10 Submission Type: Oppose  
 Submitter: Urban Taskforce for Tauranga  
 Submission Summary: There may be circumstances where expansions to existing settlements (such as Paengaroa and parts of Te Puke) 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.  
 Decision Sought: Amend Policy UG 14B and its supporting explanation, as follows:

Manage growth of urban activities located outside urban environments to ensure that sound resource management principles are achieved, including:

- (a) The efficient use of the finite land resource, and
- (b) Providing for the efficient, 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 can 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. 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.

Council Decision:	Reject
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Submission Number: 30: 4 Submission Type: Oppose  
 Submitter: Vercoe Holdings Limited  
 Submission Summary: There may be circumstances where expansions to existing settlements (such as Paengaroa) are appropriate but where currently such settlements are not serviced via reticulated services. Provisions need to be included in Change 6 to ensure that such settlements are not precluded from future consideration for urban growth.

# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: We seek the following changes to UG14B and its supporting explanation:

Manage growth of urban activities located outside urban environments to ensure that sound resource management principles are achieved, including:

- (a) The efficient use of the finite land resource, and
- (b) Providing for the efficient, and co-ordinated 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 can create a and result in an inefficient use of natural and physical resources. There are however, some circumstances where such proposals could be acceptable such as extensions to existing towns. 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.

Council Decision: Reject

### Section: Policy UG 15B (submission points specific to this policy)

1447

#### Council Decision

Retain deletion of Policy UG 15B as notified.

#### Reasons for Council Decision

Submission 9-18. Support for deletion of Policy UG 15B is noted.

#### Submissions

Submission Number: 9: 18 Submission Type: Support

Submitter: Tauranga City Council

Submission Summary: Support removal of this policy to align with other changes.

Decision Sought: Delete Policy UG 15B

Council Decision: Accept

### Section: Policy UG 16B (submission points specific to this policy)

1448

#### Council Decision

Retain deletion of Policy UG 16B as notified.

#### Reasons for Council Decision

Submission 9-19. Support for deletion of Policy UG 16B is noted.

#### Submissions

Submission Number: 9: 19 Submission Type: Support

Submitter: Tauranga City Council

Submission Summary: Support removal of this policy to align with other changes.

Decision Sought: Delete Policy UG 16B

Council Decision: Accept

### Section: Policy UG 17B (submission points specific to this policy)

1449

# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

### Council Decision

Retain deletion of Policy UG 17B as notified.

### Reasons for Council Decision

Submission 9-35. Support for deletion of Policy UG 17B is noted.

### Submissions

Submission Number:	9: 35	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support removal of this policy to align with other changes		
Decision Sought:	Delete Policy UG 17B		

Council Decision:	Accept
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### Section: Policy UG 18B (submission points specific to this policy)

1450

### Council Decision

Amend Policy UG 18B by inserting 'Policy' in front of UG 7A in the last sentence of the first paragraph.

### Reasons for Council Decision

Submissions 16-8, 28-8 and 18-6 support for Policy UG 18B as notified is noted.

Submission 11-7 and FS 1-5 seek changes to recognise the use of versatile land for urban development may be justified where there are limited alternatives available. The cross reference to Policy UG 7A addresses the submitter concerns. If a proposal for unanticipated or out of sequence urban development is assessed that it will add significantly to development capacity and can meet the criteria within Policy UG 7A this will provide an avenue for considering urban growth on versatile land. These submissions are declined.

FS 10-16 opposes submission 11-7 as the relief sought could impact Transpower's interests. This further submitter's concerns are noted.

FS 13-16 supports this submission but seeks that the term structure plan should be replaced with 'spatial plan'. Council does not agree with this suggested change as spatial planning in its wider understanding is broader than what is involved within a structure plan, nor does this change offer any further clarity in giving effect to the NPS-UD.

Local Government NZ (LGNZ) paper 'Spatial Planning Can Improve Housing and Affordability and Protect Our Environment', (March 2021) acknowledges that the term spatial planning is a broad concept that covers well-defined plans, and narrowly defined plans, as defined below:

1. Well defined plans (spatial plans) – which set out where and how cities should grow and develop in great detail; and
2. Narrowly defined plans (strategic plans) – which set out a strategy focused on securing cost-effective options for future infrastructure development.

Submission 15-8 seeks recognition of rural industrial based activities to be included within this policy. This is considered out of scope for Proposed Change 6 which seeks to give effect to the NPS-UD only.

This submission also seeks recognition of reverse sensitivity effects. As considered throughout this report, the operative RPS includes provisions for reverse sensitivity effects. This submission is declined.

FS 9-10 opposes submission 15-8 in relation to reverse sensitivity effects as such effects should be mitigated at the source. The RPS reverse sensitivity policies can be applied whenever relevant. This FS is declined.

FS 2-3 opposes submission 15-8 as the definition of rural-based industry expands on the current RPS definition of rural production activities, and that this could have unanticipated consequences when applied.

Submission 15-8 is out of scope for Proposed Change 6, therefore FS 2-3 is accepted.

Submission 9-20 seeks the removal of the word 'outside' in reference to 'outside existing and planned urban areas'. While the urban limits within the Western Bay of Plenty is removed, it does not mean that urban growth outside of urban environments is appropriate which is the intent of this policy.



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Reject		
Further Submission No:	10 - 6	Submission Type:	Oppose
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	Transpower does not agree with the recommendation for UG18B. Transpower considers that any change could impact on Transpower's interests.		
Decision Sought:	Reject submission.		

Council Decision:	Accept		
Further Submission No:	13 - 6	Submission Type:	Support
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	We consider that the submission should be accepted and that the term 'structure plan' should be replaced with 'spatial plan'.		
Decision Sought:	Accept submission.		

Council Decision:	Reject		
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Submission Number:	15: 8	Submission Type:	Support in Part
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra supports the intent of Policy UG 18B in respect of managing rural development. However, Fonterra considers that further amendments to this policy are required as there are a number of 'rural industrial' type activities that must occur in a rural environment, and that the potential for reverse sensitivity needs to be considered when managing rural development.		
Decision Sought:	Amend Policy UG 18B as follows (or words with similar effect):		
	<p>Policy UG 18B: Managing rural development and protecting versatile land</p> <p>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.</p> <p>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 activities.</p> <p>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.</p> <p>And</p> <p>Consequential amendments to the explanation of Policy UG 18B.</p> <p>And</p> <p>Insert a new definition into the RPS as a consequential amendment, as follows:</p> <p>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>		

Council Decision:	Reject		
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### Further Submission(s)

Further Submission No:	2 - 3	Submission Type:	Oppose
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

The operative RPS provides direction for managing the reduction of nutrient losses under Policy WL 6B where it is recognised that the managed reduction in the amount of nutrients derived from land use activities is necessary to halt the decline in water quality in at-risk catchments.

Water quality in Rotorua Te Arawa Lakes' catchments has been degraded mainly by human activities and nutrient losses from pastoral farming and sewage leachate from residential areas.

Policy UG 19B provides for consideration of opportunities to reduce nutrient loss by way of land use change from rural-lifestyle activities within the catchments of the Rotorua Te Arawa Lakes.

A separate RPS change is underway to give effect to the NPSFM through the Essential Freshwater Policy Programme. That RPS change is scheduled to be notified in December 2024 and will provide an integrated approach to implement the NPSFM and Te Mana o te Wai requirements, therefore this submission is declined.

Submission 17-15 seeks recognition of the productive potential of rural land, particularly versatile land, is not compromised.

The current wording is appropriate and the submitter concerns will be addressed through Proposed Change 8 (NPS-HPL) which is currently under development. This submission is declined.

Submission 18-7 requests changes to require local authorities restrict rural lifestyle development on highly productive land. The changes sought are better addressed through Proposed Change 8 (NPS-HPL) which is currently under development.

The relief sought is outside the scope of Proposed Change 6, and that this submission is declined.

### Submissions

Submission Number:	7: 13	Submission Type:	Support in Part
Submitter:	Toi Te Ora Public Health		
Submission Summary:	As previously mentioned in policy UG 8B, it is also critical to protect areas that are not yet impacted by nutrient runoff.		
Decision Sought:	Retain Policy UG 19B with amendment to ensure areas that are not yet impacted by nutrient runoff are protected.		
Council Decision:	Accept in Part		
Submission Number:	9: 21	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support this consequential change to align with other changes.		
Decision Sought:	Retain changes to Policy UG 19B as notified		
Council Decision:	Accept		
Submission Number:	15: 9	Submission Type:	Support
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra supports Policy UG 19B as notified as it requires rural residential development to not compromise the productive potential of versatile soils.		
Decision Sought:	Policy UG 19B (Providing for rural lifestyle activities) as notified		
Council Decision:	Accept		
Submission Number:	16: 9	Submission Type:	Support
Submitter:	Ford Land Holdings Pty		
Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Adopt as notified.		
Council Decision:	Accept		



## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 17: 15 Submission Type: Support in Part  
 Submitter: Royal Forest & Bird Protection Society of NZ - BOP branches  
 Submission Summary: There is an inconsistency between the policy and the Explanation. Rural land that does not meet the definition of versatile land (Class 1-3), can nevertheless be highly productive e.g. the Opotiki Tablelands and Paerata Ridge kiwifruit production area which are Class 4.  
 Decision Sought: Amend Policy UG 19B to clarify that the productive potential of rural land, particularly versatile land, is not compromised.

Council Decision:	Reject
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Submission Number: 18: 7 Submission Type: Support in Part  
 Submitter: Horticulture New Zealand  
 Submission Summary:  
 Decision Sought: Amend Policy UG 19B to require that Territorial authorities must avoid zoning highly productive land as rural lifestyle, except where:  
 a. the overall productive capacity of the highly productive land will be enhanced, when considered on a district- wide basis; and  
 b. there are no other options available within the district to provide for a rural lifestyle zone on land that is not highly productive land; and  
 c. additional land is required for rural lifestyle purposes to provide a recipient zone for lots under transferable development rules.

Council Decision:	Reject
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Submission Number: 28: 9 Submission Type: Support  
 Submitter: Tumu Kaituna 14 Trust  
 Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.  
 Decision Sought: Adopt Policy UG 19B as notified

Council Decision:	Accept
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### Section: Policy UG 20B (submission points specific to this policy)

1452

#### Council Decision

Retain Policy UG 20B as notified.

#### Reasons for Council Decision

Submissions 7-12, 9-22, 16-10, 18-8 20-11 and 28-10. Support for Policy UG 20B is noted.

Submission 15-10 seeks changes to ensure rural activities are not impacted by reverse sensitivity effects and to insert a new definition for rural based industry.

A new definition for rural based industry is outside the scope of Proposed Change 6. The RPS recognises reverse sensitivity effects on existing lawfully established activities through various policies. Of relevance are the following operative RPS provisions:

- Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas.
- Policy EI 7B: Managing the effects of infrastructure development and use.
- Policy AQ 1A: Discouraging reverse sensitivity effects associated with odours, chemicals and particulates.
- Policy EI 3B: Protecting nationally and regionally significant infrastructure

The primary purpose of Proposed Change 6 is to give effect to the responsive planning and intensification requirements of the NPS-UD. Broader urban and rural growth management issues will need to be addressed as part of the pending RPS review. Reverse sensitivity effects are appropriately recognised by the aforementioned RPS provisions which remain relevant to new urban growth proposals.

FS 2-4 considers that the proposed definition could have unintended consequences in its application. Council agree with this submission point and consider that the relief sought by submission 15-10 is outside of the scope of Proposed Change 6.

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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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FS 9-11 opposes submission 15-10 on the basis that such effects in relation to reverse sensitivity should be mitigated at the source. Council disagree with this submission and consider that the policies within the RPS should be considered where relevant.

#### Submissions

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Submission Number:	7: 12	Submission Type:	Support
Submitter:	Toi Te Ora Public Health		
Submission Summary:	Toi Te Ora supports this policy because by managing inappropriately located subdivision use and development in rural areas public health will be safeguarded. The separation between incompatible land uses provides the best protection for human health.		
Decision Sought:	Retain Policy UG 20B		

Council Decision:	Accept
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Submission Number:	9: 22	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support this consequential change to align with other changes.		
Decision Sought:	Retain changes to Policy UG 20B as notified		

Council Decision:	Accept
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Submission Number:	15: 10	Submission Type:	Support in Part
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra strongly supports Policy UG 20B. However, Fonterra considers that additional wording is required to ensure that rural activities are not impacted by reverse sensitivity effects.		
Decision Sought:	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.

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

Council Decision:	Reject
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#### Further Submission(s)

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Further Submission No:	2 - 4	Submission Type:	Oppose
Further Submitter:	Royal Forest & Bird Protection Society of NZ - BOP branches		



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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Amend clauses (a) and (b) and (e) of Policy UG 22B to read as follows:

Ensure planning decisions provide for te Tiriti o Waitangi principles by:

- (a) Enabling Maori to develop their land, including but not limited to papakainga housing, community and social housing, marae and community facilities;
- (b) Providing for tikanga Maori and opportunities for Maori involvement in Council's decision-making processes, including the preparation of RMA planning documents and Future Development Strategies, and in appropriate circumstances decision making on resource consents, designations and heritage orders;
- (c) Enabling early and ongoing engagement with iwi, hapu and affected Maori land trusts;
- (d) Identifying and protecting culturally significant areas and view shafts
- (e) Protecting marae and papakainga from adverse effects of new or expanded subdivision, use or development that constrain their continued use incompatible uses or development and reverse sensitivity effects; and
- (f) Demonstrating how Maori values and aspirations identified during consultation in (c) have been recognised and provided for.

Amend the policy explanation by correcting the reference to Policy UG 7A in the second paragraph and correcting the grammatical error for 'than' in the third paragraph, and adding additional text to read:

"Policy UG 7A applies to Maori development where it relates to urban environments and is unanticipated or out of sequence. but does not apply to papakainga housing, community and social housing, marae and community facilities"

Delete the fifth paragraph of the policy explanation which reads: One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or areas.

### Reasons for Council Decision

Submissions 16-11, 9-23 and 28-11. Support for Policy UG 22B is noted.

Submission 14-3 accepts the policy as notified, subject to FS point 14-4.

Concerns raised by submission 14-4 in relation to cultural offsetting are acknowledged. The submitter seeks BOPRC develop a cultural heritage and mahinga kai site process to deal with the net loss of these sites in a similar manner to transferable development rights.

Council acknowledge these mechanisms may be appropriate means of assisting with further developing a cultural offset framework. Given the level of opposition to cultural offsetting from tangata whenua, Council consider mechanisms to progress this would require wider engagement and consultation.

Proposed Change 6 scope is limited to giving effect to the NPS-UD and wider changes should be dealt with as part of the RPS review in 2024. For these reasons this submission is declined.

Concerns raised by submissions 3-3, 3-4 and 24-2 in relation to cultural offsetting are acknowledged. Cultural offsetting is still a novel process and specific provision for it as a method or policy was opposed by a number of tangata whenua representatives consulted. A cultural offsetting research project is being progressed by the SmartGrowth Combined Tangata Whenua Forum which should hopefully build a better understanding of how it can be applied in practice. Tangata whenua have discretion whether or not to employ offsetting as a mechanism in their own processes, including cultural impact assessments.

For these reasons, Council accept submissions seeking to remove reference to offsetting in the explanation text for Policy UG 22B.

Submission 5-6 seeks amendment to promote Papakainga in urban settings by providing plan enabled urban Papakainga as a new clause. This submission also seeks that the RPS promotes urban Papakainga to recognise the diverse needs for housing and layouts.

Clauses a, b and c are sufficient in ensuring Maori are able to develop their land in a way that is meaningful to them, and recognise that through Methods 1, 2 and 3 of the RPS, this policy will be relevant within district plan amendments and resource consent proposals. It is within these processes that territorial authorities along with iwi and hapu will be able to consider diverse needs for housing typologies and layouts which is most relevant at the local scale.

Further, the explanation statement for this policy recognises that provision is made for accommodating growth through Papakainga development on ancestral land both within and outside of existing and planned urban areas. This policy is also a relevant consideration for FDS, spatial planning and other relevant Council projects capable of providing for Maori urban growth

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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aspirations.

Where there may be Maori land opportunities that have not been accounted for within planned urban areas, Policy UG 7A is also relevant for opportunities that present significant development capacity.

Submission 10-2 and FS 5-6 and 3-11 seek amendments to weaken Policy UG 22B to 'take into account' rather than 'provide' for Te Tiriti o Waitangi principles. These submissions were supported by a legal submission at the hearings.

The legal submission took issue with the use of the words "provide for" in reference to Te Tiriti o Waitangi Principles, and stated that there was a directive hierarchy from Section 8 of the RMA, through the NPS-UD with regard to Te Tiriti o Waitangi principles and that the RPS had a duty to follow that.

Council are of the view that planning instruments are not rigidly bound to the wording of the hierarchical provisions that sit above. That said, Council are also of the view that in some cases this hierarchy should apply. However, in this circumstance the use of the term "provide for" is appropriate and not incompatible with the NPS-UD or section 8 of the RMA. In coming to this conclusion, Council are mindful of the use of the term in other sections of the RPS policies that do not have a corresponding wording in Part 2 of the RMA.

Council has reached the conclusion that in "taking into account" the principles of Te Tiriti o Waitangi at Part 2 of the RMA or national policy statement that may require that those principles be "provided for" at the RPS, regional plan or district plan level.

It is the Councils evaluation that when it comes to the implementation of Te Tiriti o Waitangi Principles a more directive policy direction is sometimes appropriate. On this basis, the wording in relation to Policy UG 22B is appropriate.

Submission 10-3, 10-4, and FS 3-12, 3-13 and 5-7 seek amendment to Policy UG 22B to recognise existing use rights and existing lawful activities.

These submissions were also supported by a legal submission at the hearing of submissions.

In this submission, the use of such "directive" language requires a careful and robust section 32 assessment. The Council response to the submission was essentially that wording of UG 22B(e) was appropriate as existing lawfully established activities could rely on existing use rights under section 10 of the RMA. However, air discharges were not protected by existing use rights and were regional discharge consents that were only issued for a maximum term of 35 years. On that basis it was submitted that the section 32 analysis undertaken by the Council was flawed and could not be relied upon.

Council staff had provided alternative wording to better reflect the intent of the policy which is not to inhibit existing lawful activities. The Council have considered this alternative wording and are in agreement with the reporting Planner that this would address the concerns of the submitter while also ensuring an appropriate level of protection to marae and papakainga. Council therefore adopt these changes.

Submission 25-8 seeks that economic activities be included as reference to enabling Maori to develop their land. The submission point refers to commercial activities such as tourist accommodation is another key reason for Maori developing their land, this point is acknowledged and Council consider that Policy UG 22B as worded does not inhibit the consideration of economic or commercial activities, although the reference to 'economic activities' is vague. The explanation statement acknowledges that this policy extends Te Tiriti o Waitangi principles to all Maori development.

Giving effect to Policy UG 22B requires local authorities to demonstrate how Maori values and aspirations during consultation have been provided for. Council consider that specific reference to economic activities is not required and decline this submission.

Submission 25-9 seeks changes to address a grammatical error. This submission is accepted.

Submission 33-9 seeks changes to Policy UG 22B to better reflect the requirements of the NPS-UD Policy 9, clause (c) which refers to:

- provide opportunities in appropriate circumstances for Maori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Maori and issues of cultural significance.

Clause (c) is captured in Policy UG 22B through broadening reference to 'Council's decision-making processes' which would include resource consents, designations, heritage orders, and water conservation orders.

Additionally, this policy is linked to RPS Methods 1, 2 and 3 which requires implementation through city, district and regional plans, resource consents and notice of requirements must give effect to this policy.

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The submission acknowledges that referring to what is required within the NPS-UD policy will remove any ambiguity and make it clear how planning decisions on resource consents, designations, and orders should provide for the Tiriti o Waitangi principles.

Council agree that until such time that any of the district or regional plans have been updated to give effect to this policy where there may be gaps in such plans, it is particularly relevant to district and regional decision makers to make sure that this policy is appropriately considered.

This submission is accepted in part. It is considered inappropriate to broaden the policy to refer to water conservation orders. While these involve "planning decisions", local authorities do not have direct functions or a decision-making role in relation to water conservation orders, which goes through a Ministry for the Environment and Special Tribunal process.

FS 5-8 opposes this submission and considers the proposed amendment is broad and without clear direction or scope, and that confusion may be created at an operational and processing level that will not promote the efficient and effective administration of our built and natural resources. Council consider that the proposed relief sought by submission 33-9 offers further clarity on what decision makers should be considering in providing for the Tiriti o Waitangi principles. This submission is declined.

Submission 33-10 refers to the explanation statement to Policy UG 7B, acknowledging that this Policy UG 22B does not exist. Council agree and note that this should refer to Policy UG 7A which refers to the relevancy of unanticipated and out of sequence developments.

This submission also seeks reference to acknowledge that difficulties involved in developing multiple owned Maori land are outside of the responsibilities of local authorities. Council do not consider this reference is necessary and does not offer greater clarity on giving effect to the NPS-UD. This submission also refers to cultural off-setting which is addressed within the sections above of this report.

This submission is accepted in part based on the recognition of an error to policy reference UG 7A.

Submission 23-8 and FS 9-18 seek amendments to specifically reference community and social housing within clause (a) and 'Maori development' be included in clause (e) for the protection from incompatible uses or development and reverse sensitivity effects.

Council agree in part with the relief sought. The term 'Maori development' is undefined and could conceivably include a wide range of different development and uses. The implications of extending the protection in clause (e) in the way sought has not been adequately identified or assessed. This could create unintended restrictions on the surrounding environment and the ability to develop in proximity to land on which Maori development is undertaken.

The term 'Maori development' is included within the explanation statement in reference to ensuring that planning decisions relating to urban environments take into account the principles, as well as iwi and hapu aspirations for urban development. Maori development aspirations include (but are not limited to) the development of community and social housing as recognised by this submission.

Council consider that the term 'Maori development' is appropriately referenced within the explanation statement by way of providing for Maori development without creating unintended restrictions on the surrounding environment.

Submission 27-4 seeks recognition of the National Grid within this policy to acknowledge that in limited circumstances the National Grid may have a functional need or operational need to locate in areas of importance to Maori. Infrastructure such as the National Grid that is existing or planned through a consent or designation is provided for through Policy EI 3B: Protecting nationally and regionally significant infrastructure.

Policy UG 22B will be relevant to any new significant infrastructure requirements that are not already existing, consented or designated.

The operative RPS provisions adequately protect significant infrastructure such as the National Grid and further recognising them within Proposed Change 6 policies is superfluous and unnecessary. For these reasons, this submission is declined.

Submission 9-24 contends the link to Policy UG 7A will create unintended restrictions on Maori owned land. Specifically, the requirement for unanticipated or out of sequence developments in the Tauranga and Western Bay of Plenty districts to be 5ha or more may not be feasible.

Ministry for the Environment guidance recognises that Policy 8 of the NPS-UD requires local authorities to be responsive to plan changes that would add significantly to development capacity even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. The criteria listed within Policy UG 7A help consider whether development fulfils needs for identified demand.

Council have considered this matter carefully and are mindful of the obligations under Section 8 of the RMA and Objective 5 and Policy 9 of the NPS-UD, and are also conscious of the need to ensure that any out-of-sequence development (including Maori development) is appropriately integrated and co-ordinated with the need to provide adequate infrastructure and public transport networks. On that basis, Maori development proposals are also subject to the 5 ha minimum threshold in Policy UG 7A.

That said, Council are also conscious that Policy UG 22B clearly enables the establishment of papakainga housing, marae and

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community facilities without being captured by the Policy UG 7A 5ha minimum threshold. In that regard, additional text to Policy UG 22B(a) is added to include a specific reference to “papakainga housing, community and social housing, marae and community facilities” and a similar insertion to the explanation text of the policy.

### Submissions

Submission Number:	3: 3	Submission Type:	Support in Part
Submitter:	Retimana Whanau Trust		
Submission Summary:	<p>Support amending Policy UG 22B from ‘Providing for Papakainga’ to ‘Te Titiri o Waitangi Principles’. Currently operative Policy UG 22B has a narrow focus only providing for Papakainga including marae-based housing outside urban areas and the urban limits. The operative policy doesn’t recognise nor provide for urban marae which have existed for many generations. It is more appropriate to enable Maori land development both inside and outside urban areas.</p> <p>Objective 5 and Policy 9 of the NPSUD seek to ensure planning decisions relating to urban environments take into account Te Tiriti o Waitangi principles. The new ‘Te Tiriti o Waitangi Principles’ policy has a broader focus on planning decisions and encapsulates both urban and rural marae and papakainga. It seeks to ensure planning decisions provide for Te Tiriti o Waitangi principles and expands on the existing Policy UG 22B by seeking to (e) protect marae and Papakainga from incompatible uses or development and reverse sensitivity effects...and (a) enabling Maori to develop their land, including but not limited to Papakainga housing, marae and community facilities.’ These provisions seek to provide for te Tiriti o Waitangi principle of active protection.</p> <p>New Policy UG 22B goes further by providing for (b) tikanga Maori and opportunities for Maori involvement in Council’s decision making processes and (c) enabling early and ongoing engagement with iwi, hapu and affected Maori land trusts and (f) demonstrating how Maori values and aspirations identified during consultation in (c) have been recognised and provided for.</p> <p>It also seeks to (d) identify and protect cultural significant areas and view shafts.</p> <p>By implementing the NPS-UD, RPS Change 6 is expected to contribute to social, cultural and economic benefits particularly in terms of meeting the government’s urban housing objectives. The addition of a new Te Tiriti o Waitangi policy in relation to urban development is expected to clarify the obligations for developers and resource management planning decisions around Te Tiriti o Waitangi principles.</p>		
Decision Sought:	Retain Policy UG 22B ‘Te Tiriti o Waitangi Principles’ subject to removing explanatory text relating to cultural offsets (set out below)		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 6	Submission Type:	Oppose
Further Submitter:	Balance Agri-Nutrients		
Submission Summary:	<p>We support the retention of the RPS Change as notified however also seek amendment to Policy UG22B in terms of our submission to ensure alignment with the higher order planning instruments and RMA and recognition of existing use as per our submission</p>		
Decision Sought:			

Council Decision:	Reject
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Submission Number:	3: 4	Submission Type:	Oppose
Submitter:	Retimana Whanau Trust		
Submission Summary:	<p>Te Ihu o te Waka o te Arawa members are concerned about the concept of ‘cultural offsetting’. The explanation text for Policy UG 22B includes the following paragraph ‘One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.’</p> <p>Cultural offsetting is a novel concept introduced in response to a project being championed by the SmartGrowth Combined Tangata Whenua Forum. It is proposed as a means of addressing cultural effects of urban development. Similar in concept to biodiversity offsetting which has been well established and applied in consents and plan change processes across Aotearoa.</p> <p>We would prefer the policy explanation does not include the paragraph referencing cultural offsetting at</p>		

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this point in time.

Removing this paragraph does not limit the ability for tangata whenua to explore nor propose specific cultural offsetting techniques or measures to avoid, remedy or mitigate adverse cultural effects of the use and development activities or as part of consultation and cultural impact assessments for resource consent applications.

Decision Sought: Delete the following paragraph from the explanation text for Policy UG 22B: 'One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area

Council Decision:	Reject
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Submission Number:	5: 6	Submission Type:	Support in Part
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Submitter: Kainga Ora

Submission Summary: Kainga Ora support the inclusion of a policy or policies focusing on marae and papakainga, as well as kaumatua housing in district plans and consider there is room for improvement across all regulatory plans within the BOP Region. However, it is not clear if this policy is for existing marae and papakainga or the consideration of future or proposed marae and papakainga also. By including this additional wording this will help to enable development on existing marae and papakainga and reduces any ambiguity for those district/city plan provisions. This will also enable Maori to develop their existing land, where new land is not available or existing housing and infrastructure needs to be upgraded or redeveloped.

Kainga Ora also seeks that the RPS promotes urban papakainga to recognise that the diverse need for housing typologies and layouts.

Decision Sought: Amend Policy UG 22B as follows: Te Tiriti o Waitangi Principles Ensure planning decisions provide for te Tiriti o Waitangi principles by:

(a) Enabling Maori to develop their land, including but not limited to existing and future papakainga housing, marae and community facilities.

(aa) Promoting papakainga in urban settings by providing plan enabled urban papakainga.

Council Decision:	Accept in Part
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Submission Number:	9: 23	Submission Type:	Support
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Submitter: Tauranga City Council

Submission Summary: Support removal of current Policy UG 22B to more broadly reflect the application to te Tiriti o Waitangi principles to local authority decisions on urban development, which go well beyond enabling development of papakainga.

Decision Sought: Delete Policy UG 22B (as notified)

Council Decision:	Accept in Part
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Submission Number:	9: 24	Submission Type:	Seek Amendment
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Submitter: Tauranga City Council

Submission Summary: Support full replacement of Policy UG 22B to more broadly reflect the application to te Tiriti o Waitangi principles to local authority decisions on urban development. However, we request minor amendments and clarifications for consistency as follows.

As noted in relation to Policy UG 7A, the explanation to this policy states that Policy UG 7A applies to Maori development where it relates to urban environments and is unanticipated or out of sequence, mirroring a similar statement in Policy UG 7A itself. This would mean that for Tauranga City and Western Bay of Plenty District urban environments, the scale of the development would need to be 5 hectares or more for the responsive planning policies to apply. This large scale may not be feasible in relation to Maori development, and we suggest that this statement is reconsidered to avoid any unintended restrictions on the development of Maori land.





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Submission Number: 10: 4 Submission Type: Oppose

Submitter: Balance Agri-Nutrients

Submission Summary: Policy UG 22B (e)

Our reasons for recommending these proposed changes are those outlined in respect of Policy UG 22B (d) above.

Decision Sought: Amend RPS Change 6 to ensure recognition of the needs and future needs of existing, lawful activities when applying Policy UG 22B(e). We note such amendment may require variation to the balance of Policy UG 22B or the policy statement or other such relief to achieve this.

Council Decision:	Reject
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#### Further Submission(s)

Further Submission No: 3 - 13 Submission Type: Support

Further Submitter: Fonterra Ltd.

Submission Summary: For the reasons outlined in the Balance Agri-Nutrients submission.

Decision Sought: Accept submission.

Council Decision:	Reject
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Submission Number: 14: 3 Submission Type: Support

Submitter: Ngati He hapu

Submission Summary: Objective 5 and Policy 9 of the NPSUD seek to ensure planning decisions relating to urban environments take into account Te Tiriti o Waitangi principles. The new 'Te Tiriti o Waitangi Principles' policy has a broader focus on planning decisions and encapsulates both urban and rural marae and papakaing. It seeks to ensure planning decisions provide for Te Tiriti o Waitangi principles and expands on the existing Policy UG 22B by seeking to (e) protect marae and Papakainga from incompatible uses or development and reverse sensitivity effects...and (a) enabling Maori to develop their land, including but not limited to Papakainga housing, marae and community facilities.' These provisions seek to provide for te Tiriti o Waitangi principle of active protection.

New Policy UG 22B goes further by providing for (b) tikanga Maori and opportunities for Maori involvement in Council's decision-making processes and (c) enabling early and ongoing engagement with iwi, hapu and affected Maori land trusts and (f) demonstrating how Maori values and aspirations identified during consultation in (c) have been recognised and provided for.

Decision Sought:

Amend Policy UG 22B from 'Providing for Papakainga' to 'Te Tiriti o Waitangi Principles'. Retain Policy UG 22B 'Te Tiriti o Waitangi Principles' subject to the changes requested below [see subsequent submission point].

Council Decision:	Accept in Part
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Submission Number: 14: 4 Submission Type: Oppose in Part

Submitter: Ngati He hapu

Submission Summary: Cultural off setting – explanation text for Policy UG 22B Te Tiriti o Waitangi Principles

Te Ihu o te Waka o te Arawa members are concerned about the concept of 'cultural offsetting'. The explanation text for Policy UG 22B includes the following paragraph 'One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.'

There is a reading on the subject on the net from Australian scholars <https://eprints.utas.edu.au/29057/>. It does give caution to the use of offsets and the normalisation of a practice which is in relation to trading off heritage value. It is from learning with biodiversity that mitigation means hierarchy could let the standard and in essence the intent slide if the :

- appropriate enforcement is not given, and
- effective and sufficient amount of resource is given to identify and protect any potential or actual known sites

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### Council Decisions on Provisions with Submissions and Further Submissions

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The later gives rise to the need for the necessary reporting like cultural landscape assessments and technology available like GPR, ground penetrating radar to be more or less minimum go to in the tool box. Alongside this needs to sit the necessary enforcement to also deter those looking take advantage if the intent.

I have welcomed to date from Te Arawa representatives who had considered and discussed these issues as they are real and have been well documented. As the threats to such mechanisms in planning and made known this caution. The RMA is a balancing Act and a lot of mitigation is made in side agreements when entering notified applications and have not really been afforded the opportunity for case law and arguments to be tested. This relates to the attrition experienced by tangata whenua in the appeal and hearings process and cannot take matters further. On the other hand with the political decision making we need our maori in positions of influence in the representatives role to both be informed if this issues and be around the decision making table.

Offsetting and Compensation. In my own experience as a cultural monitor since 1994 with both my Koroua Taane Wharemokai and Tame Rangiteaorere Heke Kaiawha around our rohe, and that is the amount of sites disturbed or lost. The case for the cultural sites would have an opportunity for the record of any unknown loss and a case for more cultural site protection planning.

Villages and Pa that names tuku iho have been lost to inappropriate subdivision and use of land and waterway resources. The wetlands or remnant features of mahinga kai sites mis interpreted or not acknowledged in many biodiversity assessments. The same can be said for archaeological assessments. Weight given or even the inclusion of cultural assessment have mainly been used as mitigation.

I actually thought the district and city councils would be paying more attention or investing more into cultural heritage. Though i see city and regional planning just rolling ahead and hence seem this coming to raise this through this regional plan review. The BOPRC Cultural Heritage Assessment Criteria are there and do provide some information for the sites to be included, however without further research into the sites

identified offered or even access then these sites get omitted and cannot be preserved or protected. It is then common practice to then apply for a Heritage Authority to Modify or Destroy sites and record any finds. This approach of the default Heritage Authority process actually records all the net discoveries giving a fair and reasonable description and value. These recordings are the net loss of archaeological sites that comprise of cultural heritage sites and landscapes. The same can be said for the wetland disturbance consents that are issued. The offsetting that is occurring has no to minimal standard for mahinga kai. The standards are usually aesthetic and provide other function such as stormwater control and amenity value to developments.

I Have recorded the loss of many sites of through data collection and mapped these sites loss. I've also used the sites loss to analyse and predict on cultural landscapes what sites will most likely be discovered if disturbed. Coupled with these I have been with kaumatua and matakite who have also provided information valuable to the significance of sites and areas.

This offsetting can occur in other scenarios like alluded to earlier with the loss of mahinga kai areas ie wetlands, so cultural heritage too can have wider definitions as a narrative of that relationship to natural resource(s) are identified.

Cultural offsetting or compensation can be used to address the Treaty of Waitangi Principles and Maori Land Development initiatives especially housing by offering the net loss of cultural significance to be transferred into development rights for Maori. In fact in a fair offset scenario mahinga kai activity such as mahi tuna in a wetland disturbance must create that same scenario at least. With the ancestral occupation being destroyed, the occupation needs to be offset also. If in any of the case where it cannot be offset then it needs to be compensated. In Kaitemako, 3 Large Maori Land Blocks within the former Urban Limits have had their structure planning funding pulled by TCC. The area is in the anticipated growth area. On the other side of the Kaitemako on general land.

Fast Track legislation and the RMA and HPA has been used to remove a significant sites, destroy remnant village and all the associated archaeological sites. TCC have now opened up load with even more visible cultural significant features for a Private Plan Change. This site spans two catchment being the Kaitemako (into the Rangataua) and Pukemapu (into the Waimapu). These yield serving planning processes need to stop.

Any sites destroyed or modified need to be attributed as a net loss. These sites need to be offset or compensated to the tangata whenua concerned.

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Decision Sought: That BOPRC develops a Cultural Heritage and Mahinga Kai site process to deal with the amount of net loss of sites. Similar to transfer development rights, develop methods to give effect to further maori occupation for new sites.

Council Decision:	Reject
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Submission Number: 16: 11 Submission Type: Support

Submitter: Ford Land Holdings Pty

Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.

Decision Sought: Adopt as notified.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 5 - 7 Submission Type: Oppose

Further Submitter: Balance Agri-Nutrients

Submission Summary: We support retention of the RPS Change as notified however also seek amendment to Policy UG22B to ensure alignment with the the higher order planning instruments and RMA and recognition of existing use as per our submission.

Decision Sought:

Council Decision:	Reject
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Submission Number: 23: 8 Submission Type: Support

Submitter: Nga Potiki a Tamapahore Trust

Submission Summary: Support the introduction of Policy UG22B which introduces a broader scope for Maori principles to be considered through the Treaty of Waitangi.

The policy enhances the ability for Maori involvement in planning processes and also promotes a broader range of Maori development opportunities which is currently limited to Papakainga in existing Policy UG22B.

In is considered however additions to clause (a) and (e) as set out below for provide for greater overall flexibility for Maori led development.

Decision Sought: 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 papakainga housing, community and social housing, marae and community facilities

Amend Policy UG22B, Clause (e) as follows:

(e) Protecting marae, papakainga and Maori development from incompatible uses or development and reverse sensitivity effects

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 9 - 18 Submission Type: Support

Further Submitter: Kainga Ora

Submission Summary: In line with the Kainga Ora submission, Kainga Ora supports enabling Maori to develop their land and supports policies that reduce barriers to do so.

Decision Sought: Accept submission.

Council Decision:	Accept in Part
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Submission Number: 24: 2 Submission Type: Oppose  
 Submitter: Ngati Moko  
 Submission Summary: Cultural off setting - explanation text for Policy UG 22B Te Tiriti o Waitangi Principles

Te Ihu o le Waka o te Arawa members are concerned about the concept of 'cultural offsetting'. The explanation text for Policy UG 228 includes the following paragraph 'One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.'

Cultural offsetting is a novel concept introduced in response to a project being championed by the SmartGrowth Combined Tangata Whenua Forum. It is proposed as a means of addressing cultural effects of urban development. Similar in concept to biodiversity offsetting which has been well established and applied in consents and plan change processes across Aotearoa.

While we acknowledge the project being undertaken by the SmartGrowth Combined Tangata Whenua Forum we are also mindful it must still be developed into a robust framework, tested, consulted on and refined. We prefer waiting for the cultural offsetting project to be completed and consultation undertaken with Te Ihu o le Waka o Te Arawa members to determine whether a level of comfort and support can be reached. Until that time we would prefer the policy explanation does not include the paragraph referencing cultural offsetting.

Removing this paragraph does not limit the ability for tangata whenua to explore nor propose specific cultural offsetting techniques or measures to avoid, remedy or mitigate adverse cultural effects of the use and development activities or as part of consultation and cultural impact assessments for resource consent applications.

Decision Sought: Delete the following paragraph from the explanation text for Policy UG 22B:

One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.

Council Decision:	Accept
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Submission Number: 25: 8 Submission Type: Support  
 Submitter: Rotorua Lakes Council  
 Submission Summary: Economic activities i.e. commercial (e.g., tourist accommodation) are another key reason for Maori developing their land  
 Decision Sought: Amend Policy UG 22B (a) to include reference to economic activities

Council Decision:	Reject
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Submission Number: 25: 9 Submission Type: Support  
 Submitter: Rotorua Lakes Council  
 Submission Summary: Re Explanation - Grammatical Error  
 Decision Sought: In relation to the explanation: - "Loan criteria from lending institutions are stricter then for lending against general title land." Replace 'then' with 'than.'

Council Decision:	Accept
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Submission Number: 27: 4 Submission Type: Oppose in Part  
 Submitter: Transpower New Zealand Ltd  
 Submission Summary: With respect to the new policy, Te Tiriti o Waitangi Principles Transpower respects the importance of the matters identified. However, Transpower will likely need to locate the National Grid in areas that have Maori values or are significant areas. Transpower works hard to avoid these areas but it is not always possible. As such a policy pathway is required to enable a consenting route for National Grid assets. It is therefore suggested that the policy be amended to include provision for the National Grid where there is a functional need or operational need. Please note that the proposed wording is draft only, Transpower would be willing to work with the parties to refine this as appropriate.

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Decision Sought: Amend Policy UG 22B: Te Tiriti o Waitangi Principles and the Explanatin, as follows:

Ensure planning decisions provide for te Tiriti o Waitangi principles by:

...

(g) To acknowledge that in limited circumstances the National Grid may have a functional need or operational need to locate in areas of importance to Maori. Extensive consultation will be undertaken if this is required.

Explanation

...

Maori housing and associated activities including growth through papakainga development on ancestral land both within and outside of existing and planned urban areas. Protection of marae from reverse sensitivity effects generated by incompatible uses or development that could constrain or inhibit cultural activities expected on a marae. However, some activities including the National Grid can have a functional need or operational need to be located in sensitive areas. While these are to be avoided if possible, there needs to be a path to consent for such activities/infrastructure with national or regional significance.

Council Decision:	Reject
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Submission Number:	28: 11	Submission Type:	Support
Submitter:	Tumu Kaituna 14 Trust		
Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Adopt Policy UG 22B as notified		

Council Decision:	Accept
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Submission Number:	33: 9	Submission Type:	Support in Part
Submitter:	Western BOP District Council		
Submission Summary:	The scope of Providing for Papakainga was narrow and only focused on the development of Maori land outside of planned urban development.		
	We support the move to a more principled approach which more generally focuses on the how planning decisions can reflect the principles of Te Tiriti o Waitangi.		
	Policy UG 22B, largely reflects Policy 9 within the National Policy Statement on Urban Development 2020, however providing opportunities for Maori involvement in decision making around resource consents (NPS Policy 9(c)) is not specifically reflected within Policy UG 22B.		
	Policy UG 22B (b) addresses Maori involvement in decision making, however this only reflects NPS Policy 9(d). Including a statement which specifically addresses NPS Policy 9(c) will remove any ambiguity and make it clear how planning decisions on resource consents, designations, and orders should provide for te Tiriti o Waitangi principles.		

Decision Sought: Delete Policy UG 22B Providing for Papakainga and insert of new Policy UG 22B Te Tiriti o Waitangi Principles as notified, as follows:

Add "Provide opportunities, in appropriate circumstances, for Maori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders" to Policy UG 22B.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	5 - 8	Submission Type:	Oppose
Further Submitter:	Balance Agri-Nutrients		

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Submission Summary: The proposed amendment is broad and without clear direction or scope. The RMA and higher order planning documents provide for, mandate and indicate how such involvement should and can be taken place. We support such involvement and consider it to be of benefit to our community and environment as a whole, however by inclusion of such broad and non-specific policy, we consider confusion may be created at an operational and processing level that will not promote the efficient and effective administration of our built and natural resources.

Decision Sought:

Council Decision:	Reject
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Submission Number:	33: 10	Submission Type:	Support in Part
Submitter:	Western BOP District Council		
Submission Summary:	Policy UG 22B – Explanation statement, pages 33-34		
	<p>The explanation statement incorrectly references Policy UG 7B which is non-existent in the operative Regional Policy Statement, or within the scope of changes set out in Proposed Change 6.</p> <p>WBOPDC understands that the development of Maori land and the barriers that Maori face when developing Maori land is a significant issue for iwi and hapu within the Western Bay District and across the country. However, the factors stated in the explanation are largely outside of the responsibilities, and control of territorial authorities.</p> <p>WBOPDC acknowledges that Bay of Plenty Regional Council has opted to include references to cultural offsetting within the explanation text rather than as a main policy, thus giving the statement less weight. WBOPDC recognises that this has been done in recognition of the concerns that some hapu have raised in relation to cultural offsetting.</p> <p>WBOPDC's Tangata Whenua forum Te Ihu o Te Waka o Te Arawa has raised concerns about the concept of cultural offsetting and the impact that this could have on cultural heritage and sites of significance through their engagement with Bay of Plenty Regional Council. While these concerns have been noted, further work needs to be done to fully address these.</p> <p>The concept of cultural offsetting is also still under development and has yet to be developed into a robust framework. It would be prudent to undertake further engagement with hapu before any reference to cultural offsetting is included in the Regional Policy Statement</p>		

Decision Sought: Amend Policy UG 22B, Paragraph 2, Explanation statement to refer to Policy UG 7A

Amend Paragraph 3 by adding " Whilst outside the responsibilities of local authorities, it should be noted that the difficulties....." to beginning of paragraph

Council Decision:	Accept in Part
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**Section: Policy UG 24B (submission points specific to this policy)** 1454

**Council Decision**

Retain Policy UG 24 as notified.

**Reasons for Council Decision**

Submissions 16-12, 28-12, 18-9 and 9-25. Support for Policy UG 24B as notified is noted.

Submission 15-11 seeks changes to strengthen the policy wording to 'avoid' rather than 'manage reverse sensitivity effects on existing rural production and rural industrial activities both within or adjacent to, existing or planned urban zoned areas.

Policy UG 20B addresses reverse sensitivity effects on rural production activities and infrastructure in rural areas (i.e., beyond existing or planned urban areas).

The ability to avoid reverse sensitivity effects on existing rural production activities within existing and planned urban zoned areas is more challenging than for those in rural areas. Particularly where there is an expectation that urban land uses and development will proliferate over time. To that end, managing is considered an appropriate response. This submission is declined.

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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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FS 9-12 opposes the relief sought by submission 15-11, considering that such effects should be mitigated at the source. Council do not agree with this submission point and consider that future urban growth will need to manage any relevant reverse sensitivity effects on existing rural production activities in existing or planned urban areas. This submission is declined.

### Submissions

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Submission Number:	9: 25	Submission Type:	Support
Submitter:	Tauranga City Council		
Submission Summary:	Support this consequential change to align with other changes.		
Decision Sought:	Retain Policy UG 24B as notified		

Council Decision:	Accept
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Submission Number:	15: 11	Submission Type:	Support in Part
Submitter:	Fonterra Ltd.		
Submission Summary:	Fonterra strongly supports Policy UG 24B. However, Fonterra considers that additional wording is required to ensure that rural activities are not impacted by reverse sensitivity effects.		
Decision Sought:	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.		

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No:	9 - 12	Submission Type:	Oppose
Further Submitter:	Kainga Ora		
Submission Summary:	Kainga 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. Kainga 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.		
Decision Sought:	Reject submission		

Council Decision:	Reject
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Submission Number:	16: 12	Submission Type:	Support
Submitter:	Ford Land Holdings Pty		
Submission Summary:	Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.		
Decision Sought:	Adopt as notified.		

Council Decision:	Accept
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Submission Number:	18: 9	Submission Type:	Support
Submitter:	Horticulture New Zealand		
Submission Summary:	Support minor amendment but retention of policy.		
Decision Sought:	Retain Policy UG 24B subject to minor amendment [not specified]		

Council Decision:	Accept
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 28: 12 Submission Type: Support  
Submitter: Tumu Kaituna 14 Trust  
Submission Summary: Gives effect to the NPS-UD and provides for the sustainable management of growth in the region.  
Decision Sought: Adopt Policy UG 24B as notified

Council Decision: Accept

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**Section: Method 14 (submission points specific to this method)**

1455

### Council Decision

Retain deletion of Method 14 as notified.

### Reasons for Council Decision

Submission 9-27. Support for deletion of Method 14 is noted.

### Submissions

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Submission Number: 9: 27 Submission Type: Support  
Submitter: Tauranga City Council  
Submission Summary: Support this consequential change to align with other changes.  
Decision Sought: Delete Method 14

Council Decision: Accept

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**Section: Method 16 (submission points specific to this method)**

1456

### Council Decision

Retain deletion of Method 16 as notified.

### Reasons for Council Decision

Submission 9-28. Support for deletion of Method 16 is noted.

### Submissions

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Submission Number: 9: 28 Submission Type: Support  
Submitter: Tauranga City Council  
Submission Summary: Support this consequential change to align with other changes.  
Decision Sought: Delete Method 16

Council Decision: Accept

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**Section: Method 18 (submission points specific to this method)**

1457

### Council Decision

Retain changes to Method 18 as notified.

### Reasons for Council Decision

Submission 9-29. Support for Method 18 as notified is noted.

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## 2022 - Proposed Change 6

### Council Decisions on Provisions with Submissions and Further Submissions

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Submission 11-8, 29-11, 30-5 seeks that the term 'structure plan' is amended to 'spatial plan'. Council do not agree with this suggested change as spatial planning is broader than what is involved within a structure plan, nor does this change offer any further clarity in giving effect to the NPS-UD.

Local Government NZ (LGNZ) paper 'Spatial Planning Can Improve Housing and Affordability and Protect Our Environment', (March 2021) acknowledges that the term spatial planning is a broad concept that covers well-defined plans, and narrowly defined plans, as defined below:

1. Well defined plans (spatial plans) – which set out where and how cities should grow and develop in great detail; and
2. Narrowly defined plans (strategic plans) – which set out a strategy focused on securing cost-effective options for future infrastructure development.

Submissions seeking this change are declined.

Submission 33-7 seeks that Method 18 is amended to include a new clause to show how a variety of housing typology will be provided for. FS 13-3 opposes the relief sought, considering that such matters should be included in lower order planning documents. Council that it is not the role of the RPS to determine housing typologies. This is a land use and design matter that is better considered at a district planning level.

Submission 33-7 is declined, and FS 13-3 is accepted.

Submission 18-10, and FS 3-14 seek recognition of how reverse sensitivity effects will be managed. As considered throughout this report the operative RPS contains appropriate provisions addressing reverse sensitivity effects. These submissions are declined.

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, among other things, large scale land use change to cater for urban development. The RPS defines large scale as a minimum of 5ha. This submission is declined.

Submission 31-7 seeks reference to how structure plans to demonstrate how they will support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change.

Existing RPS climate change provisions will continue to apply to urban growth and development. These are Regional Policy Statement Policy NH 11B Providing for climate change and Policy IR 2B Having regard to the likely effects of climate change.

Existing RPS Policy UG 3A: Promoting travel demand management across the region seeks that actively promote travel demand management across the region to reduce emissions from transport amongst other matters listed. The explanation statement also acknowledges that appropriate policies are required to be included in district plans and the Bay of Plenty Regional Land Transport Plan to actively promote travel demand management.

Further, land use planning is essential in managing the demand for travel. This could include having higher density/mixed use developments close to good public transport links and community facilities.

Method 18 appropriately addresses land uses that contribute to giving effect to Policy UG 3A, while recognising that other policies particularly at the district level can set density and mixed land use provisions that contribute to travel demand and subsequently reduction in greenhouse gas emissions.

Climate change and greenhouse gas emissions are adequately reflected within the operative RPS, therefore this submission is declined.

#### Submissions

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Submission Number:	9: 29	Submission Type:	Support
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Submitter:	Tauranga City Council
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Submission Summary:	Support these consequential changes to align with other changes.
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[submission point refers to changes notified for points (e) and (o) - page 38 of Proposed Change 6]

Decision Sought:	Retain changes to Method 18 as notified
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Council Decision:	Accept
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Submission Number:	11: 8	Submission Type:	Oppose
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Submitter:	Bell Road Limited Partnership
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Submission Summary:	The term 'Structure plan' is now more associated with infrastructure planning rather than the broad scope of matters referred to in Method 18.
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# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

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### Reasons for Council Decision

Submission 6-1 seeks the inclusion of the definition of 'urban development'. The operative RPS has an existing (and unchanged through Proposed Change 6) definition for 'urban activities' and 'development of land'.

The operative RPS definition for urban activities is:

'Activities including:

- Residential accommodation at a density of more than one dwelling per 2000 m2 of site area;
- Commercial and industrial business, retailing and other commercial activities;
- Papakainga or other Marae-based housing; and
- Any other land use for which reticulated wastewater and water supply is a requirement.'

Development of land means 'the process of subdividing land and/or changing or intensifying the use of land'.

The term 'urban development' means to develop land for the purpose of providing for urban activities and can be ascertained through existing RPS definitions. This submission is declined.

Submission 6-1 and 18-2 seek definitions to align with the National Policy Statement for Highly Productive Land (NPS-HPL).

As considered throughout this report, the NPS-HPL will go through its own statutory process for inclusion within the RPS but is out of scope for Proposed Change 6. These submissions are declined.

Submission 9-31 and FS 13-20 notes that the criteria for terms to be included should state 'or' instead of 'and' on the basis that terms need to meet one of the listed criteria as opposed to all. Council agree and accept this submission.

Submission 13-4, 29-5 and FS 1-6 and 13-14 seek amendment to include a definition for 'urban environment' as defined under the NPS-UD as being:

'urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- is, or is intended to be, predominantly urban in character; and
- is, or is intended to be, part of a housing and labour market of at least 10,000 people.'

Submission 33-8 seeks a definition for urban environment to mean 'existing urban areas that are serviced by urban level infrastructure including water supply and wastewater disposal'.

The correct application of 'urban environment' is defined under section 1.4 of the NPS-UD.

Council recognise clarity on the definition of 'urban environment' would reduce potential for any confusion particularly its application in Policies UG 7A and UG 7Ax. As notified the terms not included in Appendix A has been expanded to include those referred to in National Policy Statements. The term 'urban environment' is defined in the NPS-UD which negates the need for a definition in the RPS.

Consequently, Council disagree with the relief sought to include the NPS-UD definition of 'urban environments' in Appendix A. Submissions 13-4, 29-5, 33-8 and FS 1-6 and 13-14 are declined.

Submission 20-13 seeks amendment to include a definition for 'well-functioning urban environments' to have the same meaning and application as NPS-UD Policy 1.

Proposed Change 6 gives effect to Policy 1 of the NPS-UD, specifically within Policies UG 7A, 7Ax and UG 8B.

Council do not consider that providing a specific definition of 'well-functioning urban environments' is required within Appendix A, because its application is better served as a policy, listing the minimum requirements that contribute to a well-functioning environment.

For the avoidance of doubt, any clarity on its intent in the RPS as a definition, applies regardless as terms are not included within Appendix A if they are defined within a National Policy Statement.

### Submissions

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Submission Number:	6: 1	Submission Type:	Seek Amendment
Submitter:	Federated Farmers NZ (BOP and Rotorua, Taupo)		
Submission Summary:	It is important to note that growth in urban areas does impact nearby rural areas, which is a reason why Federated Farmers takes an active interest in the NPS-UD.		
	Rural production activities are major industries in the rural areas that surround urban areas, and those rural production activities rely on a dynamic and enabling regulatory environment if they are to thrive. Whilst we generally support a permissive regulatory regime being applied to rural production activities in those rural areas, a permissive regulatory setting does not always result in good outcomes with the		

## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

expansion of urban development either at a local or national interest perspective. The term urban development should be defined in the plan change.

We note that the terminology used in the RPS is confusing. The term 'productive land' is used as well as 'versatile land', however only versatile land is defined for the purposes of the RPS. While the NPS-HPL will ultimately provide guidance on such matters in due course, we believe there is merit in defining the term 'productive land' for interpretation purposes.

Decision Sought: We request that BOPRC consider definition urban development for the purposes of implementing the NPS-UD.

Council Decision:	Reject
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Submission Number:	9: 31	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	The list of criteria for terms not to be included should have "or" rather than "and" – i.e. terms only have to fit one of the criteria, not all of them, to not require definition in the RPS.		

Decision Sought: Amend 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,
  - the usual dictionary meaning,
  - referred to only in the explanatory text, not the policies, or
  - referred to in National Policy Statements.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	13 - 20	Submission Type:	Support
Further Submitter:	Urban Taskforce for Tauranga		
Submission Summary:	We consider that this submission should be accepted and that where they exist, definitions referred to in section 1.4 of the NPS-UD should be adopted.		
Decision Sought:	Accept submission.		

Council Decision:	Accept
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Submission Number:	13: 4	Submission Type:	Oppose
Submitter:	Classic Developments Limited		
Submission Summary:	A definition is required to be incorporated to clarify the reference to "urban Environment"  The plan change refers throughout to "urban environment" but contains no definition of an urban environment.		
Decision Sought:	Include a definition of 'urban environment' as follows:  Urban Environment: any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:  (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	1 - 6	Submission Type:	Support
Further Submitter:	Nga Potiki a Tamapahore Trust		



# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

**Chapter: Appendix C (submission points specific to this Appendix)**

1460

**Section: Appendix C (submission points specific to this Appendix)**

1460

### Council Decision

Retain the deletion of Appendix C as notified.

### Reasons for Council Decision

Submissions 21-8 and 9-32 support the deletion of Appendix C as notified.

### Submissions

Submission Number: 9: 32 Submission Type: Support

Submitter: Tauranga City Council

Submission Summary: Support this consequential change to align with other changes.

Decision Sought: Deleted Appendix C

Council Decision: Accept

Submission Number: 21: 8 Submission Type: Support

Submitter: Mitre 10 Holdings

Submission Summary: Appendix C (Indicative growth area timing and business land provision) is inconsistent with the NPS-UD. The removal of Appendix C will ensure the RPS gives effect to the NPS-UD as required by section 62(3) RMA.

Decision Sought: Delete Appendix C, as notified.

Council Decision: Accept

**Chapter: Appendix D (submission points specific to this Appendix)**

1461

**Section: Appendix D (submission points specific to this Appendix)**

1461

### Council Decision

Retain the deletion of Appendix D as notified.

### Reasons for Council Decision

Submissions 21-9 and 9-33 support the deletion of Appendix D as notified.

### Submissions

Submission Number: 9: 33 Submission Type: Support

Submitter: Tauranga City Council

Submission Summary: Support this consequential change to align with other changes.

Decision Sought: Delete Appendix D

Council Decision: Accept

Submission Number: 21: 9 Submission Type: Support

Submitter: Mitre 10 Holdings



# 2022 - Proposed Change 6

## Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Appendix D (Indicative growth area sequencing) is inconsistent with the NPS-UD. The removal of Appendix D will ensure the RPS gives effect to the NPS-UD as required by section 62(3) RMA.

Decision Sought: Delete Appendix D, as notified.

Council Decision: Accept

### Chapter: Appendix E (submission points specific to this Appendix)

1462

### Section: Appendix E (submission points specific to this Appendix)

1462

#### Council Decision

Retain the deletion of Appendix E maps as notified.

#### Reasons for Council Decision

Submissions 9-34 and 21-10 support for the deletion of Appendix E maps is noted.

Submissions 1-3, 12-4 and FS 11-1 and 12-1 seek the retention of Appendix E.

The urban limits within Appendix E have proven to be inflexible, particularly in the face of delays due to unexpected constraints within some of the identified growth management areas. Hard urban limits are inconsistent with the NPS UD thrust for responsiveness and flexibility that encourages opportunities for alternative urban growth proposals to be considered on their merits.

The intent of the NPS-UD is for Future Development Strategies (FDS) to identify existing and future urban growth areas, promote long-term strategic planning, achieve well-functioning urban environments, and provide sufficient development capacity for the next 30 years.

The removal of Appendix E aligns with guidance from the Ministry for the Environment that states; 'a hard rural urban boundary without the ability to consider change or movement of that boundary would not meet the requirements of the responsive planning policy.' Removing the urban limits within the western Bay of Plenty sub-region is the most practical approach to enable more land and infrastructure supply to give effect to the NPS-UD. These submissions are declined.

#### Submissions

Submission Number: 1: 3 Submission Type: Oppose

Submitter: Element IMF

Submission Summary: TCCMfBOPDC/BOPRC have produced a draft FDS through SmartGrowth and several other spatial planning policy documents are at various stages of development These have yet to be completed, including a formal public consultation and approval process. A subregional centres strategy and Tauranga Urban Strategy reviews were initiated several years ago but have yet to be completed and it is understood these will be reinitiated in 2023.

While the principles of UFTI are generally supported there are gaps in its delivery that need to be addressed ahead of it being integrated into the SmartGrowth joint draft spatial plan/FDA.

The Western Bay Joint Spatial Plan (2021) referred to in the s32 report is acknowledged as a 'first step' and is currently a draft. with no formal status. Gaps are fundamental and include the need to understand tangata whenua values and aspirations. The draft will be an input to the FDS required by the NPS-UD. Close out of an FDS is mid-2024.

The SmartGrowth Housing Action Plan is a stop gap measure and an evolving plan, while the above policy framework is finalised.

It would be premature to delete the Management and Growth areas and related policies ahead of formal approval of the Spatial Plan/FDS.. This will create a policy vacuum with no credible baseline against which to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A.

Decision Sought: Retain Management and Growth areas for the western Bay of Plenty and related policies UG5A, UG6A, and UG 7A until an FDS (or equivalent) has been formally approved.

Council Decision: Reject

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Submission Number: 9: 34 Submission Type: Support  
 Submitter: Tauranga City Council  
 Submission Summary: Support this consequential change to align with other changes.  
 Decision Sought: Delete Appendix E

Council Decision:	Accept
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Submission Number: 12: 4 Submission Type: Oppose  
 Submitter: Bluehaven Investments Limited  
 Submission Summary: TCC/WBOPDC/BOPRC have produced a draft FDS through SmartGrowth and several other spatial planning policy documents are at various stages of development. These have yet to be completed, including a formal public consultation and approval process.

A subregional centres strategy and Tauranga Urban Strategy reviews were initiated several years ago but have yet to be completed and it is understood these will be reinitiated in 2023.

While the principles of UFTI are generally supported there are gaps in its delivery that need to be addressed ahead of it being integrated into the SmartGrowth joint draft spatial plan/FDA.

The Western Bay Joint Spatial Plan (2021) referred to in the s32 report is acknowledged as a 'first step' and is currently a draft with no formal status. Gaps are fundamental and include the need to understand tangata whenua values and aspirations. The draft will be an input to the FDS required by the NPS-UD. Close out of an FDS is mid-2024.

The SmartGrowth Housing Action Plan is a stop gap measure and an evolving plan, while the above policy framework is finalised.

It would be premature to delete the Management and Growth areas and related policies ahead of formal approval of the Spatial Plan/FDS. This will create a policy vacuum with no credible baseline against which to assess unanticipated or out-of-sequence urban growth under proposed policy UG 7A.

Decision Sought: Retain Management and Growth areas for the western Bay of Plenty and related policies UG5A, UG6A, and UG 7A until an FDS (or equivalent) has been formally approved.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 11 - 1 Submission Type: Support  
 Further Submitter: Tumu Kaituna 14 Trust  
 Submission Summary: The Tumu Kaituna 14 Trust agrees that the Management and Growth areas and related policies in the operative RPS need to be retained until the Spatial Plan / Future Development Strategy for the region is finalised and formally adopted.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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Further Submission No: 12 - 1 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Ford Land Holdings Pty Ltd agree that the Management and Growth areas and related policies in the operative RPS need to be retained until the Spatial Plan / Future Development Strategy for the region is finalised and formally adopted.  
 Decision Sought: Accept submission.

Council Decision:	Reject
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## 2022 - Proposed Change 6 Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number:	21: 10	Submission Type:	Support
Submitter:	Mitre 10 Holdings		
Submission Summary:	Appendix E (Management and Growth areas for the western Bay of Plenty) is inconsistent with the NPS-UD. The removal of Appendix E will ensure the RPS gives effect to the NPS-UD as required by section 62(3) RMA.		
Decision Sought:	Delete Appendix E as notified.		
Council Decision:	Accept		

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Submission Number:	22: 5	Submission Type:	Oppose
Submitter:	Newman Group Limited		
Submission Summary:	There is currently no adopted Future Development Strategy for the Sub-region. The Western Bay Joint Spatial Plan prepared in 2021 has no formal status.  It is therefore premature to delete Appendix E until such time there is a Future Development Strategy in place as this will inhibit the consideration of unanticipated or out-of- sequence growth.		
Decision Sought:	Retain RPS management and growth area maps until a Future Development Strategy has been approved.		
Council Decision:	Reject		

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