

GENERAL MATTERS

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INTRODUCTION

There are a number of submissions on Plan Change 92 of a more general nature that do not specifically relate to any of the District Plan’s Sections, Appendices or Planning Maps. This includes submissions on the Plan Change as a whole, the interpretation of “urban environment” under the NPS-UD and the need for further consultation. There are also submissions which support other submissions in full. These matters are discussed below.

TOPIC 1 – WHOLE OF PLAN CHANGE

BACKGROUND

Plan Change 92 introduces new MDRS and related provisions for all the existing residential areas of Ōmokoroa and Te Puke. These areas are also being rezoned to Medium Density Residential to allow these changes. In addition, new medium density residential areas are being added in Ōmokoroa and Te Puke. Plan Change 92 was notified on 20 August 2022. Submissions closed on Friday 16 September and further submissions closed on Monday 14 November 2022.

SUBMISSION POINTS

Five submission points were received. One further submission point was received. The submission points on this topic are summarised as follows:

Kāinga Ora (29.1) supports in part the whole of the Plan Change however seeks amendments to the structure, alignment and integration of the Plan Change with the District Plan. This is sought to address four key issues, being the submitter’s concerns regarding:

- inconsistency with the National Planning Standards,
- the existence of two Medium Density Residential Zones,
- the application of objectives and policies from Section 14 – Medium Density Residential in Section 14A – Ōmokoroa and Te Puke Medium Density Residential, and
- the use of non-complying and discretionary activity status for non-compliance with the Structure Plan.

Kāinga Ora (29.2) seek clarity whether Council have reassessed the housing capability (previously undertaken in 2021) as part of Plan Change 92.

Retirement Villages Association (34.1) supports in part the whole of the Plan Change. However, Retirement Villages Association request amendments be made to ensure that the Plan Change does not inadvertently make retirement villages more difficult to develop.

Urban Task Force for Tauranga (39.1) supports in part the whole of Plan Change 92 subject to certain amendments. In particular, more enabling provisions beyond those for permitted development under the MDRS. Requested amendments also relate to providing for housing needs, modifications to processes, and housing yield.

Waka Kotahi (41.1) is supportive of the Plan Change however consider that there is potential to have adverse transport effects (safety and efficiency) on the existing and future state highway network.

Ōmokoroa Country Club (56.1) supports the Plan Change in principle subject to changes regarding delivering amenity on sites which are to be comprehensively developed, amending financial contributions, and providing for retirement developments to deliver lower density.

KiwiRail (FS 71.3) support in part the above Kāinga Ora (29.1) submission point to the extent that the relief sought aligns with KiwiRail's primary submission.

OPTIONS

Option 1 - Retain the Plan Change as notified.

Option 2 - Retain Plan Change 92 as notified subject to recommended amendments in other parts of the Section 42A Report in response to the submitters' specific requests.

DISCUSSION

Plan Change 92 has been proposed in accordance with the Amendment Act. The specific relief and amendments sought by submitters are addressed and discussed in detail in other parts of the Section 42A Report as provided for in Option 2. All submission points on the whole of the Plan Change are accepted in part to reflect that all submitters are recommended to have some but not all of their points accepted.

RECOMMENDATION

That Option 2 be accepted.

Retain Plan Change 92 as notified subject to recommended amendments in other parts of the Section 42A Report in response to the submitters' specific requests.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
39	1	Urban Taskforce for Tauranga
34	1	Retirement Villages Association
56	1	Ōmokoroa Country Club
41	1	Waka Kotahi
29	1	Kāinga Ora

29	2	Kāinga Ora
FS 71	3	KiwiRail

SECTION 32AA ANALYSIS

Any necessary s32AA evaluation is provided in other relevant parts of the Section 42A Report in response to specific submission points.

TOPIC 2 – URBAN ENVIRONMENTS UNDER THE NPS–UD

BACKGROUND

Plan Change 92 has been proposed as required under the RMA Amendment Act including the requirement to use the IPI to give effect to Policies 3 and 4 of the NPS–UD.

The Introduction report and the s32 Report outlines Policy 3 of the NPS–UD and urban environments being Te Puke and Ōmokoroa.

Sections 77G and 77N of the RMA require that the specified territorial authority must give effect to Policy 3 in every residential and urban non-residential zone in an urban environment.

Urban Environment is defined in the NPS–UD and set out in section 77F of the RMA.

After an assessment of Policy 3, (and as detailed in the Introduction Report and in the s32 Report) Council concluded:

- Policy 3(a) is not relevant to the Western Bay of Plenty District as there are no city centres located within the District.
- Policy 3(b) is not relevant as there are no metropolitan areas within the Western Bay of Plenty District.
- Policy 3(c) is not relevant given that there are no city centres or metropolitan areas and no existing or planned rapid transit stops within the Western Bay of Plenty District.

Policy 3(d) is relevant for Plan Change 92. The proposed Plan Change is enabling housing densities to occur that are appropriate to the level of commercial activities and community services existing and proposed in those areas that meet the definition of urban environment (Ōmokoroa and Te Puke).

SUBMISSION POINTS

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Joshua Marshall (21.1) opposes Council’s interpretation that Ōmokoroa and Te Puke are the only “urban environments” in the District and requests that Council investigates compliance with Policy 3 of the NPS–UD for other urban environments in the District. The submitter argues that all settlements within the Western Bay of Plenty are part of the housing supply and labour market of Tauranga (more than 10,000 people) and are therefore urban environments and subject to the requirement to give effect to Policy 3 of the NPS–UD in an IPI using Plan Change 92. The submitter also notes that Council’s Section 32 Report had previously explained the definition of urban

environment incorrectly as “areas having a population greater than 5,000 at the 2018 Census or are planned to grow to greater than 10,000 people”.

OPTIONS

Option 1 – Retain Plan Change 92 as proposed with an assessment against Policy 3 of the NPS-UD limited to Ōmokoroa and Te Puke.

Option 2 – Accept submitter’s interpretation of “urban environment” and assess all urban settlements in the Western Bay of Plenty District to align with Policy 3 of the NPS-UD.

DISCUSSION

The submitter suggests that all residential areas within the District meet the definition of an urban environment under the NPS-UD because they are part of the housing and labour market of Tauranga. Council’s assessment has instead concluded that the residential areas in the District are subject to their own housing and labour markets. This interpretation is in line with the approach taken by other local authorities in giving effect to the RMA Amendment Act. On that basis, the only areas that meet the definition by being predominantly urban in character and which are or are intended to be part of a housing and labour market of at least 10,000 people are Ōmokoroa and Te Puke. Therefore, they are the only two urban environments within the District and retaining the proposed Plan Change 92 as notified aligns with Policy 3 of the NPS-UD.

RECOMMENDATION

That Option 1 be accepted.

Retain Plan Change 92 as proposed with an assessment against Policy 3 of the NPS-UD limited to Ōmokoroa and Te Puke.

The following submissions are therefore:

REJECTED

Submission	Point Number	Name
21	1	Joshua Marshall

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

TOPIC 3 – CONSULTATION

BACKGROUND

Engagement and consultation was undertaken in preparing this Plan Change with both Ōmokoroa and Te Puke Communities.

The RMA Amendment Act came into force in December 2021, and required tier 1 councils to notify an IPI by 20 August 2022 (section 80F RMA). The timeframes required to give effect to the Amendment Act (including the requirement to give effect to Policy 3 of the NPS-UD) resulted in a

short period of time for consultation, however the consultation was undertaken in accordance with Schedule 1, Part 3 of the RMA. The consultation records are found in Appendix 7 of the notified Plan Change.

However, prior to the RMA Amendment Act, planning for the area zoned Future Urban known as Ōmokoroa Stage 3 was the subject of widespread engagement and consultation. This is because Council was preparing a similar plan change for that area including the preparation of a draft Structure Plan prior to the Amendment Act. The urbanisation of Stage 3 has been planned for some time and has subsequently formed the foundation for Plan Change 92 in this area. Medium density housing specifically has long been planned for and this community is familiar with the options prepared for the development of Stage 3.

Council engagement with the public and other key stakeholders has included open days, meetings with individual parties and the provision of information through the Western Bay “Have your Say” portal. The open days and “Have your Say” portal provided opportunities for the community to provide written comment. The feedback contributed towards amending rules and assisted in understanding the community’s concerns with medium density housing.

The plan change process also provided the opportunity for more formal feedback through submissions to the proposal. Submissions for this Plan Change were open between 20 August 2022 and 16 September 2022 and an opportunity to make further submission was available between 31 October 2022 and 14 November 2022 as per the RMA Schedule 1 requirements. In addition, the Reporting Team have undertaken a number of meetings directly with submitters since submissions closed.

SUBMISSION POINTS

Three submission points were received. No further submission points were received. The submission points on this topic are summarised as follows:

Robert Hicks (4.12) believes that the Plan Change has been poorly communicated to the public and after nearly 20 years of consultation the notification of the Plan Change was with the bare minimum communication, difficult to locate and not straightforward.

Penny Hicks (16.4) acknowledges that in the past residents of the Stage 3 area have had opportunities to have their say about the Plan Change. However, feels that the notification of Plan Change 92 should have been more direct for residents within the Stage 3 area as all communication seemed to be directed at existing parts of Ōmokoroa affected by the MDRS with little contact about the Plan Change’s effect on Stage 3. The submitter asked for the deadline for submissions to be extended.

Russel Prout (65.1) notes that he was only informed of the Plan Change by a stranger who knocked on his door. The submitter feels that personal contact should have been made by Council to those directly affected residents at the time of notification. He has requested that there is a discussion with these residents with minutes taken and overall opposes the industrial land zoned for Ōmokoroa.

OPTIONS

Option 1 – Continue to proceed with the Plan Change process as set out in the RMA.

Option 2 – Extend the deadline for submissions.

Option 3 – Meet with residents in Ōmokoroa Stage 3 directly affected by Plan Change 92.

DISCUSSION

Council has undertaken engagement and consultation with both the Te Puke and Ōmokoroa community. This consultation communicated the MDRS requirements and the additional changes that would be included. This was conveyed through media releases and advertising online, including on the Council website and social media, communication in the newspaper, roadside signage, radio advertising, mail drops, community drop-in sessions and one-on-one sessions with staff. The notification date (as directed to Council under the RMA Amendment Act) was included in almost every communication Council released.

The foundation of the Plan Change for Ōmokoroa specifically, was formed from the consultation over numerous years and was centred around the urbanisation of the undeveloped area of Ōmokoroa (known as Stage 3). Stage 3 landowners have had multiple meetings in the lead up to the Plan Change between November 2017 and notification of the Plan Change in August 2022. While it is recognised that some landowners may not have received letters upon the notification of the Plan Change, the Ōmokoroa Stage 3 Structure Plan was discussed with landowners on a number of occasions, and Council did provide public notice of Plan Change 92 on the website and the newspaper as required by RMA Schedule 1.

Council has been required to work to a tight timeframe to ensure compliance with the legislation and the NPS-UD. This has meant that Council has done its best to consult with the community as the Plan Change was prepared however, it has not always been practical to have a meeting about every aspect of the Plan Change. It is also acknowledged that the consequence of these directives has meant a slight change to the provisions planned for Stage 3 especially when it comes to the incorporation of the mandatory MDRS. The MDRS requirements were unable to be changed.

It is noted that while the submitters feel they have not had the opportunity to be consulted with on this Plan Change, they have all made submissions. The submitters who have raised this point have been met with prior to the hearing regarding their concerns and are able to attend hearings to elaborate on their points.

RECOMMENDATION

That Option 1 be accepted.

Continue to proceed with the Plan Change process as set out in the RMA.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
65	1	Russel Prout

REJECTED

Submission	Point Number	Name
16	4	Penny Hicks
4	12	Robert Hicks

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

TOPIC 4 – SUPPORT FOR OTHER SUBMISSIONS

BACKGROUND

Council received submissions supporting or adopting in full the submissions of others.

SUBMISSION POINTS

Two submission points were received. No further submission points were received. The submission points on this topic are summarised as follows:

Ryman Healthcare (35.1) adopts the Retirement Villages Association submission (submitter 34) on the Plan Change. Additionally, they would like to emphasise the impact of the Plan Change on the ageing population and concerns around the risk to delaying retirement and aged care accommodation in the region.

Summerset Group Holdings (46.1) as a retirement village operator, supports the submission in full made by Retirement Villages Association.

OPTIONS

Option 1 – Accept the support for other submissions.

Option 2 – Accept in part the support for other submissions.

DISCUSSION

The Retirement Villages Association has made a submission on the Plan Change. The support for this submission from the other submitters is noted. The specific amendments sought by Retirement Villages Association are addressed and accepted or rejected in other relevant parts of this Section 42A Report. Therefore, the other submissions supporting the Retirement Villages Association submission in its entirety can only be accepted in part.

RECOMMENDATION

That Option 2 be accepted.

Accept in part the support for other submissions.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
46	1	Summerset Group Holdings
35	1	Ryman Healthcare

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.