

In the Environment Court  
At Auckland

ENV-2024-AKL-000044

I te Kōti Taiao o Aotearoa  
Ki Tāmaki Makaurau

**Under the** Resource Management Act 1991 (**RMA**)

**In the matter** of an appeal under clause 14(1) of Schedule 1 of the RMA against proposed Change 6 to the Bay of Plenty Regional Policy Statement

**Between** **Bluehaven Investments Limited**

Appellant

**And** **Bay of Plenty Regional Council**

Respondent

---

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS**

**15 April 2024**

---



**Tim Fischer / Matt Whitmore**  
T: +64-9-358 2222  
tim.fischer@simpsongrierson.com  
matt.whitmore@simpsongrierson.com  
Private Bag 92518 Auckland

**To:** The Registrar  
Environment Court  
Auckland

1. Tauranga City Council wishes to be a party to the following proceedings:

*ENV-2024-AKL-000044: Bluehaven Investments Limited v Bay of Plenty Regional Council*

2. Tauranga City Council is a local authority.

3. Tauranga City Council made a submission dated 5 September 2022 on proposed Change 6 to the Bay of Plenty Regional Policy Statement.

4. Tauranga City Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

5. Tauranga City Council is interested in all of the proceedings, in particular the appellant's requested amendments to:

- (a) Delete the final paragraph of Part 2.8 Urban and rural growth management;
- (b) Refer to the proposed Commercial Centres Strategy and the Tauranga Urban Strategy within relevant UG policies;
- (c) Refer to the Future Development Strategy and RMA plans as the primary documents that anticipate and sequence urban development in Policy UG 7A, and remove reference to other planning documents;
- (d) Delete the reference to materially reducing the benefits of other existing or planned development infrastructure or undermining committed development infrastructure investment from Policy UG 7A(f); and

- (e) Appendix E – Management and Growth areas for the Western Bay of Plenty and key related policies.

**6.** In respect of the relief sought by the appellant, Tauranga City Council:

- (a) Opposes the relief seeking to delete the final paragraph of Part 2.8 because the references to the SmartGrowth Strategy and Implementation Plan are appropriate in the context of a statement of background and issues;
- (b) Opposes the relief seeking amendments to reference the proposed Commercial Centres Strategy and Tauranga Urban Strategy within relevant UG policies, because:
  - (i) The Tauranga Urban Strategy was never formally adopted, and the process was replaced by the Urban Form and Transport Initiative; and
  - (ii) A Commercial Centres Strategy has not been developed or formally adopted.
- (c) Opposes the relief seeking amendments to the planning documents referred to in Policy UG 7A, in particular to refer to the Future Development Strategy rather than the Housing and Business Assessment, because:
  - (i) The Housing and Business Assessment required under the National Policy Statement on Urban Development 2020 has the purpose of providing information on demand for housing and business land, local authority planning and infrastructure decisions and development capacity;
  - (ii) Policy UG 7A sets out criteria for determining whether unanticipated or out-of-sequence will add significantly to development capacity, including whether a development is of large enough scale to contribute to meeting demand

for additional urban land identified through the Housing and Business Assessment;

- (iii) The Housing Business and Assessment is relevant to this criterion because it includes information on demand for housing and business land; and
  - (iv) In contrast, the Future Development Strategy is a longer-term growth planning document of local authorities which is not relevant under Policy UG 7A – because Policy UG 7A relates to unanticipated and out-of-sequence development (rather than development planned under the Future Development Strategy).
- (d) Opposes the relief seeking to delete the proviso in Policy UG 7A(f) that requires development infrastructure to be provided without materially reducing the benefits of other existing or planned development infrastructure or undermining committed development infrastructure investment, because:
- (i) Long-term planning is required to fund and provide for the construction and upgrading of infrastructure to cater for growth (including the Long-Term Plan under the Local Government Act 2002 and the Future Development Strategy);
  - (ii) Delivery of planned and funded development could be adversely impacted if resources are diverted towards unanticipated or out-of-sequence development proposals; and
  - (iii) It is consistent with the integrated management of natural and physical resources to ensure that planned and funded infrastructure projects are not adversely impacted by unanticipated or out-of-sequence development.

(e) Opposes any relief seeking amendments to Appendix E and related policies because it is unclear what is being sought (if any amendments are proposed).

7. Tauranga City Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 15<sup>th</sup> day of April 2024



---

Tim Fischer / Matt Whitmore  
Counsel for Tauranga City Council

**Address for service:**

Telephone: +64 21 942 295

Email: [tim.fischer@simpsongrierson.com](mailto:tim.fischer@simpsongrierson.com) / [matt.whitmore@simpsongrierson.com](mailto:matt.whitmore@simpsongrierson.com)