

WESTERN BAY OF PLENTY DISTRICT COUNCIL
PRIVATE PLAN CHANGE 95
Pencarrow Estate Pongakawa

HEARING DIRECTION 4

This Direction follows from and is in addition to our first three directions, which were issued on the 16th of May 2024, the 20th of August 2024 and 18th of November respectively. This minute seeks additional information and directs expert conferencing to answer a number of questions.

Hearing Adjourned

As Commissioner Kemble advised on Thursday the 14th of November at 5.10 pm, the hearing into Private Plan Change 95 was adjourned pending the supply of further information, the completion of the site visit and the completion of some preliminary deliberations (which occurred immediately following our site visit) to determine if we have all of the information we need to make a robust decision(s), or if we need further assistance from the parties.

The information sought in Minute 3 has now all been supplied, and we have completed both our site visit and our preliminary deliberations regarding the adequacy of the information that is before us. Having done so, we have determined that we need more assistance from the experts that have been engaged in this process.

Further Information

We **direct** that the **experts** listed in the following bullet points undertake expert conferencing (in accordance with the direction that is set out in the Code of Conduct for Expert Witnesses – Environment Court Practice Note 2023) and provide comprehensive written answers to the questions posed in the form of two separate joint witness statement (or '**JWS**'). For the avoidance of doubt, the conferencing is only to be attended by the experts listed, or others that are approved by the Hearing Panel in advance of the conferencing occurring. It is not to be attended by counsel, lay witnesses, the Applicant (or their supporters) or any other experts, and no instructions are to be taken by the experts before or during the expert conferencing, or during the preparation of the two joint witness statements we have sought. Equally, the responses to the questions are to be comprehensively provided, all areas of disagreement / agreement are to be clearly set out, and the differences in opinions are to be fully explained.

We record, for the avoidance of doubt, that the conferencing is to be organised by the experts that are listed to attend each event.



03/11/24

We further **direct** that the expert conferencing to be undertaken by Mr Abraham, Ms Brown, Mr Hight, Ms Southerwood is to be completed by the 11th of December 2024. The associated JWS is to be completed and issued to Ms Coyle for distribution to ourselves and the parties by the 13th of December 2024.


We further **direct** that the expert conferencing to be undertaken by Ms Holden, Ms Mark, Mr Coles, Mr Murphy is to be completed by no later than the 18th of December 2024, and that the associated JWS is to be prepared and issued to Ms Coyle (for distribution to the parties and Hearing Panel) by no later than 5pm on Monday the 23rd of December 2025.

Mr Abraham, Ms Brown, Mr Hight, Ms Southerwood

1. What is the appropriate size of a disposal field for each residential lot? What is the maximum residential density can be realised with the disposal fields (if agreement cannot be reached, the maximum density is needed for each disposal field size)?
2. Can the planned overland flow path that cuts through the planned irrigation field be moved so it does not traverse this feature? If yes, please show on a plan where it can (and where you recommended) be relocated to. If the overland flow path cannot be relocated, can setbacks be applied to ensure that the irrigation field is not impacted by the overland flow path?
3. What programme of soakage testing is needed to ensure that the site can accommodate the ground soakage proposed and to determine the sizing of the disposal fields? When (what time(s) of the year) should that programme be undertaken? Is it accurate that the soakage testing could be completed in a week (as suggested by Mr Abraham's – Supplementary Evidence dated the 22nd of November 2024, paragraph 11)? And what is the likely cost of such monitoring and the probability that it would provide the data needed; and
4. Is the proposed primary wastewater irrigation field (as shown in Structure Plan dated the 14th of November 2024) of sufficient size to cater for the expected residential density in the site (120 to 130 residential sections)? If no, how much more land is required (exclusive of proposed reserve field and floodable area)? If further land is required, where should that land be and why should it be there, and what fill will be needed for the irrigation field to function as needed? Will the expansion of the irrigation field cause downstream flooding and erosion effects on third parties and/or the environment?

Ms Holden, Ms Mark, Mr Coles, Mr Murphy

1. To what extent is rural character a relevant consideration to our deliberations? How do we define the existing level of rural character, and what expertise do we rely on to determine the impact that proposed Private Plan Change 95 (**'the Plan Change'** or **'PPC95'**) will have on the existing level of rural character? What in your opinions, is the existing level of rural character within and surrounding the site, and how will PPC95 impact that character? Does this impact align with the component(s) of the policy framework that applies to rural character? Is that policy framework directive?



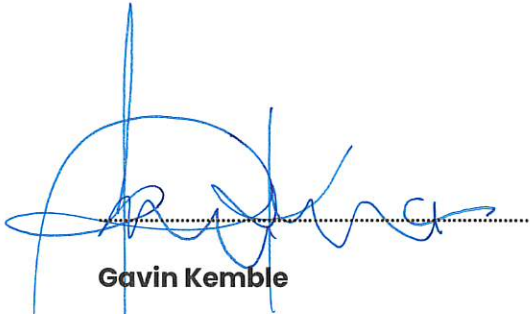
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2. What are the relevant iwi planning instruments ('IPI') that apply to the Site and PPC95? What outcomes do those IPI's seek that are relevant to the PPC95? How has PPC95 responded to those outcomes? What, if any, additional provisions are needed and appropriate to ensure that the outcomes from the IPS's are reflected in the PPC95? What weight do we need to give to the outcomes sought by the IPIs?
3. Please map out the pathway through the SmartGrowth Strategy 2024-2074 ('the **SGS**'), drawing on the Housing and Business Capacity Assessment 2022 and highlighting those provisions that are directly relevant to our decision. Please be sure to ensure that you highlight all areas of agreement and disagreement. Please also offer an opinion on the following questions:
 - i. Is there a housing shortage in the Western Bay? If yes, over what timescale? Does SmartGrowth provide sufficient capacity for that housing shortage to be addressed within the timescales (in the planned and future development areas)?
 - ii. What is the projected timing to provide the infrastructure needed to serve development capacity in the Western Bay of Plenty district, especially in Te Puke? Please outline what the infrastructure deficit is (if any) in the Western Bay of Plenty district, especially in Te Puke. Please also set out the known current and future funding issues that could hinder the provision of infrastructure to unlock the development capacity identified in SmartGrowth?
 - iii. Will the plan change provide affordable housing? If yes, how can this outcome be guaranteed? Are planning provisions needed to ensure that this outcome is achieved?
 - iv. Are any other purely residential environments identified as being an existing urban area in the SGS? Is there any support in the SGS for the contention that a purely residential environment can be an urban environment?
4. Please provide a comprehensive statutory planning assessment of the Western Bay of Plenty District Plan, (including proposed Plan Change 90 provisions and the proposed PPC95 provisions) associated with the realisation of the proposal to develop / create lots (residential, commercial, road to vest and reserves) at the Site. When doing this, please identify all of the relevant / key provisions (objectives, policies and rules), and the likely activity status(es) for resource consent applications that need to be made to develop and create allotments across each of the three stages. Please be sure to list all of the activities will require consent to realise each of the three stages.
5. Please consider the JWS for the expert conference that was completed by Mr Abraham, Ms Brown, Mr Hight, Ms Southerwood and identify all planning provisions that could (and are recommended) to be added to PPC95 to address the outcomes / opinions expressed in that JWS.

Please direct all enquiries regarding this Direction, or related matters, should be sent to Council through Lauren Coyle – Hearing Manager at DistrictPlan@westernbay.govt.nz.



03/12/24



03/12/2024.

Gavin Kemble

Independent Hearing Commissioner & Chair

Hearing Manager

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