

BEFORE THE HEARINGS PANEL

IN THE MATTER OF

the Resource Management Act
1991

AND

Proposed Plan Change 95 to the
Western Bay of Plenty District
Plan: Pencarrow Estate
Pongakawa

**PRIMARY STATEMENT OF EVIDENCE OF LUCY HOLDEN
ON BEHALF OF BAY OF PLENTY REGIONAL COUNCIL TOI MOANA
SUBMITTER NO: 27
PLANNING**

Introduction

1. My full name is Lucy Claire Holden. I am a Senior Planner with the Bay of Plenty Regional Council (**Regional Council**).
2. I hold a Bachelor of Science in ecology from Victoria University, and a Post-Graduate Diploma in planning and Master of environmental management, both from Massey University. I have eleven years of professional experience as a resource management planner in NZ and the UK. I have been employed by the Regional Council since August 2017. During this time, I have processed a broad range of resource consent applications, submitted on district/city plan changes, prepared and presented expert evidence, and worked on regional policy statement and regional plan changes.
3. I have been involved with Proposed Plan Change 95 (**PPC95**) since February 2023. I wrote Regional Council's submission and further submission. I attended meetings with Western Bay of Plenty District Council (**WBOPDC**) to discuss the proposed plan change on 28 February 2023, 31 May 2023, and 3 May 2024. I attended meetings with the applicant to discuss the proposed plan change and Regional Council's submission on 9 May 2023 and 15 December 2023. I visited the PPC95 site on 8 May 2024.

Code of conduct

4. I confirm I have read the Environment Court's Code of Conduct (Environment Court Practice Note 2023) and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state I am relying on the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.

Summary and scope of evidence

5. Regional Council's submission was conceptually divided into strategic and technical matters. Most technical matters raised in Regional Council's submission were resolved to the Regional Council's satisfaction after submissions closed. The following topics raised in submission points remain unresolved or have unresolved elements:

- a) Settlement pattern
 - b) Highly productive land
 - c) Transport
 - d) Stormwater
 - e) Ecology.
6. The structure of this evidence reflects the structure of WBOPDC's s42A report for each unresolved topic raised in Regional Council's submission.
7. To keep this statement brief, I have focused on the submission points and provisions that are of particular concern or interest to the Regional Council, rather than addressing every submission point made. Where I have not expressly stated in this evidence the reasons why I disagree with other experts or submitters in relation to more minor matters, that should not be interpreted as agreement. Regional Council will not pursue any other points not specifically addressed in this statement that have been accepted in part in WBOPDC's recommended decisions on submissions (section 23 of the s42A report).
8. In preparing this statement, I have read:
- a) the PPC95 application and relevant accompanying documents and further information
 - b) relevant submissions and further submissions
 - c) the Section 42A hearings report and relevant attachments
 - d) Mr Murphy's and Mr Coles' planning evidence and relevant attachments
 - e) Mr Counsell's economics evidence
 - f) Mr Perry's pedology and land productivity evidence
 - g) Mr Hight's engineering evidence
 - h) Ms Southerwood's stormwater/flooding evidence
 - i) Mr Dean's ecology evidence.

Topic 2: Settlement pattern

9. I agree with the s42A report assessment and conclusions in Topic 2: Settlement pattern. I agree that the proposal is not consistent with relevant legislation and strategic initiatives which guide and direct the future growth of the Western Bay of Plenty district. This includes the National Policy Statement for Urban Development (**NPS-UD**), the Regional Policy Statement (**RPS**), and the SmartGrowth Future Development Strategy (**SmartGrowth Strategy**).
10. I agree that the Arawa Road settlement is not an urban area or environment that is intended to be subject to the urban development directions in the above documents. In my opinion, those seek to promote an up and out approach to established cities and towns, rather than pockets of settlements some distance from those towns and cities.
11. Even if the proposal was in or affecting an urban environment (which I do not accept), the key policy directives seek to ensure that urban environments are well-functioning. Policy 1 of the NPS-UD explains what a well-functioning urban environment is, and different aspects of this are covered in the s42A report, which I support.
12. One of the key focal points for Regional Council in this process is the site's accessibility. Policy 1 of the NPS-UD discusses the need for good accessibility, including by way of public or active transport. The need for a development to be able to support multi modal transport options is also a criterion under Policy UG 7A of the RPS (and that aspect of Policy UG 7A is not subject to appeal). My view remains that, as the proposal is not in an urban environment, Policy UG 7A does not apply to it (although Policy UG 7A highlights the importance of accessibility and transport matters in assessing urban development proposals).
13. The following comments are in relation to paragraph 9.105 of the s42A report about public transport to the proposed plan change area. The applicant states that additional dwellings in Pongakawa would make public transport more viable¹. No public transport route changes are planned to include Pongakawa.

¹ Momentum Planning and Design, November 2023. *Application for plan change rural to residential, Arawa Road, Pongakawa*. Page 35

Policy 4.3 of the Bay of Plenty Regional Public Transport Plan (**RPTP**) requires at least 10 hectares of development and a minimum density of 15 dwellings per hectare to consider providing public transport.

14. If the proposed development included 130 new dwellings, the settlement would total approximately 210² dwellings over approximately 16.81 hectares³ (including the existing residential settlement). This is 12.4 houses per hectare, which is below the density required to meet Policy 4.3 of the RPTP for public transport to be considered. The proposed plan change provisions do not include a minimum housing yield and so 130 new dwellings may not be realised, meaning the final density could even be lower than 12.4 houses per hectare.
15. The applicant states that further expansion of the settlement within or beyond the property is unlikely to be feasible given the flood and hazard-prone nature of land beyond the proposed development⁴. As such, the settlement is unlikely to expand sufficiently to meet Policy 4.3 of the RPTP in future to enable public transport to be considered.
16. The following comments are in relation to the assertions in Mr Murphy's planning evidence (paragraphs 16, 84, 92, 147) that PPC95 would conform to the Connected Centres principles of the SmartGrowth Strategy 2024-2074 (**SmartGrowth Strategy**). The SmartGrowth Strategy (page 43) explains the two core concepts of the Connected Centres programme:
 - i. Urban intensification: increasing the number of dwellings by intensifying existing urban and new growth areas. This is to maximise the land available for development and to support a well-functioning multi-modal transport system.
 - ii. Access to opportunity: being able to access local social and economic opportunities within a 15-minute walk or bike ride, and sub-regional social and economic opportunities within 30-45 minutes.
17. The proposal will not support a well-functioning multi-modal transport system and is not positioned to enable access to local social and economic

² PPC95: maximum 130 houses; existing rural settlement 76 houses.

³ PPC95: 8.98 hectares of developable land; existing rural settlement: 7.83 hectares.

⁴ Momentum Planning and Design, November 2023. *Application for plan change rural to residential, Arawa Road, Pongakawa*, page 5

opportunities within the walking and biking timeframes envisaged by Connected Centres. As such, I do not agree that PPC95 would conform to the Connected Centres principles of the SmartGrowth Strategy.

18. I agree with the s42A report (paragraph 8.10) that expansion of the settlement is not required for delivering sufficient development capacity. The SmartGrowth Strategy (pages 156-157) states that more capacity was provided than was anticipated in the Housing and Business Capacity Assessment 2022 (**HBA**) by:
 - i. the Medium Density Residential Strategy plan changes under Plan Change 33 (Tauranga City) and Plan Change 92 (Western Bay of Plenty District Council)
 - ii. bringing forward the Eastern Centre and Upper Belk Road, and
 - iii. bringing forward staged growth areas if necessary.

19. As such, I continue to hold the view (BOPRC submission points 27.1, 27.2, 27.3) that the proposal is contrary to the strategic direction of the NPS-UD, the RPS and SmartGrowth Strategy, in relation to:
 - i. Promoting intensification in urban areas to reduce urban sprawl into rural areas,
 - ii. Protecting and preserving highly productive land for primary production by limiting inappropriate subdivision and steering new housing development away from highly productive land,
 - iii. Managing the sub-region's growth through integrated, long-term strategic planning (SmartGrowth) that balances development needs with environmental considerations,
 - iv. Intensifying urban growth in existing urban areas with existing infrastructure, where people can easily access jobs, services, and amenities, using various transportation modes.

Topic 3: Highly productive land

20. I agree with the s42A report assessment and conclusions in Topic 3: highly productive land. I continue to hold the view (BOPRC submission point 27.4) that the proposal is contrary to key National Policy Statement for Highly

Productive Land (**NPS-HPL**) objectives and policies related to protecting highly productive land and cumulative effects on highly productive land.

21. I do not agree with Mr Murphy that the analysis undertaken by the applicant has demonstrated that the high bar set for allowing urban rezoning of highly productive land under clause 3.6 of the NPS-HPL has been met.
22. I also continue to hold the view (BOPRC submission point 27.3) that the proposal is contrary to key RPS objectives and policies related to protecting versatile land (equivalent to highly productive land) and cumulative effects on versatile land.
23. RPS Objective 10 directs to appropriately manage cumulative effects. RPS Policy IR 5B directs to give regard to the cumulative effects of a proposed activity in contributing to:
 - (d) *Inefficient use of space associated with sprawling or sporadic new subdivision, use, or development, and*
 - (i) *The loss of versatile land for rural production activities.*
24. I consider the proposal to be an inefficient use of space associated with sporadic development. As explained in RPS Policy UG 14B (under RPS Change 6), new urban areas outside of existing urban environments can create a sporadic settlement pattern and result in inefficient use of natural and physical resources. Intensification in existing urban areas, as provided for under Plan Change 92 to the Western Bay of Plenty District Plan (**District Plan**), is a more efficient use of space. Mr Murphy referred to an appeal by Urban Taskforce on Policy UG 14B (paragraph 140); this is not correct. The only appeal on Policy UG 14B was by KiwiRail Limited who sought the addition of reference to reverse sensitivity effects. Policy UG 14B remains to “restrict” urban development outside urban environments.
25. The applicant has assessed cumulative effects of the proposal on highly productive land as acceptable because it is a small portion of land⁵. Cumulative effects are the accumulation of impacts over time and space resulting from the combination of effects from one or several activities. In the

⁵ Momentum Planning and Design, November 2023. *Application for plan change rural to residential, Arawa Road, Pongakawa*, page 31

last 20 years, over 35,000 hectares of highly productive land has been lost to urban or rural residential development in New Zealand⁶.

26. I continue to hold the view that the proposal does not align with the strategic direction of the NPS-HPL and the versatile land objectives and policies in the RPS.

Topic 5: Transportation

27. In relation to paragraphs 12.5 and 12.44 of the s42A report, the settlement is unlikely to meet Policy 4.3 of the RPTP such that it will enable public transport to be considered, which has flow on effects for whether consistency with the higher order RMA directives can be achieved (as discussed in paragraphs 9 to 19 of this evidence). Therefore, I agree with paragraph 12.44 of the s42A report, that private vehicles would be the main form of transport to and from the development. This will not only include to and from work (which seems to be the focus of the applicant's case, referring to horticultural expansion and Rangiuru Business Park), but also to other key services and amenities such as medical facilities, high schools, supermarkets, sports grounds, retail etc., that would usually be expected to be accessible in urban environments.
28. Given the above, I continue to hold the view (BOPRC submission point 27.3) that the proposal is not aligned with the following RPS objective and policies:
- i. Objective 24: an efficient, sustainable, safe and affordable transport network, integrated with the region's land use patterns
 - ii. Policy UG 3A: promoting travel demand management across the region
 - iii. Policy UG 13B: promoting the integration of land use and transportation (including under RPS PC6).
29. RPS Policy UG 13B (as changed under RPS PC6) promotes the integration of land use and transportation. The policy explanation states that growth management and land use patterns need to support reduced reliance on private motor vehicles and increased accessibility and use of passenger transport, walking and cycling. Local authorities should enable increased density and urban intensification in locations with good access to

⁶ National Policy Statement for Highly Productive Land: information sheet

infrastructure, employment, services, and amenities. The integration of land use and transportation is a specific focus of the NPS-UD under Objective 6, Policy 10 and is a purpose of a Future Development Strategy.

30. In my opinion, PPC95 will not support reduced reliance on private motor vehicles and is not aligned with key RPS objectives and policies related to integration of land use and transportation.

Topic 7: Wastewater

31. Regional Council's submission raised technical issues with the proposed wastewater treatment system. The wastewater treatment system design-related concerns have either been resolved or are matters that could be resolved at the resource consent stage.

32. Notwithstanding the above, I continue to hold the view (BOPRC submission point 27.3) that the proposal for a community wastewater treatment plant is not consistent with RPS Policy UG 10B, which directs the taking into account of the following matters when considering rezoning for urban land development:

(c) sustainable provision and funding of future infrastructure, and

(d) efficient use of local authority financial resources.

33. Policy UG 10B is subject to an appeal by KiwiRail Limited seeking to delete (d) on the basis that "[t]here is a range of other cost considerations to be considered when providing for urban development of land, including costs associated with protecting the safe and efficient operation of transport corridors." An update on the status of Policy UG 10B may be able to provided by the time of the hearing (noting that draft consent orders resolving all appeals are presently with the Court).

34. I agree with paragraphs 14.42 to 14.47 of the s42A report; ongoing council operating costs associated with small community wastewater systems are an inefficient use of local authority financial resources compared to intensifying development in existing urban areas with existing wastewater treatment plants.

Topic 8: Stormwater

35. Ms Southerwood's evidence raises concerns with the stormwater soakage calculations of the proposal and potential resulting cumulative effects on the Little Waihi Drainage Scheme and the Puanene Stream.
36. If the Panel is minded to recommend granting the plan change, based on Ms Southerwood's evidence, I recommend the proposal mitigates the post-development peak discharge for the 100-year storm to 80% of the pre-development peak discharge (as recommended in paragraphs 18 and 21 of Ms Southerwood's evidence).
37. Mitigation for stormwater volumes may affect elements of the structure plan, such as lot and reserve locations and the level of imperviousness. As such, I consider it important to fully investigate and resolve the stormwater mitigation at the plan change stage to ensure there is sufficient space for the required mitigation.

Stormwater management plan and stormwater provisions

38. Mr Murphy's planning evidence (paragraph 38) notes that:
 - i. Site stormwater will discharge via reticulation to ground soakage in events up to the 10-year storm event
 - ii. Stormwater to grassed yards, berms and roads will be conveyed to the stormwater treatment wetland
 - iii. Beyond the 10-year event, the road corridor will pipe stormwater to a swale to the stormwater treatment wetland.
39. Regional Council's stormwater quality expert (Ms Sue Ira, Koru Environmental Consultants Ltd) considers these stormwater measures to be good practice, and therefore accepts that a stormwater management plan is not necessary at the plan change stage. However, the applicant's most recent version of *Chapter 12 – Proposed Amendments* (Appendix B of Mr Murphy's planning evidence, 25 October 2024) and the PPC95 structure plan (Appendix A of Mr Murphy's planning evidence, 25 October 2024) do not

reflect the methods outlined in paragraph 38 of Mr Murphy's planning evidence. As such, I support including specific and directive provisions about stormwater management in the District Plan for this plan change area (as recommended in Appendix 1 of this evidence) to ensure the final design is consistent with the approach agreed through the plan change process.

Topic 10: Ecological

Development setback from Puanene Stream

40. I support the 20 metre buffer between the proposed wastewater discharge area and the Puanene Stream. A suitably qualified and experienced specialist in wastewater design has assessed this buffer as appropriate.
41. I support the applicant's proposal for native planting along the riparian margin.
42. Regional Council's submission (point 27.5) supported a 10 metre development setback from the Puanene Stream. Regional Council originally supported a zone response to the riparian setback, seeking a Conservation Zone over this area. I understand the District Plan does not have a Conservation Zone and so this is not an appropriate solution. I consider a council reserve over the riparian margin, as proposed in the Pencarrow Estate Pongakawa – Landscaping Plan (21 October 2024) to be a more appropriate solution.
43. Mr Dean's ecology evidence (paragraph 24) explains that wider riparian buffers provide more protection to the waterway and more ecological benefits, as well as reduced weed invasion and long-term maintenance requirements. Mr Dean provides evidence (paragraph 36) that in New Zealand, riparian buffers between 8 and 27m are appropriate.
44. The applicant's planner advised that the proposed 4 and 6 metre riparian buffer widths were determined by a landscape architect. Mr Dean's ecology evidence has considered broader matters than landscape architecture to assess an appropriate riparian width. Mr Dean's ecology evidence outlines the ecological reasons why a wider buffer than 4 and 6 metres along the residential areas of the PPC95 area (paragraphs 34 to 39) is appropriate.

45. I advised the applicant's planner in September 2024 that I supported the proposed 6 metre wide reserve shown on the 12 April 2024 structure plan⁷. However, based on Mr Dean's evidence, I consider a minimum 8 metre setback to be more appropriate.
46. The southern 'private landscape buffer corridor'⁸ is proposed to be 4 metres wide on private land. A buffer on private land has no protection from encroachment, for example from residential activities/development such as decks, sheds, patios, fences, and planting of invasive plants. The applicant's planner considered the trees in the buffer would discourage such encroachment. I do not agree; a landowner can remove trees growing on their own land and build structures within the riparian buffer on their own land.
47. Mr Dean explains (paragraph 39) that riparian areas in multiple private ownerships can be progressively reduced and/or be subject to encroachment by garden vegetation and weeds.
48. Based on Mr Dean's evidence, I consider the structure plan should be revised to show a minimum 8 metre buffer along the full length of residential development next to the Puanene Stream. The entire 8m buffer should be council reserve to ensure a coherent riparian margin and better protect it by precluding residential activities, subdivision, and development.
49. An appropriate development setback and riparian margin would give effect to key provisions in the Resource Management Act 1991 (RMA), the National Policy Statement for Freshwater Management, the National Policy Statement for Indigenous Biodiversity, and the RPS, as outlined in Appendix 2 of this evidence.
50. I consider an 8 metre development setback from the Puanene Stream, as supported by ecology evidence, to be the appropriate planning response to manage adverse effects on the Puanene Stream from development enabled by the plan change. As outlined by Mr Dean, the plan change process is the only opportunity to get the right buffer width. The stream and its riparian

⁷ Pencarrow Estate Pongakawa – Structure plan – General layout and infrastructure (12 April 2024, drawing 001)

⁸ Pencarrow Estate Pongakawa – Structure plan – Infrastructure Staging Plan (21 October 2024, drawing 005)

margin should be viewed as an asset to the proposed development for amenity, ecology, and water quality improvement, and to avoid potential adverse effects on the Puanene Stream identified in Mr Dean's evidence.

RESOLVED MATTERS

Topic 4: natural hazards

51. Mr Hight's evidence (24 October 2024, paragraph 31) addresses the key natural hazard issue of provision for safe evacuation from flooding. The structure plan layout has been amended to ensure the overland flow paths do not obstruct evacuation of residents from the site during extreme flooding. Therefore, I agree that a low level of flood risk can be achieved on site as required by RPS Policy NH 4B.

Conclusion

52. I acknowledge the applicant's efforts to address the Regional Council submission to PPC95. I consider the amended scheme to be an improvement in mitigating effects on stormwater quality and from the wastewater discharge. Regional Council continues to have concerns about the Puanene Stream riparian margins/development setbacks and stormwater quantity/flooding.

53. Overall, I agree with the s42A report (paragraph 8.10) that expansion of the settlement is not required for delivering sufficient development capacity. As such, I do not consider the proposal to be aligned with the strategic direction in the NPS-UD, NPS-HPL, RPS and the SmartGrowth Strategy, particularly the following key principles:

- i. Concentrating urban expansion in existing urban areas that have existing infrastructure, to enable easy access to employment, amenities, and services using a range of transport options
- ii. Promoting intensification in urban areas to reduce urban sprawl into rural areas, thereby protecting and preserving highly productive land for primary production
- iii. Managing the sub-region's growth by following the SmartGrowth Strategy, which has been developed by integrated, long-term strategic planning that

balances development needs with environmental considerations.

54. It is my opinion that, while increasing housing availability is necessary, it is essential that new housing developments are located to ensure that they contribute to well-functioning urban environments, including in a way that aligns with the strategic planning framework, infrastructure capabilities and the various relevant environmental considerations.

55. If the Panel is minded to recommend granting the plan change, I recommend the amendments in Appendix 1 of this evidence, or any alternative, similar or consequential amendments, including to other provisions, are made to address the matters raised in the Regional Council's submission and this evidence.

APPENDIX 1 – RECOMMENDED AMENDMENTS TO PPC95 PROVISIONS

PPC95 Structure Plan

- Change all 'stormwater pond' references in the structure plan (e.g. under Pencarrow Estate Staged Infrastructure Requirements) to 'stormwater wetland'
- 8 metre development setback along the entire length of the residential development as it borders the Puanene Stream. The setback/riparian area should be designated council reserve and planted in native plants for amenity, stormwater and ecology purposes.

Chapter 12 – Proposed Amendments (additions in [blue underline](#))

12.4.24.3 Pencarrow Estate Pongakawa Structure Plan – Stage Prerequisites

All stages Stormwater

- In events up to the 10-year storm event, all site stormwater, except stormwater from grassed yards, berms and roads, will discharge via reticulation to ground soakage.
- In events up to the 10-year storm event, stormwater from grassed yards, berms and roads will be conveyed to the stormwater treatment wetland.
- Beyond the 10-year storm event, stormwater from roads will pipe to a vegetated swale, which will discharge to the stormwater treatment wetland.
- An engineering design report, prepared by a suitably qualified chartered civil engineer, shall be provided to Council to demonstrate compliance with:
 - 12.4.24.3 a, b, and c
 - Relevant stormwater sizing details
 - Detailed engineering design drawings

APPENDIX 2 – PLANNING PROVISIONS RELEVANT TO AN APPROPRIATE STREAM DEVELOPMENT SETBACK

I consider a development setback from the Puanene Stream would give effect to the following planning documents:

- i. **RMA section 6(a):** as a matter of national importance: preserving the natural character of rivers and their margins, and protecting natural character from inappropriate subdivision, use and development.
- ii. **RMA section 6(d):** as a matter of national importance: maintaining and enhancing public access to and along rivers.
- iii. **RMA section 7(c, d, i):** maintaining and enhancing amenity values; the intrinsic values of ecosystems; the effects of climate change.
- iv. **National Policy Statement for Freshwater Management (NPS-FM) Objective 1:** prioritise first, the health and well-being of waterbodies and freshwater ecosystems.
- v. **NPS-FM Policy 1:** freshwater is managed in a way that gives effect to Te Mana o te Wai.
- vi. **NPS-FM Policy 3:** freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- vii. **NPS-FM Policy 4:** freshwater is managed as part of New Zealand’s integrated response to climate change.
- viii. **NPS-FM Policy 7:** the loss of river extent and values is avoided to the extent possible.
- ix. **NPS-FM Policy 9:** the habitats of indigenous freshwater species are protected.
- x. **National Policy Statement for Indigenous Biodiversity (NPS-IB) Policy 3:** adopting a precautionary approach when considering adverse effects on indigenous biodiversity.
- xi. **NPS-IB Policy 4:** indigenous biodiversity is managed to promote resilience to the effects of climate change.
- xii. **NPSIB Policy 8:** the importance of maintaining indigenous biodiversity

outside Significant Natural Areas is recognised and provided for.

- xiii. **NPS-IB Policy 13:** restoration of indigenous biodiversity is promoted and provided for, including establishment of vegetation corridors and greater use of buffers.
- xiv. **RPS Policy IR 3B:** adopting an integrated approach to resource management.
- xv. **RPS Policy MN 4B:** encouraging ecological restoration.
- xvi. **RPS Policy MN 8B:** managing effects of subdivision, use and development.