

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

JOINT WITNESS STATEMENT

Planning

Dated: 20th December 2024

Introduction

1. This Joint Witness Statement relates to expert conferencing on the topic of planning.
2. The conference was held on 17th December 2024 in-person at Western Bay of Plenty Council, with further teleconferencing occurring on 19th and 20th December 2024.
3. Attendees were Richard Coles, Vincent Murphy (on behalf of Kevin and Andrea Marsh), Abi Mark (on behalf of WBOPDC), and Lucy Holden (on behalf of BOPRC).
4. This Joint Witness Statement is a record of the outcomes of this session. It has been prepared in accordance with section 9.5 of the Environment Court Practice Note 2023.
5. The parties discussed the below questions at the conferencing as set out in the Commissioners' Minute 4 dated 3 December 2024.

6. All planners note each question directed for planners to address in Minute 4 essentially comprises multiple questions to be answered. As such, the questions have been broken up further into individual questions with answers provided in a table format.

Question One – Rural Character

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?

<p>Question 1 (i) - To what extent is rural character a relevant consideration to our deliberations?</p>
<p>Agreement:</p> <p>All planners agree it is relevant, as effects upon existing rural character are a reasonably anticipated effect that has to be considered (all anticipated effects to be considered by way of Clause 22(2), Part 2, Schedule 1 of the RMA).</p> <p>Landscape values are also built into higher order documents/RMA provisions that have to be considered.</p> <p>However the effect is inherently tied to the nature of the plan change changing from a rural zone to a residential zone following s.32 analysis determining the need for a plan change.</p> <p>Disagreement:</p> <p>No areas of disagreement</p>
<p>Question 1 (ii) - How do we define the existing level of rural character, and what expertise do we rely on to determine the impact that PC95 will have on the existing level of rural character?</p>
<p>Agreement:</p> <p>Chapter 18 (Rural) of the District Plan scopes the following elements making up rural character:</p> <ul style="list-style-type: none"> • A predominance of natural features over human made features; • A high ratio of open space relative to the built environment; • Significant areas in pasture, crops, horticulture, forestry and indigenous vegetation; • A working rural production environment; • Presence of farm animals; • Noise, odours and other effects associated with the use of rural land for a wide range of primary productive purposes and quarries; • Low population densities relative to urban areas; • Existence of some narrow and/or unsealed roads;

- General lack of urban infrastructure.

The above is the appropriate starting point for defining rural character, and the same factors have been used in considering rural character effects in the plan change application. It is considered to be a typical lowland dairy farm. Recognition does need to be given however to the fact the farm and plan change site is adjacent to a residential settlement.

Appropriate expertise to rely on is planning, and landscape specialist.

Disagreement:

No areas of disagreement.

Question 1 (iii) - What in your opinions, is the existing level of rural character within and surrounding the site, and how will PC95 impact that character?

Agreement:

It was agreed that to answer this question it is appropriate to geographically define the different areas scoped into this question and seek to define levels of existing character and impacts upon that character.

1. Plan change site

Level

Existing farm has a high level of rural character. Plan Change site bordered on western side by rural residential type properties.

Impact

The plan change proposes to make this area residential which is an inherent loss in rural character.

2. The properties on the western side of Arawa road

Level

Experience a high level of rural character when looking over the plan change site (to west). Higher/closer density experience in considering outlook towards north and south due to rural-residential (2000m² lot sizes) neighbouring sites. Approach and entry to these properties is closer to residential character.

Impact

L VIA references this level of change to be high. Provisions have been proposed to mitigate this impact (height restriction, yard setbacks, reflectivity, and soft landscaping buffer planting). The L VIA concludes that these are appropriate to manage the change (in the context of a plan change).

3. Wider residential zone east of Arawa road

Level

Surrounded by rural, experiences rural character to varying degrees. Centre of the residential zone experiences rural character (from beyond the residentially zoned area) to an extent however this is considerably less than the edges bordering the rural zone.

Impact

No change in outlook apart from the properties along Arawa road, which will have a change in outlook towards the site.

Impact on outlook to the majority of these is low due to the presence of houses in the foreground noting there are glimpses available between houses on the western side of Arawa Road. The impact is higher

where properties currently have an uninterrupted view of the rural environment which will change to Commercial/residential.

Noting the residential area does experience other aspects of rural character that will change, such as an increase in traffic movements and introduction of additional residential and commercial activity.

4. Surrounding rural area

Level

High level of rural character, applicants balance farmland and other farming activities are prominent to surrounding Rural area (beyond those not covered above).

Impact

L VIA assess impact as low-moderate with edge treatment and reflectivity controls.

Conclusion:

The positions of the individual planners as presented in the application report/evidence, and s.42A report, remain the same. In summary:

- VM/RC: Acceptable effects upon rural character in the context of a plan change.
- AM: Mitigation manages the loss of existing amenity and character only some extent, cannot avoid the fact it is fundamental change from rural to residential.
- LH: The RPS does not provide strong direction on rural character, therefore no comment.

Disagreement:

No areas of disagreement.

Question 1(iv, v): Does this impact align with the component(s) of the policy framework that applies to rural character? Is that policy framework directive?

Agreement:

All planners agree the following policy framework strictly pertaining to the consideration of rural character is:

WBOPDP Section 18: Rural

All planners firstly agree that the Objectives and Policies of Section 18 relating rural character will no longer be directly relevant to future development within the plan change site given the Plan Change is proposing to change the zone from rural to residential. Consideration of these policies is however included as understood by all planners from the Minute question.

Objective 18.2.1.5: *Maintain the rural character and amenity values associated with the low density rural environment.*

Agreed conference comment:

The purpose of the plan change is to change from rural to residential, and so the PC area will no longer be a low density rural environment, not maintained. So would no longer be directly relevant to future development within the plan change site – the area would be residential, bordering a rural zone.

It is to be noted that the proposed provisions above have sought to retain a sense of rural character through setbacks and height restrictions to enhance a sense of openness at the sensitive interface. However, this does not avoid a considerable loss of rural character at the site.

Policy 18.2.2.19: *The release of land for urban development will be staged in a manner which ensures the continued availability of rural land for productive rural purposes and the retention of rural character until urban development occurs.*

Agreed conference comment:

The plan change area is a confined area with set boundaries; the surrounding farm will continue to be able to be used for productive purposes and the rural character of the farm itself will be retained, albeit with some effects particularly at the interface with the residential zone.

RPS:

Agreed conference comment:

The RPS has limited direction on rural character that would apply to this site.

RMA:

Agreed conference comment:

Provisions can indirectly affect rural character by influencing how rural land is managed and developed but nothing directly related to rural character, noting the site is not an ONFL (Part 2, s.6(b)). Part 2, s.7(b) relating to maintenance and enhancement of amenity values is relevant however again in the context of plan change proposal.

Disagreement:

No areas of disagreement.

Question Two

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?

Question 2 (i) - What are the relevant iwi planning instruments (IPI) that apply to the site and PPC95?

Agreement:

All planners agree the following are the relevant iwi planning instruments:

Ngāti Pikiao: Ngāti Pikiao Iwi Resource Management Plan – Ngā Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui Iwi Resource Management Plan 1997.

Ngāti Rangitīhi: Ngāti Rangitīhi Iwi Management Plan 2011

Ngāti Māhino and Ngāti Whakāhemo: plans currently under development.

Disagreement:

No areas of disagreement.

Question 2 (ii) - What outcomes do those IPI's Seek that are relevant to the PPC95?

Agreement:

All planners agree the relevant iwi planning instruments generally seek to deliver on the following outcomes relevant to PC95:

Ngāti Pikiao Iwi Resource Management Plan – Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui Iwi Resource Management Plan, 1997, includes but is not limited to references to the mauri of resources including water, the management of water, water quality (p83) and discharges to water and property development. Engagement protocols and enabling Kaitiakitanga.

This iwi planning instrument recognises the RMA and the need to manage resource in a sustainable way for current and future generations. It emphasises Ngati Pikiao's role as Kaitiaki has not relinquished despite alienation of the land through confiscation. At page 74 the plan recognises Section 74 RMA regarding the need to have regard to recognised Planning Documents recognised by iwi. At page 81 the plan it identified Ngati Pikiao's expectations regarding the supply of Plan Change documents at no charge. This has been supplied to Ngati Pikiao and engagement undertaken.

Ngāti Rangitahi Iwi Environmental Management Plan 2011, identifies the rohe and sets out objectives, policies and methods for a range of matters, including but not limited to, restoring, maintaining and protecting the mauri of freshwater resources, improving water quality, the disposal of wastewater, the avoidance of fragmentation of farming land, rural sprawl and the inefficient use of productive soils. Engagement protocol and enabling Kaitiakitanga.

The plan change site is within Ngati Rangitahi's rohe and the Iwi Environmental Management Plan has specific water related objectives and policies at P30 – 33. With regard to wastewater, they are concerned about protecting the mauri of the water and the effect wastewater discharges will have on the water, particularly direct wastewater discharges which may be considered spiritually and culturally offensive.

Disagreement:

No areas of disagreement.

Question 2 (iii) - How has PPC95 responded to those outcomes?

Richard Coles/Vincent Murphy:

Early engagement was undertaken with all identified relevant iwi and hapu groups to enable early expression of kaitiakitanga and to respect engagement protocols. This led to particular engagement with Ngati Pikiao and Ngati Whakehemo. The main issues related to water quality, restoring the Puanene Stream margin and ensuring that stormwater and wastewater disposal was appropriate and did not result in adverse effects on water quality in the Puanene Stream. There were discussions relating to creating meandering swales and creating a terraced stormwater pond design to ensure water quality would not be adversely affected.

The structure plan includes these elements including a reserve along part of the Puanene Stream which will be planted with native plants helping restore the stream corridor.

Ngati Whakehemo were supportive of the Plan Change very early on in the engagement process. They did not have a iwi management plan prepared at the time of engagement, but it is understood one is being prepared. Their main interest was to ensure that water quality was maintained, and earthworks monitoring was to occur in the case of accidental discovery.

The structure plan includes a wastewater disposal field area setback 20m from the stream. This is consistent with the OSET setback standards. This disposal field is generally free of flooding in the 100-year event, but small areas may flood. This will be addressed further during the consent process for the wastewater treatment and discharge to land, in response to wastewater disposal concerns.

Regarding the Ngāti Rangitahi Iwi Environmental Management Plan, engagement efforts as directed by this plan were made multiple times. The environmental outcomes of this plan are generally similar to that of the Ngati Pikiao iwi planning instrument which have been responded to as above. A notable

provision relates to managing urban growth to urban limits (now removed from RPS) and village nodes (p37), limiting urban sprawl, which is sought by the plan change consolidating the existing settlement.

Abi Mark:

Agrees that engagement efforts reflecting the iwi planning instrument directions on this appear to have been made. Structure Plan provisions also do seek to address the important matters raised through engagement.

Point of Distinction:

Ms Holden and Ms Mark consider the proposal may be inconsistent with the following Ngāti Rangitihī objective and policy but note that Ngāti Rangitihī has not provided comment on the plan change:

- *Objective: Limiting the sprawl of residential dwellings across the landscape.*
- *Policy: Avoid inappropriate subdivision and residential development in the areas outside the urban centres.*

Question 2 (iv): What, if any, additional provisions are needed and appropriate to ensure that the outcomes from the IPIs are reflected in the PPC95?

Richard Coles/Vincent Murphy:

Richard Coles and Vincent Murphy, on behalf of the applicant, believe that an additional prerequisite condition could be included in the Structure Plan 'All Stages' prerequisites to further ensuring the relevant outcomes of the IPI's are met. This would state:

'Prior to detailed design of the subdivision, associated earthworks, stormwater and wastewater infrastructure including treatment wetlands, the resource consent applicant shall invite Ngati Pikiāo, Ngati Whakehemo, Ngati Makino, and Ngati Rangitihī (and any other iwi and hapū groups that has a connection to the Structure Plan area in consultation with BOPRC and WBOPDC) to review the design of the proposed infrastructure solutions including proposed discharge structures in or adjacent to the Puanene stream. This is to ensure that stream enhancement works and discharges maintain and enhance the water quality and ecological values of the stream'.

This prerequisite condition would be in addition to the usual iwi and hapū engagement that would occur regarding the preparation of the subdivision consent and consent from Stormwater and wastewater discharges.

Pursuant to s.32AA of the RMA, there are considered to be no material economic, social, environmental or cultural costs attached to this provision, only benefits in terms of improved cultural, environmental and social outcomes. These benefits are not practicable to quantify, however sufficient information and confidence about the benefits is available.

Abi Mark/Lucy Holden:

No issue with a further Structure Plan pre-requisite responding to this point as proposed.

Question 2 (v): What, if any, additional provisions are needed and appropriate to ensure that the outcomes from the IPIs are reflected in the PPC95?

Agreement:

All planners have consulted the BOPRC Guideline Te Whaiwhakaaro ki nga Mahere a-Iwi (Taking into Account Iwi Planning Documents) August 2024.

The requirement to "take into account" is a deliberate legislative contrast with the language "recognise and provide for" which is used in section 6 of the RMA. "Recognise and provide for" means that actual provision must be made for the listed matters. In contrast, the obligation to "take into account" requires

the decision-maker to consider that matter, to weigh it up with other relevant factors and to give it the weight that is appropriate in the circumstances. This is the requirement that must be met. In legal terms “must take into account” means there is a mandatory obligation to genuinely consider material which is relevant to the issue or decision. There are requirements within the RMA to record how iwi/hapū planning document information has been used (such as a summary under s.32 or s.42A) but it is best practice to specifically record how the information has been used to inform the relevant decision and in cases it may be useful to enter this into the public record.

All planners agree that this is appropriate description of the weight to be attributed to iwi planning instruments. All planners further agree weight must also be given to the outcomes of direct engagement with iwi in addition to taking into account the provisions of respective iwi planning instruments.

Disagreement:

No areas of disagreement

Question Three

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?*

Question 3 - Please map out the pathway through the SmartGrowth Strategy (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.

Agreement:

All planners agree that the SGS is the integrated growth strategy for the sub-region, incorporating the FDS that is required to be prepared pursuant to the NPS-UD. The FDS must be informed by the most recent HBA to demonstrate how (amongst other purpose requirements), sufficient development housing and business capacity is to be provided.

The most recent full HBA is the 2022 HBA.

The provisions of the SGS agreed as directly relevant to the decision are:

1. The definition of the Connected Centres approach, which underpins the intended spatial development strategy for the sub region (Part 2 of the SGS);
2. The Future Development Strategy as a whole (Chapter 4 of the SGS);

Disagreement:

Relevance of Location

This was discussed in response to relevance of the location of the PC area as considered by the FDS to the decision. Mr Coles and Mr Murphy consider it relevant to point out that Pongakawa is in the Eastern Corridor informing the FDS, purely for accurate consideration of the finer-grain context within the FDS however also given “*an urgent need to investigate future growth areas in Te Puke and the Eastern Corridor to assist in addressing the identified medium and longer-term shortfalls that will arise from 2025 onwards*” was identified in the 2022 HBA.

Ms Mark and Ms Holden disagree and do not see the focus on particular corridors as relevant as it is the FDS as a whole in addressing supply to meet expected demand which is relevant.

Ms Mark made clear the quote referred to by Mr Murphy and Mr Coles is not in the HBA this is in the HBA Summary Document, and needs considering in complete context. It is Ms Marks opinion this is referring to bringing forward capacity in Te Kainga as stated in Ms Mark’s 42A Para 9.86 to 9.88. Where the HBA references the eastern corridor, it is to identify the sufficient development capacity that will be enabled through Te Puke - Plan Change 92 (which implements intensification with the use of MDRS) and upcoming plan change/s for Te Puke, the future Eastern Centre (Te Kāinga) and with respect to Tauranga City, including Te Tumu. The FDS on Page 155 identifies the eastern corridor Key Growth Areas as Te Puke, Pāpāmoa Wairakei, Te Tumu, Rangioru and the Eastern Centre (Te Kainga).

Flexibility of FDS

Position of Mr Murphy and Mr Coles:

Mr Coles and Mr Murphy consider there is flexibility built into the FDS for agility and responsiveness to a plan change such as PC95 delivering significant development capacity. Mr Coles and Mr Murphy refer to page 153 of the FDS, where a housing shortage is acknowledged as is significant intervention being required to meet all needs.

Position of Ms Mark:

Ms Mark disagrees with this position in that while the FDS does acknowledge a shortfall the purpose of the FDS is to provide the way forward to address this and identify where growth within the subregion should occur in a way that is underpinned by the “connected centres approach”.

Role of Plan Changes

Position of Mr Coles and Mr Murphy:

Page 155 of the FDS contemplates plan changes to add to urban housing supply. Mr Murphy and Mr Coles maintain their positions as traversed in evidence that PPC95 is consistent with the connected centres approach.

Position of Ms Mark:

Ms Mark does not disagree that plan changes can amend the particulars of the FDS, however notes page 155 concerns more than plan changes – it concerns the Connected Centres approach underpinning the FDS. It discusses what this approach is, and the aim of the FDS being to outline where development capacity will be provided over the next 30 years to meet the expected demand, set within the context of achieving a well functioning urban environment (which it states are covered by the elements of the spatial plan Part 3). This page also provides the provision of the need to bring forward land in the potential long-term growth areas – being Te Kainga.

Responsiveness within the FDS:Position of Mr Murphy and Mr Coles –

Mr Coles and Mr Murphy are of the view that flexibility, agility and responsiveness is reinforced by page 163 of the FDS to respond to shortfalls. The Operating Statement within the FDS also illustrates the importance of housing capacity issues in the sub-region.

Outside (but informing the content of the FDS), pages 111 and 112 of the SGS also reveal the flexibility of exact centres and locations to accommodate growth through plan change proposals.

Page 163 makes clear plan changes will need to meet BOPRC criteria for unanticipated and out of sequence development. Policy UG 7A is central to this, and Mr Coles and Mr Murphy are of the view (as expressed in evidence) that this is the case based on the evidence of Mr Counsell that the plan change site is in the same market as Te Puke. It would therefore be part of, as well as contribute to, a well-functioning urban environment as intended by Clause 3.8 of the NPS-UD. For completeness, as per evidence, Mr Coles and Mr Murphy also consider the proposal to be consistent with UG 14B in the event the plan change area is not found to be part of an urban environment.

Position of Ms Mark:

As a point of distinction, Page 163 states that it is important that alterations to the connected centres programme does not compromise the SmartGrowth objectives and growth directives. That proposals for change will need to meet the Bay of Plenty Regional Policy statement criteria for development that is out of sequence and unanticipated by the FDS. With Page 164 showing Map 18 for the FDS – staging map.

Ms Mark acknowledges the commentary on housing supply in the Operating Statement however notes this is within the context of a number of strategic policy considerations which apply to the delivery of the FDS.

In response to the consideration of pages 111-112, development that falls outside of the connected centres programme as outlined in Map 12 would need to meet the requirements of the RPS Policy UG 7A.

Fundamentally, for the same reasons as traversed in evidence, Ms Mark and Ms Holden do not agree that the site is part of an urban environment, and therefore is not within scope of unanticipated or out of sequence development provisions nor the scope of RPS Policy UG 7A. They are of the opinion that the RPS provides a pathway for development that is outside of urban environments through Policy UG 14B (urban activities outside of urban environments) and that as outlined in the Section 42 A report this criteria has also not been met.

Overall Position of Ms Holden – Pathway Through SGS:

Ms Holden understands the pathway through the SmartGrowth Strategy for unanticipated growth to be via the responsive planning provisions, as follows:

Responsiveness

The SmartGrowth Strategy acknowledges the need for responsive planning and flexibility to accommodate unanticipated urban growth. The strategy recognises that numerous factors, including migration rates, economic cycles, and unforeseen events, can influence the pace and direction of growth. The timing of development is also influenced by regulatory processes, infrastructure availability, and funding mechanisms. The Connected Centres settlement pattern is designed to be adaptable to change. SmartGrowth employs the following mechanisms to address unanticipated growth:

- Annual monitoring of development
- Quarterly monitoring of priority development areas
- Potential for increasing intensification or bringing forward development areas.

Proposals for development outside the planned Connected Centres framework (out-of-sequence or unanticipated in relation to the FDS) will be assessed against criteria outlined in Policy UG7A of the Regional Policy Statement. The strategy recognises that a degree of flexibility is necessary to respond to unforeseen circumstances and emerging needs while aiming to maintain the overall coherence of the Connected Centres approach.

Unanticipated growth must meet the Connected Centres approach

The Connected Centres approach involves specific considerations regarding density, transport infrastructure, and access to amenities. Unanticipated growth that does not adequately address these factors might not be deemed consistent with the Connected Centres principles, even if it is geographically located within the designated corridor.

Mr Coles, Mr Murphy and Ms Mark agree with this summary.

Question 3 (i) - Is there a housing shortage in the Western Bay? If yes, over what timescale?

Agreement:

All planners agree yes there is a housing shortage, this being distinct from insufficient development capacity.

Timescale: As summarised in the table on page 153 of the FDS, there is a cumulative shortage of housing now and through the short and medium terms (i.e. over next 10 years). In the long-term (11-30 years), supply to be generated appears to have the potential to address housing shortfall and future expected demand.

Points of Distinction:

Ms Mark considers it important to point out that the shortage information is based on an NZ Institute of Economic Research (NZIER) report from November 2022, assuming a depreciation rate of 0.3 percent for existing housing stock in the district, people per dwelling of 2.5 and a base year of 2006. Therefore, these numbers are estimates not strictly showing “supply” vs “demand” which is provided in the HBA.

Ms Mark also considers it important to distinguish that increasing the amount of greenfield land or the development capacity in the western bay of plenty district will not lower this shortfall number until houses are built and even then, the rate of built houses needs to make up for the shortfall and out pace the depreciation rate assumption. And further suggests that comparing the short fall table (page 153) numbers in isolation to the housing allocation numbers in the table on Page 157 is not necessarily accurate as they do not directly correlate.

Mr Coles, Mr Murphy and Ms Holden have no commentary either way on the above points of clarity.

Ms Mark did illustrate that the table being overwhelmingly red, implying a shortfall, is not actually correct. There are surpluses individually in the short and medium term periods which should be green indicating a surplus. This was accepted by the conference however does not change that the cumulative shortfall still exists through these periods.

Ms Mark further provided information that illustrated that the housing shortage started in 2014, for accuracy on exact timescales.

Question 3 (i) - Does SmartGrowth provide sufficient capacity for that housing shortage to be addressed within the timescales (in the planned and future development areas)?

Agreement:

When comparing the “shortfall table” on Page 153 to the housing allocation table in the FDS table on page 159 it would appear that a shortage relative to capacity persists through the short and medium terms. With considerable supply between 2034 and 2054, the FDS appears to provide for the capacity to address the estimated shortage in that time period (i.e. by the end of the long term 2054).

Point of Distinction:

All planners agree housing shortage is different from development capacity.

Ms Mark noted that the that the FDS states on page 156 “the housing allocations outlined provide for more capacity than what is identified in the HBA to address the housing shortfalls”. This is acknowledged however the cumulative shortfall through the short and medium terms remain.

Ms Holden advised of caution in strict ‘balancing’ between housing shortfall numbers, and estimated supply to come online separately in Tauranga City and WBOPDC areas. As increases in supply in Tauranga will shrink demand in WBOPDC; lack of supply in Tauranga conversely increases demand in WBOPDC. This was acknowledged however it remains relevant that the cumulative shortfall for the entire sub-region appears to persist through the short and medium terms and into the long term, however may be resolved by the end of the long-term.

Question 3 (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? Outline what the infrastructure deficit is (if any) in the Western Bay of Plenty district, especially in Te Puke.

Disagreement:

Ms Mark is of the view that LTP scheduling delivery of infrastructure to ensure sufficiency of development capacity (as defined by the NPS-UD) is available as soon as the market is ready through a guarantee of the ‘just in time’ approach and headroom/flexibility built into the LTP. The indicative timing and structure plans are underpinned by assumptions that include (but not limited to) demand, population growth and need for infrastructure required by development. This timing has the ability to be changed to ensure infrastructure is available where and when it is needed. If the infrastructure is needed to ensure development in a location it will be brought forward through the relevant funding mechanisms. Therefore, Ms Mark is of the opinion that at this time Te Puke has the infrastructure and can/will provide the infrastructure for the growth and development as required based on the most up to date information Council has. Which is reflected in the development capacity information provided in the HBA (specifically for Western Bay of Plenty District the development capacity is determined on Pages 96 to 100 of the HBA).

Mr Coles and Mr Murphy acknowledge the ‘just in time’ principle built into the LTP. However referring to the current deficits identified by Mr Murphy in reply evidence dated 29th November 2024, namely stormwater and transport infrastructure to provide planned growth areas in Te Puke with adequate infrastructure. Stormwater ponds and transport infrastructure could feasibly take two earthworks seasons to complete and be operative, with no other impediments to bringing the infrastructure online. There are complexities in the case of partial responsibility to developers for delivering stormwater infrastructure. Overall Mr Coles and Mr Murphy are not convinced all necessary infrastructure will be

provided inside of three years to ensure the 'infrastructure ready' component of sufficient development capacity will be met for the short term.

Noting the LTP does schedule necessary stormwater and transport infrastructure supporting further growth in Te Puke to be delivered pre 2034, it would appear the deficit will be met within the medium term and be available for long-term growth.

Mr Murphy pointed out considerable supply is forecast to come online to meet demand in the long term post 2034. To be 'infrastructure ready' as part of sufficiency of development capacity in the same long term period, infrastructure to support that development capacity is required to be identified in the infrastructure strategy component of the LTP. This is not the case in respect of Te Kainga infrastructure which provides a current estimate of 8000 dwellings between 2034-2054. SmartGrowth identifies that this is likely to require a special funding agreement between the Councils and government.

Ms Mark and Ms Holden in turn questioned if this is realistic to meet at such an early stage in advance of delivering the centre. Mr Murphy noted the definition of 'infrastructure ready' is set in the NPS-UD.

Ms Mark is of the view that the infrastructure strategy acknowledges the need to determine infrastructure requirements for future growth as set out in the Future Development Strategy and the SmartGrowth strategy are significant infrastructure decisions. The limited nature of this work to date reflects the identified need in the FDS to bring forward these growth areas. Ms Mark notes that as the FDS was released in 2024 and that it would be unrealistic to expect the infrastructure scoping requirements of the eastern centre to be complete prior to the LTP which was also released in 2024. Ms Mark notes that the long-term capacity and sufficiency of the Western Bay of Plenty district is discussed on page 100 of the HBA.

Question 3 (ii): Set out the known current and future funding issues that could hinder the provision of infrastructure to unlock the development capacity identified in SmartGrowth?

Agreement:

All planners agree the answer to this question is considerably addressed in response to the previous question.

Point of Distinction:

Mr Coles pointed out SmartGrowth recognises that the future Eastern Centre Te Kainga development will need agreement from TCC, WBOPDC, Waka Kotahi (NZTA) and most likely central government in respect of funding. This may be the source of a hindrance or delay in funding in the future.

Ms Mark pointed out that there is also a large amount of legislative change signalled by central government such as "Local Waters Done Well" which will affect infrastructure funding significantly. Ms Mark also suggests that further understanding of the funding landscape is outside of her expertise. It is agreed by all planners that consideration of this issue with more detail and accuracy is beyond planning expertise.

Question 3 (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?

Agreement:

The District Plan does not define affordable housing.

WBOPDC's Housing Action Plan 2024 defines affordable housing as:

Housing costs should not compromise the ability to afford other basic and reasonable needs such as doctor's visits and groceries. Housing is usually understood as unaffordable when housing costs are more than 30% of a household's take-home income; particularly for households on lower incomes – under 40% of the median income.

All planners agree the plan change does not guarantee, nor preclude, this outcome.

Points of Distinction:

Mr Coles and Mr Murphy clarified it was never the intention of the plan change to provide affordable housing as per this definition. Rather, the scope of the plan change in providing for different densities of housing was deliberately created in response to WBOPDC feedback to ensure smaller lots to be more generally affordable for the target market. Hence the different density areas, and maximum average lot size to be delivered in Density A area (400m² maximum average lot size), on the understanding smaller lots will typically generate smaller dwellings at a lower price point. The minimum lot size of 350m² being elected as this is the minimum for other residential zones (Katikati, Waihi Beach, for example).

Ms Mark acknowledged this however pointed out a minimum of 350m² can still accommodate 3 or 4 bedroom stand alone dwellings and as such may not necessarily deliver diversity of housing choice.

Mr Murphy acknowledged however it does not detract from the fact that it is attempting to supply smaller lots for affordability reasons, with a clear emphasis on smaller lots in the Density A Area through proposed District Plan provisions to apply.

Question 3 (iv): Are any other purely residential environments identified as being an existing urban area in the SGS?

Disagreement:

Mr Murphy identified that Bowentown and Athenree are two residential environments identified as being urban areas in the SGS (and FDS). These settlements contain purely residential land uses, and are clearly geographically separated from the primary urban area of Waihi Beach.

Ms Mark disagrees, contending these are part of the urban growth area of Waihi Beach and where they have been referred to, it as “Waihi Beach – Athenree/Bowentown”. Not comparable to Arawa Road, in Ms Mark’s view. Ms Holden understands that the existing urban areas in the SGS maps are based on areas that have reticulated three-waters and other infrastructure.

It was acknowledged there has at times been a shop operating at Bowentown also. It is not observed to be trading full-time.

Related to these locations, Mr Murphy also pointed out an apparent inconsistency in BOPRC and WBOPDC positions that the FDS seeks to provide for growth only in urban environments, yet the FDS scopes in development capacity to be added in urban areas that are not within urban environments as considered by BOPRC and WBOPDC (Katikati, Waihi Beach (including Bowentown/ Athenree). Ms Mark in response clarified her position that the FDS is seeking to provide for growth in urban areas.

Ms Holden notes that the FDS allocates growth in existing urban environments as well as identifying areas for future urban growth (which may not currently be urban).

Question 3 (iv): Is there any support in the SGS for the contention that a purely residential environment can be an urban environment?

Disagreement:

Mr Coles and Mr Murphy are of the opinion that yes there is support for this conclusion directly within the FDS. Most obviously, by way of the SGS definition of ‘urban’. Which is:

*A concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a **village** which is predominantly non-agricultural or non-rural in nature (emphasis **added**).*

Mr Coles and Mr Murphy contend that a concentration of residential only (by way of the and/or drafting) activities can therefore be considered urban in the SGS context. Noting also this definition contemplates a 'village' scale as urban also.

Ms Mark disagrees because the nature of a village is not that of a "purely residential environment" and as outlined in the Section 42A (para 9.62) does not agree that the Arawa Road Residential Area meets this definition.

Ms Holden notes that Map 18 of the SmartGrowth Strategy identifies existing urban areas in the sub-region; Map 18 does not include Pongakawa. The FDS relates to urban development only (whether in existing urban areas or identified future urban areas) and does not consider rural development (p155 SGS).

Question Four

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.

Agreement:

Please see the attached document 'Question 4 - Planning Assessment, Consent Pathway for Development Realisation', which has been prepared and is agreed by Mr Coles, Mr Murphy and Ms Mark.

Question Five

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.

Agreement:

All planners have considered the outcomes of the engineering JWS dated 11/12/24. To respond to the findings of this caucusing, the following amendments can be made to proposed planning provisions and drawings:

1. A note added to relevant Structure Plan drawings clearly enabling some flexibility on precise wastewater disposal field shape (whilst always maintaining a 20m separation distance to the Puanene Stream); and
2. Bringing delivery of OLFP 3 (eastern-most OLFP) into Stage 1 pre-requisites to avoid complexity of delivering the wastewater disposal field near an overland flowpath, if there is to be staging of delivery of that infrastructure.

All planners agree to the above amendments.

Date: 20th December 2024



.....
Richard Coles



.....
Vincent Murphy



.....
Abi Mark



.....
Lucy Holden