

## Chaquan Nepia

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**From:** James Gardner-Hopkins <james@jgh.nz>  
**Sent:** Monday, 16 October 2023 6:34 pm  
**To:** Plan Change 92 Hearing  
**Cc:** Shae Crossan; John Dillon  
**Subject:** PC92: Memorandum addressing errors in the Council's reply  
**Attachments:** 13. Memorandum addressing error (SC additions).pdf

Dear Chaquan,

Please find **attached** a memorandum for filing addressing factual matters that appear to be in error, which have only just come to my attention.

I would be grateful if you could confirm if the Panel will receive this memorandum onto the record for its consideration. It is not clear if the Panel has closed the hearing, and I am happy to address the principles and waiver of timing requirements if need be.

Kind regards  
James

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*Thank you.*

**BEFORE HEARING COMMISSIONERS  
IN TAURANGA**

**UNDER THE** Resource Management Act 1991 (“**Act**”)

**IN THE MATTER OF** A submission on Plan Change 92 - Ōmokoroa and Te Puke Enabling Housing Supply and Other Supporting Matters

**BETWEEN** **THE NORTH TWELVE LIMITED PARTNERSHIP**  
Submitter

**AND** **WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
Planning authority

**MEMORANDUM OF 12 OCTOBER 2023 ON BEHALF OF  
THE NORTH TWELVE LIMITED PARTNERSHIP**

*Before a Hearing Panel: Chairperson Greg Carlyon, and Commissioners Alan Withy, Lisa Mein and Pia Bennett*

**INTRODUCTION**

1. As previously advised, I am a Project Manager for the submitter (“**North12**”), including, in particular, on matters relating to financial contributions. I file this memorandum to correct matters on the record, which have only just come to my attention.

**CORRECTION TO BE MADE**

2. The legal submissions of Ms Stubbings and Ms Hollis in reply for the Council state at [10](c):

Mr Rod Barnett (Council's Senior Business Analyst for the General Manager of Infrastructure Services) confirmed that the expected population of the model for Te Puke is 13,000, not 16,500 as asserted by the submitter which appeared to be a misunderstanding. Mr Barnett described to the Panel how it is a growth proportion recovery model.

3. Unfortunately, this is incorrect, based on the Council's own internal reporting. In its “*Annual Plan 2023/24 Te Puke Wastewater Treatment*”

*Plant Upgrade Issues and Options Paper*”, an unnamed author stated (emphasis added):

**Plan Change 92 further increases the growth to 16,236.** Note that the design team must allow for these flows in the capacity of the Inlet Works to be constructed now, even if PC92 is not finally approved.

4. The Paper goes on to state the following in terms of “flows generated from sources”, as part of the assessment of how costs are to be shared:

**Table: Flows generated from sources**

Description	Average dry Weather Flows	
	$m^3/d$	%
Te Puke Current Population	1729	36%
Te Puke Growth to 13,021	641	13%
<b>Te Puke Growth to 16,236</b>	<b>585</b>	<b>12%</b>
Rangiuru Business Park Stage 1	769	16%
Rangiuru Business Park Stage 2	1802	22%

5. On its face, the Council’s own material therefore appears to directly contradict the submissions of Ms Stubbings and Ms Hollis, at least to the extent they record the advice of Mr Barnett at [10](c).
6. There may of course be an explanation, and, if there is one, it would be good to hear it.
7. North12 has also checked the Financial Models again, and confirms that the Te Puke Wastewater Treatment Plant is included within the current models. Unless there has been some undeclared revision of the costs since the Paper referred to above, it cannot therefore be correct that the models only include items for a population of 13,000, as the Wastewater Treatment Plant is stated as being to support growth of the Te Puke population to 16,000 people. This is recognised by Mr Tau Manihera in Ms Stubbings and Ms Hollis’s reply submissions, whereby he has removed items relating to the Wastewater Treatment Plant from the Te Puke Structure Plan Infrastructure Schedules.
8. In any event, these information issues and the apparent ability to update the models or assumptions outside the District Plan process without any transparency highlight the earlier concerns raised by the submitter.
9. In addition, the legal submissions of Ms Stubbings and Ms Hollis in reply for the Council state at [10](a):

Mr Clow explained why the alleged “67%” increase on the per hectare charge is not correct. Council’s evidence is also that there are more than 100-200 lots / units yet to be consented within Te Puke (contrary to the assertion by Mr Dillon). Mr Clow expressed the view that, regardless of how many lots / units remain, it is nevertheless important to ensure the proposed provisions are most appropriate for the collection of the required financial contributions. Mr Clow explained the basis and rationale for the changes proposed.

10. North 12 also considers that Council’s figures on the numbers of allotments left to be created in Te Puke to grow the population to 13,000 people is factually incorrect.
11. Mr Clow has used an existing population figure of 9,700 based on 2021 census data. Data reviewed from Statistics New Zealand ([https://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLEC\\_ODE7979#](https://nzdotstat.stats.govt.nz/wbos/Index.aspx?DataSetCode=TABLEC_ODE7979#)), however, shows a population of 10,250 persons in 2022. Factoring in the 842 consented greenfield allotments and multiplying this by the currently accepted occupancy factor of 2.7 persons, per dwelling, this would allow a further population of 2,273 persons. Coupled with the existing 10,250 this equates to 12,523 persons. This would leave approximately 177, dwellings/allotments to be created to achieve the 13,000 population.
12. North 12 is also aware of a number of consented Brownfields development within the Te Puke township, and whilst it does not have the information on the total number, these would also contribute, and reduce the remaining numbers of dwellings required to achieve the 13,000 population. Accordingly, it is clear to North 12 that there is only in the order of 100 dwellings left to be consented to achieve the 13,000 population currently intended, as per its evidence.
13. Reflecting further on the scope of the Plan Change, and, in light of these ongoing discrepancies, it is considered within scope and appropriate for the Panel to “lock in” the financial contribution costs of projects for Te Puke into the District Plan, and make it clear that there must be a further Plan Change to amend them, even if that approach doesn’t apply to the balance of the financial contributions (which may be beyond scope). In other words, the District Plan should direct what is included in the models, rather than the Council being entirely unconstrained from what it puts in its models.
14. In other words, the Panel can, for Te Puke, shine light on and ensure transparency and due process in respect of key aspects of the financial

contribution regime for Te Puke, rather than allow the current smoke and mirrors approach to continue.

**16 October 2023**

**James Gardner-Hopkins  
Project Manager**