

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Private Plan Change 95 Pencarrow Estate
Pongakawa to the Western Bay of Plenty
District Plan

STATEMENT OF EVIDENCE OF RICHARD NEWTON COLES

Introduction

1. My full name is Richard Newton Coles.
2. I hold a degree in Resource and Environmental Planning from Massey University and graduated in 1993. I am a full member of the New Zealand Planning Institute and have sat as Chair for the Bay of Plenty branch and as a committee member for the national office in 2008/2009.
3. I have held a number of planning roles for various District and City Councils including Western Bay of Plenty District Council. I have also worked for a wide range of private and public sector clients since commencing work as a planning consultant in 2000. I have over 30 years' practice as a planner, primarily within the Bay of Plenty, and also working across a number of different regions including Auckland, Waikato and Central North Island. In 2016 I established Momentum Planning and Design (MPAD) and am the sole Director.
4. I have been involved in the consenting and design of many large residential and commercial developments. I have also been involved in several plan changes. A list of some of the projects is provided below:

- (a) Omokoroa Town Centre – 7-ha greenfield development to establish the primary commercial area for Omokoroa.
 - (b) Kaimai Views Subdivision Omokoroa – 242 lot residential development established pursuant to the HASHA legislation. Consent included variations to the Comprehensive Stormwater Management Consent to Omokoroa, large scale earthworks and large dam.
 - (c) Adler Drive Subdivision Ohauti – 180 lot development consented pursuant to the HASHA legislation including complex stormwater management issues, and large-scale earthworks.
 - (d) Highfields Country Estate Retirement Village Te Awamutu – resource consent for a 130-unit retirement village on 9 hectares of greenfield development land including stormwater attenuation and discharges and consideration of catchment flooding issues.
 - (e) Washer Road Industrial Park – WBOPDC Private Plan Change 94 – a 9ha greenfield industrial development site on the fringe of the Te Puke Urban Area included preparation of a natural hazards assessment.
 - (f) Swarbrick Drive Te Awamutu – Waipa District Council – Private Plan Change and Structure Plan for a 63ha greenfield development area (T8 growth cell).
 - (g) During my employment at Western BOP District Council between 1997-2000 I worked in the RMA Policy team on the Te Puke Urban Growth Study and associated Plan Change.
5. This planning evidence is specific to the higher-level s.74 planning considerations as well as consideration of development constraints.

Additional planning evidence will be presented by MPAD Senior Planner Vincent Murphy who has been the primary author of the Plan Change application document.

Code of Conduct for Expert Witnesses

6. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, as contained in section 9 of the Environment Court's Practice Note 2023, and I agree to comply with it.
7. The data, information, facts and assumptions that I have considered in forming my opinions are set out in my evidence that follows. The reasons for the opinions expressed are also set out in the evidence that follows.
8. I confirm that the matters addressed in this brief of evidence are within my area of expertise, with the exception of where I confirm that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed in this brief of evidence. I have specified where my opinion is based on limited or partial information and I have identified any assumptions I have made in forming my opinions.

Scope of evidence

9. I will address the suitability of the plan change under the higher-level planning and policy framework. I am addressing this first as I expect this will be on the key issues for the Commissioners to consider and is the focus of the s42A report.
10. My view is there was at the time of project inception, and still remains, a planning pathway to approve PC95 under the NPS-UD and NPS-HPL because:

- (a) Tauranga and the Western Bay of Plenty are Tier 1 local authorities and the latest HBA report identifies a housing shortage in the Tauranga/Western Bay sub-region in the short, medium and long term.
- (b) The NPS-UD directs Council's to change RMA planning documents as soon as practicable if there is a capacity shortage in either the short, medium, or long term, and also consider other options (3.7).
- (c) PC 95 will provide significant residential development land (>5 ha) contributing positively to the housing supply in the short to medium term.
- (d) The plan change with structure plan will contribute to a well-functioning urban environment (3.8(2)). The Pongakawa residential settlement at Arawa Road which the proposal expands and consolidates is considered urban against relevant definitions in local and national planning documents created or revised post-NPS-UD 2020, and is within the same market as Te Puke and Paengaroa.
- (e) The land is well connected along transport corridors, has direct access to SH2 and easy access to the TEL. Active transport links are planned to connect to Pongakawa (3.8(2)).
- (f) The Plan Change will meet the criteria under the Regional Policy Statement with respect to add significantly to development capacity (RPS policies UG7A – unanticipated development affecting urban environments) (NPS-UD 3.8).
- (g) There is a pathway for approving this plan change under the NPS-HPL (3.6(1)) as the plan change is required to contribute to the supply of land for residential housing where there is a deficit, there is no other reasonably practicable or feasible options, and there are

environmental, social, cultural benefits that outweigh the small loss of highly productive land.

11. My evidence will cover:
 - (a) Executive Summary;
 - (b) Client Brief and Planning Framework;
 - (c) Site Context – Existing and Proposed;
 - (d) Early Engagement with WBOPDC, BOPRC, Waka Kotahi, neighbours and Tangata Whenua;
 - (e) Structure Plan Design;
 - (f) NPS-UD and NPS-HPL;
 - (g) Matters Raised by Submitters;
 - (h) S42A Report;
 - (i) Conclusion.

12. I have read and am familiar with the private plan change application, the submissions, the s 42A report and the proposed plan change. I have carried out multiple site visits since commencing the project in 2021.

Executive summary

13. Andrea and Kevin Marsh instructed MPAD to prepare a Private Plan Change in 2021 to respond to a demand for and shortage of housing in the Pongakawa area, brought about by significant horticultural farm developments in Pongakawa and the development of the Rangioru Business Park. This shortage is consistent with the HBA assessment which has identified a significant shortfall of land for housing within the short, medium and long term, with a

current deficit of 2590 dwellings in WBOPDC urban areas in the Tauranga sub-region.¹

14. I commenced s.32 work to determine the appropriate planning response to the client's brief from May 2021. This was informed by engagement with both WBOPDC and BOPRC early in the process, from desk-top assessments of both planning and environmental constraints to the site at Arawa Road. The NPS-UD 2020 was identified as a key planning constraint to respond to, however based on an understanding of strong housing and labour links between the Te Puke, Paengaroa and Pongakawa urban areas (witnessed by considerable horticultural development expanding east from Te Puke), and a determination that the Arawa Road Pongakawa settlement was urban, this was not understood to be a significant issue at the time of initial s.32 work.
15. Constraints mapping was completed followed by onsite technical assessments to consider natural hazards, geotechnical constraints, identify ecological and archaeological features, assess site contamination, confirm safe access is viable from the State Highway 2, and confirm the ability to provide reticulated water services. Following this initial work package, it was determined the site was not subject to any insurmountable development constraints.
16. Since completing this scoping and constraints work the NPS-HPL was introduced, and the site was then subject to the objectives and policies associated with developing highly productive land for urban use.
17. Following multiple engagements with WBOPDC spanning 2021 and 2022, the proposed structure plan was subsequently modified to provide for a range of housing typologies to ensure a wider housing product with varying price points was achievable.

¹ Housing and Business Capacity Assessment 2022, December 2022; Revised – SmartGrowth Strategy 2024, page 153.

18. The plan change includes a variety of measures to ensure future subdivision is sequenced with appropriate staging prerequisites and includes planning rules to assist with maintaining and enhancing the amenity values of existing Pongakawa residents. The resultant plan change application before you will help contribute to the housing supply in deficit in the eastern corridor area and the Te Puke urban environment and linked urban areas, help reduce sporadic residential development in rural areas (builds on an existing urban area), and will improve reticulated and social infrastructure and traffic safety to the existing Pongakawa community. Overall, I consider that the loss of highly productive land is outweighed by the many benefits associated with this Plan Change, which are generally consistent with Policy 1 of the NPS-UD relating to a well-functioning urban environment.

Client Brief and Changing Strategic Planning framework

19. The client brief was to assess the viability of and determine a pathway to enable the consent of a residential subdivision in Pongakawa for between 120 and 130 residential lots and establish a neighbourhood shop and village green reserve and playground. After liaising with both Councils and considering the operative Regional Policy Statement (RPS) and scale of the development², it was decided a Private Plan Change (PPC) was the most appropriate pathway, rezoning the land to enable the future consenting of the residential development and commercial activities.
20. During this time, the NPS-UD 2020 had been recently published replacing the previous NPS-UDC 2016, with a notable shift towards more responsive planning to address insufficiencies in housing supply. Plan Change 6 to the BOP RPS had therefore been notified to remove the Urban Limit maps as required by the NPS-UD³. The purpose of this change was to remove barriers to urban development within the region as there was an identified housing shortage in

² RPS Policy UG7A identifies a large development as having an area of 5ha or more.

³ NPS-UD Section 3.7

the HBA for the western BOP. Several policies were also amended as a result of this change including UG7A (providing for unanticipated or out of sequence urban growth), UB14B (Restricting Urban Areas Outside Urban environments), and UG25B (relating to housing bottom lines).

21. UG7A identifies several criteria to consider out of sequence or unanticipated developments. These include whether the development is of sufficient scale to contribute to meeting the demand for urban land (5 ha or more); the development includes a structure plan, the development is located with good accessibility between housing, employment, community and other services, and the required development infrastructure can be provided without materially reducing the benefits of other existing or planned development infrastructure. The proposal in my opinion clearly meets these criteria and this is further supported by explanation to this policy, particularly the description of unanticipated urban development, *“Unanticipated urban 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.”*
22. For completeness I note that Plan Change 6 is under appeal including specifically Policy UG7A. I understand that the appeals have been mediated and a settlement reached but am not yet aware of the details. If/when these become available, I may need to update this aspect of my evidence at the hearing.
23. Policy UG14B states:
Restrict the growth of urban activities located outside urban environments 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.

24. The above policy will be pertinent should it be found that the Pongakawa Arawa Road settlement is not within the same housing market as Te Puke, which independent economic expert Kevin Counsell has confirmed it does in response to Council questioning of this matter. The proposed PPC extends the Pongakawa urban area and creates a Structure Plan with stage prerequisites for each stage that will deliver infrastructure, walkways, reserves and a commercial area helping it function in a more sustainable and self-sufficient way. Mr Murphy in his evidence expands on the coordinated scope of structure plan confirming it meets this criterion.
25. UG25B identifies housing bottom lines for the Western Bay of Plenty District Council being 5530 houses in the short to medium term. The plan change will help create residential zoned land to assist the provision of housing, particularly in the eastern area of the district.
26. Immediately prior to submitting the plan change the NPS-HPL was approved and notified, which aims to protect highly productive land from inappropriate development or use. The plan change document was updated to respond to this having a mix of land use classes 2, 3, 4 and 7 (LUC 4 and 7 not being considered highly productive). The eastern boundary of the plan change site adjoins properties of residential character and reverse sensitivity effects could be exacerbated if pesticides were to be applied to potential new horticultural development. Additional screen planting is proposed to establish a buffer in addition to the existing shelter belt. The western boundary adjoins the Puanene Stream where a setback area has been proposed.
27. Consultation with Western Bay of Plenty District Council resulted in some amendments to the overall Plan Change concept and included creating two housing density areas to provide the opportunity for a range of housing

typologies and creating the opportunity to establish a range of housing price points. A small commercial zone included in the Plan Change provides for a local shop and a building where medical services could be established to benefit the community. The Private Plan Change incorporates these changes to maximise the positive effects resulting from urban development of this land.

Site Context – Existing and Proposed

28. Pongakawa is a small urban settlement in the eastern area of the Western Bay of Plenty District, located immediately adjacent to SH2 and servicing the surrounding rural area. It includes approximately 70 houses which are zoned residential. Several business and community facilities are established nearby in the rural zone including a service station, engineering workshop, the Pongakawa School, Pongakawa Hall and the Sports Action Centre and Pongakawa Domain reserve are nearby on Pongakawa School Road and Old Coach Road.

29. Spatially the PPC site is located within the Eastern corridor as can be seen from Figure 27 of the SmartGrowth Strategy 2024-2074, which incorporates the Future Development Strategy (FDS) for the subregion, which has built upon the connected centres approach outlined in the Urban Form and Transport Initiative (UFTI) report July 2020. Pongakawa is not specifically identified as an area for urban growth. However, Pongakawa is not located within a 'No-Go area' as defined by Smartgrowth⁴. Pongakawa is 15 km from Te Puke, 7 km from Paengaroa and 8 km from the Rangiuru Business Park/Future Eastern City. The new Rangiuru Business Park (RBP) is estimated to be approximately eight minutes' drive by car and will be a major employment area for an estimated 4,000 people once complete. The TEL toll road is a high-quality strategic arterial road connecting the eastern area of the district to Tauranga and the Port of Tauranga.

⁴ SmartGrowth Strategy 2024-2074, Map 1, Page 58.

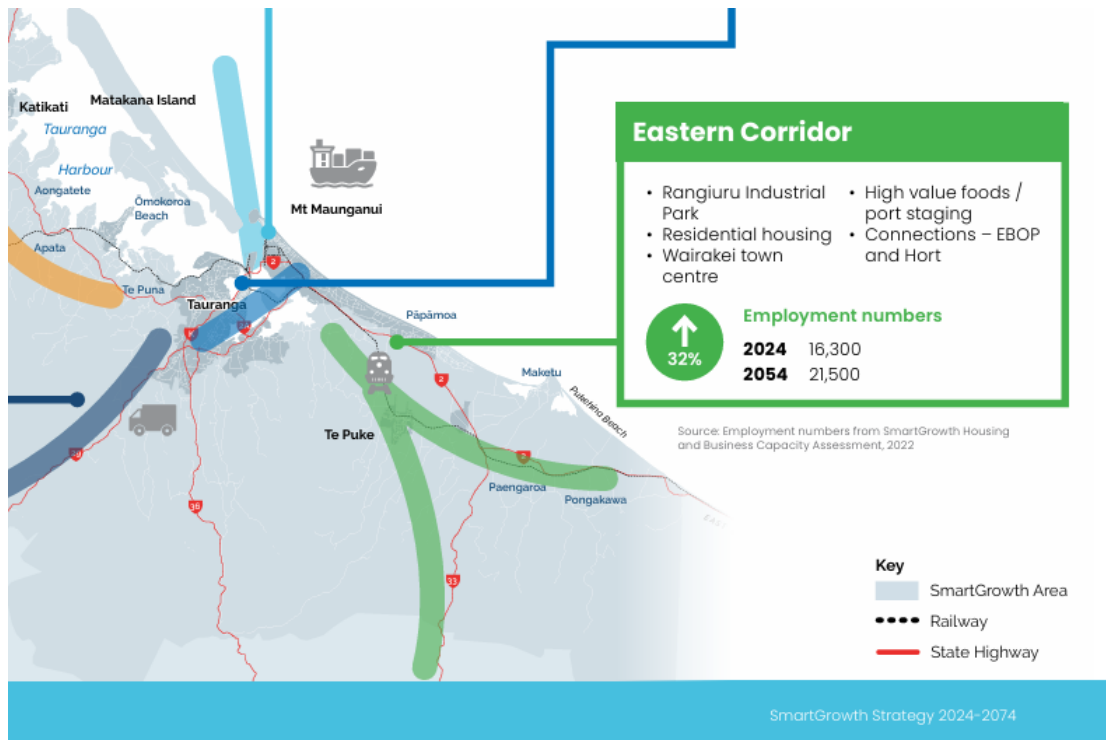


Figure 1 - SmartGrowth 2024, Page 146.

30. The PPC site is located on generally flat land elevated above the modelled climate adjusted 100-year flood plain and outside the mapped Tsunami risk area. These hazards geographically constrain the extent of the proposed PPC area and will prevent the future expansion of the Plan Change area, therefore preventing the future growth of the Pongakawa Village. This avoids the Pongakawa Village undermining any long-term spatial planning for urban growth by slowly sprawling geographically. This is unlikely due to the costs to mitigate these natural hazards beyond the plan change site.
31. I prepared the natural hazards assessment consistent with requirements of the RPS Appendix L, primarily using available up-to-date mapped hazard information and also engaged CMW Geoscience to assess the geotechnical constraints of the site, including identifying the water table depth across the site. The site is free of all hazards, with the exception of localised overland flow paths that will be managed through the detailed design of future subdivision (addressed by Daniel Hight in his evidence). Ground improvements

are necessary and TC2 foundations designs are recommended by CMW Geoscience which are now used commonly throughout New Zealand.⁵

32. The access to State Highway 2 is via Arawa Road which is proposed to be upgraded. This would improve the safe functioning of the intersection by improving sight lines and establishing a separate deceleration lane. Traffic engineer Bruce Harrison has considered the upgraded intersection performance and confirmed it will be satisfactory for the modelled peak traffic flows once the development is complete (Bruce Harrison's evidence paras 32-34, Tables 2 and 3). The concept design has been safety audited by Abley Consultants.
33. The PPC area will be serviced by an upgraded water main and/or reservoir, a new purpose-built wastewater treatment plant, and stormwater infrastructure including a stormwater wetland, onsite soakage and swales where appropriate. These infrastructure assets are proposed to vest in Council who could then have the opportunity to extend them to service the existing Pongakawa community, which are currently serviced by individual septic tanks. The water supply will be upgraded and will establish a compliant supply for domestic and firefighting purposes. The latter will also benefit the existing community.
34. The existing Pongakawa Village is reticulated with power and telecom. Power supply to the plan change area has been confirmed by PowerCo, and has fibre availability from Chorus.
35. Pongakawa has a new pump track under construction located on the paper road area at the end of Arawa Road. PC95 will help establish new reserves and walkway connections that will help facilitate a walking loop through the new development and link the existing development making the Pongakawa

⁵ Geotechnical Investigation report for Plan Change – Pencarrow Estate 1491 State Highway 2 Pongakawa TGA2021-0096AC Rev 0.

settlement more self-sufficient. Council is also proposing a reserve and walkway/cycleway along the paper road portion of Arawa Road ultimately connecting to Pukehina. Council's *Te Puke-Maketu Reserves Management Plan* has a community vision for the Pongakawa and Paengaroa community to *"Create walkway, cycling and kayaking linkages from the forest to the sea...."*⁶. This forms part of Council's Walking and Cycling strategy, which seeks to establish off-road *"Connections between eastern towns of **Maketu, Pukehina, Pongakawa, Paengaroa, and Te Puke**. The aim is for these to be **off road connections wherever possible**"*⁷[emphasis added]. Benefits of the walking and cycling strategy are identified on page 10, which include sustainable transport, improved safety, health and wellbeing, social inclusion, and economic opportunities.

36. In the future it is therefore anticipated Pongakawa will be well connected with walkways and cycleways to Pukehina, Paengaroa, Maketu and Te Puke. It is considered likely that a connection to RBP will also be achievable making Pongakawa a short commute to places of work, whether a rural workplace or a business within the nearby settlements or RBP. Establishing a small convenience shop and medical rooms at Pongakawa will likely result in reduced VKT travelled for its residents.
37. With respect to a more finer grain description of the site, I have read and adopt the description in Vincent Murphy's evidence regarding area and special features, primarily to avoid repetition. I am however familiar with the site having visited it many times over the last 2-3 years.

⁶ Te Puke-Maketu Reserve Management Plan, Page 8.

⁷ WBOPDC Walking and Cycling Action Plan 2020-2021, Page 39

Early Engagement with WBOPDC, BOPRC, Waka Kotahi, neighbours and Tangata Whenua

38. Meetings were held with both WBOPDC and BOPRC to determine if there was any significant opposition to the private plan change. Later discussions with WBOPDC in 2022 resulted in the changes to the Structure Plan as discussed above to introduce a variation in lot size across the subdivision and emphasising the benefits of a small commercial area. Discussions with BOPRC were focused on a natural hazards assessment being completed to confirm the site was substantially free of natural hazards and they also recommended engagement with Waka Kotahi (NZTA). The site is largely free of natural hazards.
39. Engagement with Waka Kotahi also commenced early and identified that there were no fatal flaws with the functioning of the proposed intersection upgrade. A concept upgrade design for the intersection with Arawa Road and SH2 has been completed and safety audited.
40. Engagement occurred with the residents of Arawa Road immediately adjacent to the PPC site at two meetings held at the Marsh home. Rezoning of the 8 rural-residential lots fronting Arawa Road to residential was discussed with those residents but ultimately discounted as 7 of the owners were concerned about significant rates increases. The 8th owner was agreeable to the residential zone. There were also other reasons for those owners to decline the opportunity generally due to a change in rural character and concerns over stormwater management and traffic safety. The Plan Change has established some overlays to help manage the interface with these residents and maintain amenity values. Care has been taken to analyse and respond to all matters raised by submitters.
41. Wider engagement with submitters from within the Pongakawa community occurred in the Pongakawa hall on the 21st March 2024. There was a mixed

response to the plan change proposal with some in opposition and some submitters in support.

42. Iwi and hapu groups (Ngāti Makino, Ngāti Whakahemo, Ngāti Rangatai, Ngāti Pūkiao) were consulted early with key themes being that water quality should be maintained and that residential development should not back directly on to the Puanene Stream. Written support for the PPC was received from Ngāti Whakahemo including provision for more housing and the small commercial area. Ngāti Pūkiao was generally supportive but seeking measures to naturalise the margins of the Puanene Stream and ensure that water quality of the stream is not degraded. Residential lots were set back from the stream enabling future stream enhancement through landscaping and weed control should the PPC be successful. A stormwater treatment wetland is proposed, and other stormwater treatment measures to ensure water quality in the receiving environment is maintained or improved.

Structure Plan Design

43. The structure plan was prepared taking into account the site and the surrounding environment. The Structure Plan includes the layout of key roads and infrastructure taking into account the particular site-specific features and also the surrounding context, being the residential houses, interface with the adjacent farming activity, stream interface, Council's reserve development plans, and amenity considerations. The result is the structure plan currently before Council. My colleague Vincent Murphy will address specific changes to the structure plan arising from submissions and comment on the suggested changes recommended in the S42A report. My view is that the structure plan is responsive to submitter concerns and is a logical and practical plan for developing the site in a systematic and orderly manner. It includes reserves areas and setbacks from the Puanene Stream and provides opportunities for stream enhancement including landscaping and fencing.

NPS-UD and NPS-HPL

44. Tauranga and Western Bay of Plenty are Tier 1 local authorities under the NPS-UD which *must provide at least sufficient development capacity in its region or district to meet expected demand for housing* (Section 3.2(1)). Housing bottom lines have been set and included in the RPS⁸ and the latest HBA report identifies a shortage of housing in the short, medium and long term. This is inconsistent with Policy 2 NPS-UD.
45. Section 3.2(2)(a)-(d) provides parameters explaining what ‘sufficient development capacity’ is which includes areas to be plan-enabled, infrastructure ready, feasible and reasonably expected to be realised. Tier 1 and 2 territorial authorities also must provide an appropriate competitiveness margin, which is 20% in the short and medium term (see 3.22 NPS UD).
46. *Plan enabled* 3.2(2)(a) with respect to the short-term means zoned land. Other than the greenfield zoned residential land in Te Puke (which combined with the rest of Te Puke, has had plan-enabled increase in density through Plan Change 92), there is no new zoned residential land in the eastern area of the district. To my knowledge, there has not been any greenfield zoned residential land added to the WBOP District for several decades. The yield added to the WBOPDC district urban areas by Plan Change 92 also do not provide sufficient development capacity as called for by the NPS-UD. As such, sufficient development capacity in the district falls short at the first requirement of plan enabled.
47. *Infrastructure ready* 3.2(2)(b). The development of the PPC land will upgrade the water supply and create new stormwater and wastewater infrastructure to service the new residential and commercial development area. This infrastructure will be developer funded so there is no financial debt burden on the Council to establish this infrastructure. The water upgrade will benefit the

⁸ See NPS-UD Policy 25B.

existing Pongakawa community increasing water pressure and providing firefighting supply.

48. In terms of whether the PPC is *“feasible and reasonably expected to be realised”* 3.2(2)(c)., the applicants have discussed future development with reputable development firms who have confirmed their support for the plan change (see submissions from Scott Adams - Carrus Corporation and Peter Cooney – Classics Group). The applicants have prepared preliminary subdivision concept plans to confirm the anticipated residential lot yield⁹. These measures ensure there is a high probability the PPC area will be developed if the plan change is successful and will provide a variety of housing as well as the social and environmental benefits of having a neighbourhood shop, potentially medical rooms, reserves and a playground.
49. Policy 1 of the NPS-UD requires *“Planning decisions contribute to well-functioning urban environment, which are urban environments that, as a minimum:*
- (a) have or enable a variety of homes that:*
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and*
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport, and support, and*
 - (d) limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
 - (e) support reductions in greenhouse gas emissions; and*
 - (f) are resilient to the likely current and future effects of climate change.”*

⁹ Pencarrow Estate, Pongakawa Subdivision Scheme Plan – Preliminary Concept For Yield Calculations., MPAD Sept 2023.

50. Pongakawa has been identified by Mr Counsell as being in the same locality and market as Te Puke and is also within proximity of the Rangiuru Business Park (4000 employees) which combined have a population exceeding 10,000 people. This is the 'urban environment'.
51. Policy 1(a) - The plan change will enable a variety of homes as different lot densities are proposed which in turn will help provide a range of housing size, typology and price point. The ultimate price point will to some extent be market driven but there are clear opportunities to create additional housing that will be built to the current specification of the building code and therefore superior in terms of energy efficiency to the existing older housing stock. The plan change will help improve public access to the Puanene Stream, creating a landscape buffer area and riparian improvements to the stream and delivering improved water quality being discharged into the stream which will assist Māori in expressing cultural norms such as kaitiakitanga, and the public generally, to access the stream margin, which is currently within the applicant's farm.
52. Policy 1(b) – Pongakawa will include a commercial area that can provide some commercial activities such as a store, medical offices or communal workspaces. These opportunities are only provided to limited extent under the existing Residential and Rural zoning of Pongakawa.
53. Policy 1(c) - Pongakawa is part of a Council walking and cycling strategy that proposes ultimately to provide offroad connections between centres. This combined with the existing strategic road network provides good access to jobs and community services and recreational areas.
54. Policy 1(d) - The scale of the plan change area while greater than 5 ha and therefore of some significance is not of a scale that is likely to detract from or compete with housing developments in Te Puke or other growth areas as

Pongakawa has its own demand for housing. Mr Counsell in his evidence para 47 confirms this *“Since there is a distinct demand for housing in Pongakawa, which is not being met through other developments (apart from a small amount of rural sub-division), PC95 will not have an adverse effect on other planned developments elsewhere in the Western Bay of Plenty District. . That is, PC95 will satisfy its own demand, rather than drawing from the demand for other planned developments.”* For these reasons the PPC will also not undermine the connected centres approach as identified in UFTI and the FDS.

55. Policy (e) – The plan change area will reduce greenhouse gas emissions through a reduction in VKT¹⁰, transitioning away from a dairy farm activity to a dry stock farm, and connecting to planned off road cycle walkway tracks therefore enabling active transport options. There is also an opportunity to establish an electric vehicle recharging station in the commercial area car park as part of that future development. Active transport routes will be reliant on the establishment of planned cycle trails to and from Pongakawa.
56. Given the above, Plan Change 95 will make a positive contribution to the urban environment assessed in my view.
57. Urban growth in Tauranga and the Western Bay of Plenty has been severely constrained by obstacles such as necessary strategic roading and infrastructure upgrades. The lead in time for Plan Changes and forward funding this growth has taken a considerably longer period than anticipated due to these constraints. Examples are Tauriko West and Te Tumu growth areas, where achieving access has created uncertainty and delayed these Plan Changes which are to enable growth and meet the housing demand. A further example of the lead in time for development is the Rangiuru Business Park (RBP) industrial development which has taken 20 years from the purchase of the first property to establishing the first stage of development¹¹.

¹⁰ See Bruce Harrison's evidence para's 44-48.

¹¹ Source: Rangiuru Business Park – Unlocking Future Growth.

58. SmartGrowth includes the spatial settlement pattern of the western Bay of Plenty. It identifies the eastern corridor as a growth area for employment and housing and a primary transport link. It identifies growth near Pongakawa but does not spatially identify Pongakawa as a growth node. My view is that SmartGrowth does not plan to this scale of growth and the Future Development Strategy for the subregion and the UFTI report focuses on larger scale urban development areas and centres where significant capital investment in infrastructure is required. Planning around the smaller settlements and villages has been left to each Council to promote plan changes or consider resource consent applications for subdivision and development. This has been documented in SmartGrowth's deliberations on submissions to the FDS in March 2024¹².
59. The conversion of significant tracts of farming land to horticultural use at Pongakawa and Paengaroa provides a significant additional employment demand. Economist Kevin Counsel estimates 137-266 households in the next 5-10 years¹³. Similarly, the Rangioru Business Park will provide employment for approximately 4000 people when fully developed. Both these employment sources are within a short commute from the plan change site, and providing housing readily accessible to these areas creates an opportunity for workers to live close by creating an efficient and potentially shorter commute. This is consistent with the principle of 'self-containment' which is identified in UFTI¹⁴.
60. In the event there is a shortfall of development capacity, the NPS-UD directs territorial authorities to change the RMA planning documents to increase development capacity or consider other options to achieve the same. PC95 provides an opportunity to provide additional housing supply as it would

¹² SmartGrowth Strategy Hearings Panel Deliberations, 19 March 2024, Page 38.

¹³ Kevin Counsel's evidence, para 43.

¹⁴ UFTI – Page 113, The UFTI principle of self-containment has a target to aim for 50% of all vehicle trips to be within a community to help reduce VKT.

provide additional development capacity within the eastern area of the district.

61. NPS-UD section 3.8 relates to responsive planning. Section 3.8(1) is relevant as the PPC provides significant development capacity not otherwise enabled in a plan.
62. NPS-UD 3.8(2)(a) The PC95 area does help enhance the liveability of Pongakawa and provide housing to the Te Puke market where there is an identified demand and proximity to local employment areas. The proposed structure plan outcomes at Pongakawa contributes to a well-functioning urban environment.
63. NPS-UD 3.8(2)(b) The PC 95 site is located in the same locality and market as Te Puke and forms part of the Eastern corridor and planned expansion of that corridor as demonstrated in Mr Counsell's evidence. Pongakawa is planned to be connected to Paengaroa, Rangiuru, Te Puke, Maketu and Pukehina, with planned walkway and cycle links. It also has the benefits of convenient access to State Highway 2 and existing bus routes.
64. NPS-UD 3.8(2)(c) PC95 meets the 5ha prerequisite to be a significant development area UG7A(b). Pongakawa will be able to support multi modal transport options with both active and public transport. A structure plan has been prepared to enable the development to be progressed in an orderly and sequential way and provide positive environmental outcomes for the existing Pongakawa community such as reserve space and a local commercial area (UG7A(c)). The plan change area is located with good accessibility between housing and employment areas and community facilities (UG7A(d)). The development is likely to be completed within the short term (within 5 years) earlier than anticipated urban development, especially the planned Eastern Centre (UG7A(e)). The development of the plan change area will be developed with developer funding and will therefore not place a financial burden on

Council, the community or undermine any committed development infrastructure investment in other urban areas (UG7A(f)).

65. The NPS-HPL seeks to restrict urban development on highly productive land, but Section 3.6(1) enables Tier 1 and 2 local authorities to allow the rezoning of highly productive land under certain circumstances defined under Section 3.6(1)(a)-(c). These criteria have been assessed in detail by my planning colleague Vince Murphy, economist Kevin Counsell and soils scientist Joel Perry. This has concluded that rezoning is required to provide sufficient development capacity for housing in this locality and market. There are no other reasonably practicable and feasible options for providing at least sufficient development capacity in the short term. The plan change will also result in environmental, social, cultural and economic benefits outweighing the long-term loss of the productive land area. As Mr Murphy has completed a detailed assessment of this HPL policy, he will expand on this summary.

Matters raised by Submitters

66. There are a mix of submissions in support (16), conditional support (1), and opposition (19) being a total of 36 submission to the plan change. The majority of submissions in opposition are from residents immediately adjacent to the plan change site.
67. Key themes in support of the plan change are that it will provide housing for the community, the proposed commercial shop will provide opportunities for a shop and business to grow and Pongakawa to be more self-sufficient and provide convenience to local residents, establishment of reserves will provide amenity for the area, there is an opportunity for ecological enhancement of the Puanene Stream through riparian planting creating shade over the stream.
68. Key themes in opposition are that the rates will increase for existing residents if the plan change is successful, loss of productive land, amenity effects such

as change in outlook/character or odour from the wastewater treatment system, traffic generation and traffic safety issues at Arawa Road.

69. The plan change has addressed all environmental issues as fully as can be expected for a plan change proposal of this size. The structure plan includes measures to ensure that upgrades to infrastructure occurs in advance of the demand generated by the creation of new housing or commercial activities. Special overlays have been proposed to ensure the height of future buildings area restricted at the interface with the Awara Road residents. A high-quality wastewater treatment plant will be established that has two stage treatment and drip-fed irrigation with no detectable odour. Stormwater will be managed via a mix of ground soakage and treatment via a stormwater wetland and other devices. The plan change will result in farming activities being retired for the portion of land covered by the plan change residential and commercial zone areas.
70. All these submission points have been responded to in detail following the close of submissions in a letter prepared by Vince Murphy and sent to Council dated 15th April 2024. NPS-UD policy 6 recognises that plan changes may result in a detracting of amenity values for some people but may improve amenity values appreciated by other people, communities, and future generations, including providing increased and varied housing types.

Section 42A report

71. The section 42A (S42A) report recommends declining the PPC application primarily in relation to the location of the development, is not supported by Clause 3.6 the NPS-HPL and there are gaps in natural hazard information, wastewater and stormwater management.¹⁵

¹⁵ Section 42A report, Topic 1 recommendation, p 13.

72. My view is contrary to the planning opinion of the S42A author as a natural hazard assessment has been completed and demonstrated that natural hazards either do not affect the site or can be mitigated by design. The overland flow path design matters have been addressed in the responses to Council and in evidence from engineer Daniel Hight of Lysaght's and geologist Kristen Brown from CMW.
73. Clause 3.6(1) of the NPS has been addressed in the PPC application and in the evidence of planner Vincent Murphy and economist Kevin Counsell. This has confirmed that the land is in the same locality and market as Te Puke and Paengaroa and also the planned Eastern Centre (Te Kāinga) and adjacent Rangiora Business Park, which will likely establish another urban area planned and intended to have a population of more than 10,000 people. The Te Puke urban environment suffers from a housing shortage as determined under the NPS-UD which the plan change and corresponding loss of highly productive land responds to.
74. There are substantial social benefits in expanding the urban extent of Pongakawa to provide for additional housing and also providing facilities such as a shop and medical clinic. Combined with the planned reserves, walkways, playground, and bus stop proposed by the PPC and considering Council's connected settlement vision in its Walking and Cycle Strategy and Reserve Management Plans, there is an opportunity to significantly enhance the liveability of Pongakawa while also providing housing capacity in the short term where there is a clear demand.¹⁶
75. With respect to Topic 2 - Settlement Pattern, reference is made in the S42A report to SmartGrowth, UFTI report, and the HBA. The report recognises that there is a shortfall in the medium and long term but not the short term. The HBA report 2022 states that there is also housing land supply shortage in the

¹⁶ Kevin Counsell's evidence at para 41 and Table 1 confirms the projected number of households at Pongakawa with and without a competitive margin over 5, 10 and 25-year time periods.

short term, which PC95 can respond to providing additional housing capacity within the eastern corridor area.

76. Te Puke Greenfield residential areas can be developed only when infrastructure is upgraded and available which must occur in a sequential and orderly way. Stormwater management is tricky in Te Puke due to downstream established urban catchment areas and the greenfield land is held by only a few owners/entities. In my view, the supply of new housing in Te Puke may not be developed as responsively as Council envisage unless the stormwater infrastructure and other reticulation upgrades are developed early in the construction phase¹⁷.
77. The SmartGrowth FDS acknowledges that there will be growth in settlements/villages but has recognised that these are not major urban growth areas. Deliberations on SmartGrowth in March 2024 recognise that growth in these villages could be addressed through resource consent and or via a Plan Change¹⁸. PC 95 is therefore responding as anticipated by SmartGrowth, and due to the scale of the development proposal a PPC process was used.
78. Throughout the S42A report (pages 22 to 26), the reporting planner makes the statement that development must occur within an urban environment or adjacent to it and that Pongakawa is rural and is not urban. My view is Pongakawa, while referred to as a small settlement, has established residential properties which are serviced with water and stormwater reticulation, and the land is either zoned Residential or developed to a size of residential character. Residential zoning falls under the definition of 'urban' under the NPS-HPL. Section 76 of the RMA also includes a definition of 'urban environment allotment' as having an area no greater than 4000m², connected to reticulated water and sewerage systems and on which the building is used for industrial or commercial purposes or as a dwellinghouse, and that is not a reserve. The

¹⁷ This is based on my knowledge and understanding of the development constraints associated with the western residential growth area currently transitioning from kiwifruit to residential.

¹⁸ SmartGrowth Strategy Hearings Panel Deliberations, 19 March 2024, Page 38.

residential lots in Pongakawa while serviced by independent on-site wastewater reticulation systems are zoned residential and are urban in character. Pongakawa is also consistent with the definition of 'urban area or settlement' in the BOP Natural Resource Plan "*Urban area or settlement – an area which contains an aggregation of more than 50 lots or sites of an average size of no more than 1000 m².*" For these reasons I consider the existing developed area of Pongakawa to be urban and urban in character.

79. At para 9.71 of the S42 Report the reporting planner has implied that the plan change would create a precedent effect for urban development to occur anywhere in the district, as any area could be intended to be urban. I disagree with this as Pongakawa has been a small settlement since the 1950's, originally established to provide accommodation for works to support a planned dairy factory. Pongakawa has seen substantial development of its remaining land in the last 5 years. Pongakawa is located adjacent to a Stage Highway with easy access to the TEL and therefore has excellent access to the strategic road network and also planned walkway/cycleways linking nearby urban settlements and employment areas.
80. At para 9.105 the reporting planner assesses the criterion of Policy UG 7A and in the most part discounts compliance with the criterion. My view is the plan change area exceeds the minimum development area standard of 5ha and that the number of residential units likely to be established at 130 provides a worthwhile contribution to providing housing capacity for the district. The structure plan includes reserve land and walkways to enable a healthier living environment, and potentially supports neighbourly interaction and other less tangible social benefits. With respect to multi modal transport options, demand will be driven by some extent by the population living there and their work destinations. For Pongakawa work destinations are predominantly nearby at Pongakawa, Rangiuuru and Te Puke¹⁹. Council's walking and cycle trail

¹⁹ Insight Economics Technical Memo, 10 October 2024, Figure 1 Work Destinations of Pongakawa Residents.

strategy will also assist non-vehicle transport options once these links are established.

81. At pages 37-39 of the S42A report consideration is given to RPS Policy 14B(a) and (b) and the planner discounts compliance with those criteria. My view is that the use of the land is efficient in that it will significantly improve the liveability of residents at Pongakawa. The structure plan provides for the establishment of infrastructure and the water upgrade in particular will benefit the existing Pongakawa community as will the reserve and walkway facilities. With respect to the explanation statement stating that Policy 14B does not apply to villages or settlements that are not serviced with water and wastewater services, taking into account the identified subregional shortage of housing supply and the applicant's proposal to reticulate the plan change area with a reticulated wastewater system I consider that the PPC will meet this criterion as overall sound resource management principles are being achieved.

Conclusion

82. Pongakawa is a small settlement within the eastern corridor of the Western Bay of Plenty within the same labour and housing market as Te Puke. It functions as a village providing housing for people who predominantly work within Pongakawa, Rangiuru, Te Puke, Otawa, and Paengaroa²⁰. The Pongakawa settlement suffers from a lack of maintained walking areas, reserves, convenience shops/store or community service activities normally associated with small settlements.
83. The PPC will provide an opportunity to create approximately 130 additional homes that will help contribute to housing supply in the eastern area of the district responding to a housing shortage and an identified demand for housing. Creating housing close to work destinations can reduce vehicles

²⁰ Insight Economics Technical Memo, 10 October 2024, Figure 1 Work Destinations of Pongakawa Residents.

kilometres travelled. The PPC will also help respond to the significant horticultural investment that is occurring in the surrounding area which is creating horticultural jobs. It is also ideally located to provide housing choice for future workers of the RBP or construction workers who will work on the expansion of the RBP development which may take a decade or more to complete. This Council's walking and cycle strategy already plans off road cycle and walking trails connecting Pongakawa, Pukehina and Paengaroa and Te Puke. Establishing a small commercial area with adjacent playground will service the Pongakawa community but also help support the walkway/cycleway trail by creating a rest point. Pongakawa could evolve to a more self-sufficient well-functioning urban village. In my opinion, these positive effects outweigh the loss of productive land and the PPC should be approved to enable responsive planning consistent with the NPS-UD and RPS's enabling growth policies.

Richard Coles
24 October 2024