

SECTION 14A – ŌMOKOROĀ AND TE PUKE MEDIUM DENSITY RESIDENTIAL

PART 1 – SECTION LABELLING, EXPLANATORY STATEMENT, ISSUES, OBJECTIVES & POLICIES

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INTRODUCTION

The plan change introduces further Medium Density Residential Zones in addition to those which already exist in Ōmokoroā. These were created in direct response to the RMA Amendment Act to give effect to Policies 3 and 4 of the National Policy Statement – Urban Development. As part of the RMA Amendment Act there was a requirement to enable the Medium Density Residential Standards (MDRS) contained within the Act.

The plan change is restricted to the Ōmokoroā and Te Puke localities as these two areas have a projected population of 10,000 or more residents and are therefore defined as being an “urban environment” under the Amendment Act.

The Council had prepared a draft Ōmokoroā Plan Change for the Stage 3 area however due to the Government introducing the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill that plan change was not able to progress. The new legislation required for Ōmokoroā the redrafting to apply the MDRS across the whole of the current and proposed residential zones and ensuring other provisions supported the provision of housing in accordance with the Act and NPS-UD.

The Te Puke part of the plan change project was effectively brand new, with the review of Te Puke provisions being scheduled to occur predominately through the District-wide plan review process.

Although there was an existing Medium Density Residential Zone in the Operative District Plan the performance standards differed significantly from the MDRS and accordingly a new area specific set of provisions was identified as being the best course of action which sits within the wider Medium Density Residential Zone. Part of this reasoning was that unlike the larger urban centres Western Bay of Plenty District also contained urban areas that were not subject to the Amendment Act and accordingly there was a need to continue to maintain existing provisions for those areas.

TOPIC 1 – SECTION LABELLING AND APPLICABILITY

BACKGROUND

The Medium Density Residential Zone is an existing zone that includes areas in Waihi Beach, Katikati, Te Puke and Ōmokoroa. The plan change is only in relation to the Te Puke and Ōmokoroa urban areas where all existing residential zones and some new 'greenfield areas' have been proposed to be rezoned Medium-Density Residential to provide an appropriate zoning to support the MDRS and other related provisions.

SUBMISSION POINTS

Two submissions and one further submission has been made on this matter.

Kāinga Ora – (29.1, 29.4) have opposed the duplication of zone names with respect to Medium Density Residential Zones. They highlight that there is an existing Medium Density Residential Zone (applying to areas of Waihi Beach, Katikati, Te Puke and Ōmokoroa) in Section 14 and a new Medium Density Residential Zone (applying to Ōmokoroa and Te Puke) in proposed Section 14A. They believe this duplication is unnecessary, confusing, and not aligned with National Planning Standards (regarding the naming of zones).

KiwiRail (FS 71.3) supports the amendment sought by Kāinga Ora, to the extent that removal of duplicated zone names removes any ambiguity, confusion and inconsistencies from the District Plan.

Retirement Villages Association (34.9, 34.10) requests that the MDRS apply to Katikati and Waihi Beach Medium Density Residential Zones. The submission considers that these areas should be rezoned to have the same provisions as the Ōmokoroa and Te Puke Medium Density Residential Zones set out in Section 14A subject to the RVA's amendments. Waka Kotahi (FS 79.6) opposed this submission.

OPTIONS

Option 1 – Retain proposed District Plan format – One Medium Density Residential Zone with associated provisions in Section 14 (for Waihi Beach and Katikati) and a new Section 14A (Ōmokoroa and Te Puke).

Option 2 – One Medium Density Residential Zone with associated provisions for all locations contained in Section 14 (with sub-headings showing the differing provisions relating to the different locations e.g., Waihi Beach / Katikati and Ōmokoroa / Te Puke).

Option 3 – One Medium Density Residential Zone with two sub-sections retained as proposed but change titles to be clearer to read as: s14 Medium Density Residential; 14A Ōmokoroa and Te Puke Medium Density Residential; 14B Waihi Beach and Katikati Medium Density Residential.

Option 4 – "Rezone" Katikati and Waihi Beach to be the same as the Ōmokoroa and Te Puke Medium Density Zone (as per proposed Section 14A of the plan change) resulting in one Medium Density Residential Zone.

DISCUSSION

The District has urban areas that fall outside of the Amendment Act and accordingly there is a need to maintain medium density housing provisions for those areas to continue to enable higher density. For clarity, there is only one medium density zone shown on the planning maps. However,

two sections of provisions were proposed for the same zone to take into account the different geographical areas. Although the significant issues and objectives and policies can generally be applicable to all locations at a broader level the performance standards and matters of discretion vary and it is not possible to combine in an easily understandable manner. For example, there would be numerous exceptions for Ōmokoroa and Te Puke required. Overall, it is agreed that having one section with separate sub-sections is preferable.

Therefore, it is recommended that Section 14 is retained and the proposed provisions of Section 14A are incorporated using the following sub-headings.

Section 14 – Medium Density Residential

Section 14A – Ōmokoroa and Te Puke

Section 14B – Katikati and Waihi Beach

These changes to the ePlan will take time and can be done once decisions are made.

RVA are requesting that Waihi Beach and Katikati Medium Density Residential Zones are “rezoned” to be Ōmokoroa and Te Puke Medium Density Residential Zone. However, it is understood that their submission is really seeking for the same provisions to be applied to Katikati and Waihi Beach. This interpretation is reached because there are not two separate Medium Density Residential Zones (hence no need for rezoning). Instead, alternative provisions (in Section 14A) have been applied in Te Puke and Ōmokoroa. The inclusion of Katikati and Waihi Beach is opposed by Waka Kotahi.

While there are existing Medium Density Residential zoned areas in both Katikati and Waihi Beach these locations are not required to have the MDRS applied as they do not meet the definition of relevant residential zones in the RMA (because the urban areas have a population of less than 5,000 people at the 2018 census).

Applying the MDRS in these Medium Density zones through this plan change as requested is not appropriate as it would be done without any consultation with these communities, nor would they have anticipated this plan change affecting them.

Combined with the above are recommendations in the following assessments regarding changes to the Explanatory Statement, Objectives and Policies.

RECOMMENDATION

That Option 3 be accepted:

One Medium Density Residential Zone with two sub-sections retained as proposed but change titles to be clearer to read as: s14 Medium Density Residential; 14A Ōmokoroa and Te Puke Medium Density Residential; 14B Waihi Beach and Katikati Medium Density Residential.

Subsequential renumbering.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
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FS 79	6	Waka Kotahi
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ACCEPTED IN PART

Submission	Point Number	Name
29	1	Kāinga Ora – Homes and Communities
29	4	Kāinga Ora – Homes and Communities
FS73	3	KiwiRail

REJECTED

Submission	Point Number	Name
34	9	Retirement Villages Association
34	10	Retirement Villages Association

TOPIC 2 – EXPLANATORY STATEMENT

BACKGROUND

Explanatory statements are used throughout the sections of the District Plan and provide an overview including background and general intent of the following plan topic. In this instance the explanatory statement describes the strategic and legislative background, provides general information on key matters addressed and includes a map identifying area specific overlays applicable in Ōmokoroa.

SUBMISSION POINTS

Submissions from six parties and a further submission from one party were received on the general wording component of the explanatory statement, with additional submissions in regard to cross referencing and the area specific map overlays. The paragraph wording aspect in regard to cross referencing is included in this report with the recommended consequential action addressed in a following report. Similarly, the submissions in regard to the area specific map overlay are addressed separately.

The submission points included the following:

- Clarity on terminology and suggested deletions
- Deletion of wording
- Support of wording
- Correct referencing
- Remove referencing to other Section 14 and ensure explicit stand-alone issues, objectives and policies for Section 14A.

Kāinga Ora (29.1, 29.22) sought the deletion of reference to the applicability of the issues, objectives and policies of the Medium Density Residential (Section 14) section and the re-writing of this section of the District Plan to be consistent with the relief sought in their submission. Apart from the former matter which is assessed as requesting a restructure and additional wording to

more clearly differentiate between the overall Medium Density Residential Zone, exactly what points are applicable is unclear and subject to interpretation.

The Retirement Villages Association (34.11) sought the deletion of text from the third paragraph to remove reference to:

“including consistency with activity performance standards, and structure plans and good urban design outcomes”.

A further submission from KiwiRail (FS 7.13) opposed this.

Classic Group (26.19) and Urban Task Force for Tauranga (39.11) sought the deletion of reference to “pocket neighbourhoods” and “typologies with a variety of different tenures”.

Classic Group (26.20), Urban Task Force for Tauranga (39.12), and Vercoe Holdings Limited (40.7) sought amendments to the area descriptions.

Jace Investments and Kiwi Green New Zealand Limited (58.20) supported the fifth paragraph with respect to the medium density precinct.

OPTIONS

Option 1 – Retain explanatory statement wording as publicly notified.

Option 2 – Amend explanatory statement wording as requested.

Option 3 – Amend explanatory statement wording in part.

DISCUSSION

Third Paragraph Wording

The Retirement Villages Association (34.11) sought the deletion of text from the third paragraph as follows:

Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well functioning urban environments ~~“including consistency with activity performance standards, and structure plans and good urban design outcomes”.~~

KiwiRail (FS 7.13) opposed this.

The Retirement Villages Association considered the reference to four or more developments being designed comprehensively to achieve consistency with ‘good urban design outcomes’ seeks to manage the form, scale and design of development in a manner that is inconsistent with the direction provided in the Enabling Housing Act for the MRZ. The basis for this assessment is unclear. The ‘density’ activity performance standards are as required by the Amendment Act. The Explanatory Statement provides a general direction of the matters that should be addressed in developments to achieve a well functioning urban environment.

KiwiRail considers that in order to achieve well-functioning urban environments, especially where these developments are proposed in proximity to the railway corridor, it is critical that these developments are designed consistently with specified activity performance standards, including the railway corridor setbacks and noise and vibration controls sought in KiwiRail’s submission.

It is accepted that developments could still potentially achieve high quality and well functioning urban environment outcomes without being consistent with activity performance standards,

subject to demonstrating how any adverse effects are being mitigated or avoided, and accordingly it is recommended that the wording be adjusted slightly to read as follows:

“Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well functioning urban environments that including consistency take into account with activity performance standards, structure plans and good urban design outcomes”.

Fourth Paragraph Wording

Classic Group (26.19) and Urban Task Force for Tauranga (39.11) sought the deletion of reference to “pocket neighbourhoods” from this paragraph.

The basis for this was that it is unclear what is meant by pocket neighbourhood typologies and the deletion of this reference removes uncertainty.

The Urban Task Force for Tauranga also sought the removal of “typologies with a variety of different tenures” on the basis that tenure options are not a matter controlled by District Plans.

The intent of this part of the Explanatory Statement was to make it apparent that there are a variety of different ways in which housing and associated living arrangements can be provided to meet the demands of the “community”. Pocket neighbourhood is a term that is well used in community urban design matters internationally with a commonly used definition being: “a cohesive cluster of homes gathered around some kind of common ground within a larger surrounding neighbourhood” (Ross Chapin 2011)

It is accepted however that to improve clarity that this be deleted and replaced with alternative wording.

To cater for the varying needs of the community a range of building types and housing developments need to be provided. This can include different building styles such as single detached residential units and attached residential units including duplexes, terraced housing and apartments. These can be provided with varying housing development types which could include infill development, comprehensive residential developments, retirement villages, papakāinga, and ~~pocket neighbourhood typologies~~ other community based housing typologies, with a variety of different tenures.

In regard to ‘tenure’, the inclusion within the paragraph is purely acknowledging that housing and associated living arrangements can be in a mixture of tenures, so that similar with housing typologies, the District Plan provision provide for this. There is no assessed need to change this wording.

Fifth Paragraph Wording

No changes sought in submissions. Wording supported by Jace Investments and Kiwi Green New Zealand Limited (58.20) in regard to mixed use precinct.

Sixth Paragraph Wording

Classic Group (26.20), Urban Task Force for Tauranga (39.12), and Vercoe Holdings Limited (40.7) sought amendments to the area descriptions in regard to Te Puke structure plan references. Suggested changes are as follows:

Structure plans exist for greenfield medium density development areas in Ōmokoroa (Stage 3 and the Te Puke Structure Plan), ~~McLoughlin Drive South and Sedden Street East~~ to provide further guidance for subdivision and development in these areas. These structure plans ensure

appropriate ~~seale~~ infrastructure is provided including roads, walkways, cycleways, Three Waters infrastructure and reserves.

It is agreed that the wording should be amended to better reflect how the structure plans are labelled which are Ōmokoroa Structure Plan and Te Puke Structure Plan respectively.

Recommended new wording as follows:

Structure plans exist for greenfield medium density development areas ~~in Ōmokoroa (Stage 3) and Te Puke McLoughlin Drive South and Sedden Street East)~~ to provide further guidance for subdivision and development in these areas. These structure plans ensure appropriate ~~seale~~ infrastructure is provided including roads, walkways, cycleways, Three Waters infrastructure and reserves.

Seventh Paragraph Wording

Classic Group (26.21), Urban Task Force for Tauranga (39.13), Vercoe Holdings Limited (40.8), Kāinga Ora (29.4), and Brian Goldstone (42.5) sought the deletion of the paragraph that cross referenced to Section 14.

Although there is a high degree of commonality between the two sections to assist in clarity the removal of the references to Section 14 matters is supported. This has a subsequent effect of requiring new or additional matters being added to Section 14A. These are addressed in following reports.

RECOMMENDATION

That Option 3 be accepted.

Amend explanatory statement wording in part.

That the explanatory statement be amended to read as follows:

14A. Ōmokoroa and Te Puke Medium Density Residential

Explanatory Statement

Ōmokoroa and Te Puke are identified in the Bay of Plenty Regional Policy Statement as priority residential growth areas for the wider western Bay of Plenty sub-region. Amendments to the RMA resulted in Council changing the District Plan in regard to Ōmokoroa and Te Puke to give effect to medium density residential standards (MDRS). This Section incorporates specific provisions (including the MDRS) to guide the growth of these urban areas.

The MDRS enable greater housing supply by permitting medium density developments of up to three residential units on a site subject to meeting more flexible density standards for height, height in relation to boundary, setbacks and building coverage than has existed historically. The MDRS also ensure that residents have sufficient outdoor living space, views from indoor areas to outdoor spaces and streets as well as appropriate landscaping.

Four or more residential units on a site can be applied for through resource consent. These larger medium density developments must be designed comprehensively to achieve high quality and well-functioning urban environments that including consistency take into account with activity performance standards, structure plans and good urban design outcomes.

To cater for the varying needs of the community a range of building types and housing developments need to be provided. This can include different building styles such as single detached residential units and attached residential units, including duplexes, terraced housing and apartments. These can be provided within varying housing development types which could include infill development, comprehensive residential developments, retirement villages, papakāinga and ~~pocket neighbourhood~~ other community based housing typologies, with a variety of different tenures.

There are a number of area specific overlays that provide direction on specific requirements including residential yield requirements to ensure that the land resource is used effectively and efficiently. This includes providing for higher density (minimum of 30 residential units per hectare) in Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. These locations have particular attributes such as proximity to high amenity areas, transportation routes and the new planned commercial centre. The Ōmokoroa Mixed Use Residential Precinct provides for medium to high density residential development with commercial activities primarily at street level. It anticipates denser development with taller buildings to deliver a planned character of a vibrant, complementary mixed-use destination adjacent to the town centre which is able to connect to surrounding natural features (gullies and streams) and planned active transport routes.

Structure plans exist for 'greenfield' medium density development areas ~~in Ōmokoroa (Stage 3) and Te Puke (Macloughlin Drive South and Seddon Street East)~~ to provide further guidance for subdivision and development ~~in these areas~~. These structure plans ensure appropriate ~~scale~~ infrastructure is provided including roads, walkways, cycleways, three waters infrastructure and reserves.

~~In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.~~

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
26	19	Classic Group
39	11	Urban Task Force for Tauranga
26	20	Classic Group
39	12	Urban Task Force for Tauranga
40	7	Vercoe Holdings
26	21	Classic Group
39	13	Urban Task Force for Tauranga
40	8	Vercoe Holdings

42	5	Brian Goldstone
29	1	Kāinga Ora
29	22	Kāinga Ora

ACCEPTED IN PART

Submission	Point Number	Name
34	11	Retirement Villages Association of New Zealand
FS 7	13	Kiwirail

SECTION 32AA ANALYSIS

The changes proposed are minor in order to provide greater clarity and are not a change to the proposal itself. Accordingly, no s32AA analysis is required.

TOPIC 3 – EXPLANATORY STATEMENT – AREA SPECIFIC OVERLAYS MAP

BACKGROUND

The plan change requires different minimum residential unit yield requirements in varying areas. To clearly identify where these apply an area specific overlay map is included with Section 14A for reference. The map covers areas in Ōmokoroa located between the railway and State Highway 2. All other areas have a consistent yield requirement and no area specific map overlay is required.

SUBMISSION POINTS

Three submissions were received on this matter. No further submissions were received.

The North Twelve Limited Partnership (47.13) supported the area specific overlay as notified while Pete Linde (19.26) and Paul and Maria van Veen (61.5) sought modifications.

Ōmokoroa Medium Density Residential – Area Specific Overlays

OPTIONS

Option 1 – Retain overlay areas as publicly notified.

Option 2 – Modify overlay areas as requested.

Option 2 – Modify overlay areas as requested in part.

DISCUSSION

To differentiate the sought densities (and applicability of particular provisions) within identified areas an Area Specific Overlay is included within Section 14A. The densities are based on a number of different parameters including topography and geotechnical constraints, and future proximity to good quality transportation, commercial areas and/or high amenity areas.

The North Twelve Limited Partnership (47.13) supported the area specific overlay as notified while Pete Linde (19.26) sought more clarity, and Paul and Maria van Veen (61.5) sought modifications to the overlay boundaries.

Pete Linde sought, in regard to 60 Prole Road, to include a specific “measurement of 40m to define the offset of Area 3B with Area 3C boundary from the adjoining to the north to assist design, setout and administration of associated District Plan provisions”. Further clarification has been received from the submitter as to the intent of this submission which is linked to other submissions on the structure plan and effectively seeks amendments to the structure plan which then have subsequential requirements to ensure practical alignment of the overlay boundaries. The structure plan alignments identify what is generally anticipated however there are often variations that eventuate at the time of development when there is more certainty of what is being proposed. Accordingly, it is difficult to adjust zoning or in this case Area Overlay boundaries with any great reliability. Noting there are other submissions regarding the structure plan if the structure plan changes the alignment between the structure plan and area overlays could be updated as part of any decisions and subsequent amendment of plans. Currently however it is recommended to leave the boundaries unchanged.

The van Veen’s (61.5) have opposed the Area C overlay on their property (42B Francis Road) and in addition have sought an amendment to the boundary of the Area C overlay on the adjacent property. As existing residents who have developed their property and associated business they are deeply concerned about the impact the zoning and related development will have on their lifestyle. The submission highlights that part of their property is not well suited for higher density development.

The roll-out of urbanisation will result in changes to existing residents’ lifestyles and it is understandable that people will have significant concerns in this regard. Urban development in this area cannot occur until the Prole/Francis Road Link is constructed which is not anticipated to be for quite some time.

The Area C overlay for this area recognises that in the future it will be in close proximity to the Prole/Francis Road Link road that will provide good connectivity to commercial, schools and reserves, and is located between two greenbelt (Natural Open Space Zone) areas that provide a visual backdrop, high amenity values and a degree of separation from other residential areas. The general topography is favourable for high density residential development and although there are pockets of land less suitable as a whole the area is considered to have the attributes to support higher density living. For these reasons it is recommended that the proposed Area C overlay be confirmed.

The interface between the van Veen’s property and the adjacent property needs to be considered in the context of future development. The base MDRS only allows for a minimum side or rear yard setback of 1m with related height to boundary controls. The latter states:

Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries,

The following diagram illustrates the height to boundary minimum requirements.

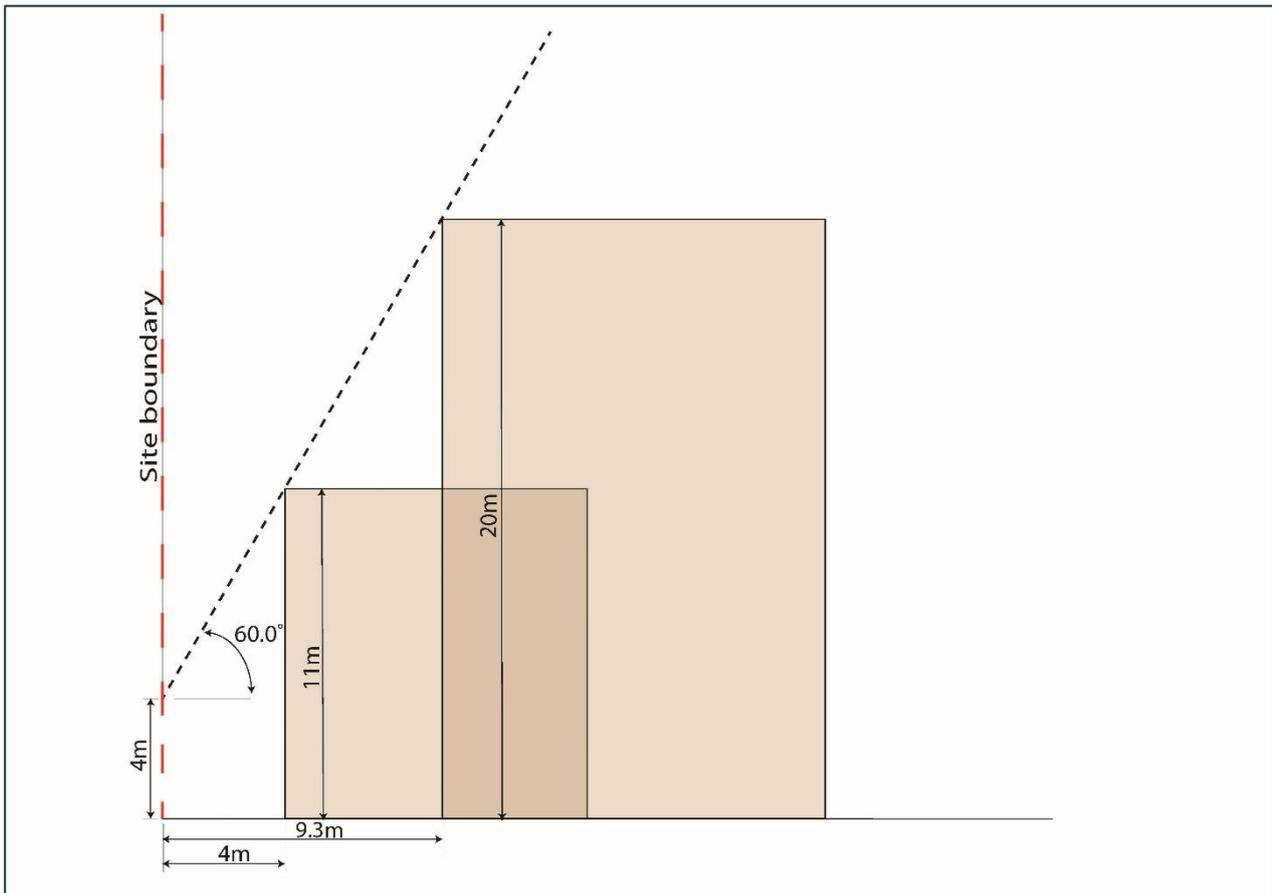


Figure 1 Height in relation to boundary setback diagram

The Area C overlay provides for a maximum height of 20m as opposed to other medium-density residential areas where the base height is 11m (with exceptions in regard to roofs meeting certain criteria).

There is a requirement to apply the MDRS and although the maximum height of the area adjacent could be reduced the height to boundary provision effectively provides a setback of 9.3m if a 20m high building was constructed. If a building was 11m high this equates to a 4.0m setback. This is considered a consistent approach and is recommended to remain and accordingly there is little value in providing a specific interface setback which also could be considered to be inconsistent with the MDRS.

RECOMMENDATION

That Option 3 be accepted.

That the Ōmokoroa Medium Density Residential – Area Specific Overlays as notified be retained.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
47	13	North Twelve Limited Partnership

REJECTED

Submission	Point Number	Name
61	5	Paul and Maria van Veen
19	26	Pete Linde

SECTION 32AA ANALYSIS

The changes proposed are minor and relate to a minor overlay boundary shift. Accordingly, no s32AA analysis is required.

TOPIC 4 – SIGNIFICANT ISSUES**BACKGROUND**

As notified the “significant issues” that were already contained within Section 14 – Medium Density Residential were retained as they were considered to remain generally applicable to both the operative plan zoned medium-density residential areas and the wider area being covered by the proposed plan change.

SUBMISSION POINTS

Five submissions were received. No further submissions were received. The submissions are as summarised below:

As discussed under the seventh paragraph on Topic 3 above, Classic Group (26.21), Urban Task Force for Tauranga (39.13), Vercoe Holdings Limited (40.8), Kāinga Ora (29.4), and Brian Goldstone (42.5) sought the deletion of the paragraph that cross referenced to Section 14.

Kāinga Ora (29.1) sought the deletion of reference to the applicability of the issues, objectives and policies of the Medium Density Residential (Section 14) section and the re-writing of this section of the District Plan to more clearly differentiate between the overall Medium-Density Residential Zone by having stand-alone issues, objectives and policies.

OPTIONS

Option 1 – Retain ‘joint’ Significant Issues as publicly notified.

Option 2 – Include specific ‘Significant Issues’ for the Ōmokoroa and Te Puke Medium Density Zone area.

DISCUSSION

As discussed above requests have been made for a “stand-alone” “Significant Issues” for the Medium Density Zone area that applies to Ōmokoroa and Te Puke. The recommendation supports this approach.

Significant issues (and related plan change objectives) are identified in the plan change documentation and provide an appropriate basis for the consideration of specific “significant issues” in regard to Section 14A. This identified ten significant issues.

In addition, there are a number of identified "Significant Issues" within the Operative Section 14 Medium Density Residential Zone that are considered particularly relevant for Section 14A.

To provide a final set of significant issues some of the matters have been rewritten and/or combined. This creates a substantive set of significant issues directly applicable to the Ōmokoroa and Te Puke Medium Density Residential Zone areas.

RECOMMENDATION

That Option 2 be accepted:

Include specific 'Significant Issues' for the Ōmokoroa and Te Puke Medium Density Zone area.

That a new Significant Issues be inserted as 14A.1 as follows:

1. Providing sufficient land in a timely manner to enable efficient and effective urbanisation to meet the needs of all sections of the community by creating a highly liveable urban environment.
2. Land, and especially land with high productive values, is of limited supply. Land needs to be used in an efficient manner to maintain as much land as possible in production. To make urban expansion cost effective and to support the public amenities a more compact form of urban development is required.
3. The location and design of buildings and other structures, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.
4. Higher density residential development can be opposed by parties who prefer the status quo leading to either higher costs establishing higher density developments and/or a lack of developable land within the existing urban form.
5. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.
6. Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. The modification of the landform can adversely affect natural processes and the cultural values of the land.
7. Urban development needs to be located in areas where the exposure to risk from natural hazards can be avoided, remedied or minimised.
8. Over reliance on and use of private vehicles can cause traffic congestion resulting in adverse environmental and economic effects and related safety issues. The lack of provision of alternative transportation methods and associated networks results in the perpetuation of the overuse of private motor vehicles. A lack in the ability to interact and connect on foot, bicycle and other non-motorised transport with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.
9. Non-residential activities at an inappropriate scale can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detraction to the planned residential character.

10. The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zone has the potential to undermine the viability of zones where such activities are specifically provided for.
11. Ad-hoc development can result in sub-optimal location of activities and related infrastructure causing inefficiency, increased cost, inadequate connectivity, and a poorly functioning urban environment.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
26	21	Classic Group
39	13	Urban Task Force for Tauranga
40	8	Vercoe Holdings
42	5	Brian Goldstone
29	4	Kāinga Ora

SECTION 32AA ANALYSIS

No s32AA analysis is required for the recommended redrafting of the issues.

TOPIC 5 – RULE 14A.4.2.1 – OBJECTIVES

BACKGROUND

Schedule 3A of the RMA requires the inclusion of two mandatory objectives which are objectives 14A.2.1.1 – 14A.2.1.2 within this proposed Plan Change. To further support the proposed plan change additional objectives were developed that link with policies and other provisions.

SUBMISSION POINTS

Twenty four submissions points were received. Sixteen further submissions were received. The submission points are summarised as follows:

Submissions were received covering a large variety of matters ranging from full support, support in part and submissions requesting either deletion of specific objectives or amendment. The latter included requests for a more positive style and/or provided replacement objectives.

The 24 submission points came from 11 parties and the further submissions from 4 parties. The 11 parties that submitted on the objectives also submitted on the policies.

OPTIONS

Option 1 – Retain proposed District Plan objectives as publicly notified.

Option 2 – Amend proposed District Plan objectives as requested.

Option 3 – Amend proposed District Plan objectives as requested in part.

DISCUSSION

The objectives and policies are related to the significant issues by providing the sought outcome and general direction on how these outcomes will be achieved and through the methods which provides the next stage of influence. Accordingly, they act as a set.

For the purposes of reporting each objective/policy is addressed under separate headings however where appropriate the link to other related provisions is identified.

Objectives

General

Pete Linde made a general submission (19.3) requesting a preference for the objectives to be more positively framed by “using the terms “support”, “encourage” and “promote” more in the drafting of District Plan Objectives.” As noted in his submission the “NPS on Urban Development” and “Enabling Housing Supply and Other Matters Amendment Act” are trying to give Council’s the tools to remove overly restrictive and often obstructive barriers.

It is noted that the general style of the Operative District Plan is to provide a clear effects-based outcome which have generally been constructed on the basis of an avoid, remedy or mitigate approach. As may be appropriate in the context of a specific objective this may be able to be cast in a more positive frame.

Objectives 14A.2.1.1- 14A.2.1.2

These objectives are not technically open for submission as part of the Plan Change process as they are mandatory objectives required by the RMA Amendment Act.

There are submissions that support all the objectives and specific submissions that support these as individual submissions.

14A.2.1.1

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

14A.2.1.2

Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood’s planned urban built character, including three-storey buildings.

Objective 14A.2.1.3

Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, papakāinga and pocket neighbourhood typologies with a variety of different tenures.

This objective was supported by the North Twelve Limited Partnership (47.16), Retirement Villages Association (34.14) and opposed by Kāinga Ora – Homes and Communities (29.23) who sought the deletion of the entire objective. The reasoning for opposing the objective was that it is similar to Objective 2 and that the wording ‘variety of housing types’ is repeated in Policy 6.

Although similar to Objective 2 the objective provides a stronger more direct link to Policy 6 which is further reflected in the provisions and the Explanatory Statement. It is more descriptive of

development types that could be anticipated including typologies than Objective 2. Objective 2 and related policies and provisions addresses more directly Policy 1 of the NPS-UD than Objective 3.

The inclusion of potential development types is deliberate to clearly indicate that a variety of responses is being encouraged. For example, this makes it explicit that retirement villages and papakāinga are included as residential housing options within the Zone. Also, unlike Objective 2 which references three-storey buildings this objective does not imply any limit on the number of levels that a residential development may have noting that the proposed District Plan provision includes areas greater than this. Ideally Objective 2 would be removed to avoid elements of repetition however that is not a current available option.

Noting that there are submissions opposing the use of “pocket neighbourhood” within the Explanatory Statement and Policy 6 and a recommendation to amend this wording it follows that the wording in the linked objective should also be amended. Accordingly, it is recommended that Objective 14A.2.3 be amended as follows:

Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, papakāinga and ~~pocket neighbourhood~~ other community based housing typologies with a variety of different tenures.

Objective 14A.2.1.4

An urban form providing positive private and public amenity outcomes.

There are submissions both supporting and opposing this objective. The North Twelve Limited Partnership (47.17) support the objective.

Urban Task Force for Tauranga (39.14) and Classic Group (26.22) support in part but seek to modify the wording as follows: An urban form providing positive ~~private and public~~ amenity outcomes. The reasoning being that private and public wording is unnecessary.

A further submission opposing the Classic Group (26.22) submission was lodged by the Ōmokoroa Country Club (FS 74.5) based on that “both private and public amenity is important and should be stated to ensure a comprehensive approach and avoid watering down the intent of the plan”.

Retirement Villages Association (FS 76.16), Ryman Healthcare Ltd (FS 77.16) also lodged further submissions in regard to the Classic Group Submission. They support the reasoning but opposes the relief sought in this submission as it is inconsistent with the RVA’s primary submission (see below).

The primary submission of the Retirement Villages Association (34.15) sought the deletion of the objective. The stated reasoning is that Objective 4 “seeks to provide an urban form that comprises positive private and public amenity outcomes, which seeks to manage the form, scale and design of development in a manner that is inconsistent with the direction provided in the MDRS”. The RVA considers Policy 5 provides the appropriate direction.

The use of wording that explicitly includes positive and public amenity outcomes is intentional to recognise that these are distinct and have differing characteristics.

The RVA and Ryman submissions maintain that this objective supports managing the form, scale and design of development in a manner that is inconsistent with the direction provided in the MDRS.

The MDRS are purely that, being standards which are incorporated within the District Plan. The “compulsory objectives and policies” included in RMA Amendment Act do not limit the use of “amenity” in District Plan objectives, policies and related provisions. Objective 1 which is based on Objective 1 of the NPS-UD encapsulates matters that have amenity connotations in that a well functioning urban environment would be expected to include positive amenity outcomes.

Objective 4 of the NPS-UD acknowledges that amenity values change over time however there is nothing that says that consideration of positive amenity values is not appropriate. Further the RMA explicitly defines “amenity values” as follows:

“means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes and further in Section 7 requires that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes and further in Section 7 requires that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(c) the maintenance and enhancement of amenity values.

Section 31 of the RMA states the functions of territorial authorities under the Act which includes:

31(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.

(d) the control of the emission of noise and the mitigation of the effects of noise:”

The Ministry for the Environment has produced guidance documents for Local Government in regard to the NPS-UD and the RMA Amendment Act. This includes advice on interpretation of Objective 1 and Policy 1 of the NPS-UD with the overall header of “Well-functioning urban environments” The advice states that *“the NPS-UD does not provide an exhaustive list of factors that contribute to well-functioning urban environments. There are other factors that contribute to the outcomes that councils and other decision-makers may wish to consider alongside those of the NPS-UD, such as principles of urban design”*. Further the advice includes a section on what has changed from the National Policy Statement on Urban Development Capacity and stated the following:

“The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) contained direction on ‘effective and efficient’ urban environments. The NPS-UD builds on this direction by

including factors important to consider in achieving good urban outcomes, such as enabling good accessibility to employment, amenity and services.”

[National Policy Statement on Urban Development 2020 – Well-functioning urban environments. Ministry for the Environment July 2022]

Further guidance was provided in regard to the introduction of the MDRS. This included the following:

“District plans must include the objectives and policies provided in Schedule 3A of the RMA-EHS. This supports the MDRS rules and helps ensure more consistent territorial authority decisions on resource consent applications for development that exceeds the MDRS.

Additional objectives and policies may be included to allow for matters of discretion, or to link any density standards that are modified to enable a greater level of development than the MDRS”. [Understanding the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 – Medium Density Residential Standards – A guide for territorial authorities. Ministry for the Environment July 2022]

The provision of the objective, (and related policies and provisions) is assessed as being in accordance with the Act.

Objective 14A.2.1.5

Increased density of development to provide a more compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct.

Although referenced as a submission against Objective 5 in the submission by Kāinga Ora (29.24) it appears to be in fact a submission in regard to Objective 6. Discussion with Kāinga Ora has confirmed that was the intent. Similarly further submissions supporting the Kāinga Ora by the Retirement Villages Association (FS 76.17), and Ryman Healthcare Limited (FS 77.17) are considered to be in regard to Objective 6.

There are no other submissions apart from ‘general submissions’ that support all applicable objectives.

Objective 14A.2.1.6

Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures.

As above this objective was opposed in part by Kāinga Ora (29.24). The base reasoning being that it is not appropriate to reference established amenity values noting the character of the subject areas will change over time (acknowledged in Objective 4 and Policy 6(b)(i) of the NPS-UD). The submission also noted that this is an objective which primarily relates to earthworks and associated activities, rather than residential use and development, and should therefore be relocated out of Chapter 14A and into the general ‘district-wide’ earthworks provisions of the District Plan. Kāinga Ora sought to shift the objective to the ‘district wide’ section of WBOPDP and amend Objective 5 as follows:

Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural ~~and amenity~~ values as well as on the stability of land and the safety of buildings and structures.

Further submissions supporting the Kāinga Ora (29.24) are lodged by the Retirement Villages Association (FS 76.17), Ryman Healthcare Limited (FS 77.17).

Other parties opposing the objective are the Urban Task Force for Tauranga (39.15) Classic Group (26.23), Brian Goldstone (42.6), and Vercoe Holdings Ltd (40.9).

Further submissions supporting Classic Group, Urban Task Force for Tauranga, Brian Goldstone and Vercoe Holdings Ltd are lodged by the Retirement Villages Association (FS 76.18 – FS 76.21) and Ryman Healthcare Limited (FS 77.18 – FS 77.21).

The reasoning for opposing is that the proposal is contrary to the policy outcomes of the NPS-UD and will result in significant reductions in usable flat sites, and a loss of yield and density which have not been assessed or considered through modelling and analysis. In particular, the proposal will not assist with meeting Policy 2, Policy 4 and Policy 6 of the NPS-UD. It is noted that the provisions are more restrictive than existing District Plan provisions for the urban area.

The objective was supported by The North Twelve Limited Partnership (47.18).

The objective is linked to Policy 13, related performance standards and matters of discretion. There are recommendations to delete or amend Policy 13 and some of the performance standards and related matters of discretion however the objective remains applicable with the outcome being sought to minimise the adverse effects of earthworks and retaining walls on the existing natural landform. This is not a prohibition but encourages developers to utilise the natural landform as much as feasible noting that to enable medium-density residential development is likely to require earthworks of some scale.

It is accepted that the reference to “amenity values” could be interpreted to apply to existing amenity values rather than the potential change in amenity values that is a likely result of the implementation of medium density residential development and accordingly this wording could be removed.

Objective 14A.2.1.7

Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network.

This objective is supported by the North Twelve Limited Partnership (47.19) and supported in part by the Retirement Villages Association (34.16). The latter seeks the deletion of “*and enhancement*”.

There are existing stormwater quality issues which need to be addressed to support the wider urbanisation. Accordingly, the enhancement element of the objective is assessed as being appropriate

Objective 14A.2.1.8

A well-functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.

This objective is supported by Jace Investments and Kiwi Green New Zealand Limited (58.21). The reasoning being that the objective “clearly describes the hierarchy associated between the town centre and the mixed use precinct and distinguishes between other residential areas”. The objective is supported in part by Kāinga Ora (29.25). They have suggested amending the wording as follows:

A well-functioning ~~high quality~~ residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that ~~actively and positively integrates and engages~~ with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, ~~comprising daytime and nighttime activities compatible with residential uses.~~

KiwiRail (FS 71.6) supports Kāinga Ora in part.

The objective was promulgated by consultants on behalf of the party developing the Ōmokoroa Town Centre and adjacent proposed Mixed Use Residential Precinct being an entity associated with Jace Investments and Kiwi Green New Zealand Limited who support the objective. The intention of the precinct is to create a high quality residential-led mixed use area that supports the town centre and vice versa. A key to this is ensuring a high quality of built form and associated amenities that does actively and positively integrate and engage with the surrounding environment including the new town centre. Part of the design considerations include taking into account that activities are compatible with the residential uses.

Taking into account the site-specific characteristics and intent of the developer the proposed objective is considered appropriate.

Summary

The amended objective set better reflects how the significant issues are going to be addressed and the outcomes anticipated. The objectives support a well functioning urban environment that provides for the community.

The extent of change is relatively minor, and the objectives are assessed as being the most appropriate to achieve the purpose of the Act.

RECOMMENDATIONS

That Option 3 be accepted:

Amend proposed District Plan objectives as requested in part.

That 14A.2.1 Objectives be amended as follows:

14A.2.1.1

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

14A.2.1.2

Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character, including three-storey buildings.

14A.2.1.3

Provide for a variety of housing developments including infill development, comprehensive residential developments, retirement villages, papakāinga and ~~pocket-neighbourhood~~ other community based housing typologies with a variety of different tenures.

14A.2.1.4

An urban form providing positive private and public amenity outcomes.

14A.2.1.5

Increased density of development to provide a more compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct.

14A.2.1.6

Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural ~~and amenity~~ values as well as on the stability of land and the safety of buildings and structures.

14A.2.1.7

Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network.

14A.2.1.8

A well-functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.

ACCEPTED

Submission	Point Number	Name
29	24	Kāinga Ora
47	17	North Twelve Limited Partnership
FS 74	5	Ōmokoroa Country Club
FS 76	17	Retirement Villages Association of New Zealand
FS 77	17	Ryman Healthcare Ltd
47	19	North Twelve Limited Partnership
58	21	Jace Investments and Kiwi Green New Zealand Limited

ACCEPTED IN PART

Submission	Point Number	Name
34	14	Retirement Villages Association of New Zealand
47	16	North Twelve Limited Partnership
47	18	North Twelve Limited Partnership

REJECTED

Submission	Point Number	Name
29	23	Kāinga Ora
39	14	Urban Task Force for Tauranga
26	22	Classic Group
34	15	Retirement Villages Association of New Zealand
FS 76	16	Retirement Villages Association of New Zealand
FS 77	16	Ryman Healthcare Ltd
40	9	Vercoe Holdings Ltd
39	15	Urban Task Force for Tauranga
42	6	Brian Goldstone
FS 76	18-21	Retirement Villages Association of New Zealand
FS 77	18-21	Ryman Healthcare Ltd
26	23	Classic Group
34	16	Retirement Villages Association of New Zealand
29	25	Kāinga Ora
FS 71	6	KiwiRail

SECTION 32AA ANALYSIS

A Section 32AA assessment is not required.

TOPIC 6 – RULE 14A.4.2.2 – POLICIES**BACKGROUND**

Schedule 3A of the RMA requires the inclusion of five mandatory policies which are policies 14A.2.2.1 – 14A.2.2.5 within this plan change. To further support the proposed plan change additional policies were developed that link with objectives and other provisions.

SUBMISSION POINTS

Fifteen submissions were received. Six further submissions were received. The 11 parties that submitted on the objectives also submitted on the policies.

Submissions were received covering a large variety of matters ranging from full support, support in part and submissions requesting either deletion of specific policies or amendment. The latter included requests for a more positive style and/or provided replacement policies.

OPTIONS

Option 1 – Retain proposed District Plan policies as publicly notified.

Option 2 – Amend proposed District Plan policies as requested.

Option 3 – Amend proposed District Plan policies as requested in part.

DISCUSSION

General

Pete Linde made a general submission (19.23 and 19.24) requesting a preference for the policies to be more positively framed by “using the terms “support”, “encourage” and “promote” more in the drafting of District Plan policies. This is consistent with a similar submission in regard to objectives.

It is noted that the general style of the Operative District Plan is to provide a clear effects-based outcome which have generally been constructed on the basis of an avoid, remedy or mitigate approach. In some circumstances as may be appropriate, policies can be framed in a more positive manner.

Policies 14A2.2.1 – 14A.2.2.5

14A2.2.1

Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached residential units, and low-rise apartments.

14A2.2.2

Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

14A2.2.3

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

14A2.2.4

Enable housing to be designed to meet the day-to-day needs of residents.

14A2.2.5

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

As with Objectives 14A.2.1.1 and 14A2.1.2 these policies are mandatory policies that Council was required to insert into its plan by the RMA Amendment Act.

There are submissions that support all the objectives and specific submissions that support these as individual submissions.

Policy 14A.2.2.6

Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, papakāinga and pocket neighbourhoods in a manner which responds to the specific needs of the community which they are designed for.

The above policy directly links to Objective 3.

The North Twelve Limited Partnership (47.25) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards. Fire and Emergency New Zealand (18.17) supports the objective "insofar that it directs developers to respond to the specific need of the community of which they are designing for. This would include provision of an adequate firefighting water supply and adequate emergency access and egress in the event of an emergency."

The Retirement Villages Association also supports the Policy and in addition seeks a new policy (34.22). Proposed new policies are addressed in the latter part of this report.

Kāinga Ora (29.26) supports the policy in part but seeks to delete or alternatively replace the reference to 'pocket neighbourhood' with a more common description.

As discussed in preceding matters it is proposed to replace the "pocket neighbourhood" descriptor with "other community based housing". Accordingly, it is recommended that the policy be as follows:

Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, papakāinga and ~~pocket neighbourhoods~~ other community based housing in a manner which responds to the specific needs of the community which they are designed for.

Policy 14A.2.2.7

Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved.

The North Twelve Limited Partnership (47.26) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

The Bay of Plenty Regional Council (25.43) supports the policy in part but seeks an amendment to make explicit reference to water sensitive urban design noting that explicit reference is made for provision of the water sensitive design in performance standard 14A.7.1(xi) and consideration of water sensitive design as a matter of discretion in 14A.7.10. The Retirement Villages Association (FS 76.22) and Ryman Healthcare Limited (FS 77.22) oppose this submission "as it does not provide for the benefits of retirement villages or recognise their functional and operational needs".

Ara Poutama Aotearoa the Department of Corrections (24.5) supports the policy. The Bay of Plenty Regional Council has made a further submission to this submission (FS 67.16) which seeks the same relief as their primary submission.

Fire and Emergency New Zealand (18.18) supports the policy with the submission being supported by Bay of Plenty Regional Council (FS 67.21) The latter however seeks to also refer to water sensitive urban design referencing the Regional Council submission on that matter.

The Classic Group (Submission 26.24) and Urban Task Force for Tauranga (39.16) support the policy in part but seeks amendments as follows to clarify and simplify the intent of the policy.

Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, ~~how the relevant requirements of the structure plan are met~~ including provision of infrastructure and how ~~high quality~~ good urban design outcomes are being achieved.

Bay of Plenty Regional Council (FS 67.17 & 67.20) has made further submissions opposing the above stating that "the policy is appropriately specific in referring to the structure plan noting the link to Rule 14A.7.1 which provides detail on how to assess how the relevant requirements of the structure plan are met (Rule 14A.7.1 matters of discretion c-g)."

The Ōmokoroa Country Club (FS 74.6) also oppose the Classic Group submission in regard to the deletion of "high quality" and replacement with "good" urban design outcomes.

Kāinga Ora (29.27) seek the deletion of Policy 7 in full. The basis for this perspective is that the policy is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.1).

The Bay of Plenty Regional Council (FS 67.18) opposes the Kāinga Ora submission on the basis that the policy provides direction on the matters to consider, and Rule 14A.7.1 provides more detail on how to assess these matters. The policy and rule are considered complementary rather than the policy repeating the matters of discretion in the rule.

The Retirement Villages Association (34.23) seek the deletion of Policy 7. The submission states that "the need for such developments to provide integrated assessments is contrary to the purpose of the Enabling Housing Act and will slow, not speed up, intensification". Further the submission states that "as a result of structure plans not being applicable to all areas of the zone, the requirement for proposals of four or more residential units on a site to assess 'how the relevant requirements of the structure plan are met' should not be applicable to all areas. The RVA supports the seeking of efficient and effective use of land, however, consider further recognition is required of the intensification opportunities that can be provided by larger sites (and the need to provide for the efficient use of those sites)".

The RVA oppose the requirement for proposals of four or more residential units to provide integrated assessments which fully assess how high-quality urban design outcomes are being achieved. The RVA considers this is a vague requirement that is not defined in the Plan, which will lead to interpretation issues when the Plan is applied, and that it seeks to manage development in a manner that is inconsistent with the MDRS.

The RVA further states that retirement villages have unique functional and operational needs (including layout and amenity) that result in urban design considerations that differ from typical residential developments.

Bay of Plenty Regional Council (FS 67.19) opposes the above submission and notes that the requirement to assess how high-quality urban design outcomes are being achieved is not considered vague because the associated Rule (14A.7.1) and matters of discretion provide the detail of how to assess these matters.

Policy 14A.2.2.7 links with a number of objectives with Objectives 1, 4 and 5 considered to have the closest relationship. It is a deliberate directive policy that identifies the course of action intended. This is then further refined in the linked provisions (rules and matters of assessment). To meet the outcomes sought in the objectives an integrated assessment which considers as a package the merit of the proposal is required. There is a far greater degree of complexity for medium density residential development than the currently more conventional stand-alone dwelling developments which requires a more holistic approach. This can incorporate ensuring that the development can be appropriately serviced including transportation, stormwater design matters, the relationships between buildings and spaces, connectivity and similar matters. Although an integrated assessment is not defined in the District Plan the matters of discretion combine to provide the holistic approach that forms an integrated assessment based on the standard

definition of integrated. It is noted that the RVA submission focus is more in regard to having specific regard to retirement villages which is linked to a request for a policy in this regard which is considered later in this report.

Where there is a structure plan this enables the consideration of how the development is in accordance with structure plan. Noting the submission of RVA questioning the requirement to consider how the relevant requirements of the structure plan are met, the key qualifier is relevant. If there is no structure plan for the area in question, then this becomes irrelevant.

The Bay of Plenty Regional Council has requested the addition of wording to refer to "water sensitive urban design" which has been opposed by RVA and Ryman Healthcare Limited. Although an important matter it is not the intent of the policy to specify every matter that may come under the orbit of the policy noting that the related rules and matters of discretion go down to the finer grain including particular matters on water sensitive urban design.

There are submissions in regard to whether the terminology "high quality urban design outcomes" or "good urban design outcomes" is the appropriate wording. There are two parts to this question, first which wording best reflects the objectives that the policy is linked to, and secondly the link to the related rules and matters of discretion. The former provides the outcome direction, while the latter provides the means to achieve this.

Objective 1 uses the terminology "A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future."

Objective 4 states: "An urban form providing positive private and public amenity outcomes."

Objective 5 has the following wording: "Increased density of development to provide a more compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct."

Objective 6 is not as directly related but includes aspects that influence urban design outcomes. "Minimisation of the adverse effects of earthworks and retaining walls on the existing natural landform and associated cultural and amenity values as well as on the stability of land and the safety of buildings and structures."

As the first objective that Councils are required to include to give effect to the RMA Amendment Act and noting that the objective is almost exactly the same as the first objective of the NPS-Urban Development, this provides the best guidance on what the intent of Central Government was in this regard. The linked policy in the NPS-Urban Development goes some way in providing an interpretation of what is considered well-functioning by Central Government. The Policy states the following:

Policy 1: Planning decisions contribute to well-functioning urban environments, 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
- (d) support, and 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.

It is also noted that the NPS – Urban Development specifically defines that well-functioning urban environment has the meaning in Policy 1.

Examining the wording used there is nothing that directly supports “high quality urban design outcomes” and it is noted that (a)(i) states “have or enable a variety of houses that: (i) meet the needs, in terms of type, price, and location, of different households;” The wording supports a spectrum of responses which may range from good to high quality. The emphasis of the RMA Amendment Act is to incorporate medium density residential standards and intensification policies into district plans to enable the delivery of more medium density housing.

Various Central Government publications and other supporting information use a variety of terminology. It is notable that the National medium density design guide states the following: “... are examples of good design solutions (ie, well-functioning and high-quality),...”. Similarly examining common dictionary meanings, the Cambridge dictionary defines “Good” as being: “very satisfactory, enjoyable, pleasant or interesting; of a high quality or level”, and the Oxford dictionary “having the required standards; of a high standard.”

Effectively the terms provide a similar meaning and there is no obvious need to change what was originally included. As mentioned earlier in the discussion there are two parts to this with the key remaining matter being on whether the proposed activity performance standards and linked matters of discretion provide the correct actions in regard to the objectives and policies relevant to this matter. This is considered in Section 42A Report – Section 14A – Part 3.

Policy 14A.2.2.8

Require proposals of four or more residential units on a site to achieve the minimum number of residential units per hectare of developable area unless it can be clearly demonstrated that any adverse effects can be adequately mitigated.

The North Twelve Limited Partnership (47.27) supports the objective noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

Ara Poutama Aotearoa the Department of Corrections (24.7) supports the policy.

The Retirement Villages Association (34.24) seek the deletion of Policy 8. They consider “that the imposition of a ‘minimum number of residential units per hectare of developable area’ requirement in Policy 8 is inconsistent with the MDRS.” The Ōmokoroa Country Club (FS 74.21] support the above submission.

Kāinga Ora (29.27) seek the deletion of Policy 8 in full. The basis for this perspective is that the policy is considered unnecessary as a policy and is provided for as an assessment matter (i.e., 14A.7.1(b) and 14A.7.10).

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill is described in the New Zealand Parliament publication (8 November 2021) as aiming “to address

issues relating to housing affordability and choice by accelerating the implementation of intensification policies contained in the National Policy Statement on Urban Development (NPS-UD). Housing intensification is the development of a property, site or area at a higher density than currently exists." Effectively the intent was to rapidly accelerate housing supply where the demand for housing was high.

When the Bill was introduced a range of benefits were identified which included:

- A wider variety of housing options at a range of price points, specifically townhouses, flats and other small dwellings;
- More productive and efficient use of urban land, with less pressure for urban dispersal/sprawl;
- More efficient use of infrastructure; and
- Greater access to active and public transport and associated reductions in greenhouse gas emissions.

The policy is linked with Objective 1 and more specifically Objective 5. The latter states the following:

"Increased density of development to provide a more compact urban settlement pattern supporting integrated and connected community facilities, infrastructure and public transport including higher density development within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct."

To enable the delivery of the outcomes sought there needs to be clear direction on the densities needing to be achieved. This is especially important for greenfield situations where there is a need for considerable upfront community investment in infrastructure to support the planned for growth. If developments are not meeting the density targets, then there is a risk of oversupply of infrastructure with an associated overspend of money, waste of resources and an under recovery of costs from those developments. This then has a further disbenefit of a reduction in funding which adds to an increase overall cost which then needs to be recovered. The end result is usually increased infrastructure costs for the next stages of development which ultimately has a negative effect on housing affordability.

The Plan Change and associated Structure Plan have been developed based on assessed residential unit yields. With assessments of this nature there will be individual sites/developments that have specific requirements which may result in justification for reduced densities. The matters of discretion on this matter enable a determination to be made however to ensure that the purposes of the objective and related NPS-Urban Development are achieved there is a need for a directive policy in this regard with associated performance standards. The intent of the Amendment Act is to make intensification happen to accelerate housing supply and the proposed policy supports this.

Policy 14A.2.2.9

Ensure that residential development achieves good private amenity outcomes by utilising the orientation of the site/s for solar access and by providing for on-site privacy, outdoor living spaces, landscaping, outlook space and surveillance to and from public spaces.

The North Twelve Limited Partnership (47.28) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

The Retirement Villages Association (34.25) seek the deletion of Policy 9. The submitter considers that providing for solar access and on-site privacy are not matters the MDRS seeks to control. The RVA also considers that 'surveillance to and from public spaces' overlaps with matters covered under Policy 3 MDRS/Policy 3 of the Plan. The submitter notes that RVA members have significant experience of building villages and know intimately the amenity needs of its residents and highlights the experience of issues at resource consent stage with council staff attempting to influence retirement villages' internal layouts.

The Ōmokoroa Country Club (FS 74.22) oppose the RVA submission to delete Policy 9 as it would mean that there would be no policy to ensure quality built outcomes. They have requested that Policy 9 be retained and amended so that it is directive enough to ensure quality built outcomes for residential development. Although the amendment aspect is considered outside the scope of a further submission as it requests something beyond the relief sought from the original submission the Ōmokoroa Country Club (56.6) have also as a primary submission have requested the same relief. The reasoning associated with the relief sought is that this policy (and also policies 10 and 11) "are loose and ill defined". No alternative wording was provided as part of the submission process.

The policy links directly to Objective 4 and provides clear direction on key aspects that promote positive private and public amenity outcomes which contribute to a well functioning urban environment. As per the discussion on Objective 4 the matters of concern are considered valid. It is accepted that there is a degree of overlapping with Policy 3 and accordingly the "surveillance to and from public spaces" aspect can be deleted. It is noted that the MDRS policies do not have strong linkages to the required MDRS standards and Policy 9 addresses this in part.

In creating any form of comprehensive housing developments there is a great deal of expertise that is utilised to meet the specific needs of the intended market. Retirement villages for the most part have a specific model of development and offer a range of services and amenities to their occupants managed centrally. These often include high amenity communal areas. The proposed policy is not considered inconsistent with what would be considered good design outcomes for any form of residential development including retirement villages. Reported 'bad experiences' in other areas doesn't by default translate to a need to change a policy.

It is recommended that the policy be amended to read as follows:

Ensure that residential development achieves good private amenity outcomes by utilising the orientation of the site/s for solar access and by providing for on-site privacy, outdoor living spaces, landscaping and outlook space ~~and surveillance to and from public spaces.~~

Policy 14A.2.2.10

Ensure that the interface between residential development and public boundaries is positive by avoiding or mitigating the visual dominance of buildings other than residential units, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.

The North Twelve Limited Partnership (47.29) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

Ara Poutama Aotearoa the Department of Corrections (24.8) supports the policy.

The Retirement Villages Association (34.26) seek the deletion of Policy 10. They consider that the policy "seeks to manage the form, scale and design of development in a manner that is inconsistent with the RMA Amendment Act and the expectations for the Medium Density Residential Zone and overlaps with Policy 3 of the MDRS/Policy 3 of the Zone."

Ōmokoroa Country Club (FS 74.23) opposes the above submission "as it would mean that there would be no policy to ensure quality built outcomes" and have further sought that the policy be amended so that it is directive enough to ensure quality built outcomes for residential development. As with the previous policy discussion the requested amendment aspect is technically considered outside the scope of a further submission as it requests something beyond the relief sought from the original submission however as discussed previously the Ōmokoroa Country Club (56.6) have as a primary submission have requested the same relief.

Kāinga Ora (29.29) seek the amendment of Policy 10 noting that "it is overly complex, and it is not clear why there is a reference to 'visual dominance of buildings other than residential units' when the start of the policy refers to residential development." They suggest that the policy be amended as follows:

Encourage a positive ~~Ensure that the~~ interface between residential development and public boundaries is positive by ~~avoiding or mitigating the visual dominance of buildings other than residential units~~, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.

Ōmokoroa Country Club (FS 74.13) opposes the above submission as they consider that the amendments do not ensure quality built outcomes. They have requested that Policy 10 be retained and amended so that it is directive enough to ensure quality built outcomes for residential development. The amendment aspect is technically considered outside the scope of a further submission as it requests something beyond the relief sought from the original submission however as discussed previously the Ōmokoroa Country Club (56.6) have also as a primary submission have requested the same relief.

The policy as proposed attempts to encapsulate a number of positive design directions however is overly verbose which affects its clarity. Although attempting to highlight that there may be visual dominance as a result of the MDRS it is considered unnecessary to include this in a policy. Similarly, the identification of "other buildings" is not assessed as adding any value in this context as there are no specific additional controls in this regard and as correctly identified in the Kāinga Ora submission the policy is in regard to residential development.

Based on removing the matters discussed above the policy is similar to that proposed by Kāinga Ora with the key difference being the policy using "ensure" and Kāinga Ora using encourage. In the context of this policy the intent is to be directional which is reflected in the linked performance standards and matters of discretion.

The RVA submission states that the policy is inconsistent with the "Enabling Housing Act" due to the way the polices seeks to manage the form, scale and design of development. The exact nature of the inconsistency is not identified. The matters (as proposed to be amended) are considered to be base urban design elements that contribute to a well functioning urban environment in a residential context.

As per the previous RVA submission the submitter considers that the policy overlaps with Policy 3. Similarly with Policy 9 the subject policy has a direct relationship to Objective 4. While there is a

degree of similarity between Policies 3 and 10 in that both policies are concerned with the public/private interface. Policy 3 lacks clarity and related clear policy direction. Policy 10 articulates in more detail key matters of concern and provides clearer direction which are then reflected in the performance standards/assessment criteria set.

The policy can be amended to provide clarity as to the matters to be addressed. It is recommended that the policy be amended to read as follows:

Ensure that the interface between residential development and public boundaries is positive by ~~avoiding or mitigating the visual dominance of buildings other than residential units~~, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.

Policy 14A.2.2.11

Provide connections from subdivisions and developments to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant structure plans, reserve management plans and recreation and open space activity plans.

The North Twelve Limited Partnership (47.30) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

Retirement Villages Association (34.27) seek the deletion of Policy 10. They consider that the policy "seeks to manage the form, scale and design of development in a manner that is inconsistent with the Enabling Housing Act and the expectations for the MRZ and overlaps with Policy 3 of the MDRS/Policy 3 of the Zone."

The Ōmokoroa Country Club (FS 74.24) opposes the above submission "as it would mean that there would be no policy to ensure quality built outcomes" and sought additional amendment so that the policy is directive enough to ensure quality built outcomes. This is also repeated in the Ōmokoroa Country Club (56.6) primary submission.

As per the previous RVA submission (34.26) the submitter considers that the policy is inconsistent with the "Enabling Housing Act" but does not identify the exact nature of the inconsistency. The matters identified in the policy are considered to be base urban design elements that contribute to a well functioning urban environment in a residential context. The link to relevant structure plans and related reserve plans provides additional clarity as to how the policy can be achieved.

No additional wording has been provided through the submission process to allow consideration of further alternative wording.

No changes to the policy are recommended.

Policy 14A.2.2.12

Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and the functioning of the residential environment are able to be avoided or mitigated.

The North Twelve Limited Partnership (47.31) supports the policy noting that the policy directly provides for Medium Density Housing as per the MDRS standards.

The Urban Task Force for Tauranga (39.17) support the policy in part but seek the rewording of the policy to more clearly state the matter of concern. They have requested that the policy be amended as follows:

Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values ~~and the functioning of the residential environment~~ are able to be avoided or mitigated.

Although the potential to create adverse effects on residential amenity values is one issue there is also other issues that the policy is attempting to incorporate. Of particular note is traffic generation and related car parking issues associated with home enterprises if their scale is not adequately controlled which adversely affects the functioning of the residential environment. With the inability to have rules that require off-street carparking due to changes to the RMA, combined with more intensive housing, there is a need for restrictions on the scale of these type of activities. Without such controls there are potential transportation efficiency and safety effects combined with streetscape visual effects through additional traffic movements and parking requirements. To better reflect this aspect of the actual intent of the policy it is recommended that the policy be amended as follows:

Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and on the transportation network including vehicle parking congestion ~~the functioning of the residential environment~~ are able to be avoided or mitigated.

Policy 14A.2.2.13

Ensure subdivision and development is designed to utilise the existing natural landform to limit the need for earthworks and retaining walls.

The North Twelve Limited Partnership (47.32), Urban Task Force for Tauranga (39.18), Classic Group (26.25), Vercoe Holdings Limited (40.10), Brian Goldstone (42.7) all oppose the objective. Jace Investments (FS 69.10) support The North Twelve Limited Partnership submission. The submissions raise the need to carry out earthworks and related modifications to landform to enable residential development and create suitable building platforms, road, and stormwater corridors and flow paths. The policy is considered inconsistent with the NPS-UD noting that the utilisation of existing natural landforms will result in a loss of yield and density.

Kāinga Ora (29.30) support the policy in part but seek amendments and relocation of the policy to Section 12 Subdivision and Development of the District Plan. They propose the following amendment:

~~Ensure~~ Encourage subdivision and development ~~is to be~~ designed to utilise the existing natural landform where practicable to limit the need for earthworks and retaining walls.

This policy is linked to Objective 6.

It is accepted that the policy as proposed is too directive and does not take into full account the usual requirement to undertake a reasonable scale of earthworks to enable residential development. In the context of enabling medium-density residential development the ability to create more level areas for development is more important. As the plan change is primarily for providing for medium-density residential housing this needs to be supported in the plan provisions including objectives and policies.

There is however a concern that has been expressed by iwi and the wider community in regard to large scale earthworks negatively impacting on landscape and cultural values. It is noted that the District Plan contains specific requirements in regard to engagement with Pirirākau for development in Ōmokoroa.

It is recommended that the requested amendment to the policy as made by Kāinga Ora be accepted as this still supports the minimisation of effects on the natural landform while still acknowledging that earthworks of scale are likely to be required to deliver medium-density housing developments. It is considered that the amendment better reflects Objective 6 which seeks to minimise the adverse effects rather than avoid the latter being more in line with the policy direction of "ensure". To provide additional clarity the word "existing" in regard to natural landform is also proposed to be deleted as there was interpretation issues as to existing from when.

In regard to the location of the policy within the District Plan the plan change is restricted to Ōmokoroa and Te Puke urban areas however the objective and policy set within Section 12 is District wide. A location specific policy is inconsistent with the District Plan format and accordingly it is recommended that the policy remain as part of Section 14A.

It is recommended that the policy be amended as follows:

~~Ensure~~Encourage subdivision and development ~~is to be~~ designed to utilise the ~~existing~~ natural landform where practicable to limit the need for earthworks and retaining walls.

Policy 14A.2.2.14

The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network.

The Bay of Plenty Regional Council (25.42) support the policy in part but have requested additional wording to include the receiving environment. Their suggested wording is as follows:

The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network or the receiving environment.

The North Twelve Limited Partnership (47.33) oppose the policy as proposed as the wording is considered "inflexible and implies that there is limited provision for impervious areas to be exceeded unless onsite mitigation is provided." The submitter notes that the policy does not allow for other engineering solutions or for minor exceedances and requests that the policy be reworded.

The Bay of Plenty Regional Council (FS 67.22) oppose relief sought by the submitter because it is appropriate to limit impervious surface area exceedances unless onsite mitigation is provided. They have requested that the policy be retained as notified and have requested an amendment as per their submission point 25.42 referenced above.

Kāinga Ora (29.31) oppose the policy and seek that it be deleted in full. They consider that the policy is unnecessary as a policy and identify that the matter is provided for as an assessment matter (i.e., 14A.7.13).

The Bay of Plenty Regional Council (FS 67.23) oppose relief sought by the submitter as they consider that the policy provides guidance to the related rule noting that the policy directs to manage stormwater on site, while Rule 14A.7.13 requires consent applicants to provide information on how this will be achieved. The policy and rule are recognised as being complementary.

The policy does not dictate how stormwater runoff is to be managed and accordingly it is open for engineering solutions to address this issue. The policy references the baseline and invites mitigation of additional stormwater run-off. The linked rule sets out the actual baseline impervious limit depending on locality. As noted in the Regional Council further submission to the Kāinga Ora submission the policy is complementary to Rule 14A.7.13. The policy is also linked to Objective 6. To remove this policy would break this link.

As discussed in regard to Policy 13 the plan change is restricted to Ōmokoroa and Te Puke urban areas however the objective and policy set within Section 12 is District wide. Separate location specific policies are inconsistent with the District Plan format and accordingly it is recommended that the policy remain as part of Section 14A.

The additional wording sought from the Regional Council is considered appropriate as there maybe situations where the Council stormwater network is not available.

It is recommended that the policy be amended as follows:

The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network or the receiving environment.

Policy 14A.2.2.15

Retain existing overland flow paths or if modified maintain or enhance their function and as to not result in additional stormwater runoff onto neighbouring properties.

The Retirement Villages Association (34.28) support the policy in part but seek the deletion of the wording "or enhance" noting that there should be no requirement to "enhance" the function of existing overland flow paths.

Kāinga Ora - Homes and Communities (29.32) oppose the policy and seek that it be deleted in full. As with policies 13 and 14 they consider that the policy sits more appropriately within Section 12.

The Bay of Plenty Regional Council (FS 67.24) oppose relief sought by Kāinga Ora as they consider that protecting overland flow paths is an appropriate policy response to achieve a low level of risk and not increasing risk offsite in the context of applying the MDRS to Ōmokoroa and Te Puke. The Regional Council also notes that the policy is required in Section 14A to support consequential provisions to protect overland flow paths from inappropriate development and is complementary to and provides direction to the relevant rule.

As with Policy 14 this policy links with Objective 7. The same assessment applies as with Policy 14. At the time of District Plan review the re-organising of the District Plan structure can take place which may allow for matters such as this to be included within any future "subdivision and development" section or equivalent however in the context and limitations of this proposed plan change it is not considered feasible.

In regard to the requested deletion of the wording "or enhance" it is considered that "enhance" is appropriate in this context as this allows for modifications that can control any additional run-off being created so as not to increase stormwater runoff onto neighbouring properties.

No changes to the policy are recommended.

Policy 14A.2.2.16

The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated through economic impact assessment that the viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

Jace Investments and Kiwi Green New Zealand Limited (58.22) support the proposed policy. The policy relates directly to the Ōmokoroa Mixed Use Residential Precinct which is located on land owned by the submitter and who are the developers of the proposed town centre on the adjacent site.

Kāinga Ora (29.33) oppose the policy in part particularly in regard to the reference to an 'economic impact assessment' and have requested amendment of the policy as follows:

Enable the permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct ~~should not to~~ be exceeded ~~unless where~~ it can be demonstrated ~~through economic impact assessment~~ that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

The policy links with Objective 8.

The Ōmokoroa Mixed Use Residential Precinct was developed in conjunction with representatives of Jace Investments including the related objectives and policies. As stated in the submission (58.22) the policy clearly describes the hierarchy associated between the town centre and the mixed use precinct and distinguishes between other residential areas.

The Kāinga Ora submission states that there is no rule that requires the provision of an economic impact assessment and depending on the specific proposal has the potential to be overly onerous. The alternative wording proposed uses economic viability which is considered more appropriate in the context. The other wordsmithing is more in regard to style than substance and either or is considered appropriate however a minor change to the existing policy is seen as being simpler.

It is recommended that the policy be amended as follows:

The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated ~~through economic impact assessment~~ that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

Policy 14A.2.2.17

Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of use of land to deliver the planned character of a vibrant, complementary mixed-use destination adjacent to the town centre.

Jace Investments and Kiwi Green New Zealand Limited (58.23) support the proposed policy. The policy relates directly to the Ōmokoroa Mixed Use Residential Precinct which as noted above is

located on land owned by the submitter and who are the developers of the proposed town centre on the adjacent site.

Kāinga Ora (29.34) generally supports the intent of Policy 17 however seeks amendments to refine the policy to be more specific to the outcome sought in the precinct. They have requested the following amendment.

Encourage ~~Ensure~~ developments in the Ōmokoroa Mixed Use Residential Precinct ~~are~~ to be designed ~~holistically with respect~~ to integrate with surrounding land uses, public spaces and natural features, ~~buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide developed~~ at a density ~~to~~ of use of land ~~to that deliver the planned character of~~ promote a vibrant, ~~complementary~~ mixed-use destination that complements and supports ~~adjacent to~~ the town centre.

KiwiRail (FS 71.7) supports the above submission in part to the extent that the submission is consistent with the relief sought in KiwiRail's primary submission. As included in the reasoning attached to this submission point this appears to refer to ensuring that adequate steps are taken to ensure development is integrated in a way that requires compliance with the railway corridor setbacks and noise and vibration controls as sought by KiwiRail, where necessary.

The Retirement Villages Association (34.29) opposed the policy and requested that it be deleted as the policy seeks to manage the form, scale and design of development in a manner that is inconsistent with the Enabling Housing Act and the expectations for the MRZ.

The Urban Task Force for Tauranga (39.19), Brian Goldstone (42.8), Vercoe Holdings Limited (40.11) and Classic Group (26.26) support Policy 17 in part but seeks significant wording changes including reference to New Zealand Urban Design Protocol and the inclusion of Te Puke. The requested amended wording is as follows:

Ensure developments in the Ōmokoroa and Te Puke medium density residential zone residential precinct ~~are designed holistically with respect to surrounding land uses, buildings, and colour changes, positively connect with and contribute to the quality of public spaces and provided density of use of land to deliver the planned character of a vibrant complimentary mixed use destination adjacent to the town centre~~ complies with the requirements of the New Zealand Urban Design Protocol.

Further submissions from Kāinga Ora - Homes and Communities (FS 70.22), Retirement Villages Association (FS 76.23), and Ryman Healthcare Limited (FS 77.23) oppose the submission from the Urban Task Force for Tauranga. Kāinga Ora oppose the reference to the New Zealand Urban Design Protocol as it is not appropriate for District Plan policies to require compliance with guidance documents which have been prepared outside Schedule 1 RMA processes.

RVA (FS 76.24, FS 76.25, FS 76.26) and Ryman Healthcare (FS 77.24, FS 77.25, FS77.26) also further submitted in opposition to the Classic Group, Brian Goldstone, and Vercoe Holdings submissions above.

The RVA and Ryman Healthcare further submissions stated that the relief sought is inconsistent with the Enabling Housing Act.

The Ōmokoroa Country Club (FS 74.7) further submitted against the Classic Group submission opposing the requested amending wording except in regard to the reference to the New Zealand Urban Design Protocol.

The policy links with Objective 8.

At this point in time the Ōmokoroa Mixed Use Residential Precinct as the name implies is only relevant to Ōmokoroa and accordingly has no applicability to Te Puke. In the event that a Mixed Use Residential Precinct was established the policy content could be examined which may be more bespoke depending on the nature of the proposal.

The reference to the New Zealand Urban Design Protocol as a requirement is not supported. This is a document that can be used for guidance but as noted by Kāinga Ora it is not appropriate for District Plan policies to require compliance with guidance documents which have been prepared outside Schedule 1 RMA process.

The proposed amendment to the policy by Kāinga Ora provides a simplified version of that proposed but as written are not considered directive enough to provide sufficient guidance. As noted above the OMURP was developed in conjunction with representatives of Jace Investments including the related objectives and policies. This is a site specific precinct and it is noted that apart from Jace Investments and Kiwi Green New Zealand Limited no other submitters have any land interests affected by this policy.

To provide a policy that improves the focus on the key matters of interest and still provides the direction sought, it is recommended that the policy be reworded to read as follows:

Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and natural features holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of development to promote ~~of use of land to deliver the planned character of~~ a vibrant, ~~complementary~~ mixed-use destination that complements and supports ~~adjacent to~~ the town centre.

Policy 14A.2.2.18

Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.

Jace Investments and Kiwi Green New Zealand Limited (58.24) support the proposed policy.

Kāinga Ora (29.35) oppose the policy and seek its deletion in full based on the policy being counter to the purpose of the precinct in that it provides for some non-residential uses as a permitted activity. The submission also notes that Policy 12 also has a similar intent.

As with the other policies for the OMURP this policy was developed in conjunction with representatives of Jace Investments. The policy links with Objective 8. Although having some commonality with Policy 12 this policy is specifically directed to the OMURP noting that this precinct provides for a much greater range of non-residential activities. As a specific policy for the precinct, it is considered to provide more direct guidance on this matter which potentially has potential for conflicts between activities if not managed correctly. Accordingly, it is recommended that the policy be retained.

New Polices as requested by Submitters

Fire and Emergency New Zealand (18.19) have requested a new policy to ensure the impacts on the roading network are adequately addressed given that there is no longer a requirement to provide onsite carparking or therefore on-site vehicle access. As described the policy "would

require developers to assess the impacts of their proposal and give Council the ability to assess the impacts on the roading network and impose conditions of consent to manage such effects i.e. to require onsite parking or parking management plans."

The requested wording is as follows:

Policy 14A.2.2(19) – Access Requirements

Ensuring that all right of ways, private accessways, or legal access lots are designed and constructed to ensure

- a. The activity can be accommodated without compromising the functionality of the access and the effects of traffic generation on the surrounding transport network,
- b. The safe and efficient movement of pedestrians and vehicles within the site and the adjacent road network,
- c. The functional and operational requirements of activities and development, providing adequate space and location for waste management areas,
- d. Access and provision for emergency and waste collection services.

Retirement Villages Association (FS 76.13) and Ryman Healthcare Limited (FS 77.13) oppose the above policy as "it is considered unnecessary and there is a rule already providing for consideration of access requirements."

The Operative District Plan already includes a set of provisions that generally cover the matters raised which are included within Section 4B – Transportation, Access and Parking and Section 12 – Subdivision and Development. In the context of this proposed plan change no further provisions are considered necessary other than in a wider urban design sense where for 4 or more units, an urban design assessment under Rule 14A.7.1 is required which includes consideration of providing efficient access for emergency vehicles and service vehicles.

Waka Kotahi NZTA (41.7) have requested the following new policy:

Ensure that vehicle kilometres travelled are reduced by enabling public transport and active travel choice and integrated land use patterns.

As with the above matter the Operative District Plan already includes a set of provisions that generally cover the matters raised which are included within Section 4B – Transportation, Access and Parking and Section 12 – Subdivision and Development. In the context of this plan change no further provisions are considered necessary other than in a wider urban design sense where for 4 or more units, an urban design assessment under Rule 14A.7.1 includes similar matters. Further by utilising a structure plan approach for Ōmokoroa Stage 3 integrated land use is supported.

Ōmokoroa Country Club Limited (56.7) have requested that a policy specific to retirement village developments "to reflect the work that has been done in this sector in providing a proven quality of amenity for residents." They have not however included any proposed wording although it is noted that they have lodged a further submission in support of the Retirement Villages Association which provides a proposed policy in this regard.

Retirement Villages Association (34.22) have requested a new policy to recognise the provision of housing for an ageing population. They have proposed the following:

Requested Policy – Provision of housing for an ageing population

1. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in [add] zone, such as retirement villages.
2. Recognise the functional and operational needs of retirement villages, including that they:
 - a. May require greater density than the planned urban built character to enable efficient provision of services.
 - b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

Ōmokoroa Country Club Limited (FS 74.20) support the above.

Retirement Villages Association (34.30) have also requested additional policies that they consider facilitate the intensification purpose of the Enabling Housing Act.

These are as follows:

Requested Policy 1

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Ōmokoroa and Te Puke Medium Density Residential Zone will change over time to enable a variety of housing types with a mix of densities.

Requested Policy 2

Recognise the intensification opportunities provided by larger sites within the Ōmokoroa and Te Puke Medium Density Residential Zone by providing for more efficient use of those sites.

Requested Policy 3

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

The above policies are generally variations of the proposed policies or are requiring a specific policy for retirement villages. It is noted that there are no submissions requesting new objectives.

In regard to the first matter proposed plan change Policies 1, 4, and particularly 6 (as recommended to be amended) effectively cover the range and diversity issue with Policy 6 specifically referencing retirement villages along with other development typologies. The objective and policy framework in the plan change (and in the District Plan in general) does not usually specify a particular activity other than to provide interpretive guidance as to what kind of activities could be anticipated as is the case in Policy 6. To specifically create a policy set for a particular land use is inconsistent with the plan structure. To be consistent there would be a need for multiple policies to reflect the variations of housing typologies and their particular nuances. It is noted that specific aspects such as "may require greater density than the planned urban built character to enable efficient provision of services" does not appear the case in the local context with the Ōmokoroa Country Club proposing a development significantly less than the planned and anticipated yield.

The other requested policies are similarly variations on a theme and do not add any greater policy direction than those proposed (as recommended to be amended).

Recognising that the existing character and amenity will change over time and differing and changing residential needs doesn't have a direct correlation of enabling a variety of housing types with a mix of densities. The combined proposed policies however do link with the objectives, performance standards and matters of discretion.

The intent of the policy recognising the intensification opportunities provided by larger sites by providing for more efficient use of those sites is unclear. If there was a specific objective and performance standard link to provide some greater level of development intensity then there may be some merit in this form of policy. The proposed residential development yields set minimums and there is no existing policy limit in this regard that needs modification.

The last matter is a resource consent application assessment matter and there is no need or benefit in having a policy to restate the Act.

It is concluded that none of the requested new policies are required.

RECOMMENDATION

That Option 3 be accepted.

Amend proposed District Plan policies as requested in part.

That 14A.2.2 Policies be amended as follows:

14A.2.2.1

Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached residential units, and low-rise apartments.

14A.2.2.2

Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

14A.2.2.3

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

14A.2.2.4

Enable housing to be designed to meet the day-to-day needs of residents.

14A.2.2.5

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

14A.2.2.6

Enable a variety of housing developments such as infill development, comprehensive residential development, retirement villages, papakāinga and ~~pocket neighbourhoods~~ other community based housing in a manner which responds to the specific needs of the community which they are designed for.

14A.2.2.7

Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and how high quality urban design outcomes are being achieved.

14A2.2.8

Require proposals of four or more residential units on a site to achieve the minimum number of residential units per hectare of developable area unless it can be clearly demonstrated that any adverse effects can be adequately mitigated.

14A2.2.9

Ensure that residential development achieves good private amenity outcomes by utilising the orientation of the site/s for solar access and by providing for on-site privacy, outdoor living spaces, landscaping and outlook space ~~and surveillance to and from public spaces~~.

14A2.2.10

Ensure that the interface between residential development and public boundaries is positive by ~~avoiding or mitigating the visual dominance of buildings other than residential units~~, minimising repetition of building form, limiting the heights of solid fences and by providing appropriate landscaping.

14A2.2.11

Provide connections from subdivisions and developments to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant structure plans, reserve management plans and recreation and open space activity plans.

14A2.2.12

Limit non-residential activities, accommodation facilities and home enterprises to being undertaken only where any potential adverse effects on residential amenity values and on the transportation network including vehicle parking congestion ~~the functioning of the residential environment~~ are able to be avoided or mitigated.

14A2.2.13

~~Ensure~~ Encourage subdivision and development is-to-be designed to utilise the existing natural landform where practicable to limit the need for earthworks and retaining walls.

14A2.2.14

The maximum limit for impervious surfaces should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering Council's stormwater network or the receiving environment.

14A2.2.15

Retain existing overland flowpaths or if modified maintain or enhance their function and as to not result in additional stormwater runoff onto neighbouring properties.

14A2.2.16

The permitted gross floor area of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated ~~through economic impact~~

~~assessment~~ that the economic viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

14A2.2.17

Ensure developments in the Ōmokoroa Mixed Use Residential Precinct are designed to integrate positively with surrounding land uses, public spaces and natural features holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of development to promote of use of land to deliver the planned character of a vibrant, complementary mixed-use destination that complements and supports adjacent to the town centre.

14A2.2.18

Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
18	17	Fire and Emergency New Zealand
19	23	Pete Linde
19	24	Pete Linde
29	26	Kāinga Ora
47	26	The North Twelve Limited Partnership
FS 76	22	Retirement Villages Association of New Zealand Incorporated
FS 77	22	Ryman Healthcare Ltd
24	5	Ara Poutama Aotearoa the Department of Corrections
18	18	Fire and Emergency New Zealand
FS 67	17	Bay of Plenty Regional Council
FS 67	20	Bay of Plenty Regional Council
FS 74	6	Ōmokoroa Country Club
FS 67	18	Bay of Plenty Regional Council
FS 67	19	Bay of Plenty Regional Council
47	27	The North Twelve Limited Partnership
24	7	Ara Poutama Aotearoa the Department of Corrections
29	29	Kāinga Ora
47	30	The North Twelve Limited Partnership
25	42	Bay of Plenty Regional Council

FS 67	22	Bay of Plenty Regional Council
FS 67	23	Bay of Plenty Regional Council
FS 67	24	Bay of Plenty Regional Council
29	33	Kāinga Ora
58	24	Jace Investments and Kiwi Green New Zealand Limited
FS 76	13	Retirement Villages Association
FS 77	13	Ryman Healthcare

ACCEPTED IN PART

Submission	Point Number	Name
47	25	The North Twelve Limited Partnership
34	22	Retirement Villages Association of New Zealand Incorporated
26	24	Classic Group
39	16	Urban Task Force for Tauranga
47	28	The North Twelve Limited Partnership
FS 74	22	Ōmokoroa Country Club
56	5,6	Ōmokoroa Country Club
47	29	The North Twelve Limited Partnership
24	8	Ara Poutama Aotearoa the Department of Corrections
FS 74	23	Ōmokoroa Country Club
FS 74	24	Ōmokoroa Country Club
47	29	The North Twelve Limited Partnership
39	17	Urban Task Force for Tauranga
29	30	Kāinga Ora
58	22	Jace Investments and Kiwi Green New Zealand Limited
58	23	Jace Investments and Kiwi Green New Zealand Limited
29	34	Kāinga Ora
FS 71	7	KiwiRail
FS 70	22	Kāinga Ora
FS 76	23-26	Retirement Villages Association of New Zealand Incorporated
FS 77	23-26	Ryman Healthcare
FS 74	7	Ōmokoroa Country Club

REJECTED

Submission	Point Number	Name
25	43	Bay of Plenty Regional Council
FS 67	21	Bay of Plenty Regional Council
29	27	Kāinga Ora
34	23	Retirement Villages Association
34	24	Retirement Villages Association of New Zealand Incorporated
FS 74	21	Ōmokoroa Country Club
29	27	Kāinga Ora
34	25	Retirement Villages Association of New Zealand Incorporated
34	26	Retirement Villages Association of New Zealand Incorporated
74	13	Ōmokoroa Country Club
34	27	Retirement Villages Association
47	32	The North Twelve Limited Partnership
39	18	Urban Task Force for Tauranga
26	25	Classic Group
40	10	Vercoe Holdings Ltd
42	7	Brian Goldstone
FS 69	10	Jace Investments
47	33	The North Twelve Limited Partnership
29	31	Kāinga Ora
34	28	Retirement Villages Association
29	32	Kāinga Ora
34	29	Retirement Villages Association
39	19	Urban Task Force for Tauranga
42	8	Brian Goldstone
40	11	Vercoe Holdings
26	26	Classic Group
29	35	Kāinga Ora
18	19	Fire and Emergency New Zealand

34	22	Retirement Villages Association
34	30	Retirement Villages Association
41	7	Waka Kotahi NZTA
56	7	Ōmokoroa Country Club
FS 74	20	Ōmokoroa Country Club

SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a significant change is recommended to policies within Section 14A.2.2 as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Amended District Plan policies
<p>Costs</p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p>Environmental</p> <p>The amended policies refine a number of policies to better reflect the policy and linked objective intent and to respond to other recommended amendments to linked provisions. In this regard Policy 12A2.2.13 has amended wording which is not as directive in regard to earthworks utilising the natural landform which has potential adverse environmental effects</p> <p>Economic</p> <p>The amended policies have no adverse change of effect in regard to economic costs.</p> <p>Social</p> <p>The amended policies have no adverse change of effect in regard to social costs.</p> <p>Cultural</p> <p>Potential increase in cultural costs associated with the reduced control of earthworks altering the natural landform.</p>
<p>Benefits</p> <p>Environmental</p> <p>Economic</p> <p>Social</p> <p>Cultural</p>	<p>Environmental</p> <p>The amended policies refine a number of policies to better reflect the policy and linked objective intent and to respond to other recommended amendments to linked provisions. Policies 12A2.2.12 and 12A2.2.14 have amended wording that better identifies the matters of concern.</p>

<p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p>Economic</p> <p>The amended policies linked with changes to performance standards have a positive change of effect in regard to economic costs. Policy 12A2.2.13 has amended wording which is not as directive in regard to earthworks utilising the natural landform which is likely to better support medium density housing especially at a larger scale.</p> <p>Social</p> <p>No direct social benefits however linked to the above the greater certainty provided by changes in regard to earthworks will have a positive effect on the development of medium density housing at a larger scale which could have a roll-on effect of providing more housing for less cost resulting in social benefits.</p> <p>Cultural</p> <p>The refinement of policy 12A2.2.14 has a relationship to better management of water quality which could be considered to be a positive cultural effect.</p>
<p>Quantification</p>	<p>Not practicable to quantify.</p>
<p>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</p>	<p>Sufficient and certain information is available.</p>