



ATTACHMENTS

**Ordinary Council meeting
Separate Attachments 1**

Monday, 16 September 2024

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Appendix 1: Recommended Amendments to Private Plan Change 35 to the Tauranga City Plan, Tauriko Business Estate Stage 4

Guide to understanding the changes

Private Plan Change 35 to the Operative Tauranga City Plan (City Plan) are shown below.

- A description of whether a rule is proposed to be inserted, deleted, amended or moved, as notified, are shown in **red** text.
- Where changes to the content of the City Plan were proposed in Private Plan Change 35, these are shown as either a ~~strike-out~~ for deleted text or underlined for additional text.
- Changes recommended to the notified Private Plan Change 35 text following the consideration of submissions and further submissions are shown in **blue** text and underlined, with the same notations as above.

Chapter 4 – General Rules Provisions

Amend Permitted Activity Rule 4E2.4(c) noise in the Tauriko Commercial and Industry Zone as follows:

4E.2.4 Tauriko Commercial and Industry Zone

- a. Activities in these zones, shall not exceed the following noise levels within the boundary of any site within a Residential Zones, Rural Residential Zone or Rural Zones:

Control Hours and Noise Levels		
Zone	Daytime	Night-time
Tauriko Commercial Zone	50 dBA Leq	40 dBA Leq and 70 dBA Lmax
Tauriko Industry Zone	55 dBA Leq	45 dBA Leq and 70 dBA Lmax

- b. Activities within the Tauriko Industry Zone shall not exceed the following limits within the boundary of any site within the Tauriko Industry Zone, Tauriko Commercial Zone or Greenbelt Zone:

Control Hours	Noise level
daytime	65 dBA Leq
night-time	55 dBA Leq and 80 dBA Lmax

- c. Prior to commencement of any land use within 100 metres of any dwelling existing as at 10 December 2005 on a ~~Rural~~ zoned property [adjoining Tauriko Business Estate Stages 1 to 3 or prior to commencement of any land use within 100 metres of any dwelling existing on a Rural or Rural Residential zoned property adjoining Tauriko Business Estate Stage 4 as at 9 March 2024](#), an acoustic report, prepared by a suitably qualified acoustic engineer shall be submitted to the Council to:
- Outline the range of activities that will occur on the site and their potential noise levels and mitigation/management measures that will be implemented to demonstrate compliance with Rule 4E.2.4. a. and b. Tauriko Commercial and Industrial Zone.
- d. Approved Occupational Safety and Health (OSH) safety devices are exempt from compliance with the noise limits of Rule 4E.2.4 a. and b. — Tauriko Commercial and Industry Zone during the hours of 0700 - 2200 only.

Chapter 7 – Heritage

Amend Appendix 7D Register of Significant Archaeological Areas as follows:

Area No	Planning Map No	Name	Address	Legal Description	NZHPT Site No's.
<u>A24</u>	<u>R93</u>	<u>Omanawa Redoubt</u>	<u>40 Belk Road</u>	<u>Lot 3 DP 564534 and Lot 8 DP</u>	<u>U14/210 (Redoubt)</u>

Chapter 12 – Subdivision, Services and Infrastructure

Insert new objective and policy for Tauriko Business Estate Stage 4 as follows:

12E.1.3 Objective – Stormwater Management within Tauriko Business Estate Stage 4

Promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects) of industrial development in Tauriko Business Estate Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) on the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments.

12E.1.3.1 Policy – Stormwater Management within Tauriko Business Estate Stage 4

Require subdivision and development within Tauriko Business Estate Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) to demonstrate that stormwater runoff is managed in a manner that meets the requirements of the relevant stormwater consent [and any relevant Stormwater Management Plan](#) and is designed and constructed to:

- a. Incorporate low impact stormwater design practises that:
 - i. Adopt a treatment train approach that includes stormwater management systems that are located, sized and designed to manage stormwater related effects; and
 - ii. ~~Integrate and interface with natural freshwater receiving environments. Are managed in an integrated way and minimise the degradation of rivers and natural inland wetlands.~~
- b. Ensure that constructed stormwater network elements are appropriately sized, designed and constructed to achieve positive stormwater management outcomes in the long term.
- c. Manage and mitigate the risk of flooding.
- d. Ensure that stormwater infrastructure manages the cumulative effects associated with stormwater discharge from subdivision and development on receiving environments.

Amend Controlled Activity - Standards and Terms Rule 12E.3.1.10 Subdivision within the Tauriko Business Estate as follows:

12E.3.1.10 Subdivision within the Tauriko Business Estate

- a. Any application shall demonstrate how the *subdivision* will be developed in a manner that is consistent with:
 - i. *Diagram 10, Section 5, (Part B, Plan Maps) (Tauriko Business Estate Outline Development Plan);*
 - ii. *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan;*
 - iii. *UG8, Section 6, Urban Growth Plans, (Part B, Plan Maps);*
 - iv. *Appendix 18H – Tauriko Business Estate Mitigation and Landscaping Specification;*
 - v. *Appendix 18D – Tauriko Business Estate Mitigation, Landscaping Features and Buffer Zones;*
 - vi. For applications in Stages 1 to 3 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*): *Appendix 18ⁱⁱ – Tauriko Business Estate Typical Road Plans and Cross Sections*, or for applications in Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*): the Council's Infrastructure Development Code;
 - vii. *Rule 18A.12.2.2 – Tauriko Industry Zone Streetscape;*
- b. A Landscape Concept Plan shall be submitted specifying the work required to achieve the requirements set out in a) above including, but not limited to:
 - i. *Streetscape* for spine road and green connectors;

- ii. Visual extension of green connector;
 - iii. *Walkways* and cycleway links;
 - iv. Stormwater management area;
 - v. Escarpment area;
 - vi. Visual mitigation buffer;
 - vii. Zone interface 10 metre planted buffer strip ~~and 80 metre separation area~~;
 - viii. Planted buffer;
 - ix. Landmark entry features;
 - x. A design theme, including location, for any composite *sign* within a Landmark Entry Treatment area;
 - xi. Convenience centres;
 - xii. Escarpment area – Gargan Road;
- c. Any application shall demonstrate how the provisions of the Cultural Heritage Plan for the *Tauriko Business Estate* have been given effect, including:
- i. Provision for cultural gateway *structures* and historical panels within the defined Landmark Entry Treatment Areas;
 - ii. Naming of streets, parks and other public amenities;
 - iii. Riparian protection and native planting alongside Kopurererua Stream, Omanawa Stream and stormwater ponds;
 - iv. *Archaeological site* monitoring and protection;
- ...
- g. The location of the following features shall, where relevant to the *subdivision*, be identified in a *consent notice*:
- i. *Boundary* between the Tauriko Industry Zone and Tauriko Commercial Zone with the Rural Zone;
 - ii. *Boundary* between the Tauriko Industry Zone and Tauriko Commercial Zone with the Greenbelt Zone;
 - iii. Escarpment area;
 - iv. Landmark Entry Treatment Area;
 - v. Convenience centre;
 - vi. Special *Height* Control Area;
 - vii. Visual mitigation buffer;
 - viii. Visual extension of green connector;
 - ix. Zone interface 10 metre buffer strip ~~and 80 metre separation strip (Belk Road)~~;
- ~~h. n.~~ Any application within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) shall demonstrate how *Objective 12E.1.3, Policy 12E.1.3.1 and Appendix 18F.3 Stormwater* have been given effect. This shall include a stormwater engineering assessment including, but not limited to:
- i. For lots not already subject to a stormwater management plan or approved stormwater consent, the provision of a stormwater management plan;
 - ii. How the requirements of the relevant approved stormwater consent, and the relevant stormwater management plan, will be achieved;
 - iii. How low impact design principles and water quality pre-treatment via a treatment train approach will be undertaken, including for Belk Road;
 - iv. The implementation of a primary network system designed to manage 10% AEP storm events;
 - v. The implementation of a secondary network system designed to manage 1% AEP storm events (with climate change adjustments using RCP8.5H+ scenario for year 2130);

- ~~iv. How the requirements of the relevant approved stormwater consent, and stormwater management plan, will be achieved;~~
- ~~vi. The effects of climate change on rainfall and sea level based on the RCP 8.5+ median scenario as of the year 2130.~~
- ~~i. o. Any application within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) that exceeds ~~40%~~ 43ha of the total industrial developable land within Stage 4 shall provide traffic modelling to determine whether completion of Taurikura Drive (within Stage 3 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) is necessary to service the lots created by the application.~~
- ~~Note: This standard does not apply where Taurikura Drive within Stage 3 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) has been completed.~~
- ~~j. p. For all lots created within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*), a consent notice shall require that:~~
 - ~~i. The requirements of the relevant approved stormwater consent, and stormwater management plan, will be given effect to;~~
 - ~~ii. All roofing and exterior wall surfaces on new buildings are comprised of inert materials (inert materials are those that do not have an exposed surface made from contaminants of concern to water quality; including zinc, copper and lead);~~
- ~~q. For all lots created within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*), that contains and/or adjoin the central drain (as per *Diagram 10, Section 5, (Part B, Plan Maps) (Tauriko Business Estate Outline Development Plan)* any application shall:~~
 - ~~i. Demonstrate, either by vesting or an alternative mechanism, that sufficient area on either side of the central drain is provided that can be planted, in natives, and maintained in perpetuity; and~~
 - ~~ii. Demonstrate that the vested area is sufficiently wide enough for planting, access and maintenance purposes.~~
- ~~r. Any application within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) shall be accompanied by an ecological assessment prepared by a suitably qualified ecologist. The assessment shall identify the ecological values present within the application area and demonstrate how the effects on those values will be appropriately managed.~~

Amend Controlled Activity – Matters of Control and Conditions Rule 12E.3.2.6 Tauriko Business Estate as follows:

Modelling

12E.3.2.6 Tauriko Business Estate

- a. The establishment and maintenance of landscaping on land with specific requirement for:
 - i. A minimum 2-year maintenance program for landscaping on land to be vested in Council;
 - ii. A minimum 3-year maintenance program for landscaping within the visual mitigation buffer;
- b. Earth filling and excavations, building and infrastructure setback distances from the crest and toe of escarpment slopes, debris retention measures, and batter slope design;
- c. The completion of relevant works listed in the Appendix 18F.7 Sequencing Schedule, Appendix 18F Tauriko Business Estate Services Strategy Statement and Sequencing Schedule;
- d. For applications within Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) the implementation of stormwater management measures to ensure compliance with the relevant approved stormwater consent and any stormwater management plan and any additional recommendations or mitigation measures set out within the stormwater engineering assessment.

- e. [For applications within Stage 4 \(as per Diagram 9, Section 5 \(Part B, Plan Maps\) Tauriko Staging Plan\) that contain and/or adjoin the central drain how the protection and maintenance of the central drain and margins, including its ecological values, is provided for.](#)
- f. [For applications within Stage 4 \(as per Diagram 9, Section 5 \(Part B, Plan Maps\) Tauriko Staging Plan\) how any identified ecological values will be appropriately managed.](#)

Chapter 18 Industrial Zones

Amend Policy 18A.8.2.1 – Urban Form as follows:

18A.8.2.1 Policy – Urban Form

By ensuring *subdivision*, land use and development occurs in an integrated manner that:

- a. Provides functional access links to adjacent development, in particular Pyes Pa West and Tauriko West;
- b. Provides safe and convenient internal routes for cyclists and pedestrians and enables future links to surrounding areas;
- c. Supports the efficient and effective provision of public transport to, from and within the area;
- d. Enables people working and carrying out business in the area to meet their day-to-day needs through provision for small-scale convenience *retail* and *childcare* facilities within defined local centres in the industrial estate.

Amend Policy 18A.8.3.2 – Landscape and Visual Amenity Protection through On-Site Controls as follows:

18A.8.3.2 Policy – Landscape and Visual Amenity Protection through On-Site Controls

By ensuring the visual effects of industrial land development at Tauriko is mitigated through controls that:

- a. ~~Limit~~ Limit the scale of *buildings* and impose building setbacks in prominent locations, limit the extent and location of *signs*, and limit the use of high-impact and highly reflective colours on *buildings* visible from residential and rural areas;
- b. Enable larger-scale buildings in specific locations where the landscape has the capacity to absorb those effects.

Amend Permitted Activity Rule 18A.12.1.2 – Building Height in the Tauriko Industry Zone as follows:

18A.12.1.2 Tauriko Industry Zone

- a. The maximum *height* of any *building* or *structure*, with the exception of the permitted intrusions in *Rule 4H.2 – Permitted Activity Rules*, shall be 16 metres in the Tauriko Industry Zone;
- b. Notwithstanding the maximum height permitted by *Rule 18A.12.1.2 a) – Tauriko Industry Zone*, all *buildings* on a *site* shown in *Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)* as Special Height Control Area (Recession Plane) shall be contained within a *building* envelope measured 8 metres above ground level at the boundary of the Tauriko Industry Zone, the Tauriko Commercial Zone and the Greenbelt Zone, and at an angle of 20 degrees above horizontal into the site to the maximum *height* applicable for the zone (See Diagram - *Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones*);
- c. All *buildings* or *structures* within the area identified as subject to the '12 metre Height Limit' in *Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)* as Tauriko Business Estate Area shall not exceed a *height* of 12 metres above ground level;

- d. All buildings or structures within the area identified as subject to the '20 metre Height Limit' in Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan) as Tauriko Business Estate Area shall not exceed a height of 20 metres above ground level;
- e. All buildings or structures within the area identified as subject to the '25 metre Height Limit' in Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan) as Tauriko Business Estate Area shall not exceed a height of 25 metres above ground level.

Amend Permitted Activity Rule 18A.12.2.2 – Tauriko Industry Zone Streetscape as follows:

18A.12.2.2 Tauriko Industry Zone Streetscape

- a. For all buildings and activities on sites within the Tauriko Industry Zone having a direct frontage to Taurikura Drive and Belk Road specimen trees shall be provided and maintained by, or on behalf of, the landowner(s) on sites adjoining the Taurikura Drive boundary and Belk Road boundary at the rate of one tree for every 10 lineal metres of road frontage or fraction thereof. The trees shall be located within the site and within 10 metres of the front boundary of the site with Taurikura Drive or Belk Road. The trees shall be planted before occupation of a building or start of an activity on site in accordance with the rate of planting specified in this rule;

Delete Permitted Activity Rule – Special Permitted Activities in the Tauriko Industry Zone Rule 18A.14.2.3 as follows:

18A.14.2.3 80 Metre Separation Strip

~~For the areas defined in Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan) and in accordance with Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones as 80 metre separation strip:~~

- a. ~~Use of the 80 metre separation strip shall be limited to:~~
 - i. ~~Protection, establishment, enhancement, and maintenance of landscape planting, and provision of walkways;~~
 - ii. ~~Uses (excluding any buildings) provided for as permitted activities under Rule 16A.7 – Activity Status Rules~~
 - iii. ~~Stormwater detention ponds, and associated earthworks and structures, (excluding any buildings);~~
- b. ~~Notwithstanding Rule 18A.14.2 a) Special Permitted Activities in the Tauriko Industry Zone above, parking, access and manoeuvring that is fully screened from view from any adjacent site in the Rural Zone may also be undertaken, provided this shall not be closer than 60 metres from the boundary of an property in the Rural Zone~~

~~Note: Any activity that does not comply with Rule 18A.14.2.3 – 80 Metre Separation Strip shall be considered a Restricted Discretionary Activity.~~

Insert new Special Permitted Activity Condition in the Tauriko Industry Zone Rule 18A.14.3.4 as follows:

18A.14.3.4 Compliance of Land Use with Urban Growth Plan, Services Strategy, Staging Plan, Outline Development Plan and other relevant documents

- a. No land use shall occur in the Tauriko Business Estate unless it complies with the requirements of:
 - i. Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan);
 - ii. Diagram 9, Section 5, (Plan Maps, Part B) (Tauriko Staging Plan);
 - iii. Appendix 18D: Tauriko Business Estate Mitigation Landscape Features and Buffer Zones;

- iv. Appendix 18F: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule;
 - v. Appendix 18H: Tauriko Business Estate Mitigation and Landscaping Specification;
 - vi. UG8, Section 6, Tauriko Business Estate Urban Growth Plan, (Plan Maps, Part B);
 - vii. Rule 12E.3.1.10(h)(n) – Subdivision within the Tauriko Business Estate.
- b. Where a land use is being carried out on a lot created from a subdivision under Rule 12E.3.1.10 – Subdivision within the Tauriko Business Estate the land use shall be deemed to have complied with Rule 18A.14.3.4 - Compliance of Land Use with Urban Growth Plan, Services Strategy, Staging Plan, Outline Development Plan and other relevant documents.

Insert new Special Permitted Activity Conditions in the Tauriko Industry Zone Rule 18A.14.3.5 as follows:

18A.14.3.5 External Treatment of Buildings and Other Structures

All roofing and exterior wall surfaces shall be comprised of inert materials (inert materials are those that do not have an exposed surface made from contaminants of concern to water quality; including zinc, copper and lead).

Amend 18A.15 Restricted Discretionary Activity Rules as follows:

18A.15 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a. Any permitted activity that does not comply with:
 - i. *Rule 18A.12.2 – Streetscape;*
 - ii. *Rule 18A.12.3 – Industrial and Sensitive Zone Boundaries;*
 - iii. *Rule 18A.12.4 – Outdoor Storage;*
 - iv. *Rule 18A.12.5 a) – Ancillary Retail and Offices;*
 - v. *Rule 18A.13.4.3 – Traffic;*
 - vi. *Rule 18A.13.4.4 a) – Boundaries of Scheduled Site;*
 - vii. *Rule 18A.13.4.5 – Site Layout and Landscaping;*
 - viii. *Rule 18A.14.3.4 - External Appearance of Buildings and Structures;*
- b. Cranes on the Sulphur Point Wharves not complying with the *height* limits specified in *Rule 18A.12.1.3 b) – Port Industry Zone* or located in an area outside either the proposed Sulphur Point Wharf Extension North (proposed as 170 metres to the north of the existing wharf), or further south than the Sulphur Point Extension South (being 286 metres south of the existing wharf);
- ~~c. Permitted activities in the Tauriko Industry Zone, located within the 80 metre strip separation identified on Diagram 10, Section 5, (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan), and not otherwise permitted by Rule 18A.14.2.3 – 80 Metre Separation Strip.~~
- d. Any *activity* identified as a Restricted Discretionary Activity in *Table 18A.1 Industrial Zones Activity Status*;
- e. Any *activity* within the Papamoa East Employment Zone identified as a Restricted Discretionary Activity in *Table 18A.1: Industrial Zones Activity Status*.

Delete Restricted Discretionary Activities – Matters of Discretion and Conditions in the Tauriko Industry Zone Rule 18A.15.5.3 as follows:

~~18A.15.5.3 Activities Within the 80 Metre Separation Strip~~

~~In considering activities within the 80 Metre Separation Strip identified in *Diagram 10, Section 5 (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)*, the Council restricts the exercise of its discretion to the extent to which the activity may result in restrictions on lawful activities on adjacent sites in the Rural Zone, and the maintenance and enhancement of rural amenity values.~~

Amend 18A.16 Discretionary Activity Rules as follows:

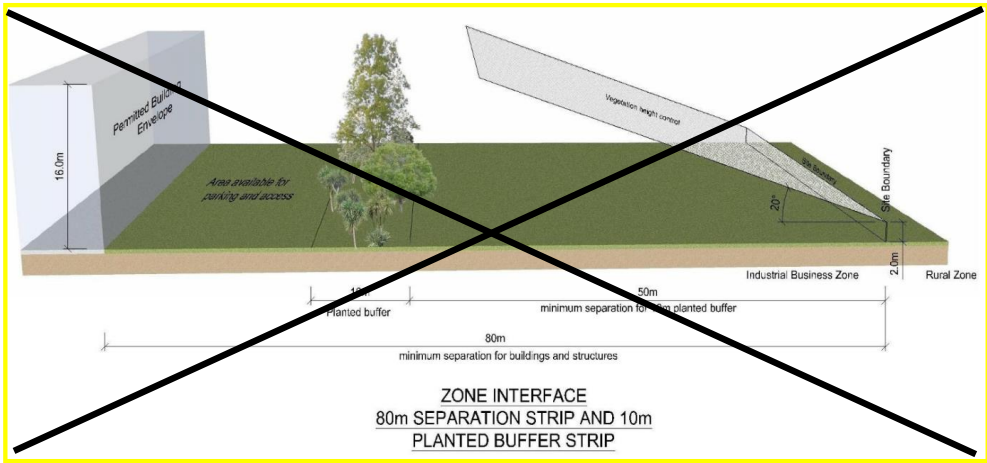
18A.16 Discretionary Activity Rules

The following are Discretionary Activities:

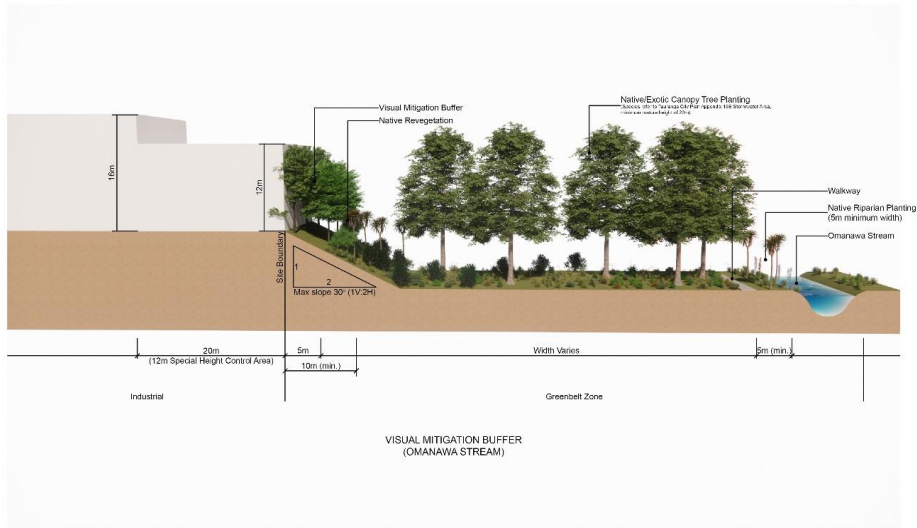
- a. Any permitted activity that does not comply with:
 - i. Rule 18A.12.1 – Building Height, except for with the exception that any wharf crane exceeding permitted building height under Rule 18A.12.1.3 b) – Port Industry Zone which is a Restricted Discretionary Activity;
 - ii. Rule 18A.12.6 - Take-Away Food Premises;
 - iii. Rule 18A.13.1 - Mangatawa Industrial Estate Scheduled Site – Permitted Activities;
 - iv. The requirement in Rule 18A.13.3 – 12 Owens Place Scheduled Site (Lot 4 DPS 27323) – Permitted Activities that furniture retailing shall not exceed 3000m² in gross floor area;
- a. Any activity that does not comply with the following Permitted Activity rules for the Tauriko Industry Zone:
 - i. Rule 18A.14.3.1 - Building Setback – Stages 2B and 3B;
 - ii. Rule 18A.14.3.2 - Traffic Management, Safety and Convenience;
 - iii. Rule 18A.14.3.4 - Compliance of Land Use with Urban Growth Plan, Services Strategy, Staging Plan, Outline Development Plan, and other relevant documents;
 - iv. Rule 18A.14.3.5 - External Treatment of Buildings and Other Structures;

Delete existing diagram and insert replacement diagram into Appendix 18D Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones as follows:

Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones



Replacement diagram:



Amend Appendix 18F Tauriko Business Estate Services Strategy Statement and Sequencing Schedule as follows:

Appendix 18F: Tauriko Business Estate Services Strategy Statement and Sequencing Schedule

This statement describes key proposals for the development of infrastructure at Tauriko Business Estate. Council's Development Contributions Policy, and Structure Plan (SP14) further detail infrastructure for the Tauriko Business Estate.

Amend Appendix 18F.1.1 External Roading as follows:

Appendix 18F.1.1 External Roading

Improvements to the intersections of Cambridge Road/State Highway 29, and Belk Road/State Highway 29 will be required, whether or not development at Tauriko takes place.

Improvements (additional left slip lanes as shown on Diagram 1 - Mitigation Measures and Staging at Lakes and Route K/SH29 Roundabouts, in *Appendix 18L Tauriko Business Estate – External Roading Mitigation Measures* will be required at the intersection of Takitimu Drive/State Highway 29 and the intersection of Takitimu Drive/Taurikura Drive as a result of the development at Tauriko. Timing is tied to the staging of development.

As a result of the business land development at Tauriko either:

- a. Interim improvements to the intersection of Belk Road/State Highway 29 will need to occur; or
- b. If a long-term solution for that intersection is developed before such an interim solution being implemented, the long-term solution will need to occur earlier.

Any such intersection improvements will require substantial reconstruction of part of the State Highway. Diagram 2 Mitigation Measure at Belk Road in *Appendix 18L Tauriko Business Estate – External Roading Mitigation Measures* illustrates the type of intersection improvements likely to be required as an interim solution, while the location of the proposed works is shown on *UG8, Section 6, Urban Growth Plans, (Plan Maps, Part B)*. Note that the final design of any interim solution may differ from that shown.

Before any intersection improvements proceed, separate notice of requirements and designation procedures under the *RMA* may need to be completed.

Belk Road will be upgraded to a width and pavement standard suitable for heavy commercial vehicles. The design of the improvements will include provision of streetlights near the intersection with Taurikura Drive, and footpaths, cycleways and kerbs ~~public transport infrastructure~~ to provide a safe environment for vehicles, cyclists and pedestrians. Belk Road is also a key corridor for wastewater, stormwater, water and other utility infrastructure.

If a Tauriko Bypass is constructed, the improvements to the Belk Road/State Highway 29 intersection described above are unlikely to be required.

Development of Stage 4 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*) is contingent on further improvement works occurring. This includes closure of the Belk Road/SH29 intersection in conjunction with the completion of the Kaweroa Drive/SH29 roundabout (included as part of the [Tauriko Enabling Works package](#)), upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts, and the completion of [Stage 3 of the Tauriko Networks Connections Detailed Business Case](#). ~~the connection of Kaweroa Drive to SH36 (or an appropriate alternative agreed by Council).~~ [Where any application for subdivision consent is made in advance of these prerequisites being implemented, the applicant is required to assess the effects of the application on the safety and efficiency of the transport network \(incorporating](#)

[State Highway 29, 29A and 36 where relevant\), including outlining any alternative solutions to manage the effects.](#)

Amend Appendix 18F.1.2 Internal Rooding as follows:

Appendix 18F.1.2 Internal Rooding

The internal road hierarchy comprises a sub-arterial (Spine) road, other collector roads and pedestrian/walkway routes as shown on the Urban Design Plan for the Tauriko Business Estate included as UG8, Section 6, *Urban Growth Plans, (Plan Maps, Part B)*.

A road cross-section is shown for Taurikura Drive in *Appendix 18I – Tauriko Business Estate Typical Road Plans and Cross Sections*, which applies to Stages 1 to 3. The development of Taurikura Drive in Stage 4 is subject to the Council's Infrastructure Development Code.

...

Taurikura Drive includes intersections that will be controlled by large roundabouts or traffic lights. It has 2 lanes, except where it approaches the intersection with Takitimu Drive and between Kaweroa Drive and Belk Road where this increases to 4 lanes to accommodate increased flows. Belk Road will also have 4 lanes if the Upper Belk Road area is developed in the future. Intersection and road design needs to take pedestrian and cycling facilities into account. The formation of Taurikura Drive through the entire development is indicated in the Outline Development Plan, however it is recognised that the development may be able to function without the full formation of Taurikura Drive where traffic modelling can confirm this.

Amend Appendix 18.2 Wastewater as follows:

Appendix 18F.2 Wastewater

The management of *wastewater* from the *Tauriko Business Estate* shall be undertaken by a combination of gravity and limited rising mains and pump stations to the main pump station that is to be constructed near the Kopurererua Bridge at State Highway 29. The location of these works is identified in the structure plan (SP14) for the *Tauriko Business Estate* appended to the Council's Development Contributions Policy. This pump station is within the Pyes Pa West Urban Growth Area Plan and will discharge via twin rising mains to a new gravity sewer at Barks Corner and into the existing Maleme Street pump station.

The existing *Council* system, into which it is intended to direct *wastewater*, cannot accommodate design flows for the development. The *Council* is to construct the Southern Pipeline to redirect catchments in Tauranga South to the Te Maunga Treatment Plant.

Development in Stage 4 exceeding 40ha is contingent on the completion of the Western Corridor wastewater upgrade.

Amend Appendix 18F.3 Stormwater as follows:

Appendix 18F.3 Stormwater

The land drains largely to the Kopurererua Stream to the north with some to the Omanawa Stream and Wairoa River to the south. In accordance with best practice, peak stormwater run-off rates and discharge volumes will be managed by the construction of a number of stormwater wetlands detention ponds. These ponds and constructed stormwater wetlands ponds will also deal with stormwater quality and provide visual, ecological and passive recreational functions.

To achieve this multi-functional purpose, the constructed stormwater wetlands ponds will generally have a sediment forebay for retaining coarse sediment, and a densely vegetated main pond for settling out fine sediment and contaminants. The vegetation will comprise rush and sedge species designed to reduce the potential for channelisation of stormwater flow and to maximise settlement of fine particles.

The constructed stormwater wetlands ponds will not be lined. A permanent volume of water to assure quality will be retained in the constructed stormwater wetlands ponds, additional to storage volume. This water quality volume will be replenished by ground and spring water, as well as run-off passing through. This recharge, in combination with the vegetation, will reduce the potential for mosquito populations and odour nuisances.

Summary details of the proposed stormwater management system are shown on the structure plan (SP14) for the *Tauriko Business Estate* appended to the *Council's* Development Contributions Policy.

Stormwater reticulation and [constructed stormwater wetlands ponds](#) are limited to standard *stormwater run-off* criteria. Businesses which have a higher risk of contamination are to have restrictions and conditions placed on them to provide on-site treatment in accordance with standard *Council* practice.

Management of stormwater within Stage 4 is subject to a stormwater management plan and an approved stormwater discharge consent from Bay of Plenty Regional Council (for Stage 4B). The Stormwater Management Plan sets out the principles for stormwater management that are to be considered and implemented through the development process. This includes water quality pre-treatment via a treatment train approach, [extended detention to mitigate stream channel erosion](#), a primary network system designed to manage 10% AEP storm events and a secondary network system designed to manage 1% AEP storm events (with climate change adjustments using RCP8.5H+ scenario for year 2130).

As land development progresses within Stage 4, flood and stormwater displacement effects on adjacent land will be considered and assessed against the stormwater management plan and approved stormwater discharge consent through the resource consent process.

Amend Appendix 18F.7 Sequencing Schedule as follows:

Appendix 18F.7 Sequencing Schedule

The sequence of *subdivision* and land development shall be in accordance with the following Sequencing Schedule:

Note: Reference should also be made to the requirements set out in Rule 12E.3.1.10 f) and g) – Subdivision within the Tauriko Business Estate:

Stage as shown on Services Structure Plan	Prerequisite to any resource consent being granted or to any land-use activity being established	Prerequisite to land use and subdivision relevant to Rule 18A.16 d
1	Taurikura Drive designed and alignment determined for Stage 1.	Pyes Pa bypass connection to SH29 completed. Plant and fence off visual mitigation buffer adjacent to development. Southbound left-slip lane from SH29 to Takitimu Drive. Left-slip lane to Pyes Pa west from Takitimu Drive. Left-slip lane from Takitimu Drive to SH29.
2A	Taurikura Drive and Kennedy Road link and bridge designed and alignment determined for Stage 2A. Final design and associated estimated cost for the Belk Rd/SH29 intersection or for such other alternative southern access to SH29 approved by statutory road authorities.	Taurikura Drive formed and vested in <i>Council</i> for Stage 1. Left-slip lane from Taurikura Drive to Takitimu Drive. Plant and fence off visual mitigation buffer adjacent to development. Northbound left-slip lane from SH29 to Takitimu Drive.

Stage as shown on Services Structure Plan	Prerequisite to any resource consent being granted or to any land-use activity being established	Prerequisite to land use and subdivision relevant to Rule 18A.16 d
2B	Gargan Road upgrading designed, including access from Gargan Road to Taurikura Drive.	Prerequisites for Stages 1 and 2A. Taurikura Drive formed and vested in <i>Council</i> for Stage 2A. Road access and services provided from Spine Road to Gargan Road. Gargan Road upgraded. Physical connection between Taurikura Drive and State Highway 29/Gargan Road intersection is severed for all traffic by legally stopping Gargan Road.
3A	Taurikura Drive designed and alignment determined for Stage 3A. Intersection of Belk Rd/SH29 designed to a standard approved by statutory road authorities, all necessary statutory authorisations are obtained, and any additional land needed is acquired.	Prerequisites for Stage 2B. Taurikura Drive formed and vested in <i>Council</i> for Stage 3A. Road access and services provided from Taurikura Drive to Gargan Road. Physical connection between the Taurikura Drive and State Highway 29/Gargan Road intersection is severed for all traffic by a road closure on Gargan Road. That part of Wintrebre Lane within or which connects to the <i>Tauriko Business Estate</i> directly from State Highway 29 is severed for all traffic by legally stopping part of the road. Intersection of Belk Rd/SH29 upgraded, or an agreed alternative provided to a standard approved by statutory road authorities. 10m planted buffer strip at Belk Rd established. Stormwater pond C constructed and acceptable for vesting in <i>Council</i> .
3B	Prerequisites as for Stage 3A. Gargan Road upgrading is designed.	Prerequisites for Stage 3A. Gargan Road upgraded.
3B Alternative staging for up to 80ha in conjunction with Stage 3C ahead of stage 3A.	Gargan Road upgrading is designed.	Prerequisites for Stage 2B. Kennedy Rd link and bridge constructed and acceptable for vesting in <i>Council</i> .

Stage as shown on Services Structure Plan	Prerequisite to any resource consent being granted or to any land-use activity being established	Prerequisite to land use and subdivision relevant to Rule 18A.16 d
3C	Prerequisites as for Stage 3A. Stormwater ponds and floodway are designed with supporting analysis to show that adverse flooding effects are mitigated and required <i>earthworks</i> and discharge consents granted.	Prerequisites for Stage 3A. Stormwater ponds and floodway established.
3C Alternative staging for up to 80ha in conjunction with Stage 3B ahead of stage 3A.	Stormwater ponds and floodway are designed with supporting analysis to show that adverse flooding effects are mitigated and required <i>earthworks</i> and discharge consents granted.	Prerequisites for Stages 1 and 2A. Kennedy Rd link and bridge constructed and acceptable for vesting in <i>Council</i> .
4	Prerequisites as for Stage 3A. <u>Constructed stormwater wetlands Stormwater ponds and floodway are designed with supporting analysis to show that adverse flooding effects are mitigated and required <i>earthworks</i> and discharge consents granted. Western Corridor Wastewater upgrade designed prior to Stage 4 development beyond 40ha. Upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts are designed prior to Stage 4 development beyond 50ha 43ha. Stage 3 of the Tauriko Network Connections Detailed Business Case Kaweroa Drive / SH36 connection, or an appropriate alternative, designed prior to Stage 4 development beyond 60ha.</u>	Prerequisites for Stage 3A. <u>Constructed stormwater wetlands Stormwater ponds and floodway established. Western Corridor wastewater upgrade constructed for Stage 4 development beyond 40ha. SH29 / Kaweroa Drive roundabout being in place and connected to Kaweroa Drive. SH29 / Belk Road intersection closed. Taurikura Drive and Belk Road connected. Upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts constructed for Stage 4 development beyond 50ha 43ha. Construction of Stage 3 of the Tauriko Network Connections Detailed Business Case Kaweroa Drive / SH36 connection, or an appropriate alternative, constructed for Stage 4 development beyond 60ha.</u>

Amend Appendix 18H: Tauriko Business Estate Mitigation and Landscaping Specification as follows:

Appendix 18H: Tauriko Business Estate Mitigation and Landscaping Specification

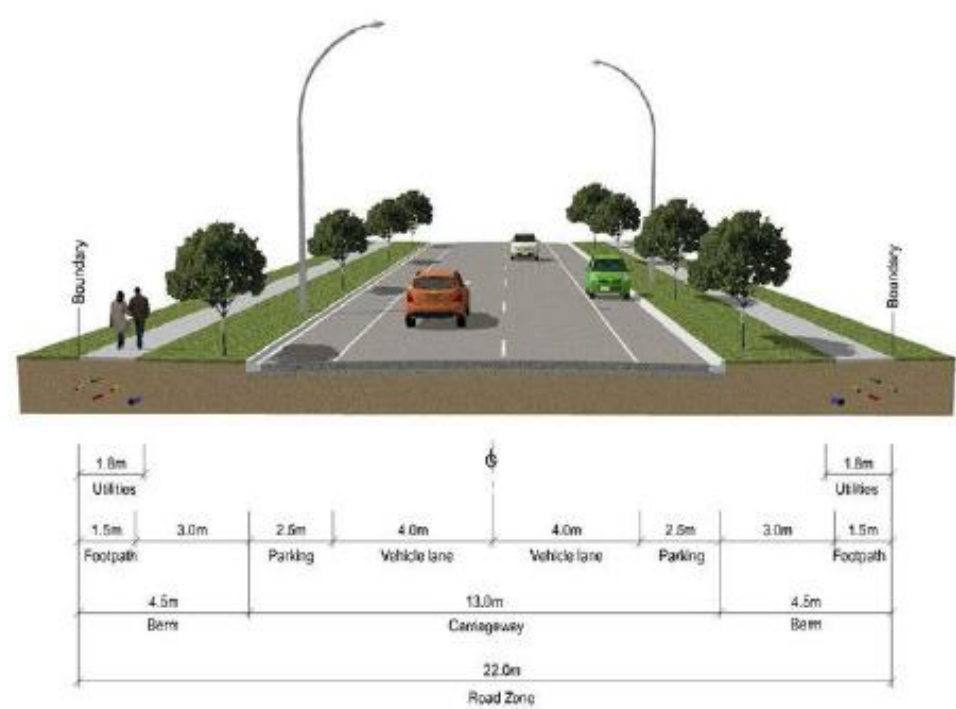
Mitigation Type	Purpose	Dimension	Planting Density and Specification	Plant Size at Time of Planting
Taurikura Drive street trees	Mitigation of effects on distant views. <i>Streetscape</i> enhancement.		Where the tree species are described as large broadly conical and spreading in form they shall be planted at 25m centres; or, Where the tree species are described as fastigata and narrowly columnar in form they shall be planted at 15m centres. Both sides of street. Central median planted in grass with 1 tree/10m general spacing. For roundabout diameters less than 10m no trees in centre, for diameters > 10m more than one tree can be planted.	PB150. PB150.
Connector road street trees	Mitigation of effects on distant views. <i>Streetscape</i> enhancement.		1 tree/15m general spacing for both sides of street.	PB150.
Visual mitigation buffer	Screening near views from Pyes Pa West <u>and adjacent rural areas to</u> Business Industrial Area.	As shown on <i>Diagram 10, Section 5 (Plan Maps, Part B) (Taurikoi Business Estate Outline Development Plan)</i> . Where the natural slope has been altered by <i>earthworks</i> , it shall be cut to a maximum of 30° (1V:2H), before to topsoil replacement.	Revegetation species on steep slopes at 1m spacing, free from defect, pest and disease. Soil appropriately conditioned. Top 5m section of bank - 2 rows of trees at 5m spacing. Trees true to form. Native and exotic species appropriate for screening and achieving a <i>height</i> of at least 15m.	PB3. Trees minimum PB95 grade.

Mitigation Type	Purpose	Dimension	Planting Density and Specification	Plant Size at Time of Planting
Stormwater Management Area	Enhancing amenity values, ecological functioning and stormwater contaminant removal. Screening mid-range views into the Commercial Business and Industrial Business Areas.	As shown on <i>Diagram 10, Section 5 (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)</i> . but generally not less than 20m wide.	Species that are invasive, weedy or likely to infest waterways shall be avoided. Revegetation species at 1m spacings. Root trainer plants at 3 plants/m ² . Trees in clump plantings at 5m spacings, 10 trees/ clump, and maximum spacing of 50m between clumps. Half area in open grassland. Pond species provided.	Reveg species PB3. Root trainers may be used for wetland areas. Trees minimum PB95 grade.
Zone interface buffer strip	Screening short-and mid- range views into the Industrial Business Area.	80m separation strip including a 10m wide planted buffer located a minimum distance of 50m from the boundary of any Rural Zoned property. Vegetation heights controlled to avoid shading as shown in <i>Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones</i> .	3 rows of staggered tree planting at 5m intervals. Soil appropriately conditioned.	Shrubs PB3. Trees minimum PB95 grade.
Escarpment mitigation	Re-establishment of ground cover and trees on modified escarpments that provide a backdrop to industrial and commercial buildings.	As shown <i>Diagram 10, Section 5 (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)</i>	Revegetation species at 2m spacing. Scattered clusters of mixed deciduous species.	PB2. PB40.
Escarpment protection on escarpment area – Gargan Road	Reinstatement of natural ground contours and planting of revegetation species and specimen trees.	See <i>Diagram 10, Section 5 (Plan Maps, Part B) (Tauriko Business Estate Outline Development Plan)</i> and Gargan Road Final Contour and Earthworks plan.	2 rows of staggered tree planting at 5m intervals. Shrubs between. Soil appropriately conditioned. Planting of revegetation species at 2 metre centres. Planting of specimen trees at 5 metre centres.	Shrubs PB3. Trees 2m minimum Revegetation species PB02. Specimen trees PB40.

Insert note into Appendix 18I Tauriko Business Estate Typical Road Plans and Cross-Sections as follows:

Appendix 18I: Tauriko Business Estate Typical Road Plans and Cross-Sections

Note: These cross-sections apply to Stages 1 to 3 (as per *Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan*). The development of roads in Stage 4 are subject to the Council's Infrastructure Development Code.



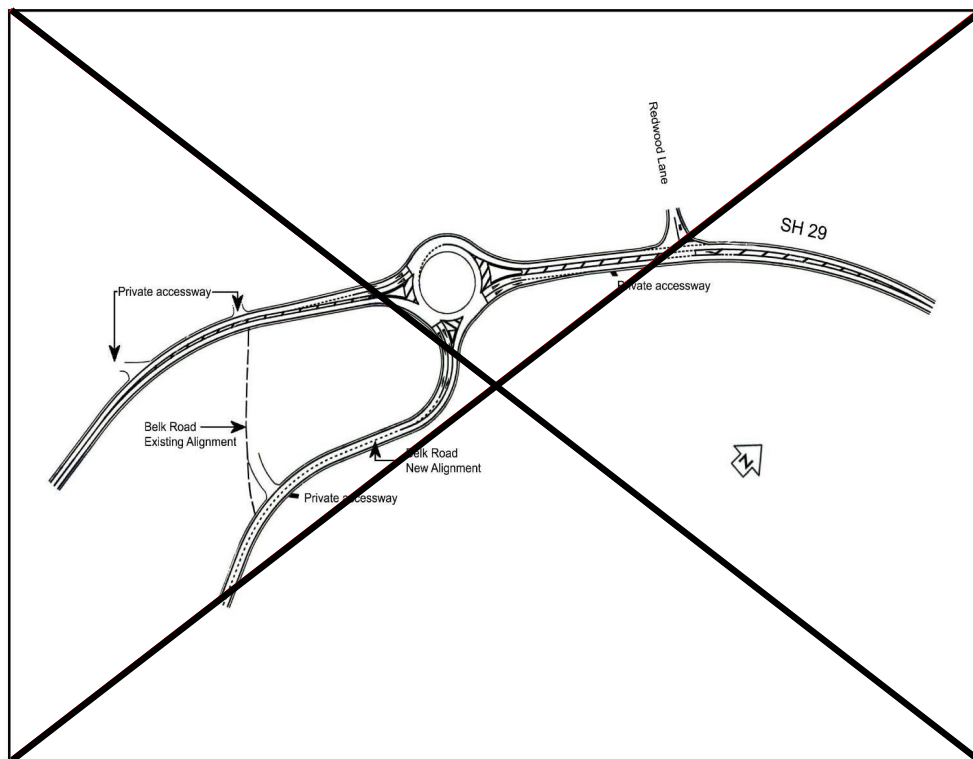


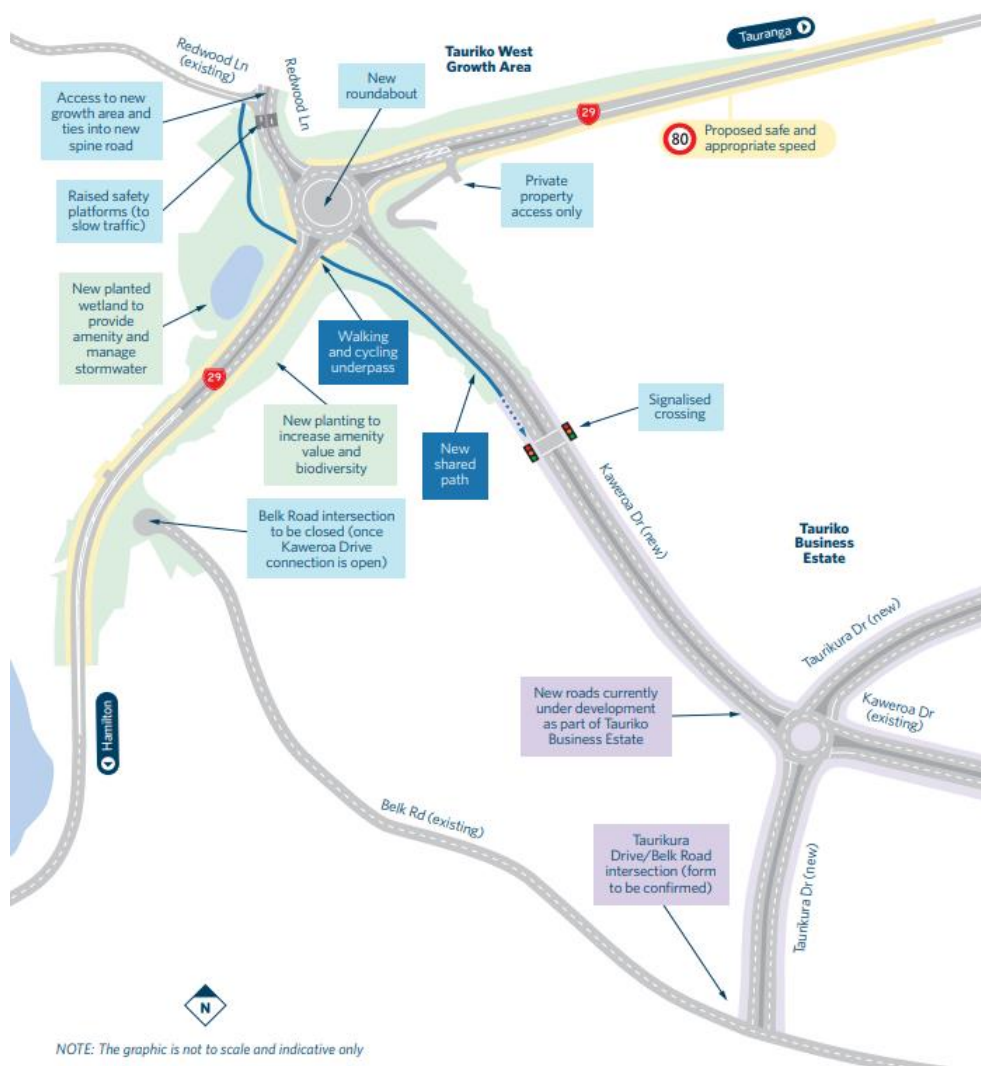
Amend Appendix 18J Tauriko Business Estate – External Roding Mitigation Measures by amending text and replacing Diagram 2 as follows:

Appendix 18J: Tauriko Business Estate – External Roding Mitigation Measures

Diagram 2 - SH29/Redwood Lane intersection upgrade and ~~Mitigation Measure at Belk Road closure~~

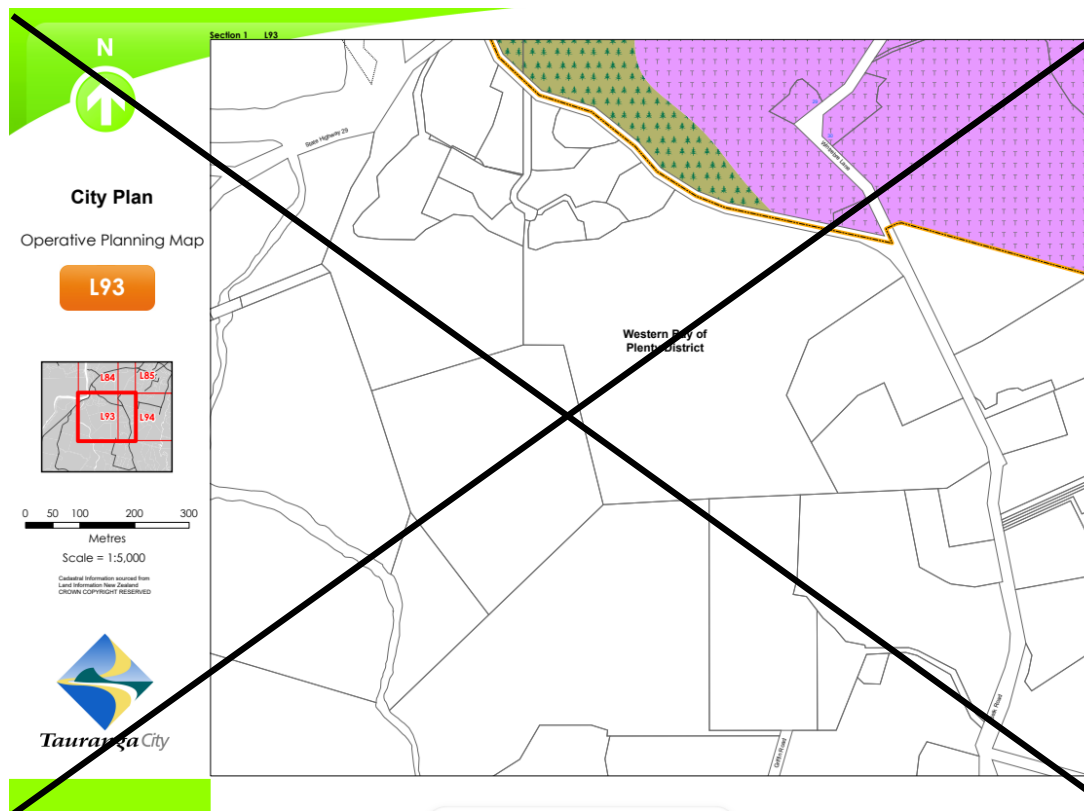
Note: Diagram 2 - ~~SH29/Redwood Lane intersection upgrade and Belk Road closure Mitigation Measure at Belk Road~~ is the same as ~~Diagram 11 Proposed Tauriko Business Estate Stage 3 Mitigation Measures~~ Drawing No. Z1040605, Sheet No. G003, Rev. C, MWH, 9/02/2007 the indicative plan included in the Waka Kotahi NZ Transport Agency "Tauriko Enabling Works" package.

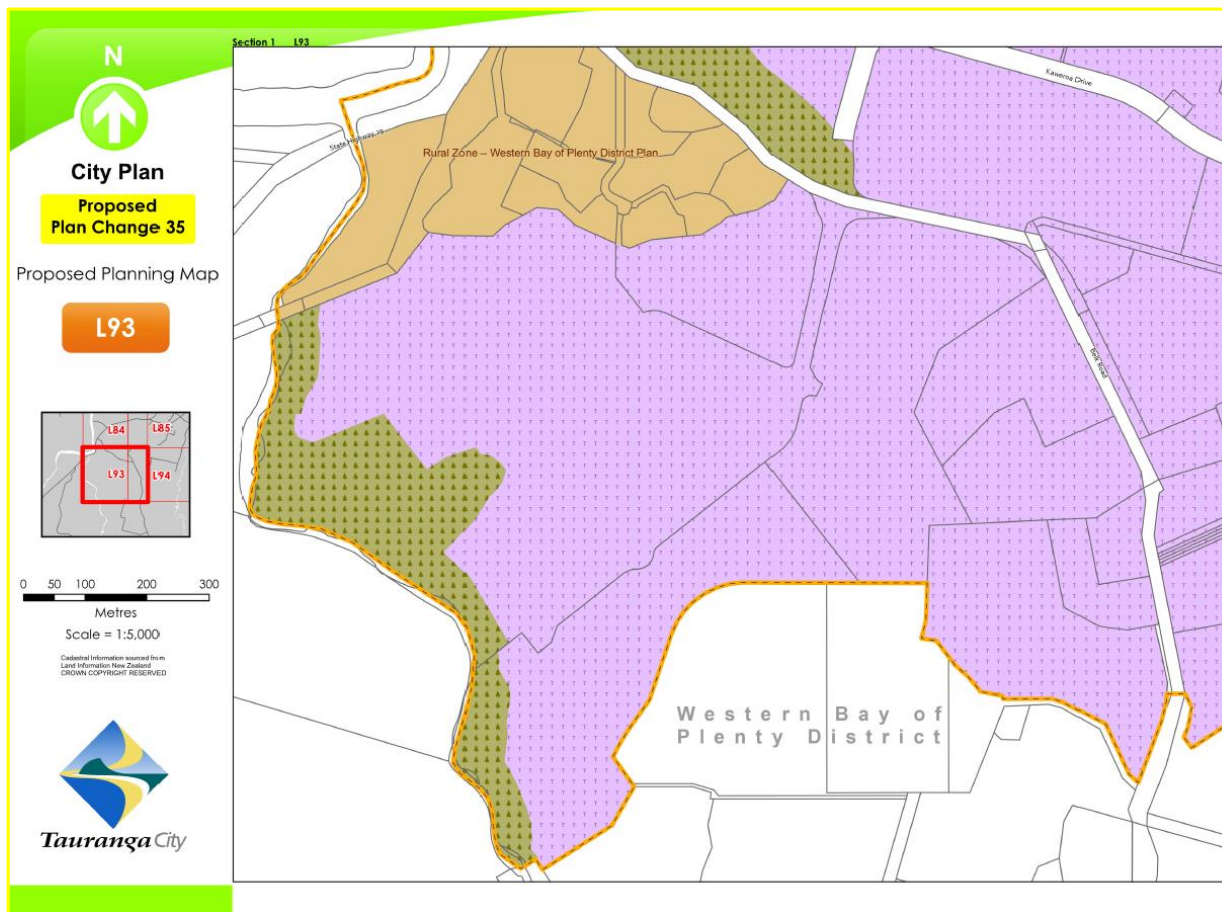




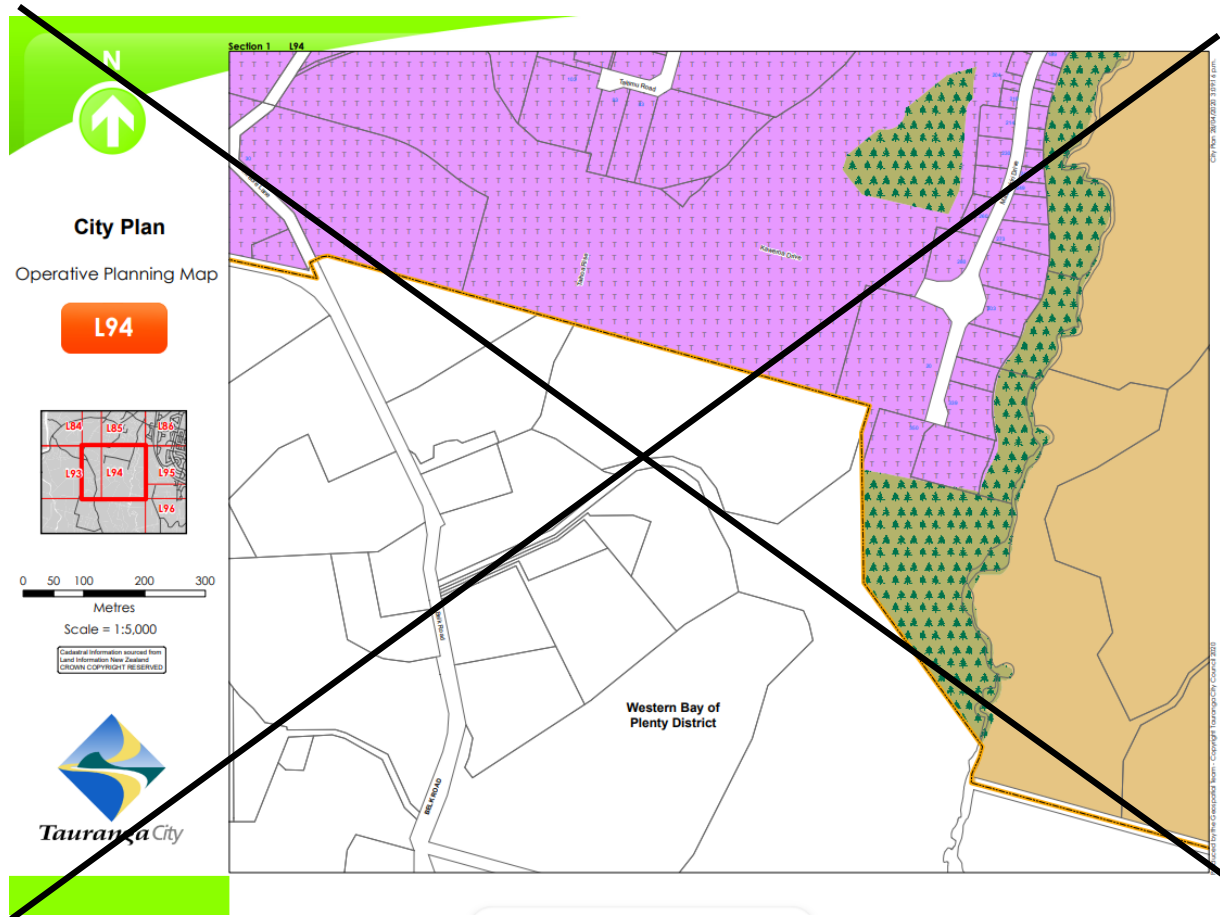
Part B - Plan Maps

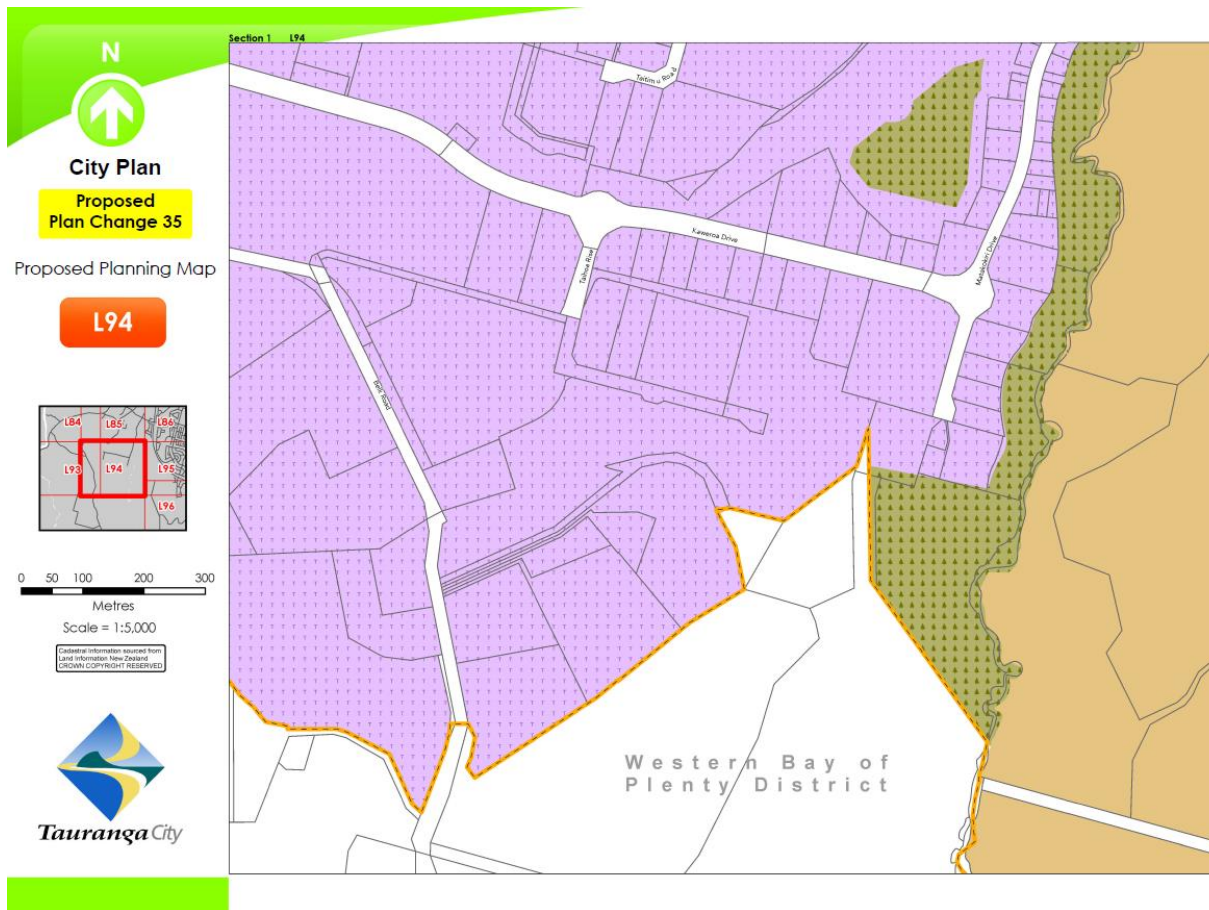
Amend Section 1 Left: Map 93 by replacing Map L93 as follows:





Amend Section 1 Left: Map 94 by replacing Map L94 as follows:






Amend Section 1 Right: Map 93 by replacing Map R93 as follows:



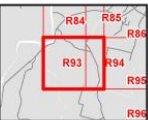





City Plan
Proposed
Plan Change 35

Proposed Planning Map

R93

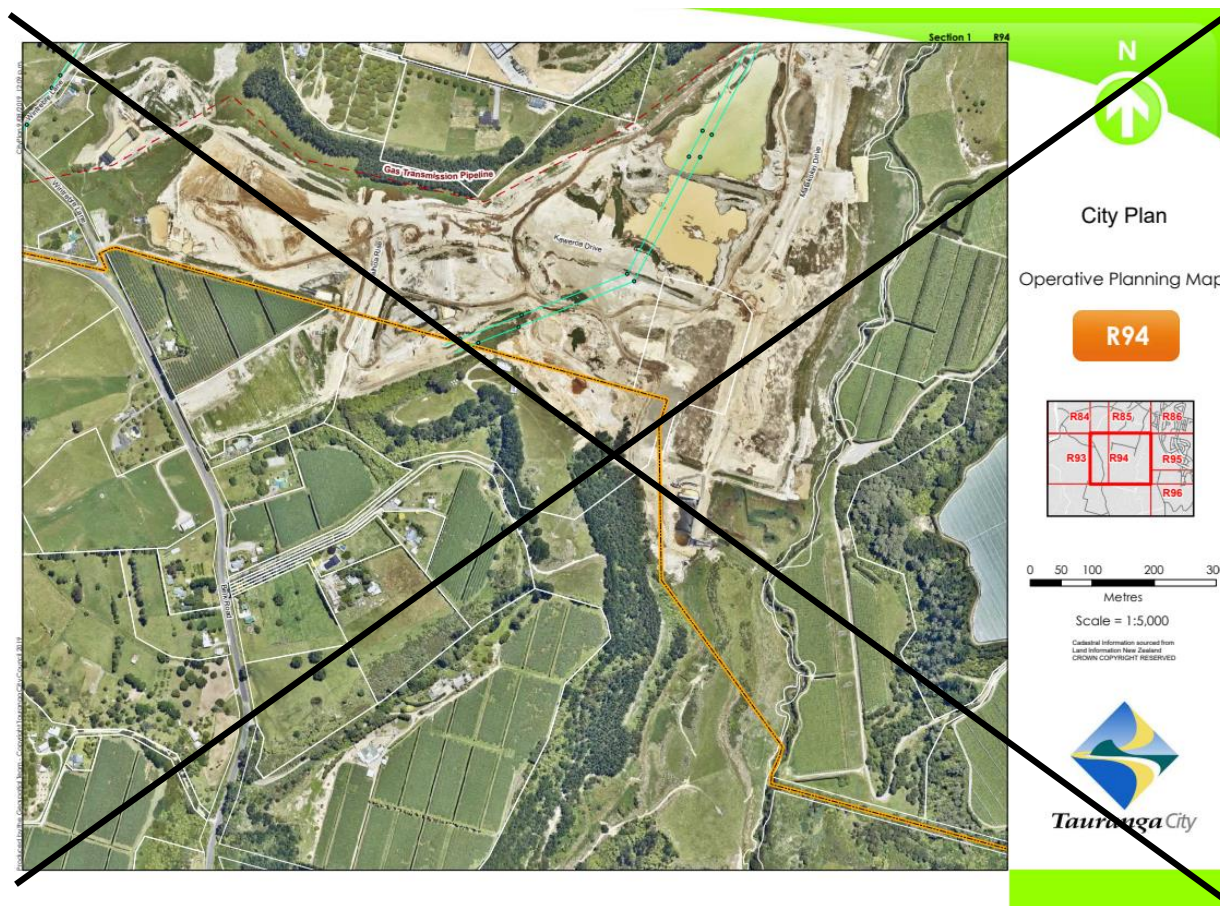


0 50 100 200 300
Metres
Scale = 1:5,000
Cadastral information sourced from
Land Information New Zealand
CROWN COPYRIGHT RESERVED



Tauranga City

Amend Section 1 Right: Map 94 by replacing Map R94 as follows:





Section 1 R94

N
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City Plan
Proposed Plan Change 35

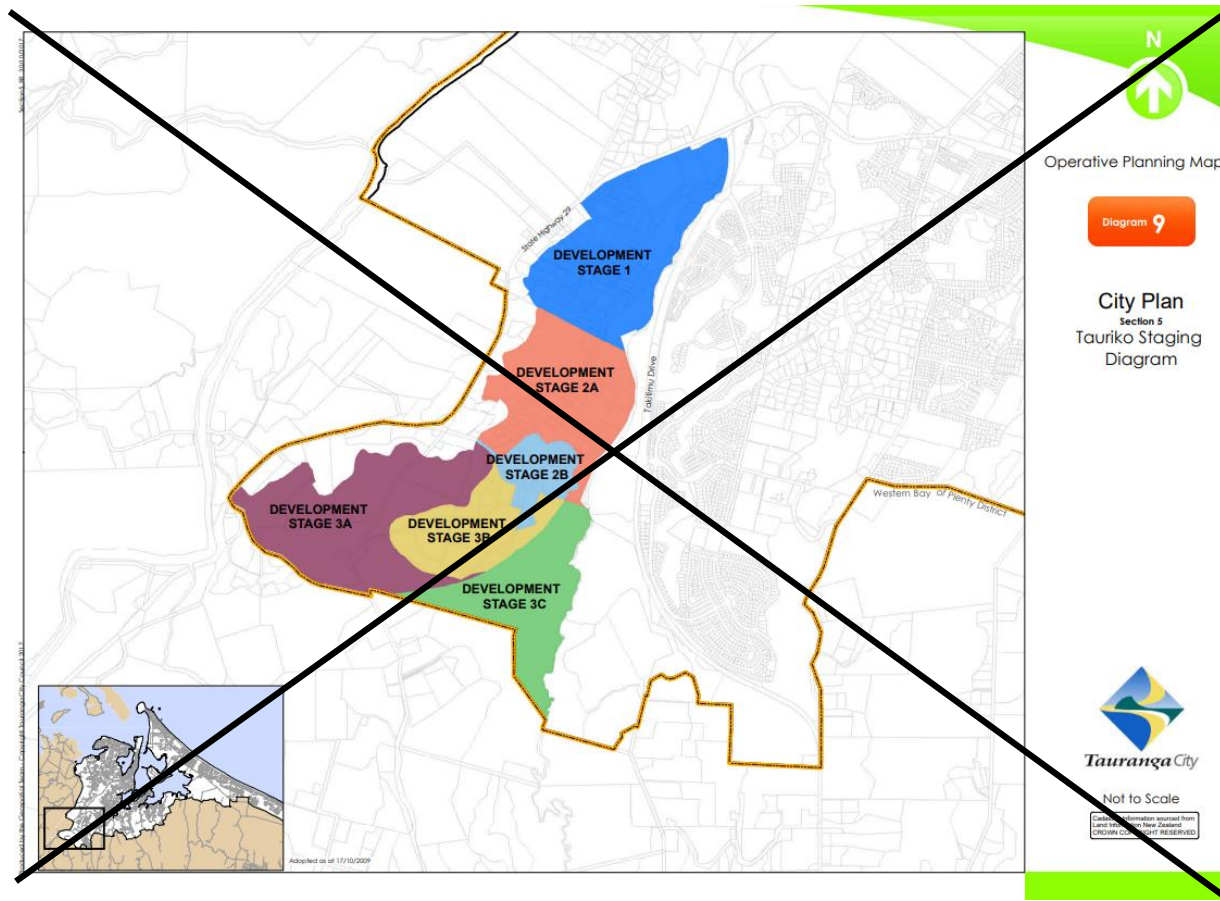
Proposed Planning Map

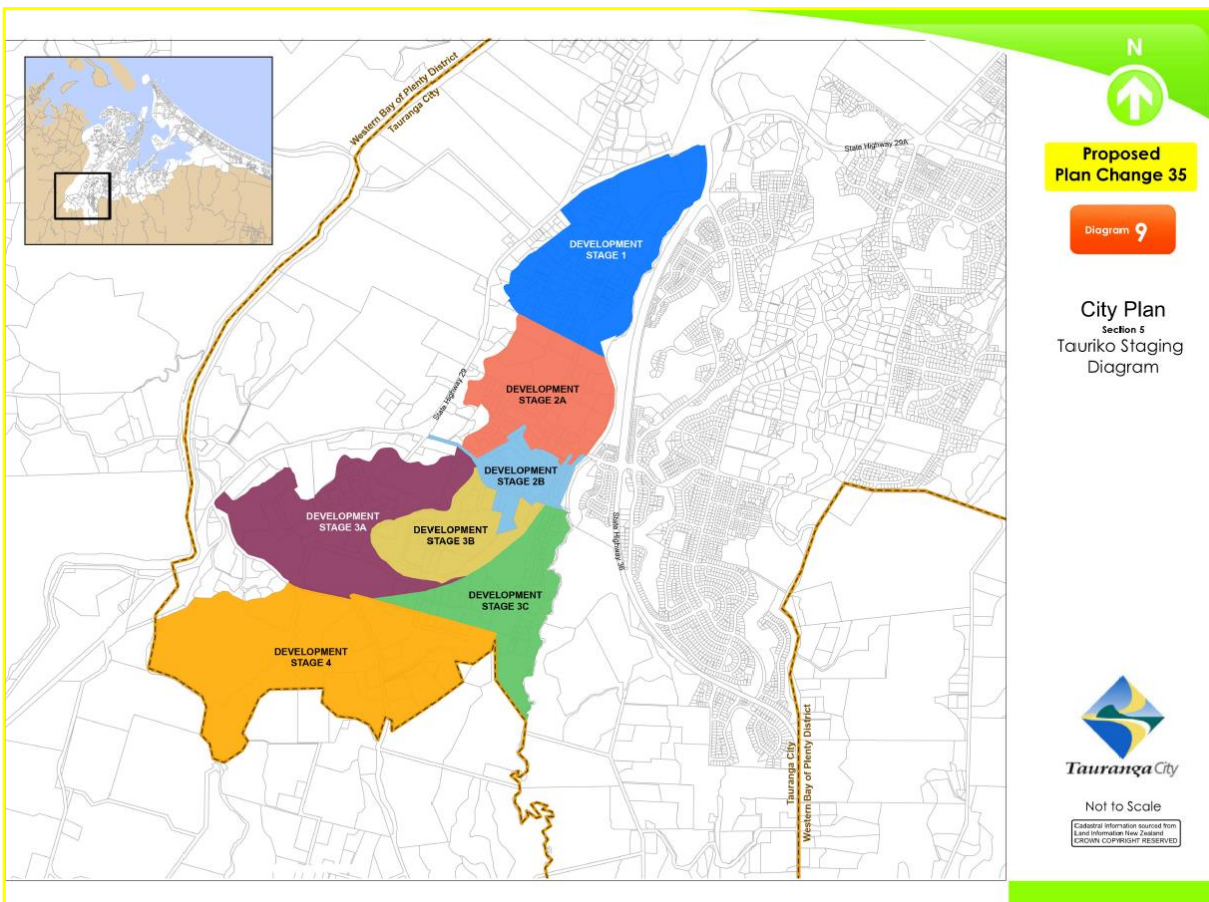
R94

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Cadastral information sourced from
Land Information New Zealand
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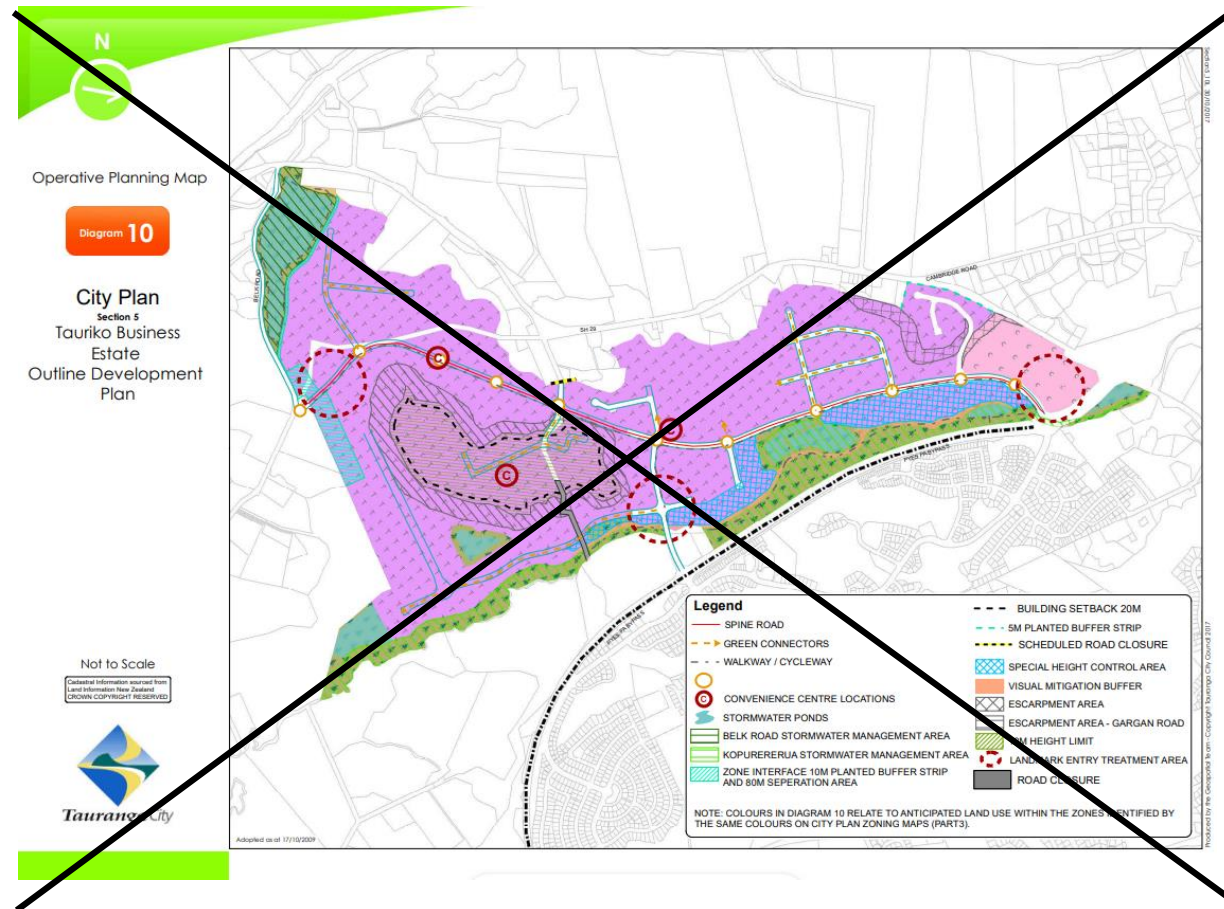
Tauranga City

Amend Section 5: Various Diagrams, Diagram 9 Tauriko Staging Diagram by replacing Diagram 9 as follows:





Amend Section 5: Various Diagrams, Diagram 10 Tauriko Business Estate by replacing Diagram 10 as follows (New Image below)





**Proposed
Plan Change 35**

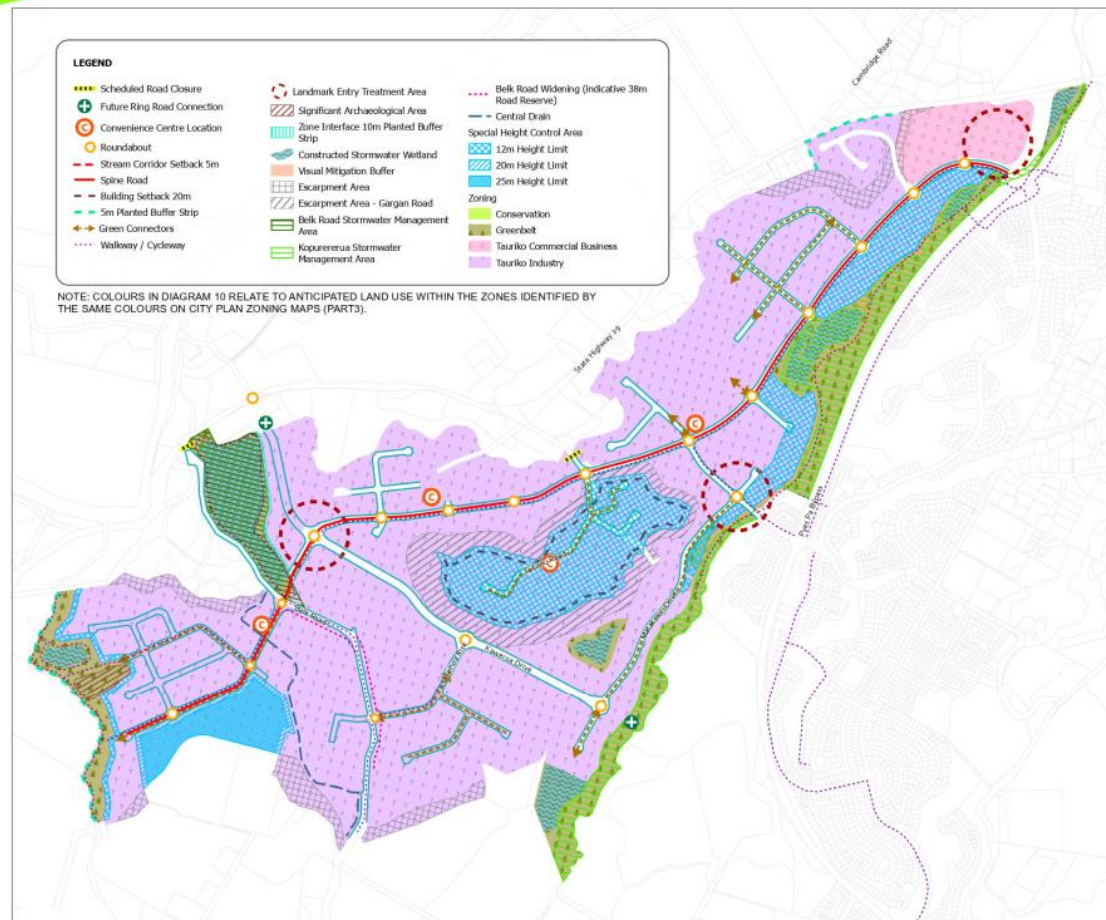
Diagram 10

City Plan
Section 5

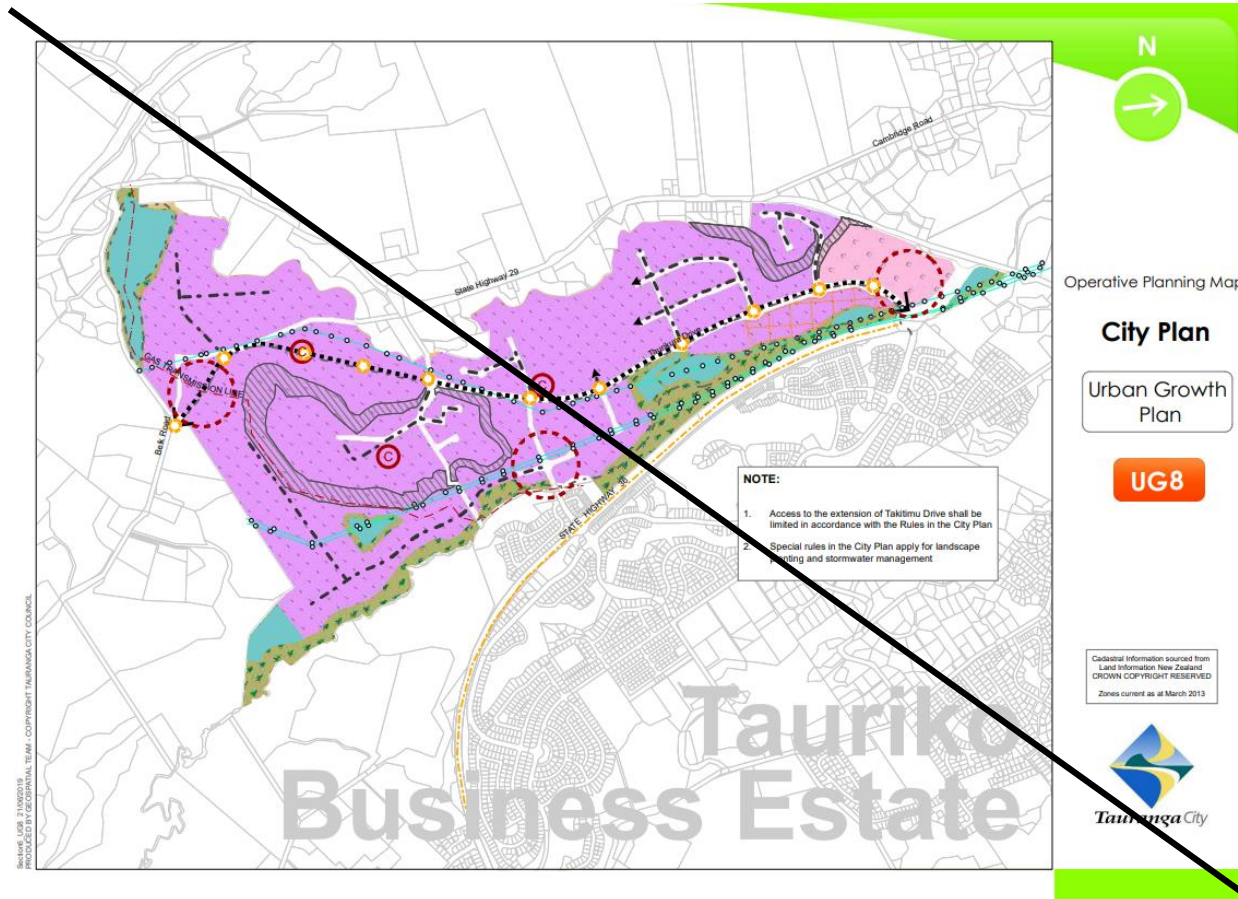
Tauriko Business
Estate Outline
Development Plan

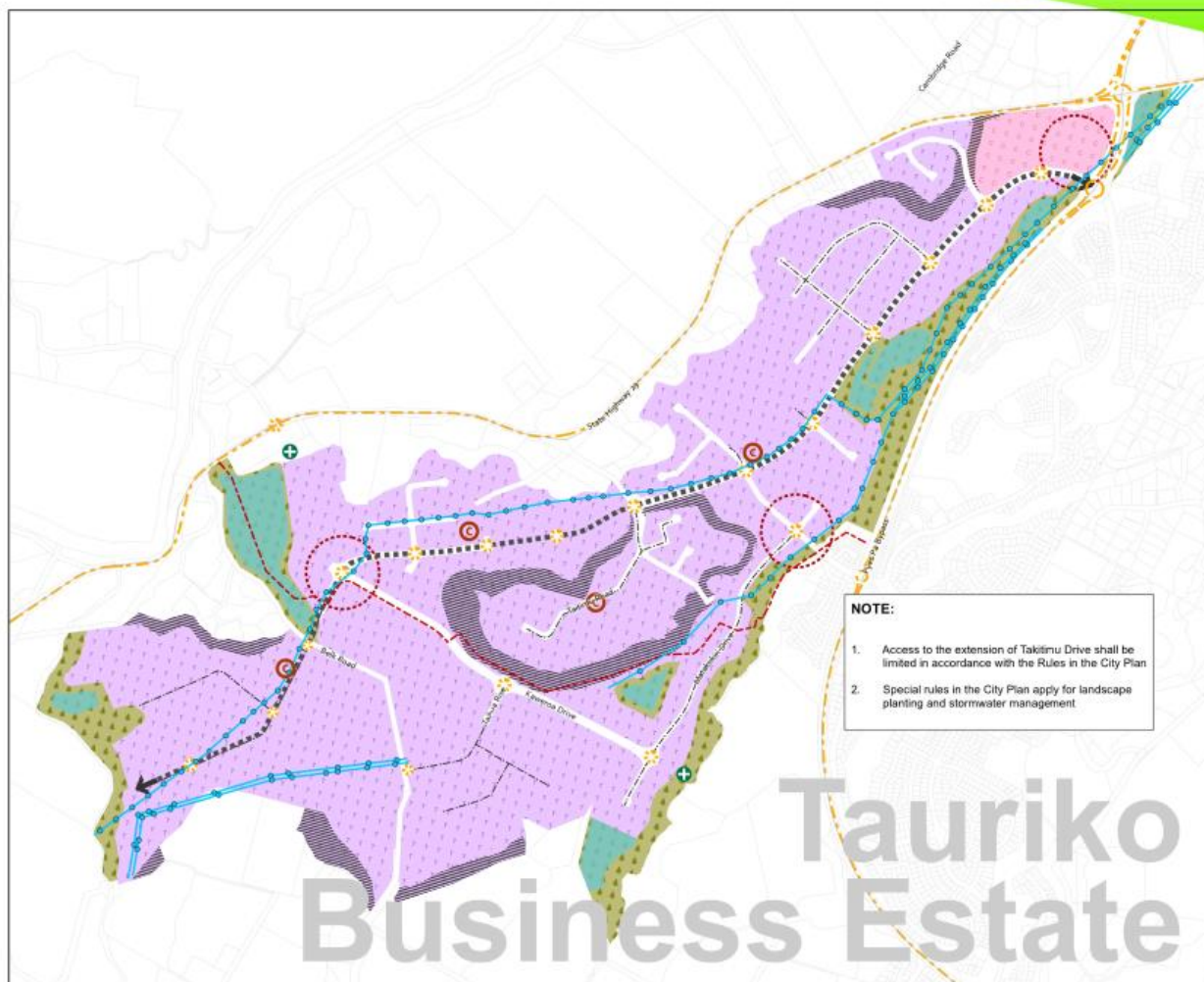
Not to Scale

Cadastral information sourced from
Land Information New Zealand
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Amend Section 6: Urban Growth Plans, UG8 by replacing UG8 as follows (New Image below)





Tauriko Business Estate



Proposed
Plan Change 35

City Plan

Urban Growth
Plan

UG8

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Appendix 2: Recommendations on Submissions and Further Submissions

Note: The submissions of Jeff & Sandra Bent (Submitter 1) and Camille Bent (submitter 14) were withdrawn and so they are not included. The Further Submissions from Winstone Wallboards Limited and Element IMF on the submissions of Jeff & Sandra Bent are consequently also not included.

Submitter	Point No.	Position	Submission of decision requested	Recommendation	Reason for Recommendation
General					
NZ Transport Agency Waka Kotahi	11.1	Support	SUPPORT PPC35 in principle, subject to the clarification and amendments sought in points 11.2-11.11. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Element IMF Limited	F515.45 (11.11)	Oppose	RETAIN Appendix 18F.1.1: External Roadings as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Accept in part	Amendments to Appendix 18F.1.1 are recommended in response to the submissions of NZTA.
Tauranga Crossing Limited	F59.6 (11.2)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Amendments are recommended in response to the NZTA submission.
Tauranga Crossing Limited	9.1	Amend	SUPPORT in general the notified provisions subject to the relief sought in points 9.2-9.5. AND AMEND to make any consequential changes or relief to give effect to the analysis identified and relief sought.	Accept in part	Amendments are recommended in response to the NZTA submission.
Urban Taskforce for Tauranga	2.1	Support	SUPPORT PPC35 subject to points 2.2-2.3. AND AMEND to make any other relief or consequential amendments to address the matters sought.	Accept in part	UTF supported PPC 35, subject to their submission points being accepted. Specific commentary on their submission points is provided in the Section 42A Report and UTF elected not to attend the Hearing or dispute the Section 42A recommendations.
Element IMF Limited	15.1	Support	RETAIN PC35 as notified, subject to the amendments sought in submission points 15.2-15.4. AND AMEND to make all consequential changes as necessary.	Accept in part	Element IMF have indicated agreement with the amendments recommended in the Section 42A Report and in the post-Hearing planner's caucusing.
General - Reverse Sensitivity					
Bay of Plenty Regional Council	6.24	Amend	AMEND the City Plan to specify that any activities that discharge to air are likely to require consent(s) under the Regional Natural Resources Plan and those consent applications must address cumulative effects of the discharge in combination with any others occurring within the Tauriko Business Estate Stage 4 area. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Reject	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.29 (6.24)	Oppose	DISALLOW the relief sought.	Accept	The relief sought by BOPRC is recommended to be rejected and so the further submissions in opposition to the BOPRC submission can be accepted.
General - Stormwater Management					
Bay of Plenty Regional Council	6.4	Support	RETAIN grassed swales in the 34/38 metre road corridors as shown in Appendix 8 of the s32 report.	Reject	See section 5.1 of the Recommendation Report.
Urban Taskforce for Tauranga	2.3	Amend	DELETE all provisions that relate to compliance with Regional Council discharge consents and their conditions. AND AMEND to make any other relief or consequential amendments to address the matters sought.	Reject	There is no resource management reason to repeat requirements between the City Plan and the RNR. However, references to stormwater consents are appropriate because stormwater management is not a site-specific activity and relies on other sites to successfully achieve the overarching stormwater requirements for the Tauriko Business Estate.
Bay of Plenty Regional Council	F56.62 (2.3)	Support in part	DISALLOW submission point 2.3. AND RETAIN references to compliance with the regional stormwater discharge consents in the PC35 provisions.	Accept	The relief sought by BOPRC is recommended to be rejected and so the further submissions in opposition to the BOPRC submission can be accepted.
General - Noise					
Joshua Brill	10.1	Amend	AMEND Rule 4E.2.4 c. - Tauriko Commercial and Industry Zone to read: Prior to commencement of any land use within 100 metres of any dwelling existing on a Rural Zoned or a Rural Residential zoned property as at 10 December 2005 adjoining Tauriko Commercial Zone and Tauriko Business Estate Stages 1, 2, and 3, or as at 9 March 2024 adjoining Tauriko Business Estate Stage 4 on a Rural zoned property an acoustic report, prepared by a suitably qualified acoustic engineer shall be submitted to the Council to:	Accept in part	As set out in section 7.4.3 of the Section 42A Report the amendment sought is generally appropriate. Also, PPC 34 was notified the same day as PPC 35 confirming TCC's intentions of rural residential land use adjoining the PPC 35 footprint.
Element IMF Limited	F515.36 (10.1)	Support in full	ALLOW submission point and amend Rule 4E.2.4 c. - Tauriko Commercial and Industry Zone as sought by submitter.	Accept	The relief sought by Joshua Brill is recommended to be accepted in part and so the further submission supporting it can be accepted.
Bay of Plenty Regional Council	6.21	Amend	AMEND the City Plan to specify that any regional consent applications must contain an assessment of ecological effects and must address cumulative effects of the proposed activity in combination with any other consents already granted and/or consent applications underway for the Tauriko Business Estate Stage 4 area. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.26 (6.21)	Oppose	DISALLOW the relief sought.	Reject	The relief sought by BOPRC is recommended to be accepted in part and so the further submission in opposition to the BOPRC submission can be rejected.
General - Ecology					

Bay of Plenty Regional Council	6.22	Amend	AMEND the City Plan to specify that any regional consent applications must contain an assessment of the effects on specific wetlands and must address cumulative effects of the proposed activity in combination with any other consents already granted and/or consent applications underway for the Tauriko Business Estate Stage 4 area. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report and the response to submission point 6.21.
Element IMF Limited	FS.27 (6.22)	Oppose	DISALLOW the relief sought. II	Reject	The relief sought by BOPRC is recommended to be accepted in part and so the further submission in opposition to the BOPRC submission can be rejected.
Appendix 7D: Register of Significant Archaeological Areas					
Bay of Plenty Regional Council	6.1	Support	RETAIN Omanawa Redoubt as a Significant Archaeological Area in Appendix 7D: Register of Significant Archaeological Areas as notified.	Accept	No changes to Appendix 7D were sought by any submitter.
Objective 12E.1.3 and Policy 12E.1.3.1 - Stormwater Management with Tauriko Business Estate Stage 4					
Bay of Plenty Regional Council	6.2	Support	RETAIN Objective 12E.1.3 - Stormwater Management within Tauriko Business Estate Stage 4 as notified.	Accept	As set out in section 7.3 of the s42A Report the notified provisions are appropriate.
Bay of Plenty Regional Council	6.3	Amend	AMEND Policy 12E.1.3.1 - Stormwater Management within Tauriko Business Estate Stage 4 to read: <u>12E.1.3.1 Policy – Stormwater Management within Tauriko Business Estate Stage 4.</u> <u>Require subdivision and development within Tauriko Business Estate Stage 4 (as per Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan) to demonstrate that stormwater runoff is managed in a manner that meets the requirements of the relevant stormwater consent and any relevant Stormwater Management Plan and is designed and constructed to:</u> <u>a. Incorporate low impact stormwater design practices that:</u> <u>i. Adopt a treatment train approach that includes stormwater management systems that are located, sized and designed to manage stormwater related effects; and</u> <u>ii. Integrate and interface with natural freshwater receiving environments. Prioritise options that avoid degradation and the loss of extent and value of rivers/streams, and freshwater ecosystems by modification or discharges.</u> <u>b. Ensure that constructed stormwater network elements are appropriately sized, designed and constructed to achieve positive stormwater quality and quantity management outcomes in the long term.</u> <u>c. ...</u> AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report.
Element IMF Limited	FS15.19 (6.3)	Oppose	RETAIN Policy 12E.1.3.1 – Stormwater Management within Tauriko Business Estate Stage 4 as notified.	Accept in Part	The relief sought by BOPRC is recommended to be accepted in part and so the further submission in support of the BOPRC submission can also be accepted in part.
Bay of Plenty Regional Council	6.5	Amend	AMEND Policy 12E.1.2.1 - Stormwater Management within Tauriko Business Estate Stage 4 to read: <u>12E.1.3.1 Policy – Stormwater Management within Tauriko Business Estate Stage 4.</u> <u>Require subdivision and development within Tauriko Business Estate Stage 4 (as per Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan) to demonstrate that stormwater runoff is managed in a manner that meets the requirements of the relevant stormwater consent and any relevant Stormwater Management Plan and is designed and constructed to:</u> <u>a. ...</u> <u>b. ...</u> <u>c. ...</u> <u>d. Treat stormwater runoff from all high use roads (more than 5000 vehicle movements per day) using appropriate water sensitive design methods such as bioretention/vegetated swales, before entering the public pipe network.</u> <u>◆◆◆ Ensure that stormwater infrastructure manages the cumulative effects (quality and quantity) associated with stormwater discharge from subdivision and development on receiving environments.</u> AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Reject	See section 5.1 of the Recommendation Report.
Element IMF Limited	FS15.20 (6.5)	Oppose	RETAIN Policy 12E.1.3.1 - Stormwater Management within Tauriko Business Estate Stage 4 as notified.	Accept	The relief sought by BOPRC is recommended to be rejected and so the further submission in opposition to the BOPRC submission can be accepted.
12E.3.1.10 - Subdivision with the Tauriko Business Estate					
Bay of Plenty Regional Council	6.6	Support	RETAIN Rule 12E.3.1.10 c. iii. - Subdivision within Tauriko Business Estate as notified.	Accept	No changes to the provision are recommended.

Bay of Plenty Regional Council	6.7	Amend	AMEND Rule 12E.3.1.10 h. [note ePlan and online submission form numbering is n.] - Subdivision within the Tauriko Business Estate to read: 12E.3.1.10 Rule – Subdivision within the Tauriko Business Estate i. <u>h. Any application within Stage 4 (as per Diagram 9, Section 5 (Part 8, Plan Maps) Tauriko Staging Plan) shall demonstrate how Objective 12E.1.3, Policy 12E.1.3.1 and Appendix 18F.3 Stormwater have been given effect. This shall include a stormwater engineering assessment including, but not limited to: [note ePlan and online submission form numbering is n.]</u> <u>i. How the requirements of the relevant approved stormwater consent, and stormwater management plan, will be achieved;</u> <u>ii. How low impact design principles and water quality pre-treatment via a treatment train approach will be undertaken for Stage 4;</u> <u>iii. The implementation of a primary network system designed to manage 10% AEP storm events;</u> <u>iv. The implementation of a secondary network system designed to manage 1% AEP storm events;</u> → How the requirements of the relevant approved stormwater consent, and stormwater management plan, will be achieved; [error in submission numbering should be iv.] <u>vi. The effects of climate change on rainfall and sea level based on the RCP 8.5+ median scenario as of the year 2130.</u> <u>i. Any application within Stage 4...</u> [note ePlan and online submission form numbering is o.] <u>j. For all lots created within Stage 4...</u> [note ePlan and online submission form numbering is p.] <u>k. For all lots within Stage 4 not already subject to a stormwater management plan, a stormwater management plan shall be submitted before any subdivision or change in land use, which contains the information required by Rule 12E.3.1.10 (h) and (i) and is consistent with the stormwater management approach in the approved Tauriko Business Estate Stage 4 Stormwater Management Plan (Harrison Grierson, November 2023).</u> [note in ePlan and online submission form numbering should be q.] AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.21 (6.7)	Support in full	RETAIN Rule 12E.3.1.10 h. - Subdivision within the Tauriko Business Estate [error: submission states Rule 12E.1.10 h. and note: ePlan and online submission numbering is n.] as notified.	Accept	The relief sought by BOPRC is recommended to be accepted in part and so the further submissions in opposition to the BOPRC submission can also be accepted in part.
Bay of Plenty Regional Council	6.8	Support	RETAIN Rule 12E.3.1.10 j. [note ePlan and online submission form number is p.] - Subdivision within the Tauriko Business Estate as notified.	Accept in part	See section 5.1 of the Recommendation Report.
Tauranga City Council	8.1	Amend	AMEND Rule 12E.3.1.10 o. - Subdivision within the Tauriko Business Estate so that the trigger for the staging of development in Tauriko Business Estate Stage 4 uses the latest modelling.	Accept in part	The insertion of a trigger of 43ha industrial developable land is appropriate.
12E.3.2.6 - Tauriko Business Estate					
Bay of Plenty Regional Council	6.9	Amend	AMEND Rule 12E.3.2.6 d. - Tauriko Business Estate to read: 12E.3.2.6 Tauriko Business Estate c. - <u>d. For applications within Stage 4 (as per Diagram 9, Section 5 (Part 8, Plan Maps) Tauriko Staging Plan) the implementation of stormwater management measures to ensure compliance with the relevant approved stormwater consent, any stormwater management plan, and any additional recommendations or mitigation measures set out within the stormwater engineering assessment.</u> AND AMEND any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept	See section 5.1 of the Recommendation Report.
Rule 18A.12.12 - Tauriko Industry Zone					
Bay of Plenty Regional Council	6.10	Amend	AMEND Rule 18A.12.2.2 a. - Tauriko Industry Zone Streetscape to read: 18A.12.2.2 Tauriko Industry Zone Streetscape a. For all buildings and activities on sites within the Tauriko Industry Zone having a direct frontage to Taurikura Drive and Belk Road specimen trees shall be provided and maintained by, or on behalf of, the landowner(s) on sites adjoining the Taurikura Drive boundary and <u>Belk Road boundary</u> at the rate of one tree for every 10 lineal metres of road frontage or fraction thereof. The trees shall be located within the site and within 10 metres of the front boundary of the site with Taurikura Drive <u>or Belk Road</u> . The trees shall be planted before occupation of a building or start of an activity on site in accordance with the rate of planting specified in this rule. <u>Along the Belk Road, frontage and boundaries, the specimen trees shall be locally sourced native evergreen tree species.</u> AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Reject	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.22 (6.10)	Oppose	RETAIN Rule 18A.12.2.2 a. - Tauriko Industry Zone Streetscape as notified.	Accept	The relief sought by BOPRC is recommended to be rejected and so the further submission in opposition to the BOPRC submission can be accepted.
Rule 18A.14.3.4 - Compliance of Land Use with Urban Growth Plan, Services Strategy, Staging Plan, Outline Development Plan and other relevant documents					
Bay of Plenty Regional Council	6.11	Support	RETAIN Rule 18A.14.3.4 a. vii. - Compliance of Land Use with Urban Growth Plan, Services Strategy, Staging Plan, Outline Development Plan and other relevant documents as notified.	Accept	The retention of the Rule is appropriate.
External Treatment of Buildings and other Structures					
Bay of Plenty Regional Council	6.12	Support	RETAIN Rule 18A.14.3.5 - External Treatment of Buildings and Other Structures as notified.	Accept	The retention of the Rule is appropriate.
18A.16 - Discretionary Activity Rules					
Bay of Plenty Regional Council	6.13	Support	RETAIN Rule 18A.16 iv. - Discretionary Activity Rules as notified.	Accept	The retention of the Rule is appropriate.
Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones					
Bay of Plenty Regional Council	6.14	Amend	AMEND the additional plan [Visual Mitigation Buffer (Omanawa Stream)] to Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones to require only locally sourced native canopy trees within any riparian zone for Tauriko Business Estate Stage 4. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.23 (6.14)	Oppose	RETAIN Appendix 18D: Tauriko Business Estate Mitigation, Landscape Features and Buffer Zones as notified.	Reject	A minor amendment is recommended to Appendix 18D as outlined in section 5.1 of the Recommendation Report.
Appendix 18F.1.1: External Roading					

Bay of Plenty Regional Council	6.15	Support	RETAIN Appendix 18F.1.1: External Roding as notified.	Reject	Amendments to wording have been recommended in response to other submission points.
NZ Transport Agency Waka Kotahi	11.11	Not Stated	AMEND to further consider safe pedestrian/walking facilities at the intersection of State Highway 36/Kennedy Road. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report, the Proponent's technical advisor Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA. It was agreed with NZTA that adding a reference to "State Highway 29, 29A and 36" within the Sequencing Schedule, under Appendix 18F.1.1 External Roding, would be the appropriate response to indicate that NZTA engagement would be anticipated in any such instance.
NZ Transport Agency Waka Kotahi	11.12	Not Stated	AMEND to undertake further analysis on State Highway 29 south of the new Redwood Lane/Kaweroa Drive roundabout. AND ADD mitigation for State Highway 29 south of the new Redwood Lane/Kaweroa Drive roundabout if required by above. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical advisor Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Tauranga Crossing Limited	F59.14 (11.12)	Support in full	ALLOW the submission point (note: further submission references incorrect topic for submission point). AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Changes to Appendix 18F.1.1 have been recommended in response to the submission of NZTA.
Element IMF Limited	F515.46 (11.12)	Oppose	RETAIN Appendix 18F.1.1: External Roding as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Accept in part	Changes to Appendix 18F.1.1 have been recommended in response to the submission of NZTA.
Tauranga Crossing Limited	9.2	Not Stated	AMEND PPC35 to seek further analysis on the transportation effects of the plan change on the wider strategic transport network. AND AMEND to make any consequential changes or relief to give effect to the analysis identified and relief sought.	Reject	Further traffic effects analysis by the Proponent, as detailed in section 7.7.2 of the s42A Report, and the current set of City Plan provisions adequately address this submission point.
Element IMF Limited	F515.32 (9.2)	Oppose	RETAIN Appendix 18F.1.1 - External Roding as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Accept in part	Changes to Appendix 18F.1.1 have been recommended in response to the submission of NZTA.
Tauranga Crossing Limited	9.3	Not Stated	AMEND PPC35 to seek further analysis of the cumulative wider transportation effects that may occur as a result of Variation 1 to PPC33. The same traffic model used to support Variation 1 to PPC33 should be adopted and updated to assess PPC35. AND AMEND to make any consequential changes or relief to give effect to the analysis identified and relief sought.	Reject	Further traffic effects analysis by the Proponent, as detailed in section 7.7.2 of the s42A Report, and the current set of City Plan provisions adequately address this submission point.
Element IMF Limited	F515.33 (9.3)	Oppose	RETAIN Appendix 18F.1.1 - External Roding as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Accept in part	Changes to Appendix 18F.1.1 have been recommended in response to the submission of NZTA.
Tauranga Crossing Limited	9.4	Not Stated	AMEND PPC35 to seek further analysis of the effect of not providing the supporting infrastructure for Variation 1 to PPC33, specifically the non-provision of the Kaweroa Drive link to State Highway 29. AND AMEND to make any consequential changes or relief to give effect to the analysis identified and relief sought.	Reject	Further traffic effects analysis by the Proponent, as detailed in section 7.7.2 of the s42A Report, and the current set of City Plan provisions adequately address this submission point.
Element IMF Limited	F515.34 (9.4)	Oppose	RETAIN Appendix 18F.1.1 - External Roding as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Accept in part	Changes to Appendix 18F.1.1 have been recommended in response to the submission of NZTA.
Appendix 18F.1.2 Internal Roding					
Joanne Richens	3.1	Amend	AMEND so that all affected properties maintain their direct access onto Belk Road	Reject	As discussed in detail in section 7.7.2 of the s42A Report, there are no access constraints proposed in PPC 35 that would limit access to Belk Road. The suitability for access to and from Belk Road will be examined when the sites are subsequently subdivided for industrial purposes, but in the meantime, the existing access arrangements will prevail.
Element IMF Limited	F515.16 (3.1)	Support in full	RETAIN Appendix 18F.1.2 - Internal Roding as notified.	Accept	This further submission is recommended to be accepted for the reasons set out above.
Margaret Brazier	5.1	Amend	AMEND so that all affected properties maintain their direct access onto Belk Road	Reject	See 3.1 Reason.
Element IMF Limited	F515.18 (5.1)	Support in full	RETAIN Appendix 18F.1.2 - Internal Roding as notified.	Accept	This further submission is recommended to be accepted for the reasons set out above.
Mark Brazier	12.1	Amend	AMEND so that all affected properties maintain their direct access onto Belk Road	Reject	See 3.1 Reason.
Element IMF Limited	F515.47 (12.1)	Oppose	RETAIN Appendix 18F.1.2: Internal Roding as notified.	Accept	This further submission is recommended to be accepted for the reasons set out above.
Paul and Judy Smyth	7.1	Oppose	AMEND so no restrictions on access to Belk Road.	Accept	See 3.1 Reason.
Element IMF Limited	F515.30 (7.1)	Support in full	RETAIN Appendix 18F.1.2 - Internal Roding as notified.	Accept	This further submission is recommended to be accepted for the reasons set out above.
SI & CJ Harvey & George	4.1	Oppose	AMEND so no restrictions on access to Belk Road.	Reject	See 3.1 Reason.
Element IMF Limited	F515.17 (4.1)	Support in full	RETAIN Appendix 18F.1.2 - Internal Roding as notified.	Accept	This further submission is recommended to be accepted for the reasons set out above.
Appendix 18F.2: Wastewater					
Tauranga City Council	8.2	Amend	AMEND Appendix 18F.2: Wastewater so that the trigger for the staging of development in Taurika Business Estate Stage 4 uses the latest modelling.	Reject	Modelling has been completed that has confirmed that the notified wording in Appendix 18F.7.
Element IMF Limited	15.2	Amend	AMEND to remove the proposed Stage 4 wastewater prerequisites in Appendix 18F.2 Wastewater upon confirmation of sufficient capacity availability through the solutions identified in Council's Western Corridor study.	Reject	Removing the wastewater prerequisites would be inconsistent with the latest Appendix 18F.7.
Appendix 18F.3: Stormwater					

Bay of Plenty Regional Council	6.16	Amend	<p>AMEND Appendix 18F.3: Stormwater to read: Appendix 18F.3 Stormwater</p> <p>The land drains largely to the Kopurereru Stream to the north with some to the <u>Qmanawa Stream</u> and Wairoa River to the south. In accordance with best practice, peak stormwater run-off rates and discharge volumes will be managed by the construction of a number of stormwater detention ponds <u>and constructed stormwater wetlands</u>. These ponds <u>and constructed wetlands</u> will also deal with stormwater quality and provide visual, ecological and passive recreational functions.</p> <p>To achieve this multi-functional purpose, the stormwater ponds <u>and constructed wetlands</u> will generally have a sediment forebay for retaining coarse sediment, and a densely vegetated main pond for settling out fine sediment and contaminants. The vegetation will comprise rush and sedge species designed to reduce the potential for channelisation of stormwater flow and to maximise settlement of fine particles.</p> <p>Management of stormwater within Stage 4 is subject to a stormwater management plan and an approved stormwater discharge consent from Bay of Plenty Regional Council (for Stage 4B). The Stormwater Management Plan sets out the principles for stormwater management that are to be considered and implemented through the development process. This includes water quality pre-treatment via a treatment train approach, <u>extended detention to mitigate stream channel erosion, a primary network system designed to manage 10% AEP storm events and a secondary network system designed to manage 1% AEP storm events</u>.</p> <p>...</p> <p>AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.</p>	Accept	See section 5.1 of the Recommendation Report.
Element IMF Limited	F5.24 (6.16)	Support in part	ALLOW IN PART the submission point by amending Appendix 18F.3: Stormwater to refer to "constructed wetlands", but not "extended detention".	Accept in part	The relief sought by BOPRC is recommended to be accepted and so the further submission can be accepted in part.
Appendix 18F.7: Sequencing Schedule					
NZ Transport Agency Waka Kotahi	11.2	Not Stated	<p>AMEND Appendix 18F.7: Sequencing Schedule to add relevant elements of the Tauriko Network Connections and Tauriko Enabling Works projects into the staging provisions.</p> <p>AND AMEND to make all consequential changes necessary to give effect to the relief sought.</p>	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Element IMF Limited	F515.37 (11.2)	Support in full	<p>AMEND Appendix 18F.1.1: External Roading to read: Development of Stage 4 (as per Diagram 9, Section 5 (Part B, Plan Maps) Tauriko Staging Plan) is contingent on further improvement works occurring. This includes closure of the Belk Road/SH29 intersection in conjunction with the completion of the Kaweroa Drive/SH29 roundabout (known as the Tauriko Enabling Works package), upgrades to the Paraone Koiroi Drive and Kennedy Road roundabouts, and either the completion of Stage 3 of the Tauriko Network Connections programme or the completion of the connection of Kaweroa Drive to SH36 (or an appropriate alternative agreed by Council).</p> <p>AND</p> <p>AMEND Appendix 18F.7 - Sequencing Schedule for Stage 4 to read:</p> <p>Column 1: Prerequisites as for Stage 3A. Stormwater ponds and floodway are designed with supporting analysis to show that adverse flooding effects are mitigated and required earthworks and discharge consents granted. Western Corridor Wastewater upgrade designed prior to Stage 4 development beyond 40ha. Upgrades to the Paraone Koiroi Drive and Kennedy Road roundabouts are designed prior to Stage 4 development beyond 5040ha. Stage 3 of the Tauriko Network Connections programme or Kaweroa Drive / SH36 connection, or an appropriate alternative, designed prior to Stage 4 development beyond 60ha.</p> <p>Column 2: Prerequisites for Stage 3A. Stormwater ponds and floodway established. Western Corridor wastewater upgrade constructed for Stage 4 development beyond 40ha. SH29 / Kaweroa Drive roundabout being in place and connected to Kaweroa Drive. SH29 / Belk Road intersection closed. Taurikura Drive and Belk Road connected. Upgrades to the Paraone Koiroi Drive and Kennedy Road roundabouts constructed for Stage 4 development beyond 5040ha. Stage 3 of the Tauriko Network Connections programme or Kaweroa Drive / SH36 connection, or an appropriate alternative, constructed for Stage 4 development beyond 60ha.</p>	Accept in part	Appendix 18F.1.1 and 18F.7 have been recommended for amendment in response to the submission of NZTA. These amendments are consistent with the intent of the Element IMF Further Submission.
NZ Transport Agency Waka Kotahi	11.4	Not Stated	<p>AMEND to undertake further assessment to determine whether State Highway 36 from the State Highway 29 intersection to the south to Paraone Koiroi Drive needs to be upgraded from two to four lanes.</p> <p>AND AMEND Appendix 18F.7: Sequencing Schedule to add plan provisions to upgrade State Highway 36 from the State Highway 29 intersection to the south to Paraone Koiroi Drive from two to four lanes if above determines it is required as a transport trigger.</p> <p>AND AMEND to make all consequential changes necessary to give effect to the relief sought.</p>	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Element IMF Limited	F515.38 (11.4)	Oppose	DISALLOW the relief sought.	Accept in part	Appendix 18F.1.1 and 18F.7 have been recommended for amendment in response to the submission of NZTA.
Tauranga Crossing Limited	F59.7 (11.4)	Support in full	<p>ALLOW the submission point.</p> <p>AND</p> <p>AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.</p>	Accept in part	Appendix 18F.1.1 and 18F.7 have been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.5	Not Stated	<p>AMEND Appendix 18F.7: Sequencing Schedule to add a trigger for the Paraone Koiroi Drive connection (including development level) to State Highway 36.</p> <p>AND AMEND to make all consequential changes necessary to give effect to the relief sought.</p>	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.

Element IMF Limited	F515.39 (11.5)	Support in full	AMEND Appendix 18F.7 - Sequencing Schedule for Stage 4 to read: Column 1: Prerequisites as for Stage 3A. Stormwater ponds and floodway are designed with supporting analysis to show that adverse flooding effects are mitigated and required earthworks and discharge consents granted. Western Corridor Wastewater upgrade designed prior to Stage 4 development beyond 40ha. Upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts are designed prior to Stage 4 development beyond 5040ha . Stage 3 of the Tauriko Network Connections programme or Kaweroa Drive / SH36 connection, or an appropriate alternative, designed prior to Stage 4 development beyond 60ha. Column 2: Prerequisites for Stage 3A. Stormwater ponds and floodway established. Western Corridor wastewater upgrade constructed for Stage 4 development beyond 40ha. SH29 / Kaweroa Drive roundabout being in place and connected to Kaweroa Drive. SH29 / Belk Road intersection closed. Taurikura Drive and Belk Road connected. Upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts constructed for Stage 4 development beyond 5040ha . Stage 3 of the Tauriko Network Connections programme or Kaweroa Drive / SH36 connection, or an appropriate alternative, constructed for Stage 4 development beyond 60ha.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA. These amendments are consistent with the intent of the Element IMF Further Submission.
Tauranga Crossing Limited	F59.8 (11.5)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.6	Not Stated	AMEND modelling of intersection 8 (State Highway 36/Paraone Koikoi Drive/Kennedy Road) to: - model intersection 8 and the Kennedy Road/Lakes Boulevard roundabout together and include any queuing interaction - amend modelling of the eastern approach (Kennedy Road) with correct lane arrangement - model intersection 8 for 100% development. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Reject	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Tauranga Crossing Limited	F59.9 (11.6)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Reject	The further submission is recommended to be rejected in line with the recommendation on 11.6.
Element IMF Limited	F515.40 (11.6)	Not stated	No specific decision requested however the submitter states that no amendments to the proposed plan provisions are sought in relation to this submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.7	Not Stated	AMEND Appendix 18F.7: Sequencing Schedule to add a new trigger to read: State Highway 29 / Kaweroa Drive roundabout being in place and connected to Kaweroa Drive. State Highway 29 / Belk Road intersection closed. Taurikura Drive and Belk Road connected. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Tauranga Crossing Limited	F59.10 (11.7)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Element IMF Limited	F515.41 (11.7)	Oppose	DISALLOW the relief sought.	Reject	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.8	Not Stated	AMEND Appendix 18F.7: Sequencing Schedule to add in the trigger table that beyond 40% development within Tauriko Business Estate Stage 4 the following is required: Extend Taurikura Drive from the current roundabout location at Kaweroa Drive, which will give traffic access though the entire estate. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Tauranga Crossing Limited	F59.11 (11.8)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Element IMF Limited	F515.42 (11.8)	Oppose	DISALLOW the relief sought.	Reject	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.9	Not Stated	AMEND Appendix 18F.7: Sequencing Schedule to add a new trigger and include detail on what the works are. New trigger to read: Upgrades to the Paraone Koikoi Drive and Kennedy Road roundabouts constructed for Stage 4 development beyond 50ha. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.
Tauranga Crossing Limited	F59.12 (11.9)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Element IMF Limited	F515.43 (11.9)	Oppose	DISALLOW the relief sought.	Reject	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
NZ Transport Agency Waka Kotahi	11.10	Not Stated	AMEND Appendix 18F.7: Sequencing Schedule to add a new trigger to read: Kaweroa Drive / State Highway 36 connection, or an appropriate alternative, constructed for Stage 4 development beyond 60ha. AND AMEND to make all consequential changes necessary to give effect to the relief sought.	Accept in part	As set out in section 5 of the Recommendation Report the Proponent's technical adviser Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA.

Tauranga Crossing Limited	F59.13 (11.10)	Support in full	ALLOW the submission point. AND AMEND to make any such further, alternative, or other consequential amendments as may be necessary to fully address TCL's further submission point.	Accept in part	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Element IMF Limited	F515.44 (11.10)	Oppose	DISALLOW the relief sought.	Reject	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Tauranga City Council	8.3	Amend	AMEND Appendix 18F.7: Sequencing Schedule so that the trigger for the staging of development in Tauriko Business Estate Stage 4 uses the latest modelling.	Accept in part	Appendix 18F.7 has been updated based on the Proponent's latest modelling that accounts for an outcome that is considered to satisfy all applicable parties in relation to sequencing.
Tauranga Crossing Limited	9.5	Not Stated	AMEND PPC35 to seek further analysis of the provisions that are required to place a 'hold point' at the '50% occupied development' stage to enable the transportation effects and mitigation measures to be re-assessed to determine the level of additional development that can be delivered before the State Highway 36 connection (or appropriate alternative) is in place. AND AMEND to make any consequential changes or relief to give effect to the analysis identified and relief sought.	Reject	The Proponent's transportation engineers (BECA) provided a detailed response that provided further analysis of the transport modelling and land use assumptions for all growth areas in the Western Corridor. This included clarification that the transport modelling scope was informed and agreed with the TCC and NZTA prior to the preparation of the ITA to support PPC35. Consequently the assumptions between the various models are similar and the results in the PPC 35 ITA can be relied upon.
Element IMF Limited	F515.35 (9.5)	Oppose	RETAIN Appendix 18F.7: Sequencing Schedule as notified. AND AMEND subject to any other amendments sought in Element IMF's further submissions.	Reject	Appendix 18F.7 has been recommended for amendment in response to the submission of NZTA.
Element IMF Limited	15.3	Amend	AMEND to remove the proposed stage 4 wastewater prerequisites in Appendix 18F.7 Sequencing Schedule upon confirmation of sufficient capacity availability through the solutions identified in Council's Western Corridor study.	Reject	Element's IMF's submission to remove reference to the Western Corridor wastewater upgrades in Appendix 18F.2 is inconsistent with the inclusion of such in Appendix 18F.7.
Maps and Rezoning General					
Urban Taskforce for Tauranga	2.2	Support	RETAIN the planning maps as notified. AND AMEND to make any other relief or consequential amendments to address the matters sought.	Accept in part	It is appropriate to retain the planning maps, subject to amendments to incorporate other recommended changes to the notified provisions.
Bay of Plenty Regional Council	6.20	Amend	AMEND the zoning of the area over and around the diverted drain [resource consent RM20-0411 under the Regional Natural Resources Plan] to Open Space Zone (or similar). AND AMEND to designate the area over/around the drain [resource consent RM20-0411 under the Regional Natural Resources Plan] to 'Ecological and Recreational Linkage Reserve' (or similar). AND AMEND PPC35 to include provisions that require the drain [resource consent RM20-0411 under the Regional Natural Resources Plan] and its riparian margins to be maintained in appropriate riparian native species in accordance with the Environmental Management Plan in perpetuity. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept in part	See section 5.1 of the Recommendation Report.
Element IMF Limited	F515.25 (6.20)	Support in full	DISALLOW the relief sought.	Reject	See Reason for 6.20.
Joanne Richens	3.2	Support	SUPPORT Option 2 of Section 11.1.2 [of the s32 Report] relating to options for area to be rezoned.	Accept	Option 2 reflects notified PPC35.
Margaret Brazier	5.2	Support	SUPPORT Option 2 of Section 11.1.2 [of the s32 Report] relating to options for area to be rezoned.	Accept	Option 2 reflects notified PPC35.
Mark Brazier	12.2	Support	SUPPORT Option 2 of Section 11.1.2 [of the s32 Report] relating to options for area to be rezoned.	Accept	Option 2 reflects notified PPC35.
Proposed Map L93					
Bay of Plenty Regional Council	6.17	Support	RETAIN the greenbelt zoning in Planning Map L93 as notified.	Accept	It is appropriate to retain the greenbelt zoning.
Element IMF Limited	15.4	Amend	AMEND proposed planning map L93 to exclude the access leg of 76 Belk Road (Lot 1 DP 564534) (see submission for map) from PC35. AND AMEND PC34 to include the access leg of 76 Belk Road (Lot 1 DP 564534) (see submission for map) in proposed planning map L93 and apply the Rural Residential Zone to that part of the property. AND AMEND to implement all consequential plan map changes as necessary.	Accept	It is appropriate for the proposed planning map L93 be amended to exclude the access leg of 76 Belk Road (Lot 1 DP 564534).
Proposed Map L94					
Bay of Plenty Regional Council	6.18	Support	RETAIN the greenbelt zoning in Planning Map L94 as notified.	Accept	It is appropriate to retain the greenbelt zoning.
Urban Growth Plan 8					
Bay of Plenty Regional Council	6.19	Support	RETAIN the greenbelt zoning in Urban Growth Plan UG8 as notified.	Accept	It is appropriate to retain the greenbelt zoning.
Diagram 10 Tauriko Business Estate					
Bay of Plenty Regional Council	6.23	Not Stated	AMEND Diagram 10: Tauriko Business Estate Outline Development Plan legend to reference constructed stormwater wetlands rather than stormwater ponds. AND AMEND to make any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matters raised.	Accept	The mapping is recommended to be updated to reflect the changes required by BOPRC in relation to naming the constructed stormwater wetland.
Element IMF Limited	F515.28 (6.23)	Support in full	AMEND the legend in Diagram 10: Tauriko Business Estate Outline Development Plan to reference "constructed stormwater wetlands" rather than "ponds".	Accept	See Reason for 6.23
Paul and Judy Smyth	7.2	Oppose	DELETE the proposed road widening. OR AMEND the position of the road widening so that it does not affect submitters property [Lot 1 and Lot 2 DP 480057].	Accept in part	See section 5.2 of the Recommendation Report.
Paul and Judy Smyth	F57.3 (2.3)	Oppose	DISALLOW access to Upper Belk Road Residential Area in the future, access should be from Pyes Pa end and not through Tauriko Business Estate and not require widening of Belk Road to four lanes [note: error in submission references to submission point 3, assume submission point 2 as related to widening of Belk Road].	Reject	See section 5.2 of the Recommendation Report.

Proposed Plan Change 35 - Tauriko Business Estate Stage 4

Recommendation Report
to
Tauranga City Council

Proposed Plan Change 35 - Tauriko Business Estate Stage 4

22 August 2024

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1 Introduction

[001] This Recommendation Report addresses Private Plan Change 35 – Tauriko Business Estate Stage 4 (PPC 35) to the operative Tauranga City Plan (City Plan) lodged by Element IMF (Proponent).

It is recommended that the Tauranga City Council approve PPC 35.

2 Appointment

[002] The Tauranga City Council (TCC), acting under section 34A(1) of the Resource Management Act 1991, appointed independent hearing commissioner Rob van Voorthuysen¹ to hear and make recommendations on the submissions and further submissions received on PPC 35.

3 Description of the Proposal

[003] The nature of PPC 35 was described in the Section 32 Report², the TCC's Section 42A Report³ authored by Kathryn Drew⁴ and the Proponent's evidence⁵. I adopt those descriptions and do not repeat that level of detail here, but note some of the more salient points are:

- PPC 35 underpins the Stage 4 extension of the Tauriko Business Estate's (TBE) Tauriko Industry Zone (TIZ) that is already provided for in the City Plan. PPC 35 seeks to adopt the TIZ zoning and associated City Plan provisions, subject to some minor changes to the policy and rule framework;
- PPC 35 covers approximately 133ha of which 108ha is proposed to be zoned Industrial. The balance is subject to greenbelt and similar zonings;
- Land to the north of the subject site is zoned Industrial and is currently being developed or utilised for industrial land use. Land to the west of Taurikura Drive is being developed into stormwater wetlands. Land to the northwest between proposed Stage 4 and Belk Road forms part of the Plan Change 34⁶;
- Around 80% of the PPC 35 land is owned by Element IMF with the remainder being in the ownership of 13 private landowners;
- A significant shortage of industrial land has been identified for Tauranga. Tauranga needs an additional 320 ha of greenfield industrial land in the next 30 years to meet demand⁷. From a strategic perspective, PPC 35 aligns with the City and sub-regional planning framework that manages urban growth and is required to ensure sufficient business land is provided for Tauranga's future needs;
- PPC 35 is anticipated in, and has been described in, strategic planning documents⁸ since at least 2013. Various transport modelling studies have assumed future development of industrial land in the PPC 35 location since at least 2015; and
- Resource consents have been granted for development works across a portion of the PPC 35 site by the BOPRC, TCC and WBOPDC. The approved bulk earthwork consents cover approximately 75% of the total TBE Stage 4 area.

¹ Commissioner van Voorthuysen is an experienced independent commissioner, having sat on over 425 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment and has sat on several Covid-19 Fast Track Consenting Act expert panels.

² Tauriko Business Estate Stage 4, Plan Change Request to the Tauranga City Plan, Prepared for Element IMF, Boffa Miskell, 17 January 2024. Section 5.0 titled "Outline of Proposed Plan Change".

³ Operative City Plan, Section 42a Hearing Report, Proposed Plan Change 35 - Tauriko Business Estate Stage 4. Section 3 titled "Background" and section 4 titled "Private Plan Change 35".

⁴ Planning and Land Development Manager at Bloxam Burnett & Olliver.

⁵ Craig Richards (transport), Rebecca Ryder (landscape) and Sean Grace (planning).

⁶ Sean Gace advised that PC34 rezones land currently zoned Rural under the Western Bay of Plenty District Plan to Rural Residential under the City Plan. TCC expects PC34 to become operative in late 2024, following its making its decision on the Hearing Panel's recommendation decision released on 24 July 2024.

⁷ Legal Submissions on Behalf of Element IMF Limited, Vanessa Hamm, paragraph 3.

⁸ Including the SmartGrowth Housing and Business Assessment (HBA) for the Western Bay of Plenty sub-region, NZTA's Tauriko Programme Business Case, and the Urban Form and Transport Initiative.

4 Process Issues

4.1 Notification and submissions

[004] PPC 35 was publicly notified and 14 submissions and five further submissions were received. The submissions were summarised in the Section 42A Report⁹ and I adopt those summaries. All primary submissions sought that PPC 35 be accepted, subject to amendments to address matters raised.

[005] Prior to the Hearing submitters Jeff & Sandra Bent (Submitter 1) and Camille Bent (submitter 14) formally withdrew their submissions¹⁰ based (as I understand) on reaching agreement with the Proponent.

4.2 Officer's recommendation

[006] Ms Drew recommended that pursuant to clause 10 of Schedule 1 to the RMA, PPC 35 be approved subject to amendments and that the submissions and further submissions be determined accordingly.

4.3 Site visit

[007] I undertook a site visit prior to the Hearing accompanied by Phillip Martelli and Grant Downing.

4.5 Hearing

[008] I held a hearing in the Bay of Plenty Regional Council Chambers in Elizabeth Street, Tauranga, on Tuesday 20 August 2024. Attendances are listed in Appendix 3. Relevantly, BOPRC and Paul and Judy Smyth were the only submitters who wished to be heard. I received a verbal 'right of reply' (Reply) from counsel for the Proponent (Vanessa Hamm) at the hearing.

5 Matters in Contention

[009] By the time of the Hearing very few matters remained in contention.

[010] I address those remaining matters in sections 5.1 and 5.2 below, but before doing so I note that:

- Craig Richard's engagement with NZTA's transport consultant resolved the matters of concern to NZTA. Sean Grace advised¹¹ that 30 July 2024 it was agreed with NZTA that adding a reference to "State Highway 29, 29A and 36" within the Sequencing Schedule, under Appendix 18F.1.1 External Rooding, would be the appropriate response to indicate that NZTA engagement would be anticipated in any such instance. On that basis NZTA did not attend the hearing;
- Mr Richard's engagement with Tauranga Crossing Limited's (TCL) transport consultants resolved the matters of concern to TCL. Mr Grace advised that on 31 July 2024 TCL's planner provided a letter confirming that TCL were satisfied that their concerns were met¹². On that basis TCL did not attend the hearing;
- I note that Mr Richards' Integrated Traffic Assessment concluded that expected traffic volumes generated by PPC 35 can be safely and efficiently accommodated on the internal and external road network, subject to identified upgrades that will take place, and he recommended mitigations that have been implemented in the PPC 35 provisions. In light of that and the aforementioned agreements reached with NZTA and TCL, I find that transportation issues are satisfactorily addressed by PPC 35;
- Submitter Joshua Brill raised concerns regarding noise, but I understand that he was satisfied with Ms Drew's recommended amendment to Rule 4E.2.4.c and on that basis, he withdrew his wish to be heard. I am also satisfied with Ms Drew's recommendation;
- I accept Ms Ryder's evidence¹³ relating to landscape character and visual amenity issues namely that "*Landscape effects on the submitter landowners sited within the plan change area will be adverse*

⁹ Submissions in section 5.1, Table 2 and Appendix 2; and further submissions in section 5.2 and Table 3.

¹⁰ The submissions of Camille Bent and Jeff and Sandra Bent were withdrawn on 7 and 8 August 2024 respectively.

¹¹ EIC Grace, paragraph 20. Mr Grace was the Proponent's planner.

¹² This includes the minor amendments to Appendix 18F.1.1 External Rooding agreed with NZTA.

¹³ EIC Ryder, paragraphs 28 and 29. Ms Ryder could not attend the Hearing, but I had no questions for her.

in nature particularly should they remain within the zone during the development of the industrial land use. Mitigation as suggested can be integrated into a staging approach and then removed upon the land use change occurring on the site ... [and] the landscape and natural character effects have been suitably responded to and the proposed land use change will integrate successfully into this landscape”.

[011] In her Section 42A Report Ms Drew comprehensively addressed a number of matters raised by the submitters including:

- Reverse sensitivity and existing use rights;
- Noise;
- Ecology;
- Landscape and visual amenity;
- Transportation network (both internal to PPC 35 and on the wider network);
- The Appendix 18F.7 Sequencing Schedule;
- Belk Road form and function; and
- Map changes.

[012] Subject to the discussion that follows, I adopt Ms Drew’s assessment of those matters and her associated recommendations. I now address the matters raised by the two submitters who attended the Hearing.

5.1 BOPRC

[013] The BOPRC raised a number of matters¹⁴ in their submission including:

- amending the City Plan to specify that any activities that discharge to air are likely to require consent(s) under the Regional Natural Resources Plan (RNRP), and amending the City Plan to specify what consent applications under the RNRP must address;
- including¹⁵ references to stormwater management plans and constructed wetlands, and amending references to low impact stormwater design;
- requiring streetscape trees to be locally sourced evergreen species¹⁶ and Omanawa Stream buffer trees to be locally sourced native species; and
- amending the zoning around the Central Drain.

[014] BOPRC provided legal submissions from Rachael Boyte¹⁷ and evidence from Susan Ira¹⁸ (stormwater matters) and Lucy Holden¹⁹.

[015] Ms Ira supported²⁰ the Proponent’s TBE Stage 4A Stormwater Management Plan (SMP) prepared by Harrison Grierson and considered that “... *the approach recommended in the SMP encompasses the best practicable option (BPO) for managing effects of stormwater discharges from increases in impervious area within the Stage 4 area.*” However, she recommended amendments to Policy 12E.1.3.1 and Rule 12E.3.1.10 “*to provide consistency with and clarity around the objectives of the SMP*” and “... *to ensure the BPO is implemented in the absence of a specific reference to the Stage 4A SMP in the City Plan.*” Those amendments included additional treatment for runoff from high-use roads and extended detention of stormwater through the use of constructed wetlands. She also recommended amending Rule 12E.3.1.10 to ensure stormwater management for “the balance land²¹” within PPC 35 was consistent with the objectives of the Stage 4A SMP.

¹⁴ I have not listed matters where they sought retention of notified provisions.

¹⁵ Including in Policy 12E.1.3.1, Rule 12E.3.1.10 and Appendix 18F.3.

¹⁶ To avoid leaf fall blocking stormwater infrastructure.

¹⁷ Legal Submissions on Behalf of the Bay Of Plenty Regional Council Toi Moana, Dated 15 August 2024.

¹⁸ Director of Koru Environmental Consultants Ltd.

¹⁹ BOPRC Senior Planner.

²⁰ EIC Ira, paragraphs 12. And 23.

²¹ Land which is not already subject to consents and does not have a prepared SMP.

[016] Ms Holden considered more directive and clear stormwater quality and quantity provisions were required in PPC 35 to guide land use planning and achieve integrated management. I understood her main point²² to be that in the absence of a stormwater consent and SMP over the whole PPC 35 area, and to ensure an integrated management approach, the City Plan should contain provisions that specified what should be included in an SMP to reflect best practice.

[017] It is important to understand the existing coverage of stormwater consents and the SMP in the Stage 4 area. As clarified by Mr Grace the situation is:

- Stage 4A Covers $\approx \frac{1}{2}$ of the Stage 4 area and has an SMP;
- Stage 4B Covers $\approx \frac{1}{4}$ of the Stage 4 area and has a stormwater consent; and
- Balance land Covers $\approx \frac{1}{4}$ of the Stage 4 area and has no SMP and no stormwater consent

[018] In Appendix 1 of her evidence Ms Holden recommended amendments additional to those recommended by Ms Drew to:

- a) Policy 12E.1.3.1 in general;
- b) Policy 12E.1.3.1(a)(ii) (regarding effects on freshwater bodies);
- c) A new clause 12E.1.3.1(d) (regarding high use roads);
- d) Rule 12.3.1.10;
- e) Rule 12E.3.2.6;
- f) Including a new advice note (regarding discharges to air)
- g) Rule 18A.12.2.2 (regarding streetscape trees);
- h) Appendix 18D (regarding riparian tree species);
- i) Appendix 18F.3 (regarding stormwater detention); and
- j) Appendix 18I (regarding road cross-sections).

[019] By the conclusion of the hearing the three planners²³ had reached agreement on amendments to the provisions in a), d), e), g), h), i) and j) above. I reviewed the agreed amendments and found them to be appropriate. Accordingly, I do not generally discuss them further.

[020] Regarding matter b) above, Policy 12E.1.3.1 requires that subdivision and development within TBE Stage 4 is designed and constructed to meet a number of requirements. Ms Holden sought an amendment to one of those requirements, namely clause 12E.1.3.1(a)(ii). As notified it read:

Integrate and interface with natural freshwater receiving environments

[021] I found that wording to be ambiguous, particularly with regard to the wording "Integrate and interface with".

[022] Ms Holden initially recommended that clause 12E.1.3.1(a)(ii) be amended to:

Prioritise options that avoid degradation and the loss of extent and value of rivers/streams, and freshwater ecosystems by modification or discharges.

[023] Mr Grace and Ms Drew both preferred the notified wording.

[024] During the Hearing various wording options were discussed. In post-Hearing caucusing the planners identified alternative wording should I be minded to depart from the notified wording. They suggested:

Are managed in an integrated way and minimise the degradation of rivers and natural inland wetlands.

²² EIC Holden, paragraph 19.

²³ Ms Drew, Mr Grace and Ms Holden.

- [025] Ms Holden preferred the alternative wording to the notified wording. So do I and in my view that wording is more consistent with Policies 3, 6 and 7 the NPSFM. I recommend accordingly.
- [026] Regarding matter c) above, Ms Holden initially sought that a new clause (d) be added to Policy 12E.1.3.1 relating to stormwater treatment for high-volume roads. In her Supplementary Evidence tabled at the Hearing she advised it would be better to instead amend what will now be Rule 12E.3.1.10(n)(iii)²⁴ by adding to it the words *"including all high use roads (more than 5000 vehicle movements per day)"*.
- [027] That additional wording was opposed by Mr Grace and Ms Drew. They considered such details should instead be set out in the relevant stormwater consent, the SMP and through compliance with TCC's Infrastructure Development Code. Ms Drew advised that the City Plan does not use the 5000 vpd threshold and she also noted that "Rule 12E.3.1.10(n) – Subdivision within the Tauriko Business Estate" required a stormwater engineering assessment to be submitted for all subdivision applications within Stage 4. That assessment would address how stormwater quality treatment via a treatment train approach would be undertaken, including runoff from roads.
- [028] During the Hearing it became evident that the only road of concern to BOPRC was Belk Road as it was the only road likely to exceed a 5000 vpd threshold. Various wording options were discussed, amongst them simply adding the words *"including Belk Road"*. In Reply Ms Hamm questioned the necessity of any additional wording, but said the Proponent would accept that simplified additional wording. I understand that in the post-Hearing caucusing Ms Holden supported the simplified wording.
- [029] I agree with the simplified additional wording for Rule 12E.3.1.10(n)(iii) and recommend accordingly.
- [030] Regarding matter f) above and the additional advice note sought by Ms Holden relating to discharges to air, at the Hearing both Ms Boyte and Ms Holden conceded under questioning that the advice note would apply to purchasers of developed industrial lots and not to the subdivider or land developer. Consequently, they both agreed that the advice note was inappropriate for subdivision provisions.
- [031] For completeness, I record that regarding matter h) and Appendix 18D, Ms Hamm submitted in Reply that the notation in the diagram in Appendix 18D should be amended to read *"Native Riparian Planting (minimum 5 metre width)"*. Regarding matter j), at the hearing Ms Boyte submitted that BOPRC no longer sought amendments to Appendix 18I.
- 5.2 Paul and Judy Smyth**
- [032] Paul and Judy Smyth own and occupy land at 171 and 183 Belk Road.(Lot 1 and Lot 2 DP 480057). I viewed their property from Belk Road during my site visit.
- [033] In their submission they sought that there be no restrictions on access to Belk Road; that the proposed widening of Belk Road be deleted or the position of the road widening be amended so that it did not affect their property; that access to the Upper Belk Road future urban growth area should be from Pyes Pa and not through the TBE; and that Belk Road should not be widened to four lanes.
- [034] Ms Hamm submitted in opening that *"Ms Hoogeveen on behalf of the Smyths has raised an issue relating to the appropriateness of utilising a private plan change for road widening. This inclusion was made by Element IMF at the request of TCC and as such, I propose to leave this issue to TCC to address."*
- [035] There were legal submissions and written and verbal evidence presented on this matter. I have attempted to summarise what I consider the main points to be as follows:
- The Upper Belk Road Urban Growth Area will cater for approximately 12,000 household equivalents and primary access to it will be via Belk Road. Phillip Martelli²⁵ advised that traffic modelling supported

²⁴ Note this was clause Rule 12E.3.1.10(n)(i) as notified.

²⁵ Section 42A Report, Appendix 6. Mr Martelli is TCC's Principal Planner (Structure Planning).

a roading corridor width of 38m to account for four lanes plus footpaths, cycleways, amenity planting, stormwater management and service corridors including power;

- Mr Mead advised that the timing of the Upper Belk Road Urban Growth Area was subject to SmartGrowth decisions, but it was likely to be progressed in stages by way of a boundary adjustment to transfer the land from the jurisdiction of the Western Bay of Plenty District Council to TCC²⁶, a Structure Planning process, followed by a rezoning Plan Change, and thereafter the delivery of enabling infrastructure (including roading). I understand the Structure Plan is scheduled to occur in the next three years with the other stages to follow;
- Mr Mead also advised that the draft SmartGrowth Implementation Plan included a line item titled "Western Corridor – Structure Planning for Upper Belk Road" with associated funding yet to be determined with decisions to be made in October 2024;
- Land adjoining Belk Road owned by Element IMF²⁷ has already been subdivided off with agreement to purchase by TCC to provide for the 38m roading corridor;
- Mary Smyth (daughter of Paul and Judy Smyth) outlined how her parents had owned and developed (including subdividing into two lots) their property since purchasing it in 1976. A 38m roading corridor utilising an additional 18m wide swath extending to the west of Belk Road would bisect their house, destroy another outbuilding and frustrate the intended sale of 183 Belk Road;
- Hannah Hoogeveen²⁸ (consultant planner for the Smyth's) considered providing for the widening of Belk Road by way of an ODP was inappropriate and a designation process should be used instead as that would provide for an opportunity under the Public Works Act for compensation, particularly where there was a dwelling involved. She said that *"the location of the widening should also be properly considered, rather than simply designating only one side of Belk Road."*²⁹;
- The Proponent is not a requiring authority and so it cannot use a designation process. However, TCC can issue a notice of requirement to establish a roading designation in the City Plan;
- Tim Fischer³⁰ submitted that the ODP notation does not enable the road widening works and for that to occur a further planning approval would need to be obtained by TCC, either by way of a designation or land use consent. He also submitted that an entitlement to full compensation arises under s60 of the Public Works Act 1981 when land is actually acquired or taken for a public work.

[036] In her verbal Reply Ms Hamm submitted that:

- if one was considering solely the industrial development of Stage 4 of the TBE then only a 22m wide road corridor was required;
- the Proponent³¹ had asked her to request that I recommend removing the ODP notation from the Smyth's property; and
- the Proponent considered that the absence of a ODP notation on the Smyth property would not compromise the delivery (namely upgrading) of Belk Road at a later stage.

[037] My role is to consider the necessary City Plan provisions required to facilitate and manage the development of Stage 4 of the TBE. Obviously, in that regard the wishes of the PPC 35 Proponent carry considerable weight. It is clear that the ODP notation for a 38m wide roading corridor along Belk Road is for the direct benefit of TCC and not the PPC 35 Proponent.

[038] Accordingly, I recommend that the ODP road widening notation should be removed from the Smyth property (171 and 183 Belk Road comprising Lot 1 and Lot 2 DP 480057).

²⁶ A Local Government Act process.

²⁷ Lots 76, 111, 127 and 163 shown in the diagram on page 3 of Appendix 6 to the Section 42A report.

²⁸ A Planner and Senior Associate at Barker & Associates Limited.

²⁹ EIC Hoogeveen, paragraph 5.2.

³⁰ Counsel for TCC.

³¹ Represented at the Hearing by Grant Overton.

[039] I am satisfied that the TCC will have ample time to consider appropriate Belk Road options associated with facilitating access to the Upper Belk Road Urban Growth Area, the best (or fairest³²) means of achieving the necessary planning approval for the selected roading corridor, and subsequently acquiring any private land necessary to enable the selected roading corridor to be delivered.

[040] Finally, I note that Mr Fischer submitted³³ that *"Not protecting the route now would be inefficient and ineffective and the widening could be frustrated by the development of the land."* I am not persuaded that removing the ODP notation solely from the Smyth property will result in such a 'frustration' because the Smyth's have not indicated any intention to further intensify the existing extent of built development in their property adjacent to Belk Road.

5.3 Winstone Wallboards Limited

[041] Winstone Wallboards Limited (WWL) was a further submitter³⁴ (FS17) opposing the submissions of Jeff & Sandra Bent (Submitter 1) and Camille Bent (submitter 14). WWL elected to not appear at the Hearing, but a brief of planning evidence was submitted by Jacqui Hewson³⁵. She advised that WWL was generally supportive of PC35, but sought further amendment to the noise provisions *"to address the inconsistencies between the noise provisions of the Tauriko Industrial Zone and Industrial Zone"*.

[042] As noted in section 4.1 of this Recommendation Report, submitters Jeff & Sandra Bent and Camille Bent formally withdrew their submissions. That means the further submission of WWL has no standing as their further submission was limited to addressing the primary submissions of Jeff & Sandra Bent and Camille Bent.

[043] However, notwithstanding the WWL further submission having no standing, for the sake of completeness and for the benefit of WWL and the TCC, I nevertheless note that Ms Hewson sought that General Rule 4E.2.4(b) be amended to delete the Tauriko Industrial Zone 55 dBA Night-time L_{eq} and to increase the Night-time L_{max} from 80 dBA to 85dBA.

[044] Had the WWL further submission retained standing I would have recommended that WWL's request be rejected because:

- a further submission can only support or oppose an initial submission;
- the submission of Camille Bent (14.8) sought reduced noise limits within the TBE, whereas Ms Hewson sought to either remove existing noise TBE limits or increase them to allow a greater level of noise;
- consequently, the amendments sought by Ms Hewson were not within the valid scope of a further submission; and
- no technical evidence was provided by WWL from an acoustic expert justifying the amendment sought to General Rule 4E.2.4(b). Ms Hewson is a planner and so as an evaluative witness she must rely on expert technical evidence as a basis for her planning advice.

6 Statutory Instruments

[045] Ms Drew helpfully provided a detailed assessment of the relevant statutory instruments in Appendix 7 of her Section 42A Report. I have read that assessment and I agree that PPC 35 is in accordance with the applicable statutory planning instruments and policy documents³⁶, in particular the National Policy Statement for Urban Development 2020 (NPS-UD) and the Regional Policy Statement (RPS). I note that no parties to the Hearing disputed Ms Drew's assessment of the statutory instruments nor her conclusions in relation to them. When asked, Mr Grace advised that he agreed with Ms Drew's assessment.

³² I note Ms Hoogeveen suggested that the road widening should occur by way of a 'publicly led planning process' that would *"consider the appropriate timing of applying a road widening mechanism based on the timing and certainty of future residential development proceeding."*

³³ Paragraph 21(e).

³⁴ WWL did not lodge a primary (or initial) submission.

³⁵ Senior Planner at Resource Management group in Wellington.

³⁶ Having regard to section 73(1) to 73(2A) of the RMA, in my view Ms Drew correctly identified the relevant instruments in section 6.2.5 of her Section 42A report.

- [046] I find that the growth of the TBE has been signalled and planned for in both statutory and non-statutory documents such as SmartGrowth, the Urban Form and Transport Initiative, the RPS and in documented wider transportation network improvements. In terms of the NPS-UD, PPC 35 will provide much needed development capacity which will contribute to a well-functioning urban environment that is well connected along transport corridors.
- [047] I find that this high-level strategic policy support weighs strongly in favour of approving PPC 35.
- [048] Finally, I agree with Ms Hamm³⁷ that recourse to Part 2 of the RMA is not required in this case given that the national policy statements relevant to PPC 35 and the RPS are higher order documents that give effect to Part 2.

7 PPC 35 Provisions

- [049] Various amendments to the notified provisions of PPC 35 were provided at various times by the three participating planners. By the conclusion of the Hearing there was largely agreement on the preferred amendments. Other than as discussed in sections 5.1 and 5.2 of this Recommendation Report, I find those agreed amendments to be appropriate. Consequently, I adopt Ms Drew's Section 32AA assessments that were set out in Appendix 3 to her Section 42A Report for:
- amendments to the requirements for when acoustic reporting is required for new activities within 100m of the Tauriko Business Estate's Stage 4 zone boundary;
 - inclusion of requirements in Rule 12E.3.1.10 to confirm how the Central Drain will be managed at the time of subdivision; and
 - inclusion of a requirement in Rule 12E.3.1.10 for an ecological assessment at the time of subdivision.
- [050] I record that the further amendments agreed to by the planners' post-hearing caucusing represent minor clarifications that do not alter the intent of those provisions and so they do not necessitate an additional section 32AA assessment. Nor do the additional minor amendments that I have recommended.

8 Recommendations

- [051] Pursuant to the powers delegated to me by the Tauranga City Council under section 34A of the Resource Management Act 1991, I recommend that:
- pursuant to clause 10 of Schedule 1 to the RMA the Tauranga City Council approves PPC 35;
 - the notified provisions of PPC 35 are amended as set out in Appendix 1 to this Recommendation Report;
 - the submissions and further submissions are either accepted, accepted in part or rejected in accordance with Appendix 2 of this Recommendation Report; for the reasons set out in that Appendix; and
 - the Section 32AA assessment set out in Appendix 3 of the Section 42A Report is adopted.

Signed by the commissioner:



Rob van Voorthuysen
Independent Commissioner
Dated: 22 August 2024

³⁷ Paragraph 10.

Appendix 3: Hearing Attendances

Party	Name	Role
TCC	Tim Fischer Kathryn Drew Andrew Mead Phillip Martelli Aimee Aronos	Counsel Section 42A Report author Manager: City Planning and Growth Principal Planner (Structure Planning) Hearing Administrator
Element IMF Limited	Vanessa Hamm Craig Richards Sean Grace Grant Downing	Counsel Transport expert Planning expert Proponent representative
BOPRC	Rachel Boyte Susan Ira Lucy Holden	Counsel Stormwater expert Planning expert
Paul and Judy Smyth	Judy Smyth Mary Smyth Hannah Lee Hoogeveen	Self Self Planning expert