

# **Tauranga City Plan**

## **Proposed Plan Change 34**

### **Belk Road Rural Residential**

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## **1. Introduction**

### **1.1 Requirements of section 32**

This report has been prepared to fulfil the obligations of Tauranga City Council (Council) under section 32 of the Resource Management Act (RMA), with respect to undertaking a plan change to the operative Tauranga City Plan (City Plan). This report should be read together with the text and maps of the City Plan itself and the proposed plan change.

For any plan change to the City Plan, Council is required under section 32 of the RMA to carry out an evaluation of whether the objectives of a proposal are the most appropriate way to achieve the purpose of the Act (i.e. sustainable management of natural and physical resources).

A section 32 evaluation (s32) must also examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of policies, rules and other methods in considering whether they are the most appropriate means of achieving these objectives.

The evaluation must consider the benefits and costs associated with each policy, rule or method and also the risk of acting or not acting if there is uncertain or insufficient information on the subject matter.

Section 32(1)(c) provides for the evaluation to “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal”.

### **1.2 Overview and purpose of the plan change**

Proposed Plan Change 34 (PPC34) is a result of a jurisdictional boundary adjustment between Western Bay of Plenty District Council and Council. Now that the land is within Council’s jurisdictional boundary, Council are required to undertake a plan change to rezone the land from Rural in the Western Bay of Plenty District Plan to the most appropriate zone under the City Plan.

Proposed Plan Change 34, therefore, focuses on rezoning the land recognising that retaining the existing Rural Zone in the Western Bay of Plenty District Plan (status quo) is not an option given the land is now within Council jurisdiction.

### **1.3 Scope of plan change**

The purpose of PPC34 is to rezone the Belk Road Residual Land area under the Western Bay of Plenty District Plan to Rural Residential Zone in the City Plan.

## **2. Background/Existing Context**

### **2.1 Need for the Plan Change**

In November 2018, the Western Bay of Plenty District Council applied to the Local Government Commission (Commission) for a reorganisation proposal for the Tauriko West area. Seven responses were received by the Commission in response to the call for alternative applications. These included suggestions that the boundary of Tauranga City be further extended to include an area at Belk Road.





## 2.4 Current Zoning and Plan Areas

Although the Belk Road Residential Land area sits within Tauranga City boundaries, until a plan change that brings the area into the City Plan is made operative it remains subject to the Western Bay of Plenty District Plan. The area’s zoning and features in the Western Bay of Plenty District Plan are outlined in Table 1 and Figure 2 below.

Table 1: Western Bay of Plenty District Plan zoning and features of subject area

Feature	Western Bay of Plenty District Plan
Zone	Rural
Designations (incl purpose)	D139 - Road purposes - SH29 (Alteration of Designation)
Plan Areas/ Overlays	S7/S7a - Wairoa River Landscape Management Area Proposed esplanade strip/reserve

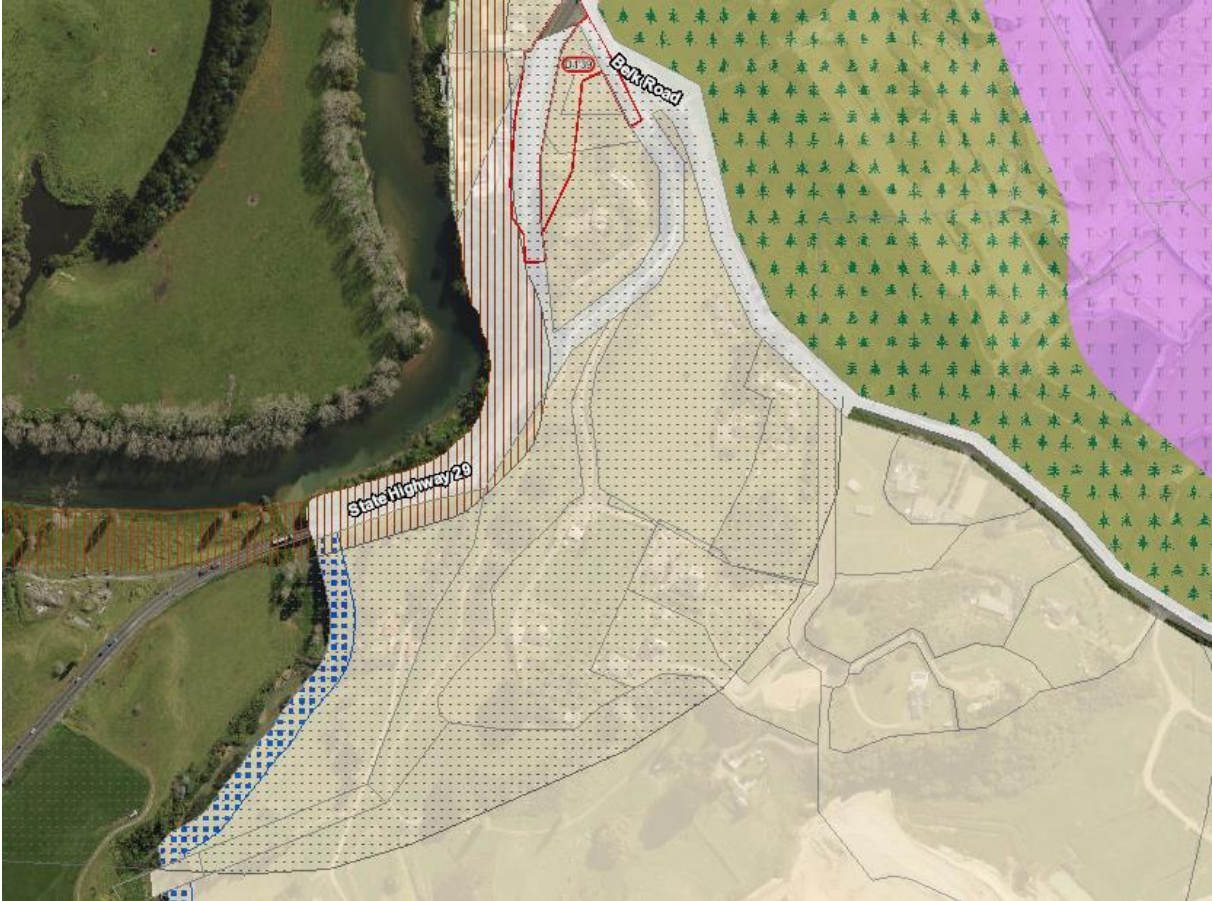


Figure 2: Western Bay of Plenty District Plan zoning and features of subject area (Light brown – Rural Zone, blue dots – proposed esplanade strip/reserve, solid red line – designation, Red hatched and grey dots – Wairoa River Landscape Management Area).

### **3. Relevant Legislation, Strategies and Policies**

#### **3.1 Resource Management Act 1991 (1991)**

Section 32(1)(c) of the RMA states that this evaluation report must “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal”.

The key matter referred to in section 32(3)(a) is that the plan change must be assessed in terms of whether it is the most appropriate way to achieve the purpose of the RMA. This matter, and other relevant assessment matters relating to efficiency and effectiveness (section 32(3)(b)), benefits and costs (section 32(4)(a)), and any potential risks arising from uncertain or insufficient information (section 32(4)(b)), are addressed in the following sections. In the context of a s32 evaluation:

- ‘Effectiveness’ means how successful a particular option is in achieving the desired environmental outcome as stated in the objectives.
- ‘Efficiency’ means measuring by comparison of the benefits to costs. The most efficient method will achieve the environmental outcome at the least overall cost.

As set out above the evaluation report must “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal”. On that basis RMA sections 5, 6, and 7 are not addressed as the PPC34 simply seeks to maintain the status quo in terms of the current land use. There are no matters of national importance affected, and therefore PPC34 does not trigger any of the clauses. The same argument applies to National Policy Statements and National Environmental Standards.

### **4. Consultation and Engagement**

Previous engagement has occurred indirectly through other projects such SmartGrowth and its Western Corridor studies, the Bay of Plenty Regional Policy Urban Limits (including Plan Change 6), Western Bay of Plenty District and Tauranga City boundary adjustment, Tauriko West urban growth area plan change preparation, and the State Highway 29 (SH29) transport business cases.

#### **4.1 Landowners**

Direct consultation has been held with the landowners within the plan change area as follows:

1. Letters sent to landowners and landowner meeting held on 8 December 2022 to explore options. Seven landowners attended representing five properties.
2. Letters/emails sent to landowners on 9 March 2023 attaching a high-level zoning options summary assessment.
3. Landowner meeting held 29 March 2023 at which five residents representing four properties attended. The powerpoint presentation from the meeting was sent to all landowners and they were invited to make comments.
4. Meeting held with TBE owners on 10 March 2023 to discuss issues and options. TBE own land within the plan change area and are also considered an affected party with their proposed private plan change for the adjoining land (the TBE extension shown in Figure 1 above).

Contact was had with ten of the 11 private landowners by either phone, email, one on one meetings or attendance at landowner meetings. Feedback was received from five of the landowners. Two had a clear preference for Rural Residential Zone. One had a preference for Residential or Industrial, but out of Rural Residential or Rural their preference was for the former. Two preferred the Rural Zone.

## **4.2 Tangata Whenua**

### **4.2.1 Ngati Kahu**

In 2011, Ngati Kahu published Te Awaroa – Ngati Kahu Hapu Environmental Management Plan. It is considered that this proposed plan change will be consistent with the outcomes being sought through that Iwi Management Plan.

A hui was held at Wairoa Marae with Piripi Hikairo and Te Ruruanga – Te Keeti on 4 August 2023. It was explained that the proposed plan change does not provide for changes in land use but maintains the status quo. The area is separated from the Wairoa River but adjoins the Omanawa River. Waahi tapu/waahi hirahira/waahi tupuna have not been identified in the subject area. No concerns were raised by the representatives with regard to the proposed Rural Residential zone as it essentially maintained the status quo. They were more interested in the adjoining TBE extension (known as Stage 4) which they would follow up separately with that developer.

### **4.2.2 Ngati Hangarau**

A hui was held with Tatai Allan on 4 October 2023 and followed with an email on 24 November 2023. Concerns relate to Taiao & Cultural particularly the protection of native flora and fauna as well as native fish species i.e. inanga, koura, tuna. Council's response was:

“The plan change does not envisage any changes to the landform or land uses within the Rural Residential Zone, thus a study as you have suggested has not been undertaken for that part of the Omanawa River. However, the plan change for the Tauriko Business Estate extension to the adjoining area has undertaken various ecological studies. I also note that the land within the proposed Rural Residential Zone adjoining the Omanawa River is owned by Waka Kotahi in anticipation of the future realignment of SH29. As part of that work, surveys such as you suggest will certainly be undertaken.”

### **4.2.3 Ngati Ranginui**

Emails have been exchanged since September 2023. Ngati Ranginui were sent a full copy of the draft s32 including the proposed changes to the City Plan. The iwi raised similar issues as Ngati Hangarau. The iwi accepted Council's' response as follows:

“This plan change is not actually seeking any changes to the use of the land in question – it simply recognises that the current rural residential nature is the best option for the future because of the topography and level of development. There will be no changes to the landform. I also note that the land within the plan change area is owned by Waka Kotahi and was purchased in anticipation of the future re-alignment of SH29. Effects on the Omanawa River will certainly have to be considered as part of that project.

The adjoining development and plan change by the developers of the Tauriko Business Estate will have impacts on the mauri of the Omanawa River. Hence there are a number of measures being built into that plan change at managing stormwater and restoring the River margins.”

In accordance with Schedule 1, clause 4A of the RMA, the draft plan change was sent to the relevant iwi and hapu authorities in December 2023. No amendments were requested.

#### **4.3 Bay of Plenty Regional Council**

Discussions with Bay of Plenty Regional Council staff confirmed the small scale and nature of the plan change in giving effect to the status quo means that an evaluation in terms of Method 18 of the RPS is not required.

#### **4.4 Western Bay of Plenty District Council**

Discussions with Council staff were held from time to time to inform them of progress and what was proposed. In particular, a meeting was held on 15 August 2023, when both the TBE private plan change and the PPC34 were discussed.

#### **4.5 New Zealand Transport Agency (NZTA)**

Meeting held with NZTA 13 March 2023 to discuss issues and options. An email response was received on 29 March 2023, that NZTA prefer the land is rezoned to Rural. NZTA are concerned the Rural Residential Zone would allow more development in the area resulting in more people living closer to the noise generated by the realigned SH29.

The proposed realignment is yet to be designated. It is considered more appropriate for the Notice of Requirement (NOR) for the SH29 improvement and realignment to address any effects from a future state highway improvement on residents, rather than PPC34.

NZTA acknowledge that the area is effectively operating as a Rural Residential Zone now, and that further subdivision is unlikely, however question the need to rezone to Rural Residential over the Rural Zone.

In accordance with clause 4(1A) of the RMA requires Council to give written notice to requiring authorities that have a designation within the area subject to the plan change. NZTA were given written notice on 17 January 2024 regarding designation D139 which is currently within the Western Bay of Plenty District Plan and subject to the plan change. On 18 January 2024, NZTA requested that D139 are included in PPC34 without modification in the City Plan.



## 5. Appropriateness of Objectives

The existing objectives within the City Plan remain unchanged, therefore the evaluation has been undertaken against the objective of the plan change and existing City Plan objectives.

<b>Plan change project objective</b>			
To rezone the Belk Road Residual Land to an appropriate zone within the City Plan.			
<b>City Plan objective</b>			
<b>2A.3 Objective - Housing Bottom Lines</b>			
Sufficient feasible, reasonably expected to be realised development capacity is enabled to meet the housing bottom lines as set out in Table 2A.1 below:			
Table 2A.1: Housing bottom lines:			
<b>Geographical Area</b>	<b>Short-medium term 2022-2032</b>	<b>Long-term 2032-2052</b>	<b>30 Year-Total 2022-2052</b>
Tauranga City	13,800	21,090	33,890
The housing bottom lines include a competitiveness margin of 20% for the short and medium-terms and 15% for the long-term.			
<b>Evaluation of City Plan objective</b>			
The appropriateness of this objective has been assessed previously, and no changes are proposed through PPC34.			

## **6. Identification and Evaluation of Options**

The following section identifies reasonably practicable options for achieving these objectives. This evaluation has been undertaken to determine the preferred option to be taken forward for a more detailed evaluation.

Options for achieving the objectives have been identified as:

### **6.1.1 Option 1 - Rural Zone**

This may be considered the status quo, although the Rural Zone provisions in the Western Bay of Plenty District Plan are different to the City Plan. The purpose and objectives of the Rural Zone in the City Plan are to provide for the productive use of the rural land resource for primary production activities and to maintain a low density of buildings and development. For subdivision an average lot size of 4ha is required. Secondary independent dwelling units (80m<sup>2</sup>) are permitted activities.

### **6.1.2 Option 2 - Rural Residential Zone**

The purpose of this zone is to contribute to a range of residential opportunities within the City. The City Plan objectives focus on land zoned for rural residential development as being considered unsuitable for conventional urban or suburban use; of limited productive capability; subject to topographical constraints; or inefficient to service to urban standards. The subdivision rule requires an average lot size of 4000m<sup>2</sup> and a minimum lots size of 2000m<sup>2</sup>. Secondary independent dwelling units (80m<sup>2</sup>) are permitted activities.

### **6.1.3 Option 3 - Medium Density Residential Zone**

This zone is proposed through PPC34, with the purpose and objectives of enabling a variety of housing types, including three storey buildings, to improve housing supply and choice across the City.

### **6.1.4 Option 4 - Tauriko Industry Zone**

The purpose and objectives of the Tauriko Industry Zone is to provide for industrial activities, while addressing landscape, servicing and design issues specific to this zone. Provision is made for a range of industrial activities and for local convenience retail and childcare facilities.

<b>Evaluation of reasonably practicable options</b>				
<b>Option</b>	<b>Relevance</b>	<b>Achievability</b>	<b>Acceptability / Reasonableness</b>	<b>Recommendation</b>
Option 1: Status Quo – Rural Zone	Size of existing lots means it is more rural residential than rural in its existing land use and appearance. The Rural Zone means that the current level of development would remain unchanged as no further subdivision would be provided for, except one property that does not have a house.	Not achievable from a Rural Zone objective perspective as apart from one small orchard, rural production is not achievable.	Reasonable as would maintain existing level of amenity.	DISCARD  It is not considered that the Rural Zone meets the objective of the plan change to identify an appropriate zone.

Evaluation of reasonably practicable options				
Option	Relevance	Achievability	Acceptability / Reasonableness	Recommendation
Option 2: Rural Residential Zone	Reflects existing use of the land. Theoretical possibility of 11 additional lots (double the existing number of properties) though likely to be significantly less due SH29 realignment, geotechnical issues and to landowners maintaining their own level of amenity (likely no more than 5).	<p>Achievable from a land use perspective as it maintains current lifestyle amenity. It meets all the criteria for rural residential as listed above. The existing landuse conforms to the Rural Residential objectives of the City Plan.</p> <p>All properties currently supply their own water either by bore or rainwater or a combination. There is not a Council supply and none is planned. To provide a water supply along Belk Road would cost in the order of \$300,000.</p> <p>Flood modelling (which includes sea-level rise and climate change to 2130) indicates that a section of Belk Road that provide access to the Belk Road Residual Land Area floods and be impassable in the modelled 10-year and 100-year flood events. As an example, the road would need to be lifted by around 4-5metres at its lowest points to provide freeboard clearance above the 10yr flood event and lifted higher to address the 100-year flood event. This existing access situation will remain and will not increase the risk as a result of a plan change.</p>	<p>Reasonable as reflects existing amenity.</p> <p>It provides flexibility for the larger landowners to undertake some subdivision which will be acceptable to them but may not be to others.</p> <p>Subdivision has occurred in other City Rural Residential Zones where the required infrastructure is not in place. A case would need to be made and each treated on its merits.</p> <p>The ability to subdivide to create additional new allotments would need to tie in with resolving the existing SH29/Belk Road intersection.</p>	<p>EVALUATE FURTHER</p> <p>This option is considered to be most appropriate response. The land has topographical constraints, is of limited rural productive value, and is inefficient to service. In addition, the Rural Residential Zone and its provisions would protect the existing amenity of the area. Even though it would be possible for further development, this is limited.</p>

<b>Evaluation of reasonably practicable options</b>				
<b>Option</b>	<b>Relevance</b>	<b>Achievability</b>	<b>Acceptability / Reasonableness</b>	<b>Recommendation</b>
Option 3: Medium Density Residential Zone (PPC33)	Close to the TBE for employment.	Not achievable as water supply and wastewater are not available and not likely to be provided due to downstream network capacity and cost. Land contour (and hence geotechnical restraints) is not suited to any residential level of density.	Not reasonable due to geotechnical restraints and cost of necessary infrastructure. Does not meet the purpose or objectives of the City Plan.	DISCARD It is not considered that the Medium Density Residential Zone meets the objective of the plan change to identify an appropriate zone.
Option 4: Tauriko Industry Zone	The area has the Tauriko Industry Zone to the north and proposed plan change for Tauriko Industry Zone to the south.	Contours could be reworked to convert land for industrial use. This is considered unfeasible because the number of small properties and the level of capital investment in houses means it is not financially viable to convert to industrial land.	Not acceptable or reasonable from either the landowners' perspectives or an industrial land developer's perspective.	DISCARD From a pure spatial perspective, the Industrial Zone would be preferred. However, the number of small properties and the level of investment by property owners means that an Industrial Zone is not feasible.



## **6.2 Evaluation of preferred option against objectives**

This section contains an evaluation of the option identified above for further evaluation. The preferred option includes the following:

- Amend City Planning Maps to rezone the Belk Road residual land to Rural Residential in the City Plan.
- Amend City Planning Maps to apply D139 (NZTA designation) that applies to the plan change area.
- Introduce a new rule in Section 12C – Subdivision in the Rural Residential Zone to limit subdivision until such time as an alternative to the existing SH29/Belk Road intersection has been provided.
- Introduce a new discretionary rule in Section 12C – Subdivision in the Rural Residential Zone for applications that do not meet the above rule.
- Amend Appendix 10C: Designations to insert D139 (NZTA designation).

<b>Evaluation of preferred option against objectives</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	There are no environmental costs.	There are no environmental benefits
<b>Economic</b>	There are no economic costs.	Will benefit larger landowners who will have the option to subdivide, however this is considered unlikely.
<b>Social</b>	Increase in number of lots/dwellings may (depending on location) affect amenity. Increase in number of dwellings will add to the pressure at the SH29/Belk Road intersection. However, a rule is proposed to the City Plan to manage this effect.	There are no social benefits.
<b>Cultural</b>	There are no cultural costs.	There are no cultural benefits.
<b>Economic growth provided or reduced</b>	There is no significant change to economic growth.	
<b>Employment opportunities</b>	This option is unlikely to result in any employment opportunities within the Belk Road Residual Land area, but there is the ability for people to live close to employment within TBE.	
<b>Uncertain or insufficient information</b>	There is sufficient information to support the proposed zoning and rules.	
<b>Risk of acting or not acting</b>	There is a requirement to act due to the Local Government Commission decision to change the jurisdiction of the area from Western Bay of Plenty to Council, which requires a plan change to rezone the land. The risk of not acting is that all activities within the plan change area are considered a discretionary activity.	
<b>Effectiveness</b>		
This option is effective in achieving objectives as it reflects the current land uses and future development opportunities are considered to be limited beyond the Rural Residential Zone provisions. .		
<b>Efficiency</b>		

This option is efficient because it utilises the existing Rural Residential objectives, policies and rules of the City Plan. There are only small amendments proposed to the City Plan to insert a rule manage the SH29/Belk Road intersection. Consideration was given to the existing overlays that apply to the land in the Western Bay of Plenty District Plan. It is proposed to introduce designation D139 to the relevant land area as shown in the Western Bay of Plenty District Plan. Equivalent rules to the Wairoa River Management Area are considered unnecessary to apply to the land as the Belk Road Residual Land area is separated from the Wairoa River by SH29. The proposed esplanade strip/reserve also shown in the Western Bay of Plenty District Plan is considered unnecessary as any subdivision along the Omanawa River will require an esplanade strip in accordance with the RMA.

#### **Summary**

The effects are either neutral or positive, and the proposed change to the Rural Residential Zone is effective and efficient.

This option seeks to rezone the land to Rural Residential and introduce new rules to avoid pressure on the SH29/Belk Road intersection and introduce the NZTA designation.