

# Hon Chris Bishop

Minister of Housing  
Minister for Infrastructure  
Minister Responsible for RMA Reform  
Minister for Sport and Recreation  
Leader of the House  
Associate Minister of Finance



02 MAY 2024

James Denyer  
Mayor  
Western Bay of Plenty District Council

c/- Natalie Rutland  
Environmental Planning Manager  
Western Bay of Plenty District Council  
Natalie.rutland@westernbay.govt.nz

Dear James,

On 25 March 2024 I received a letter from you on behalf of the Western Bay of Plenty District Council (the Council) referring four rejected Independent Hearing Panel (IHP) recommendations and the Council's alternative recommendations to me for a final decision. The recommendations relate to railway noise and vibration, as well as two zoning changes,

Under clause 105 of Schedule 1 under the Resource Management Act 1991 (RMA), I have decided to:

- accept IHP recommendations B and C to retain Future Urban zoning in two areas, thereby rejecting the Council's corresponding alternative recommendations
- reject IHP recommendations A and D to introduce new rules relating to railway noise and vibration, and accept the Council's alternative recommendations to not introduce a new rule on vibration (recommendation A) and introduce a rule on noise with a reduced spatial application (recommendation D).

I have made alterations as per clause 105(4) of Schedule 1 of the RMA to two of the recommendations I have accepted. These alterations are of a minor effect and to correct minor errors. My officials' have confirmed with Council staff that the alterations correctly reflect the intent of the recommendations from the IHP and the Council.

The recommendations I have accepted, my reasons for accepting the recommendations and the alterations I have made are set out in Attachment A.

I want to thank the Councillors, IHP and Council staff for the work you have undertaken to complete the Intensification Streamlined Planning Process.

I note that my officials have contacted Council staff to inform them of my decisions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Bishop'.

Hon Chris Bishop  
**Minister Responsible for RMA Reform**

Attachment A: Accepted recommendations with reasons and alterations

Accepted recommendation	Reasons for accepting	Alterations
<p><b>Council's alternative recommendation:</b> Delete Rules 4C.1.3.6 (indoor railway vibration standards) and 4C.1.4.4 (matters of discretion for indoor railway vibration)</p>	<p>I am not satisfied that there is sufficient evidence to support the introduction of the proposed vibration controls.</p>	<p>Accepted without alteration.</p>
<p><b>Independent Hearing Panel's recommendation:</b> Proposed industrial zone to the west of the existing Francis Rd intersection with State Highway 2 being retained as Future Urban.  51 Francis Rd (Lot 2 DPS 76152) (limited to the part that was proposed as industrial zone)  21 Francis Rd (Lot 3 DPS 76152)  1362 SH2 (Lot 1 DPS 5073)  1 Francis Rd (Lot 2 DPS 5073)</p>	<p>I consider the IHP's recommendation is the most appropriate option to ensure the potential effects of the interface between the adjacent residential zones and the land being rezoned as industrial are appropriately considered. While the application of Light Industrial Zone provisions may address the IHP's concerns regarding potential adverse effects on adjacent residents, those provisions would not necessarily enable a sufficient range of industrial activities within Ōmokoroa. Therefore, I cannot accept the Western Bay of Plenty District Council's alternative recommendation.</p>	<p>I have made two minor alterations to this recommendation. A deletion to correct a copying error and an addition to ensure the text of the recommendation accurately describes the area of 51 Francis Road subject to the recommendation. Deletions are struck through and additions underlined the text of the recommendation below:  Proposed industrial zone to the west of the existing Francis Rd intersection with State Highway 2 being retained as Future Urban<del>2</del>.  51 Francis Rd (Lot 2 DPS 76152) <u>(limited to the part that was proposed as industrial zone)</u>  21 Francis Rd (Lot 3 DPS 76152)  1362 SH2 (Lot 1 DPS 5073)  1 Francis Rd (Lot 2 DPS 5073)</p>
<p><b>Independent Hearing Panel's recommendation:</b> Proposed Natural Open Space Zone (as modified by Council officer recommendations) on Bruning land (Lot 3 DPS 28670) being retained as Future Urban.</p>	<p>The IHP's recommendation to retain the land in question as a Future Urban Zone involves the least change from the operative zoning. This is appropriate given the complexity of the planning issues associated with this site.</p>	<p>Accepted without alteration.</p>
<p><b>Council's alternative recommendation:</b> Amend Rule 4C.1.3.2.c.iii (noise sensitivity) to reduce the applicable area of the requirements from 100m to 50m as follows: "In Ōmokoroa and Te Puke, any new building or addition to an existing building located within <u>50m</u> <del>100m</del> of the railway track designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall meet the following requirements:".</p>	<p>The Council's alternative recommendation is more appropriate as there is some uncertainty regarding the costs of introducing new rules and the size of the area to which the rules should apply. The Council's alternative is less likely to impose unnecessary costs on development as it is applicable to a smaller area.</p>	<p>I have made one alteration to correct a copying error in this recommendation. The alteration is shown as struck through with a double line in the text below:  Amend Rule 4C.1.3.2.c.iii (noise sensitivity) to reduce the applicable area of the requirements from 100m to 50m as follows: "In Ōmokoroa and Te Puke, any new building or addition to an existing building located within <u>50m</u><del>100m</del> of the railway <del>track</del> designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall meet the following requirements:</p>