



PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	RMA Reform
Name of package	BRF-4830 Tauranga City Council intensification planning instrument: Recommendations referred for decisions	Date to be published	5 July 2024

List of documents that have been proactively released

Date	Title	Author
21 June 2024	BRF-4830 Tauranga City Council intensification planning instrument: Recommendations referred for decisions	Ministry for the Environment
27 June 2024	Signed letter to Commission Chair Anne Tolley	Hon Chris Bishop, Minister Responsible for RMA Reform

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld under Section 9(2)(a) of the Official Information Act 1982 for the reason of protecting the privacy of natural persons, including that of deceased natural persons.

Some information has been withheld under Section 9(2)(h) of the Official Information Act 1982 for the reason of maintaining legal professional privilege.



Tauranga City Council intensification planning instrument: Recommendations referred for decisions

Date submitted: 21 June 2024

Tracking number: BRF-4830

Sub Security level: In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Chris BISHOP Minister Responsible for RMA Reform	Please record your decisions on the recommendations in Appendix 1. Please review and sign the letter in Appendix 4.	28 June 2024
CC Hon Penny SIMMONDS Minister for the Environment	No action required	N/A
CC Hon Chris BISHOP Minister of Housing		

Actions for Minister's office staff	
Return the signed briefing to the Ministry for the Environment (Section 9(2)(a) and Section 9(2)(a)).	

Appendices and attachments

Appendix 1: Detailed analysis and recommendations for decisions under clause 105 of Schedule 1 of the Resource Management Act 1991

Appendix 2: Maps for Matter A – Mount Maunganui North and Matter B – Area F in the City Centre Zone

Appendix 3: Consequential amendments to the Tauranga City Plan for Matter B

Appendix 4: Draft letter to Tauranga City Council Commission Chair on your decisions

Appendix 5: Council referral letter to the Minister on rejected Independent Hearing Panel recommendations

Appendix 6: Relevant excerpts from the Independent Hearing Panel recommendations Report on Plan Change 33

Appendix 7: Email correspondence between Ministry for the Environment officials and Tauranga City Council officers

Appendix 8: Shading analysis carried out for the Council by Designgroup Stapleton Elliott

Appendix 9: Relevant excerpts from annotated district plan text

Appendix 10: Relevant excerpts from statements of evidence

Appendix 11: Relevant excerpts from hearings opening statements

Appendix 12: Relevant excerpts from Section 32 report

Appendix 13: Relevant excerpts from submissions and legal submissions

Appendix 14: Relevant excerpts from Section 42A report, appendices and addendums

Appendix 15: Relevant excerpts from NPS-UD guidance

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Responsible Manager	Linley Wilkinson	Section 9(2)(a)	
Programme Director	Rebecca Scannell	Section 9(2)(a)	✓

Minister's comments

Tauranga City Council intensification planning instrument: Recommendations referred for decisions

Key messages

1. This briefing seeks your decisions on recommendations for Tauranga City Council's (the Council) Intensification Planning Instrument (IPI), Plan Change 33.
2. On 24 May 2024, the Council referred two rejected Independent Hearings Panel (IHP) recommendations and its corresponding alternative recommendations to you for final decisions. The referred recommendations relate to Mount Maunganui North (**Matter A**) and an area (known as Area F) of the City Centre Zone (**Matter B**).
3. As required by clause 105 of Schedule 1 of the Resource Management Act 1991 (RMA), the Minister for the Environment (or a relevant Minister with appropriate delegations or transfer of powers under section 7 of the Constitution Act 1986) must decide to accept or reject the referred IHP recommendations. As that Minister, if you reject an IHP recommendation you must decide whether to accept the council's alternative recommendation.
4. The matters you make take into account in making your decisions are limited to material the IHP could have taken into account. You may also have regard to compliance with procedural requirements and timeframes.
5. In relation to **Matter A**, officials recommend you:
 - a. Reject the IHP's recommendation to retain the heights and zoning for Mount Maunganui North as originally proposed by the Council when Plan Change 33 was notified to:
 - i. enable the Medium Density Residential Standards (MDRS) (11 metres plus 1 metre) in the High Density Residential Zone
 - ii. rezone the existing extent of the Suburban Residential Zone in Mount Maunganui North to Medium Density Residential Zone which enables MDRS (11 metres plus 1 metre)
 - iii. apply a permitted activity height limit of 12 metres to sites in the Commercial Zone.
 - b. Accept the Council's alternative recommendation to:
 - i. upzone and increase the notified height from MDRS (11 metres plus 1 metre) to 22 metres for residential land within the 400 metre walkable catchment of the town centre, and 16 metres for residential land within the 400-800 metre walkable catchment of the town centre
 - ii. increase the notified permitted activity height limit from 12 metres to 22 metres within the commercial centre.

Recommendations

We recommend that you:

- a. **note** both recommendations referred to you by Tauranga City Council and space for your decisions is included in **Appendix 1**
- b. **note** officials will provide additional material relevant to your decisions (such as submissions and further submissions) on request
- c. **sign** the letter to Anne Tolley the Tauranga City Council Commission Chair included in **Appendix 4** notifying the Council of your decisions and reasons for your decisions

Yes | No

- d. **meet** with officials to discuss options if you would like to make different decisions from those recommended by officials or would like to discuss the recommendations

Yes | No

- e. **agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes | No

Signatures



Rebecca Scannell
Programme Director, Urban and Infrastructure Policy
Environment Management and Adaptation
21 June 2024

Hon Chris Bishop
Minister Responsible for RMA Reform

Date

Tauranga City Council intensification planning instrument: Recommendations referred for decisions

Purpose

1. This briefing seeks your decisions on recommendations referred to you by the Tauranga City Council (the Council) on its Intensification Planning Instrument (IPI), Plan Change 33.
2. Two Independent Hearings Panel (IHP) recommendations along with the Council's alternative recommendations were referred to you. The referred recommendations relate to Mount Maunganui North and an area (known as Area F) of the City Centre Zone.
3. You must decide to accept or reject each of the IHP recommendations that have been referred to you. For any of the IHP's recommendations that you reject, you must decide whether to accept the alternative recommendation proposed by the Council.

Background

Background on intensification planning instruments and relevant Ministerial statutory functions provided in previous briefings

4. In January, we provided you with advice (BRF-4113 refers) on Ministerial statutory functions as they relate to urban and infrastructure under the Resource Management Act 1991 (RMA).
5. *BRF-4440 Referral of Western Bay of Plenty District Council's rejected recommendations on its intensification planning instrument* also provided a high-level summary of the process for preparing an IPI, relevant Ministerial statutory functions and information about qualifying matters, and a diagram showing the different documents produced at each stage of the Intensification Streamlined Planning Process (ISPP).

Tauranga City Council's intensification planning instrument

6. The Council notified its IPI, called Plan Change 33, on 20 August 2022. The Council was initially directed to complete its work on the ISPP by 20 November 2023 (New Zealand Gazette notice 2022-sl2033). The Council sought and was granted an extension for Plan Change 33 until 30 June 2024 (New Zealand Gazette notice 2023-sl3773).
7. The Council complied with its amended timeframe for its substantive plan change and wrote to you (**Appendix 5**) to notify you of its decisions on the IHPs recommendations on 24 May 2024. The Council is in the process of incorporating the IHP recommendations that it accepted into the operative Tauranga City Plan.
8. Separately, in December 2022, the Council sought and was granted an extension to complete a variation to Plan Change 33 to include the Tauriko West Urban Growth Area by no later than 30 June 2024. The Council decided to progress the variation to help address the acute housing challenges in Tauranga City, and did not further alter the date for notifying decisions on the substantive IPI. The Council also sought and has been granted an additional extension for the Tauriko West Urban Growth Area variation to Plan

Change 33 until 31 December 2025 as the required technical assessments had been more complex and time consuming than originally anticipated (New Zealand Gazette notice 2023-sl4186).

9. The Council will continue to progress the Tauriko West Urban Growth Area variation to Plan Change 33, and officials will provide you with advice if any Ministerial decisions are required.

Analysis and advice

Matters to support decision-making - information and legislative requirements

10. Schedule 1, clause 105 of the RMA means that the matters you may take into account in making your decisions are limited to material the IHP could have taken into account when making its recommendations. New evidence cannot be commissioned to inform decisions on the recommendations referred to you.
11. You may have regard to the Council's compliance with procedural requirements and timeframes and, if issued, whether the Council had regard to a 'statement of expectations'.
12. Officials have prepared advice for this briefing by referring to the material listed below. Each of these documents have been appended to this briefing to support your decision making:
 - a. Council referral letter, including the Council's reasons for rejecting the IHP's recommendations and the Council's alternative recommendations (**Appendix 5**)
 - b. Relevant excerpts from the Independent Hearing Panel recommendations Report on Plan Change 33 (**Appendix 6**)
 - c. Email correspondence between Ministry for the Environment officials and Tauranga City Council officers (**Appendix 7**)
 - d. Shading analysis carried out for the Council by Designgroup Stapleton Elliott (**Appendix 8**)
 - e. Relevant excerpts from annotated district plan text (**Appendix 9**)
 - f. Relevant excerpts from statements of evidence (**Appendix 10**)
 - g. Relevant excerpts from hearings opening statements (**Appendix 11**)
 - h. Relevant excerpts from Section 32 report (**Appendix 12**)
 - i. Relevant excerpts from submissions and legal submissions (**Appendix 13**)
 - j. Relevant excerpts from Section 42A report, appendices and addendums (**Appendix 14**)
 - k. Relevant excerpts from NPS-UD guidance (**Appendix 15**).
13. If you wish to see additional evidence or submissions (including further submissions) considered by the IHP, officials will provide you with these documents. Full copies of the section 32 (evaluation report that accompanied the notified IPI) and the section 42A report (provided before a hearing to support the IHP) can also be provided.
14. Officials sought clarification from the Council staff on minor administrative matters, and to confirm the specific areas that are subject to the recommendations. This was to ensure

we were interpreting the recommendations as intended and to clarify some details for our analysis (**Appendix 7**).

Recommendations referred to you by Tauranga City Council

15. The Council rejected two of the IHP's recommendations on its IPI. The recommendations relate to:
 - a. Mount Maunganui North (**Matter A**)
 - b. Area F of the City Centre Zone (**Matter B**).
16. **Appendix 1** sets out our analysis and advice on each recommendation. You must also provide the Council with reasons for your decisions. We have included suggested reasons (alongside the corresponding recommendations) in **Appendix 1** and seek your agreement to these.
17. The Council met the procedural requirements of the ISPP. The Council was not required to have regard to a 'statement of expectations' because no statement was issued.
18. **Table 1** on the following page provides a summary of the IHP's recommendations rejected by the Council, the corresponding alternative recommendations and officials' suggested reasons for your decisions.
19. If you agree to official's recommendations and the reasons for your decisions these will be sent to the Council in your response letter (**Appendix 4**) for the Council to publish.
20. **Section 9(2)(h)**
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
21. The Council will incorporate your accepted recommendations into its District Plan and publicly notify those changes, including your reasons for your decisions. When this is carried out the provisions become operative (clause 106 of Schedule 1 of the RMA).

Table 1: Summary of Independent Hearings Panel and Council recommendations and reasoning behind officials' recommendations

	Summary of the Independent Hearing Panel's recommendation	Summary of the Council's alternative recommendation	Suggested reasons for decisions to accept the recommendations
Matter A	<p>Retain the heights and zoning for Mount Maunganui North as originally proposed by the Council when Plan Change 33 was notified to:</p> <ol style="list-style-type: none"> enable the Medium Density Residential Standards (MDRS) (11 metres plus 1 metre) in the High Density Residential Zone rezone the existing extent of Suburban Residential Zone in Mount Maunganui North to Medium Density Residential Zone which enables MDRS (11 metres plus 1 metre) Apply a permitted activity height limit of 12 metres to sites in the Commercial Zone. 	<p>Upzone and increase the notified height from MDRS (11 metres plus 1 metre) to 22 metres for the residential land within 400 metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable catchment of the town centre. Increase the notified permitted activity height limit from 12 metres to 22 metres within the commercial centre (officials' recommendation).</p>	<p><i>Council's alternative recommendation would better give effect to the National Policy Statement on Urban Development, by providing greater development capacity and enabling the Mount Maunganui North area to change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p>
Matter B	<p>Remove the 16-metre permitted activity height limit over Area F in the City Centre Zone and make consequential changes to the maps in Chapter 17 and relevant provisions of the Tauranga City Plan (officials' recommendation).</p>	<p>Retain the permitted activity height limit of 16 metres in Area F in the City Centre Zone.</p>	<p><i>I consider the Independent Hearing Panel's recommendation would better give effect to the National Policy Statement on Urban Development, would better achieve a well-functioning urban environment, and better enable as much development capacity as possible. I consider the proposed 16-metre height limit, together with the proposed policies and matters of discretion relating to Area F would not enable as much development capacity as possible in the City Centre Zone.</i></p>

Other considerations

Legal issues

22. Section 9(2)(h) [REDACTED]

23. Section 9(2)(h) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Financial, regulatory and legislative implications

24. No financial, regulatory, or legislative implications are associated with the proposals in this briefing.

Next steps

- 25. If you agree to the recommendations in this briefing, please review and send Tauranga City Council Commission Chair Anne Tolley the letter in **Appendix 4** to notify the Council of your decision.
- 26. We will continue to work with relevant councils on their IPIs and brief you on any referred recommendations as they arise.
- 27. If you would like to make a different decision to those recommended in this briefing, officials suggest a meeting for discussion.

Appendix 1: Detailed analysis and recommendations for decisions under clause 105 of Schedule 1 of the Resource Management Act 1991

[Attached to cover email.]

Appendix 1: Detailed analysis and recommendations for decisions under clause 105 of Schedule 1 of the Resource Management Act 1991

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
Matter A: Mount Maunganui North zoning and height limits			
<p>Retain the heights and zoning for Mount Maunganui North as originally proposed by the Council when Plan Change 33 (PC33) was notified. These include:</p> <ul style="list-style-type: none"> MDRS (11m+1m) (3 storeys)¹ in the High Density Residential Zone. The existing extent of the Suburban Residential Zone in Mount Maunganui North being rezoned to Medium Density Residential Zone, which enables MDRS (11m+1m) (3 storeys). A 12 metre (3 storeys) height limit in the Commercial Zone. 	<p>Increase the notified height from 12 metres to 22 metres (6 storeys) within the Mount Maunganui North Commercial Zone.</p> <p>Upzone and increase the notified height from MDRS to 22 metres (6 storeys) for the residential land within a 400 metre walkable catchment of the Commercial Zone, and 16 metres (4 storeys) for the residential land within a 400-800 metre walkable catchment of the Commercial Zone.</p>	<p>Context</p> <p>This recommendation covers approximately 1,400 property parcels with a cumulative area of around 75.9 hectares in Mount Maunganui North (see Appendix 2, Figures 1, 2 and 3).</p> <p>The Mount Maunganui North area is considered a tourist destination and its town centre services both local residents and visitors.²</p> <p>The area is covered by the 'Mount to Arataki Spatial Plan', which recognises the area as likely to experience significant growth. The Spatial Plan provides direction on and is linked to funding to enable investment in open space improvements; roading network improvements (including safety); walking and cycling improvements; three waters resilience improvements; and cultural projects.³</p> <p>Proposed Intensification Planning Instrument Provisions</p> <p>PC33, as notified, determined that the closest equivalent zone in the National Planning Standards⁴ to the commercial zone in Mount Maunganui North was the Town Centre Zone.⁵</p> <p>The notified version of PC33 maintained the existing 12 metre height limit (3 storeys) in the Mount Maunganui town centre.⁶ PC33 also proposed a building height of 11 metres plus 1 metre (3 storeys) be applied to both the Medium Density Residential Zone and the High Density Residential Zone (HDRZ) in the Mount Maunganui North area.⁷ This is the same as the height in the medium density residential standards (MDRS).</p> <p>The High Rise Plan Area from the operative plan was maintained in the new HDRZ. This has site by site height limits of between 18.8 (4/5 storeys) and 38.3 metres (approx. 11 storeys). It is permitted to build up to 9 metres (2 storeys), a controlled activity for buildings over 9 metres but under the height limit for the site and prohibited activity to build above the height limit.</p> <p>The Council noted this was a precautionary approach due to uncertainty about the effects of greater building height on cultural and landscape values and it intended to reassess these matters in the Mount to Arataki Spatial Plan.⁸</p> <p>As notified PC33 included a requirement for a resource consent for four or more dwellings on a site to have an urban design assessment and demonstrate how the application achieves the relevant objectives and policies of the zone.</p>	<p>Agree to either:</p> <p>1. officials' recommended suite of recommendations:</p> <p>a. reject the Independent Hearings Panel's recommendation;</p> <p>b. accept Tauranga City Council's alternative recommendation:</p> <p>i. Increasing the notified height from 12 metres to 22 metres within the commercial centre.</p> <p>ii. Upzoning and increasing the notified height from MDRS to 22 metres for the residential land within 400 metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable catchment of the town centre.</p> <p>c. agree to reason for decision:</p> <p><i>Council's alternative recommendation would better give effect to the National Policy Statement on Urban Development, by providing greater development capacity and enabling the Mount Maunganui North area to change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p> <p style="text-align: right;">Yes No</p>

¹ The MDRS for building height is: "Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more..."

² Section 42A Hearing Report, Appendix 9 – PC33 Commercial Centre Network Analysis and Economic Overview, Property Economics, March 2023, p 29 and p 98.

³ Addendum Section 42A Hearings Report (Closing Statement), Appendix 14: Carl Lucca Statement – Spatial Planning and Urban Design, 1 December 2023, para 2.4.

⁴ Table 13 in the 8. *Zone Framework Standard* in the National Planning Standards includes the following zone description for the Town Centre Zone: Areas used predominantly for:

- in smaller urban areas, a range of commercial, community, recreational and residential activities
- in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.

⁵ Section 32 Evaluation Report, Appendix 15: Spatial Extent of NPS-UD Policy 3(c) and (d) p 9.

⁶ Section 32 Evaluation Report, Volume 3 - Commercial Zone, p 5.

⁷ Tauranga City Council Opening Statements – Session 2 Hearing, Day 4: Opening statement of Ashlee Peters, Approach to giving effect to NPS-UD for Mount Maunganui North Area, 5 October 2023, p 6.

⁸ Ibid, p 6.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<p>Key submission points and expert evidence</p> <p>Three submissions sought to increase the extent and scale of the building heights within and around the Mount Maunganui North centre to give effect to Policy 3(d) of the National Policy Statement on Urban Development (NPS-UD).⁹</p> <p>After receiving submissions seeking an increase in building heights the Council sent letters to ratepayers in the Mount Maunganui North area to notify them of the submissions and provide details on how to make a further submission.¹⁰</p> <p>A significant number of further submissions were received opposing increases in the extent and scale of the building heights and sought to delete or exclude Mount Maunganui from the HDRZ.¹¹ These submissions raised concerns regarding the landscape and character values, lack of infrastructure, risk of natural hazards, lack of car parking, cultural values and that the commercial centre is a visitor centre rather than a town centre.¹²</p> <p>Section 42A Hearing Report, and evidence presented in hearings and expert conferencing</p> <p>The Council's reporting officer considered that to respond to submissions they needed to reconsider the centre zoning and whether the notified height and density is appropriate to give effect to Policy 3(d)¹³ in the Mount Maunganui North area.¹⁴ The reporting officer determined that the Mount Maunganui commercial centre was a town centre and therefore NPS-UD Policy 3(d) was applicable.¹⁵ This position was supported by economic analysis conducted by Property Economics.¹⁶</p> <p>The reporting officer also noted that the economic evidence meant PC33 should implement Policy 3(d), instead of waiting to determine heights and densities through the non-statutory Mount to Arataki Spatial Plan.¹⁷</p> <p>The reporting officer considered expert evidence on development feasibility to determine appropriate building heights to achieve the required housing development capacity of Policy 2¹⁸ of the NPS-UD.¹⁹ This evidence noted four to eight storeys would be necessary to meet market demand for apartments in the long term.²⁰</p> <p>Some involved in expert conferencing raised concerns about how the commercial centre would function in relation to the anticipated growth in surrounding residential areas.²¹ For example they were concerned about whether the size of the commercial area would be sufficient to service the future population which they considered the Council underestimated.²² Submitters also believed that land/rental prices were too high to attract larger retailers (such as supermarkets) to support an increased residential population.²³</p> <p>The Council reporting officer recommended changes to height limits to the Mount Maunganui North area, including:</p> <ul style="list-style-type: none"> increasing the notified height from 12 metres (3 storeys) to 22 metres (6 storeys) within the commercial centre 	<p>Or</p> <p>2. meet with officials for further discussion.</p> <p style="text-align: right;">Yes No</p>

⁹ Sanderson Management (#208), Urban Taskforce (#318), and Brian Goldstone (#211) as noted in Section 42A Hearing Report Volume 4 Residential Development – General, p 33.

¹⁰ Tauranga City Council Opening Statements – Session 2 Hearing, Day 4: Opening statement of Janine Louise Speedy, Introduction to Mount Maunganui North Area, 5 October 2023, p 3.

¹¹ Section 42A Hearing Report Volume 4 Residential Development – General, pp 32 - 34.

¹² Tauranga City Council Opening Statements – Session 2 Hearing, Day 4: Opening statement of Janine Louise Speedy, Introduction to Mount Maunganui North Area, 5 October 2023, para 3.6.

¹³ Policy 3(d) requires that "...district plans enable...within and adjacent to...town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services." The Council determined that the term 'adjacent' in Policy 3(d) should refer to a walkable catchment around the centre from the zone boundary. See Section 42A Hearing Report, Volume 4 – Residential Development – General, p 16.

¹⁴ Section 42A Hearing Report, Volume 4 – Residential Development – General, p 33.

¹⁵ Section 42A Hearing Report, Volume 4 – Residential Development – General, p 33.

¹⁶ Section 42A Hearing Report, Appendix 9 – PC33 Commercial Centre Network Analysis and Economic Overview, Property Economics, March 2023, p 98.

¹⁷ Tauranga City Council Opening Statements – Session 2 Hearing, Day 4: Opening statement of Janine Louise Speedy, Introduction to Mount Maunganui North Area, 5 October 2023, para 3.9.

¹⁸ NPS-UD Policy 2 is: "Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term."

¹⁹ Section 42A Hearing Report, Volume 4 – Residential Development – General, p 33.

²⁰ Statement of Evidence of Michael Rhys Kemeys on Behalf of the Tauranga City Council – Development feasibility, 15 August 2023, para. 6.24

²¹ Section 42A Hearing Report, Volume 4 – Residential Development – General, p 33.

²² Section 42A Hearing Report, Appendix 6 – Expert Conferencing Joint Witness Statements, Approach to Policy 3(c) and (d), 26 July 2023, para. 3.4.8 and 3.5.2.

²³ Submitter Expert Evidence, Waymark Holding Limited – Simon Clark – Commercial property, 12 September 2023, para 10.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<ul style="list-style-type: none"> • upzoning and increasing the notified height from MDRS (11 metres plus 1 metre) to 22 metres for the residential land within a 400-metre walkable catchment of the town centre, and 16 metres (4 storeys) for the residential land within 400 to 800 metres of the town centre • incorporating existing and new qualifying matters to manage section 6 matters of national importance.²⁴ <p>The Section 42A Hearing Report (42A Report) considers that the revised height limits and stepped approach recognise the low uptake of apartments forecasted in Tauranga within and around centres over the next 30 years, but that transitional heights seek to promote the benefits of centres-based intensification and allows the greatest scale of built form in the most accessible areas.²⁵</p> <p>The legal submission on behalf of the Council confirmed it is within scope for recommendations to increase height within and adjacent to the Mount Maunganui North town centre to give effect to Policy 3 of the NPS-UD.²⁶</p> <p>The 42A Report noted that the requirement for a resource consent for four or more independent dwellings to have an urban design assessment would provide enhanced direction on key aspects of urban design, ensuring an appropriate focus on amenity and that development is able to integrate with its surroundings.²⁷</p> <p>Qualifying matters</p> <p>The 42A Report notes that many of the reasons for submission points seeking no increases in height in Mount Maunganui could be considered as qualifying matters.²⁸</p> <p>The PC33 qualifying matters that impact height in the Mount Maunganui North area include viewshafts and the Coastal Environment Plan Area (CEPA). The CEPA covers the areas of Mount Maunganui North closest to the coast and to Mauao/Mount Maunganui and Hopukioire/Mount Drury. It limits building heights in the area closest to Mauao/Mount Maunganui and Hopukioire/Mount Drury to 11 metres and 12 metres. It also places greater controls on resource consent applications to exceed the building heights in the Mount Maunganui North area the closer the site is to Mauao.²⁹</p> <p>View shafts also limit the height of buildings outside of the CEPA in Mount Maunganui North. All of the IHP's recommendations on these qualifying matters were accepted by the Council so have not been referred to you for decisions. These qualifying matters will stay in place regardless of any decision on the referred recommendations.</p> <p>Appendix 2, Figure 4 provides a map showing the effective permitted building heights based on the council's alternative recommendation and permitted building heights as reduce to accommodate qualifying matters. Appendix 2, Figure 3 shows the parts of Mount Maunganui North where proposed permitted height limits would not be impacted by qualifying matters. Of the 75.9 hectares under consideration, approximately 50 hectares (66%) have heights restricted by qualifying matters.³⁰</p> <p>Overall, this means that although you have been referred a decision on the permitted building heights included in the zones of this area, the majority of these, will have lower heights due to qualifying matters.</p> <p>Reasons for the Independent Hearings Panel's recommendation</p> <p>The Independent Hearings Panel (IHP) recommended that height limits remain as notified at 12 metres in the Mount Maunganui North centre and 11 metres plus 1 metre in the surrounding residential area (see Appendix 2, Figure 1).</p>	

²⁴ Addendum section 42A hearings report (closing statement), 1 December 2023, para 4.1.6.

²⁵ Section 42A Hearing Report, Appendix 5(a): Section 32AA Evaluation Report, p 60.

²⁶ Legal Submission in Reply on Behalf of Tauranga City Council, 30 November 2023, para 19.

²⁷ Section 42A Hearing Report, Appendix 5(a): Section 32AA Evaluation Report, p 94.

²⁸ Section 42A Hearing Report Volume 4 Residential Development – General, p 34.

²⁹ Council Closing Statement, Appendix 15 – Map of QM heights in Mount Maunganui North.

³⁰ Based on an analysis of spatial information provided by Tauranga City Council.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<p>The IHP accepted that the 'commensurate' test in Policy 3(d) is forward-looking, and that building heights and densities should be set commensurate with the anticipated future levels of commercial activities and community services.³¹</p> <p>The IHP noted that the Council's Section 32 Report opined that the retention of the current height limits in the Mount Maunganui town centre would give effect to Policy 3(d).³²</p> <p>The IHP also accepted evidence that enabling additional height in the area surrounding the Mount Maunganui North centre could "depress the businesses currently present".³³ Officials understand the IHP to have accepted evidence that this depression is due to the commercial market becoming unbalanced putting it at risk of becoming inaccessible to locals and tourists and causing vacancies and deterioration of the unique look and feel of the commercial area.³⁴ The IHP highlighted that Policy 3(d) does not have specified minimum height limits and that character and urban form matters can be considered more broadly than in areas where qualifying matter assessment are required.³⁵</p> <p>The IHP did not view increased heights in the Council's alternative recommendation as acceptable and did not consider the resource consent process to be an appropriate avenue to assess urban design outcomes. The IHP also concluded that increasing the permitted height would not maintain the existing character and amenity of the area.³⁶</p> <p>Reasons for the Council's alternative recommendation</p> <p>The Council considers its alternative recommendation, presented in the 42A Report (see Appendix 2, Figure 2), better accords with the relevant statutory considerations under the RMA and would give effect to the NPS-UD as a whole.</p> <p>Council considered that the heights and development opportunities provided for through the alternative recommendation would be commensurate with the Town Centre zone and function of the Mount Maunganui North commercial area due to its level of commercial activity and community services.</p> <p>The Council also noted that while the developments may not be taken up in the short-term, enabling greater heights and densities would provide a stronger direction to the market that such development would be supported in the Mount Maunganui North area.</p> <p>The Council considered how to manage potential impacts of the greater heights and densities enabled through the alternative recommendation, including effects on identified cultural, landscape, coastal environment, natural character and outstanding natural features and landscape values. These effects would be reduced by limiting building heights through the use of qualifying matters (which in some cases do not enable any increase in building height above those in the operative plan) and requiring resource consent to ensure consideration of impacts on landscape values for new buildings that exceed permitted height limits.</p> <p>An urban design assessment is required for all developments of four or more units, which would ensure that relevant urban design considerations are addressed.</p> <p>Advice</p> <p>Officials recommend you accept the Council's alternative recommendation to enable heights of 22 metres in the centre and 16 to 22 metres in the residential areas close to the centre. This would better give effect to the NPS-UD by providing greater development capacity and enabling the Mount Maunganui North area to change and grow over time in response to the diverse and changing needs of people, communities, and future generations.</p> <p>At notification, the Council's Section 32 Report considered the current height limits in the Mount Maunganui town centre</p>	

³¹ Recommendations of the Independent Hearing Panel, 24 April 2024, para 365.

³² Recommendations of the Independent Hearing Panel, 24 April 2024, para 366.

³³ Recommendations of the Independent Hearing Panel, 24 April 2024, para 365.

³⁴ Submitter Expert Evidence, Waymark Holding Limited – Simon Clark – Commercial property, 12 September 2023, para 17.

³⁵ Recommendations of the Independent Hearing Panel, 24 April 2024, para 365.

³⁶ Recommendations of the Independent Hearing Panel, 24 April 2024, para 367.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<p>would give effect to Policy 3(d).³⁷ The Council adopted a precautionary approach due to uncertainty about the effects of greater building height on cultural and landscape values.³⁸ The Section 32 Report stated that there would be future “opportunities for greater height and density subject to further spatial planning to address cultural landscape matters”.³⁹ To support Council's proposals to increase heights as set out in the Council's alternative recommendation, Council officers explained in the closing statement that submissions called for additional heights and densities to be enabled and economic evidence supported this in the Mount Maunganui area through the PC33 process instead of a non-statutory spatial plan.⁴⁰</p> <p>One of the reasons given by the IHP to not increase the permitted height within the Mount Maunganui North was to maintain the existing character and amenity of the area. Officials consider Objective 4 and Policy 6 of the NPS-UD particularly relevant to decision making on this recommendation.</p> <p>Objective 4 states that:</p> <p>“New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.”</p> <p>Policy 6 of the NPS-UD states:</p> <p>“When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: ...</p> <p>(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</p> <p>(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and</p> <p>(ii) are not, of themselves, an adverse effect.</p> <p>(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity...”</p> <p>Officials consider the increases in building height will contribute to meeting the requirements of the NPS-UD and that it is inappropriate to limit development based on the likelihood of changes to existing amenity occurring in the Mount Maunganui North Area.</p> <p>Officials are satisfied with the evidence provided by the Council's urban design expert that the proposed planning framework would enable urban design outcomes to be assessed and addressed through the resource consent process, which is a common practice.</p> <p>However, officials note that the qualifying matters in the Mount Maunganui North area have the effect of reducing the permitted building height proposed by the Council's alternative recommendations (see Appendix 2, Figure 4 for effective permitted building heights). The qualifying matters also alter activity status for proposal to exceed the permitted heights. Areas not impacted by qualifying matters within the Mount Maunganui North area are shown in Appendix 2, Figure 3.</p>	
Matter B: Height limit over Area F in the City Centre Zone			

³⁷ Recommendations of the Independent Hearing Panel, 24 April 2024, para 366.

³⁸ Tauranga City Council Opening Statements – Session 2 Hearing, Day 4: Opening statement of Ashlee Peters, Approach to giving effect to NPS-UD for Mount Maunganui North Area, 5 October 2023, p 6.

³⁹ Section 32 Evaluation Report, Appendix 15: Spatial Extent of NPS-UD Policy 3(c) and (d), p 2.

⁴⁰ Addendum Section 42A Hearings Report (closing statement), 1 December 2023, para 4.2.10-4.2.12.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
Remove the permitted activity height limit of 16 metres over Area F in the City Centre Zone and make consequential amendments to the Tauranga City Plan which are included in Appendix 3 .	Retain the permitted activity height limit of 16 metres in Area F in the City Centre Zone.	<p>Context</p> <p>This recommendation covers approximately 50 properties in Tauranga's CBD, referred to as Area F, with a cumulative area of 3.2 hectares (as shown in Appendix 2, Figure 5). This area is bounded by The Strand, Willow Street, Spring Street, and McLean Street. The relevant parts of Area F subject to these recommendations are zoned City Centre Zone.⁴¹ A small portion of Area F at 12 McLean Street,⁴² is zoned Passive Open Space Zone and is not subject to these recommendations. Figures 6 and 7 in Appendix 2 provide maps showing the IHP's recommendation and the Council's alternative recommendation.</p> <p>Since the relevant parts of Area F are zoned City Centre Zone, they are subject to the requirements of Policy 3(a) of the NPS-UD, to "realise as much development capacity as possible, to maximise benefits of intensification".</p> <p>Proposed intensification planning instrument provisions</p> <p>PC33 was notified with a proposed 16-metre (equivalent to 4 storeys) permitted activity height limit over Area F, which is the same permitted activity height limit in the Operative Tauranga City Plan. The required Section 32 evaluation for Area F was retrospectively undertaken and included in the 42A Report (Appendices 5b and 11).⁴³</p> <p>The Council notes it applied the qualifying matter in accordance with section 77O(j) of the RMA as <i>any other matter that makes higher density development, as provided for by policy 3 of the NPS-UD, inappropriate in an area</i>. The Council's reasons for applying the 16-metre height limit over Area F were to⁴⁴:</p> <ul style="list-style-type: none"> maintain amenity of the public spaces on the eastern side of The Strand, including to maintain sunlight to public areas along the waterfront retain views to the harbour for the more intensively developed City Centre Zone and central spine of the Te Papa Peninsula. <p>Buildings with a height greater than 16 metres would require a resource consent as a restricted discretionary activity.⁴⁵ The Council notes it would be challenging to determine which resource consent applications for building heights greater than 16 metres in Area F may be approved or refused as the actual and potential effects on the environment, including cumulative effects, would be assessed on a case-by-case basis.⁴⁶</p> <p>Key submission points and expert evidence</p> <p>In its submission, JWL Investment Trust (JWL) (a landowner within Area F and across Tauranga) sought an unrestricted height in Area F and considered the Council's approach to apply a 16-metre permitted activity height limit went beyond protecting the waterfront area, was not supported by clearly defined qualifying matters in relation to Area F⁴⁷, and would inhibit the future development of the land.⁴⁸</p> <p>Other submissions points by JWL and its representatives noted that:</p>	<p>Agree to either:</p> <p>3. officials' recommended suite of recommendations:</p> <p>a. accept the Independent Hearings Panel's recommendation to remove the permitted activity height limit of 16 metres over Area F in the City Centre Zone and make consequential amendments to the Tauranga City Plan which are included in Appendix 3</p> <p>b. agree to reason for decision:</p> <p><i>I consider the Independent Hearing Panel's recommendation would better give effect to the National Policy Statement on Urban Development, would better achieve a well-functioning urban environment, and better enable as much development capacity as possible. I consider the proposed 16-metre height limit, together with the proposed policies and matters of discretion relating to Area F would not enable as much development capacity as possible in the City Centre Zone.</i></p> <p>Yes No</p> <p>Or</p> <p>4. meet with officials for further discussion.</p> <p>Yes No</p>

⁴¹ The parts of Area F subject to these recommendations are zoned City Centre Business Zone under the Operative Tauranga City Plan. PC33 proposed a minor zone name change to omit "business" from the zone name, which Tauranga City Council officers confirmed is a minor error in the Operative Tauranga City Plan.

⁴² Parcel ID: 0660213100 Legal Description: Allots 252, 253 Sec 1 Tauranga Town Aspen Tree Reserve.

⁴³ Session 2 Hearing, Section 42A Hearing Report, Volume 9 – Section 17B – City Centre Zone, page 36.

⁴⁴ Appendix 5B of the Section 42A Hearing Report: Appendix 5b – Section 32 Evaluation for existing Qualifying Matters, page 4.

⁴⁵ A restricted discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise discretion as to whether or not to grant consent, and to impose conditions, but only in respect of those matters over which it has restricted its discretion in the plan, or over which discretion is restricted in national direction or other regulations.

⁴⁶ Appendix 5B of the Section 42A Hearing Report: Appendix 5b – Section 32 Evaluation for existing Qualifying Matters, page 6.

⁴⁷ JWL Investment Trust Submission #269 on Proposed Plan Change 33 to the Tauranga City Plan, 23 September 2022, page 4.

⁴⁸ Recommendations of the Independent Hearing Panel, 24 April 2024, para 339.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<ul style="list-style-type: none"> shading and overshadowing are not valid qualifying matters for excluding an area from unlimited building height.⁴⁹ Aaron Collier, planner for JWL argued the issue of shading effects is irrelevant as councils are required to realise as much development capacity as possible in the City Centre Zone under NPS-UD Policy 3(a)⁵⁰ imposing a qualifying matter based on shading of the waterfront area would not meet s77O(f) of the RMA, which relates to open space provided for public use, as the waterfront area in front of Area F is zoned City Centre Zone and not Open Space.⁵¹ – legal submission Council's preferred height limit may have trade competition/conflict of interest implications, due to Council's ownership of the waterfront land.⁵² – legal submission enabling greater heights is integral to boosting dwelling capacity, expanding housing choice, and improving affordability⁵³ and essential to project viability, especially in areas like Tauranga CBD, where land values are high.⁵⁴ - Fraser Colegrave, economist for JWL. <p>JWL stated the proposed 16-metre maximum building height does not reflect building heights authorised by the submitter's current resource consents, which allow building heights of up to 30.52m.⁵⁵ It also would not recognise the specific height limits of up to 38.4m applied to their site through Appendix 17M of the Operative Tauranga City Plan, which was agreed to as part of the last Tauranga City Plan review process.⁵⁶</p> <p>While JWL's resource consent allows a building of a greater height than the 16-metre limit which will still be able to be constructed, the submission notes JWL has significant land holdings in Tauranga, including the CBD.</p> <p>Section 42A Hearing Report, and evidence presented in hearings and expert conferencing</p> <p>Appendix 12 of the 42A Report (provided as Appendix 8) includes results of a shading analysis (summary provided in Table 1 below) carried out for the Council by Designgroup Stapleton Elliott.⁵⁷ The analysis shows the potential shading effects of different building heights on the public waterfront area.⁵⁸ The Council officer recommended retaining the notified 16-metre height limit, which they deemed most effective to achieve the plan's objectives.⁵⁹ The relevant area is also shown in the maps in Appendix 2, Figure 5.</p> <p>The shading analysis, attached to the 42A Report stated:</p> <p><i>“As to which height is acceptable is somewhat of a judgement call. By 4.05pm at the winter solstice, buildings of 16 metre height have completely shaded the waterfront area. This equivalent level of shading occurs at 6.35pm during summer. Using a 48.7 NZVD Datum height results in a similar level of shading at 2.50pm during winter and 5pm during summer. The modelling clearly shows that an increase in height results in shading of the waterfront area at an earlier time of the day. Given the strategic importance of the waterfront to the shape and feel of the city, and the fact that higher buildings will create shading effects earlier in the day, I recommend that the height limit for Area F is retained as 16 metres.”⁶⁰</i></p>	

⁴⁹ Statement of Evidence - Planning, Aaron Collier, para 8.3.

⁵⁰ Recommendations of the Independent Hearing Panel, 24 April 2024, para 342-343.

⁵¹ Session 2: Legal Submissions for JWL Investments Trust, para 30-31

⁵² Session 2: Legal Submissions for JWL Investments Trust, para 32-33

⁵³ Statement of Evidence - Economics, Fraser Colegrave, 12 September 2023, para 19.

⁵⁴ Statement of Evidence - Economics, Fraser Colegrave, 12 September 2023, para 20.

⁵⁵ Statement of Evidence - Planning, Aaron Collier, para 8.3.

⁵⁶ Statement of Evidence - Planning, Aaron Collier, 6 September 2023, para 8.38

⁵⁷ The shading analysis assumes each relevant site within Area F is built to the maximum permitted height.

⁵⁸ Session 2 Hearing, Section 42A Hearing Report Volume 9 – Section 17B – City Centre Zone, page 38.

⁵⁹ Session 2 Hearing, Section 42A Hearing Report, Volume 9 – Section 17B – City Centre Zone, page 39.

⁶⁰ Recommendations of the Independent Hearing Panel, 24 April 2024, para 340.

Summary of Independent Hearings Panel’s recommendation	Summary of Tauranga City Council’s alternative recommendation	Ministry for the Environment officials’ advice	Ministry for the Environment officials’ recommendations and reasons for decisions																													
		<p>Table 1: Summary of the findings of shading analysis.⁶¹</p> <table><tr><th rowspan="2">Area in Appendix 12 of the 42A Report for the CCZ</th><th colspan="2">Unlimited height for Area F which is effectively 48.7m NZVD due to flight path (IHP’s recommendation)</th><th colspan="2">16 metre permitted activity height limit (Council’s alternative recommendation)</th></tr><tr><th>Summer</th><th>Winter</th><th>Summer</th><th>Winter</th></tr><tr><td>A – Over the Strand</td><td>13:30</td><td>13:00</td><td>15:10</td><td>13:50</td></tr><tr><td>B – Past railway</td><td>16:00</td><td>14:05</td><td>18:00</td><td>15:30</td></tr><tr><td>C – Waterfront 50% coverage</td><td>16:30</td><td>14:30</td><td>18:15</td><td>15:45</td></tr><tr><td>D – Encroaching over water</td><td>17:00</td><td>14:50</td><td>18:35</td><td>16:05</td></tr></table> <p>The Council’s opening statement acknowledged the two resource consents that have been granted for the JWL site at 62 Willow Street for a height greater than 16 metres. Carolyn Wratt, on behalf of the Council, noted these resource consents provide an example of how with a good design, buildings above the 16-metre permitted height limit may be successfully consented.⁶² Carolyn Wratt also noted these resource consents were granted as a discretionary activity (ie, full discretion to grant or decline the consent in relation to what conditions to impose), whereas the PC33 provisions proposed a restricted discretionary activity.⁶³</p> <p>Ms Wratt also noted that JWL considered the height limit could not be a qualifying matter under section 77O(f) of the RMA, which relates to open space, but clarified that the height of Area F was applied as a qualifying matter under section 77O(j) of the RMA. Section 77O(j) relates to ‘any other matter’ that makes higher density development, as provided for by Policy 3 of the NPS-UD, inappropriate.⁶⁴</p> <p>These points regarding the application of qualifying matters, and JWL’s two resource consents were reiterated by the Council in its rebuttal evidence and closing statement.⁶⁵</p> <p>Reasons for the Independent Hearings Panel’s recommendation</p> <p>The IHP did not receive any additional specialist evidence on shading over and above the shading maps provided by the Council.⁶⁶ The IHP accepted that the increased building height in Area F will result in some additional shading over the waterfront but agreed with JWL’s evidence that a qualifying matter cannot apply in this instance. The IHP also noted that the Council did not present them with shading as a new qualifying matter.⁶⁷</p> <p>The IHP agreed that Policy 3(a) of the NPS-UD requires that PC33 realises as much development capacity as possible in the City Centre Zone, and therefore accepted the JWL submission, and recommended that the height limit over Area F be removed. The IHP noted the height of development within Area F would still be limited by the existing qualifying matter for</p>	Area in Appendix 12 of the 42A Report for the CCZ	Unlimited height for Area F which is effectively 48.7m NZVD due to flight path (IHP’s recommendation)		16 metre permitted activity height limit (Council’s alternative recommendation)		Summer	Winter	Summer	Winter	A – Over the Strand	13:30	13:00	15:10	13:50	B – Past railway	16:00	14:05	18:00	15:30	C – Waterfront 50% coverage	16:30	14:30	18:15	15:45	D – Encroaching over water	17:00	14:50	18:35	16:05	
Area in Appendix 12 of the 42A Report for the CCZ	Unlimited height for Area F which is effectively 48.7m NZVD due to flight path (IHP’s recommendation)			16 metre permitted activity height limit (Council’s alternative recommendation)																												
	Summer	Winter	Summer	Winter																												
A – Over the Strand	13:30	13:00	15:10	13:50																												
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C – Waterfront 50% coverage	16:30	14:30	18:15	15:45																												
D – Encroaching over water	17:00	14:50	18:35	16:05																												

⁶¹ Session 2 Hearing, Section 42A Hearing Report, Volume 9 – Section 17B – City Centre Zone, Appendix 12, page 2.

⁶² Opening Statement of Carolyn Wratt on behalf of Tauranga City Council, Session 2 Hearing, 2 October 2023, para 6.5.

⁶³ Opening Statement of Carolyn Wratt on behalf of Tauranga City Council, Session 2 Hearing, 2 October 2023, para 6.5.

⁶⁴ Opening Statement of Carolyn Wratt on behalf of Tauranga City Council, Session 2 Hearing, 2 October 2023, para 6.4.

⁶⁵ Addendum Section 42A Hearings Report (rebuttal), 26 September 2023, paras 5.7 and 5.10, and Addendum Section 42A Hearings Report (closing statement), 1 December 2023, para 9.1.2.

⁶⁶ Included as Appendix 12 of the Section 42A Hearing Report, February 2023.

⁶⁷ Recommendations of the Independent Hearing Panel, 24 April 2024, para 344-345.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<p>the Airport Heights Slopes and Surfaces (flightpath).⁶⁸ Ie, any building which encroaches 48.7 metres above NZVD16 Datum⁶⁹ (approximately 13 storeys) requires resource consent due to airport heights and slope and surface.⁷⁰</p> <p>Reasons for the Council's alternative recommendation</p> <p>The Council considers its alternative recommendation to retain a 16-metre height limit in Area F better aligns with the relevant statutory considerations under the RMA, including its sustainable management purpose, and maintaining and enhancing amenity values in accordance with section 7(c) of the RMA.⁷¹</p> <p>Given the shading analysis (Appendix 12 to the section 42A Report) the Council considers the 16-metre height limit would protect amenity in the public waterfront area and prevent unreasonable shading.⁷²</p> <p>The Council considers its alternative recommendation gives effect to Policies 1 and 3(a) of the NPS-UD by ensuring a well-functioning urban environment and enabling building heights in the city centre to realise as much development capacity as possible, to maximise the benefits of intensification.⁷³ The alternative recommendation will also create a resource consenting pathway for buildings taller than 16 metres.⁷⁴</p> <p>The Council also notes its recommendation is consistent with other local plans and strategies⁷⁵ and the Council's strategic direction for the city centre.⁷⁶ Ultimately, the Council concludes the 16-metre height limit appropriately balances the potential costs of constraints on development with the benefits of maintaining amenity of the public waterfront.⁷⁷</p> <p>Advice</p> <p>Officials recommend you accept the IHP's recommendation as it would enable greater building heights and more development capacity, and therefore maximise the benefits of intensification. Officials consider the IHP's recommendation better gives effect to the NPS-UD, specifically, in relation to:</p> <ul style="list-style-type: none"> • contributing to well-functioning urban environments (Objective 1 and Policy 1) • creating further development opportunities that will improve housing affordability by supporting competitive land and development (Objective 2) • contributing to the City's development capacity requirements (Policy 2) • enabling as much development capacity as possible (Policy 3(a)). <p>The policy intent of Policy 3(a) of the NPS-UD recognises that in practice, 'as much development capacity as possible' will likely look different in various urban environments. City centres are a step higher in the zoning hierarchy from metropolitan centres, so enabling as much development capacity as possible is expected to mean greater than six storeys (because six storeys is the minimum for metropolitan centres). A 16-metre height limit proposed by the Council would equate to 4 storeys.⁷⁸</p>	

⁶⁸ Recommendations of the Independent Hearing Panel, 24 April 2024, para 346.

⁶⁹ New Zealand Vertical Datum 2016 (NZVD2016) is the official vertical datum. It is used to define heights in New Zealand and its offshore islands.

⁷⁰ Any building which encroaches 48.7 metres above New Zealand Vertical Datum 2016 (NZVD2016) Datum requires resource consent due to airport heights and slope and surface. NZVD2016 is the official vertical datum. It is used to define heights in New Zealand and its offshore islands.

⁷¹ Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 7.

⁷² Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 6.

⁷³ Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 6.

⁷⁴ Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 6.

⁷⁵ Such as its City Centre Strategy (2012), Tauranga City Strategic Framework (2022), and City Centre Action and Investment Plan 2022-2032.

⁷⁶ Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 6, and Session 2 Hearing, Section 42A Hearing Report, Volume 9 – Section 17B – City Centre Zone, pages 20 and 39.

⁷⁷ Letter from Anne Tolley to Minister Bishop and Minister Simmonds, 24 May 2024, page 7.

⁷⁸ Ministry for the Environment. 2020. *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development*, page 29-30.

Summary of Independent Hearings Panel's recommendation	Summary of Tauranga City Council's alternative recommendation	Ministry for the Environment officials' advice	Ministry for the Environment officials' recommendations and reasons for decisions
		<p>While the Council considers a 16-metre height limit would enable as much development capacity as possible through a restricted discretionary activity resource consent, the matters of discretion are relatively broad, and largely focus on amenity and visual effects. The matters of discretion include:</p> <ul style="list-style-type: none"> • Whether the additional building height adversely effects sunlight access to open spaces • Whether the design avoids visual dominance • The effect on amenity for surrounding sites and open spaces • Maintenance of visual connections of the Tauranga Harbour to the City Centre • The scale and design • Effect on the streetscape • Positive effects.⁷⁹ <p>In addition, the associated policies that would be considered for a relevant resource consent include the maintenance of harbour views and sunlight, and transitioning building height and development densities down to the harbour edge, for example.⁸⁰ Therefore overall Officials do not consider these consenting requirements are sufficiently enabling.</p> <p>While there was some complexity regarding the relevant RMA requirements for qualifying matter assessments for Area F, officials agree with the Council's view that the requirements in section 77R of the RMA have been satisfied through the Council's retrospective Section 32 analysis included in Appendices 5b and 11 of its Section 42A Hearing Report, and the shading analysis included in Appendix 12 of its Section 42A Hearing Report. Accommodating the qualifying matter must be balanced against the national significance of urban development and the objectives and policies of the NPS-UD.</p> <p>On balance, officials consider the IHP's recommendation to remove the 16-metre height limit in Area F better aligns with the objectives and policies of the NPS-UD. Officials agree with submitter and expert evidence that a 16-metre height limit, together with the proposed policies and matters of discretion relating to Area F, would not enable as much development capacity as possible in the City Centre Zone. We note even with unlimited building heights in Area F, any building which encroaches 48.7 metres above NZVD16 Datum⁸¹ requires resource consent due to airport heights and slope and surface.</p>	

⁷⁹ Annotated Text Content – Chapter 17 (Commercial Zones) Notification 20 August 2022, page 46.

⁸⁰ Annotated Text Content – Chapter 17 (Commercial Zones) Notification 20 August 2022, pages 34-36.

⁸¹ New Zealand Vertical Datum 2016 (NZVD2016) is the official vertical datum. It is used to define heights in New Zealand and its offshore islands.

Appendix 2: Maps for Matter A – Mount Maunganui North and Matter B – Area F in the City Centre Zone

[Attached to cover email.]

Appendix 2: Maps for Matter A - Mount Maunganui North and Matter B - Area F in the City Centre Zone



Figure 1: Matter A - Permitted building heights – IHP recommendation

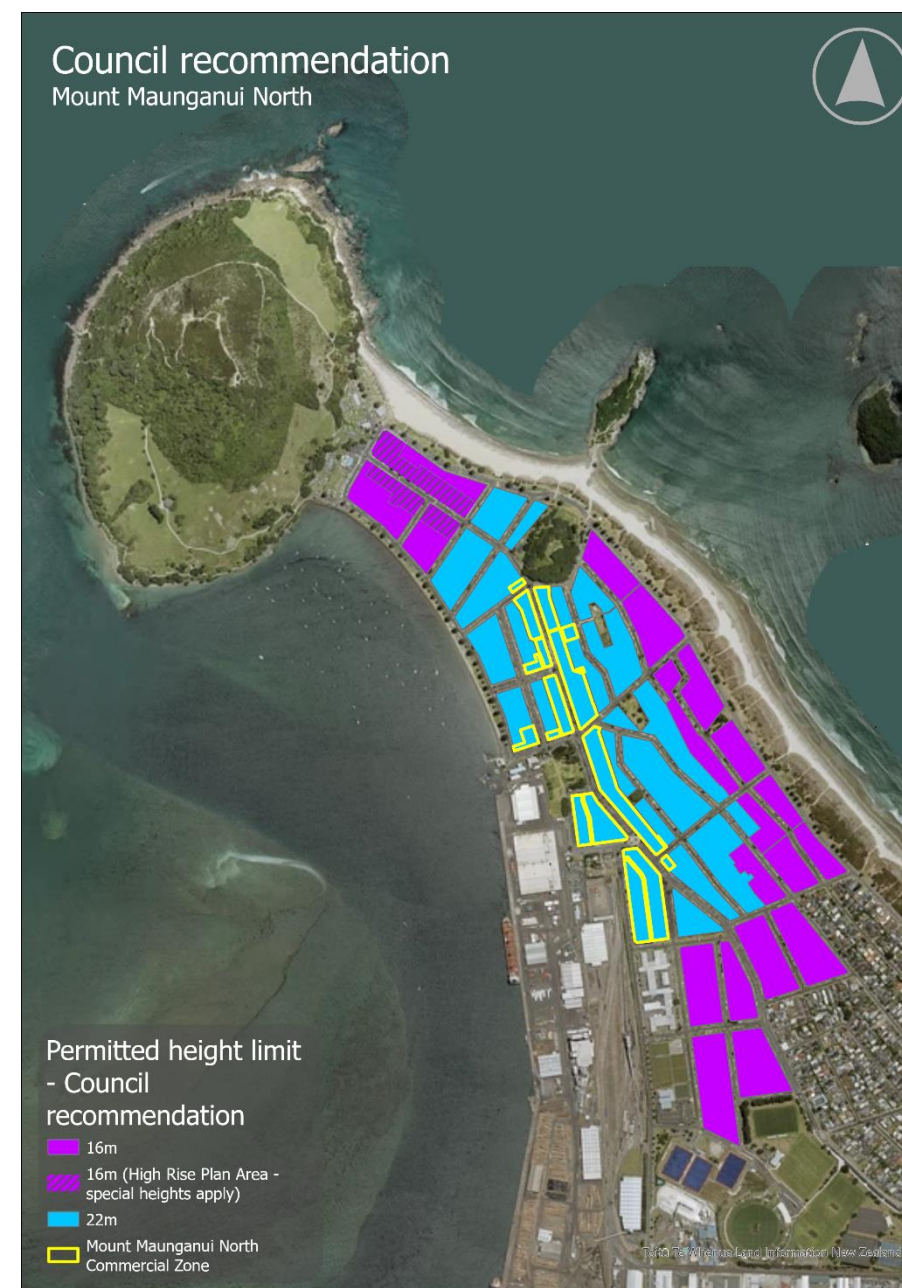


Figure 2: Matter A - Permitted building heights – Council recommendation



Figure 3: Matter A - Permitted building heights with areas restricted by qualifying matters shown in grey – Council recommendation



Figure 4: Matter A - Effective permitted heights with Council recommended zoning underlying and qualifying matters applied



Figure 5: Matter B - City Centre Area F and reference areas from shading analysis of city centre zone height limit

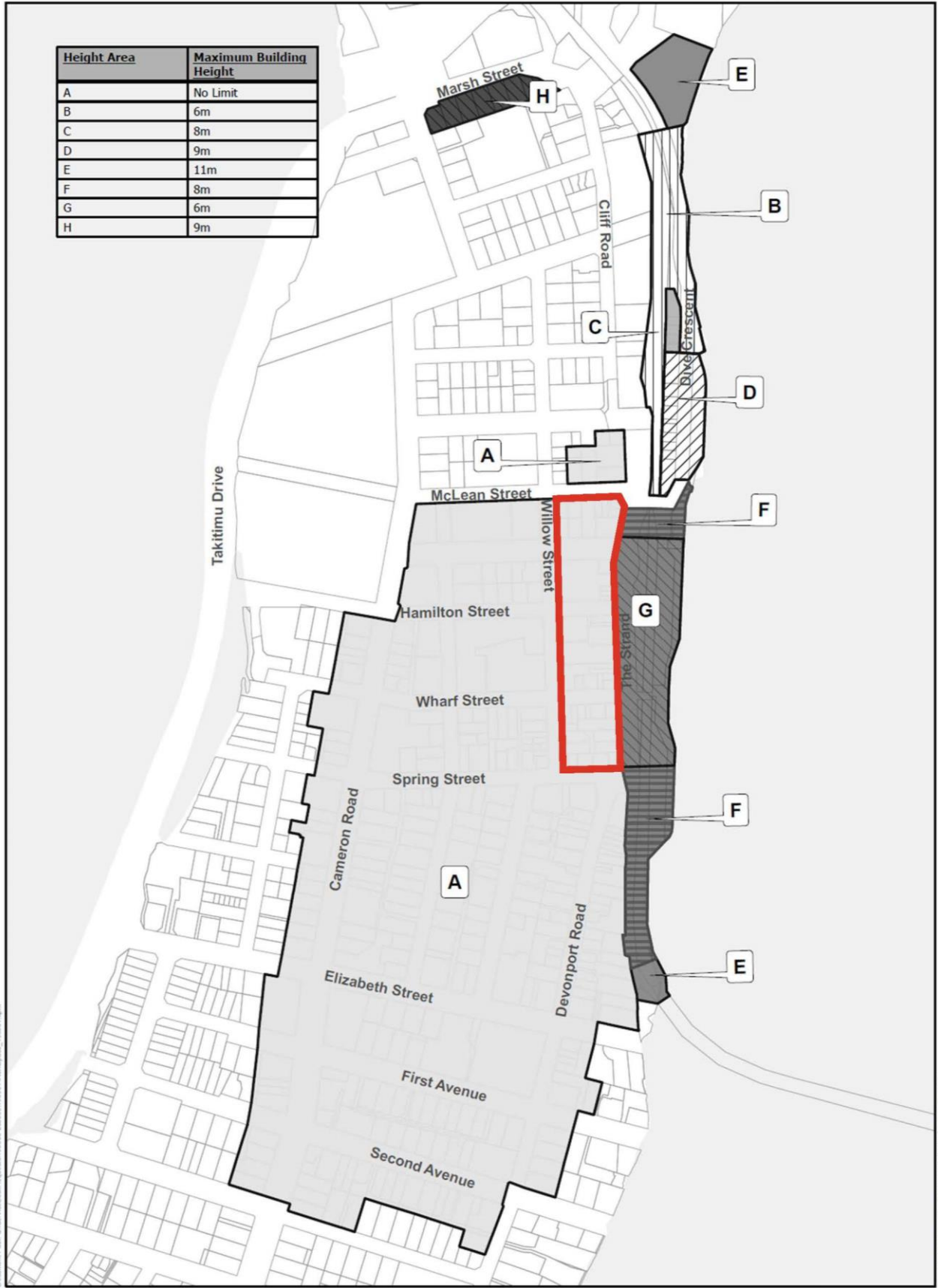


Figure 6: Matter B - City Centre Area F - IHP recommendation (red line denotes area under consideration)

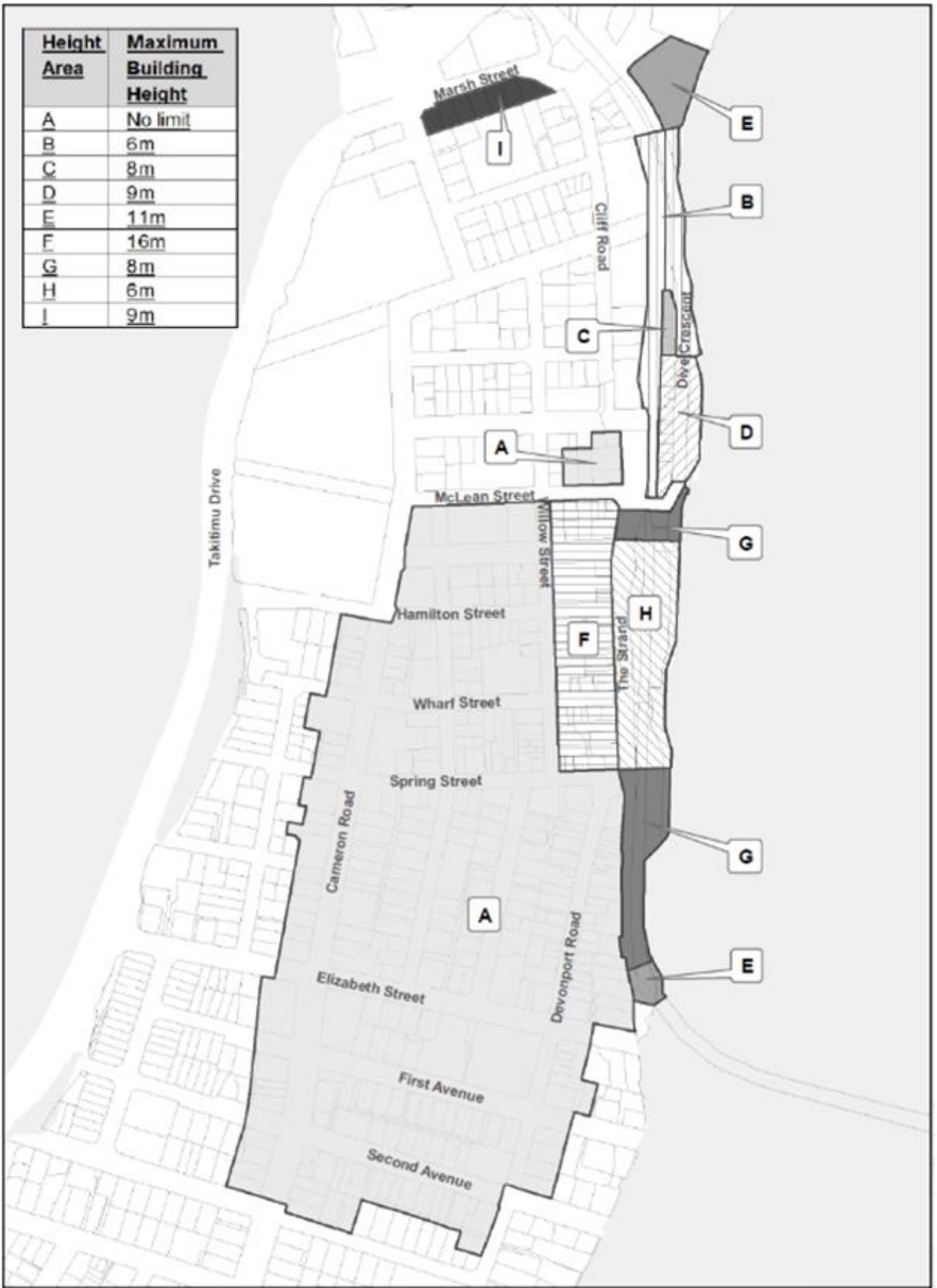


Figure 7: Matter B - City Centre Area F - Council recommendation

Appendix 3: Consequential amendments to the Tauranga City Plan for Matter B

[Attached to cover email.]

Section 17B – City Centre Zone

The amendments to Plan Change 33 to the Operative Tauranga City Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~struck through~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with grey shading.

Text that is not underlined or struck through is Proposed Plan Change 33 as notified.

Terms that are defined in the City Plan in Chapter 3 are shown in blue text, and include any new or amended definitions proposed by Plan Change 33.

17B.1 Purpose of the City Centre Zone

The City Centre Zone is to maintain and enhance the role and function of the City Centre as the principal retail, commercial, civic, entertainment and cultural centre of the City and the Western Bay of Plenty sub-region.

Zone provisions enable a wide range of land-use activities to establish within base environmental standards. The Plan provisions will guide major change in land use and development on both private and public sites, support the development and use of public spaces and pedestrian amenities, and assist accessibility to and within the City Centre for public and private transport.

The scale and form of buildings and facilities in the City Centre will reflect its premier place in the commercial network of the City and the sub-region. New investment will be attracted to maintain and enhance this position while addressing environmental effects.

The zone encompasses three areas of distinct character and function:

- a. The central city from McLean Street and Monmouth Redoubt through to Third Avenue, where the emphasis is on maximising business, entertainment and civic opportunities through large-scale development while supporting good pedestrian movement, amenity, safety and convenience. An active street frontage with interaction between public and private spaces is expected, with vehicle access across the footpath discouraged.;
- b. The waterfront precinct includes the Dive Crescent area (which has a focus on civic, cultural and commercial activities) and The Strand area (which has a focus on recreation and entertainment activities, particularly events associated with the inner harbour or City Centre itself).
- c. The height of buildings is limited on the eastern harbour edge as shown on Appendix 17A: City Centre Building Heights, but for two different reasons. The height is limited on The Strand (Areas F, GF and HG) to maintain sunlight to the waterfront open space, and to enable views to the harbour for the more intensive central area. The height of buildings is limited along Dive Crescent (Areas B, C, D and E) to retain views from the culturally significant sites including Monmouth Redoubt and Cliff Road to the harbour.

Opportunities for above ground urban living is important for the vitality of the City Centre. The design of buildings is also critical to a well-functioning, safe and attractive City Centre. Key considerations for

residential living include maintaining and enhancing on and off-site amenity, safety, movement, cultural values and other relevant urban design outcomes.

17B.2 Objectives of the City Centre Zone

17B-01 City Centre Role and Function

- a. Development of the City Centre supports its role and function as the principal commercial, civic, entertainment and community centre for the City and the Western Bay of Plenty sub-region.
- b. A City Centre that is a functional, safe, inclusive, and an attractive place to live.

17B-02 Bulk and Scale of Buildings Design and Site Layout

Buildings and structures are of a bulk and scale that balance the landscape character, including the area's waterfront attributes and public amenity, with opportunities for economic investment and activity.

17B-03 Site Layout and Building Design

Development maintains and enhances the landscape character and amenity values of the City Centre Zone with well-designed public and private buildings, structures and spaces, and enables opportunities for economic investment and activity.

17B-04 Urban Environment

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

17B-05 City Centre Accessibility

Convenient, safe and efficient access for passengers and goods, private motorists, pedestrians and cyclists is maintained and enhanced to, from, and through the City Centre.

17B-06 City Centre Waterfront

Development of the City Centre waterfront area in an integrated way with buildings, structures and public areas that support a range of commercial, recreational, cultural activities and events of a temporary nature.

17B.3 Policies of the City Centre Zone

17B-P1 City Centre Role and Function

Provide for the role and function of the principal commercial centre through:

- a. Enabling a wide range of commercial, recreational, cultural, civic, educational and residential activities to establish and interact throughout a defined City Centre;
- b. Encouraging a level of land use intensity and scale of built form, greater than that found in

17B.5 All Activities Rules

Note: Where an activity does not comply with an All Activities Rule it shall be considered a Restricted Discretionary Activity, unless stated otherwise.

17B.5.1 Building Height

- a. The maximum height of any building or structure, with the exception of the permitted intrusions in Rule 4H.2 – Permitted Activity Rules and any building in the Northern Strand Scheduled Site which complies with Appendix 17M: Northern Strand Scheduled Site Outline Development Plan, shall not exceed the permitted height for the area in which the site is located, as specified in Appendix 17A: City Centre Building Heights, as follows:

Height area	Maximum Building Height
A	No limit
B	6m
C	8m
D	9m
E	11m
F	16m
GF	8m
HG	6m
Northern Strand Scheduled Site identified in Appendix 17M	A <u>building</u> which includes a multi-level tower block with a maximum <u>height</u> of RL35 m (excluding an area for building services, utilities and plant which shall have a maximum floor area of 120m ² and a maximum <u>height</u> of RL39m) in accordance with <u>Appendix 17M: Northern Strand Scheduled Site Outline Development Plan</u>

- b. No building or structure within any identified Viewshaft Protection Area (with the exception of the permitted intrusions in Rule 4H.2.3 – Permitted Height and Viewshaft Protection Area Intrusions) shall exceed the maximum elevation identified within the Plan Maps (Part B);
- c. Rule 17B.5.2 - Sunlight Admission to Public Places shall also apply;
- d. The height of buildings and structures must comply with permitted activity rules in Section 4I - Specified Airport Slopes and Surfaces.

Note: Any activity that does not comply with the maximum building height for Area F, GF or HG in Rule 17B.5.1 a. - Building Height shall be considered as a Restricted Discretionary Activity.

Note: Any activity that does not comply with the maximum building height for Areas B, C, D or E in Rule 17B.5.1 a. - Building Height shall be considered as a Discretionary Activity.

Note: Any activity that does not comply with the maximum building height in Rule 17B.5.1 b. - Building Height shall be considered as a Discretionary Activity.

Note: Any activity on the Northern Strand Scheduled Site that does not comply with Appendix 17M: Northern Strand Scheduled Site Outline Development Plan shall be considered a Restricted Discretionary Activity.

17B.5.2 Sunlight Admission to Public Places

- a. All buildings or structures shall be designed, and constructed to no greater than a height that will maintain direct daylight access to the following City Centre public places at noon on 21 June, as

- g. Outlook spaces required from different rooms within the same building may overlap;
- h. Outlook spaces must:
 - i. Be clear and unobstructed by buildings; and
 - ii. Not extend over an outlook space or outdoor living space required by another independent dwelling unit.

17B.5.10 Rules in Other Sections of the Plan

Activities within the City Centre Zone shall also comply with the following sections of the Plan:

- a. The provisions of Chapter 4 – General Rules Provisions;
- b. The provisions of Chapter 7 – Heritage;
- c. The provisions of Chapter 8 – Natural Hazards;
- d. The provisions of Chapter 9 – Hazardous Substances and Contaminated Land;
- e. The provisions of Chapter 11 – Financial Contributions; and
- f. The provisions of Chapter 12 – Subdivision, Services and Infrastructure, Section 12G – Purpose of Service and Infrastructure Provisions.

17B.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a. Any activity that does not comply with:
 - i. Rule 17B.5.1 a. - Building Height for Area F, GF or HG;
 - ii. Rule 17B.5.1 a. – Building Height for Northern Strand Scheduled Site identified in Appendix 17M: Northern Strand Scheduled Site Outline Development Plan;
 - iii.ii Rule 17B.5.2 - Sunlight Admission to Public Places;
 - iv.iii Rule 17B.5.3 – Streetscape;
 - v.iv. Rule 17B.5.4 - Buildings, Activities and Structures in the City Centre Waterfront Precinct;
 - vi.v Rule 17B.5.5 – Residential Activities;
 - vii.vi. Rule 17B.5.6 – Minimum Floor Area;
 - viii.vii. Rule 17B.5.7 - Outdoor Living Space at Ground Level;
 - ix.viii. Rule 17B.5.8 - Outdoor Living Space Above Ground Floor; or
 - x.ix. Rule 17B.5.9 – Outlook Space.
- b. Any activity identified as a Restricted Discretionary Activity in Table 17B.4 City Centre Zone Activity Status.

17B.6.1 Non-Notification for Activities in the City Centre Zone and City Centre Waterfront Precinct

Any application for a resource consent for a restricted discretionary activity in Table 17B.4: City Centre Zone Activity Status shall not be notified or served on affected persons.

17B.6.21 Information requirements

Any application made under Rule 17B.6 - Restricted Discretionary Activity Rules must include an urban design assessment commensurate to the scale of the proposal that demonstrates how the application achieves the policies in Section 17B.3 - Policies of the City Centre Zone and address the relevant matters of discretion.

17B.6.32 Restricted Discretionary Activities - Matters of Discretion and Conditions

17B.6.3.1 Buildings and Structures in the City Centre Zone

In considering additions or alterations that increase the gross floor area of a building or construction of a new building or structure within the City Centre Zone or City Centre Waterfront Precinct, the Council restricts the exercise of its discretion to:

Built Form and Site Layout

- a. Whether the built form responds to the site and surrounding context, including:
- Addressing the site topography;
 - Maximising passive solar design opportunities;
 - Maintaining or enhancing the values of an adjacent identified historic heritage site or feature;
 - Maintaining or enhancing views to topographical and cultural features;
 - Recognizing the functional requirements of the intended use, while retaining flexibility and adaptability to maximise longevity;
 - Promoting safety and security in and around the development through passive surveillance opportunities and appropriate site design; and
 - Providing a transition in building scale where the site is adjoining the High Density Residential Zone.

Public Realm Interface

- b. Whether the development contributes to a safe and attractive public realm, including:
- Maximising sunlight access to public spaces throughout the year including winter;
 - Minimising any adverse effects on amenity and safety of people from any increases in wind speed resulting from the building;
 - Maintaining a visual connection with the public realm and providing for passive surveillance over public areas, internal lanes and access lots;
 - Maximising sunlight access, visual outlook and privacy to neighbouring residential activities;
 - Establishing a built form that is varied and interesting when viewed from the road and public places;
 - Breaking up the bulk and mass of buildings to avoid overly dominant and blank facades;
 - Designing buildings on corner sites to emphasise the corner;
 - Providing a clearly visible pedestrian entrance from the road frontage; and
 - Integrating servicing elements (such as venting and air conditioning units) into the design.

Movement Networks

- c. Whether the development provides clear, convenient and safe access links for all modes of transport through the site and between adjoining open space zones and local roads, including:
- Activation of the street frontage;
 - Location of garages, servicing areas and vehicle access points;
 - Safety of all road users and the safe and efficient function of the transport network;
 - Providing clear, convenient and safe pedestrian links through the site and promoting universal access design principles;
 - Managing vehicle speed to provide a safe environment for walking and cycling; and
 - Cycle access and storage that is efficient, safe and attractive.
- d. Whether the proposal can avoid, remedy or mitigate any adverse effects of the development on the safe and efficient function of the transport network and its existing level of service.

Residential Amenity

- e. Whether residential development delivers quality on-site amenity and liveability including:

- i. ~~Orientating indoor and outdoor living areas to maximise access to sunlight throughout the year;~~
- ii. ~~Maximising natural cross-ventilation through design;~~
- iii. ~~Providing outdoor living space that is accessible from the [independent dwelling unit](#);~~
- iv. ~~Locating glazing, balconies, outdoor living areas and communal living areas to maintain privacy for adjacent residents and [independent dwelling units](#);~~
- v. ~~Locating balconies, outdoor living areas, vehicle access and service areas to minimise acoustic effects on adjacent [independent dwelling units](#);~~
- vi. ~~Providing secure and conveniently accessible storage space for residential occupants;~~
- vii. ~~Clearly delineating public, private and communal on-site space; and~~
- viii. ~~Minimising reverse sensitivity effects.~~

Landscaping

- f. ~~Whether [site](#) landscaping, including hard and soft elements, are designed and located to enhance amenity on and off the site including:~~
 - i. ~~Assisting to provide privacy;~~
 - ii. ~~Providing an attractive outlook;~~
 - iii. ~~Providing for winter sun and summer shade;~~
 - iv. ~~Contributing to moderating the scale of large [buildings](#); and~~
 - v. ~~Providing lighting on larger developments that contributes to way finding, safety and security on-site.~~

Waste Management

- g. ~~Whether waste management areas are:~~
 - i. ~~Easily accessible and identifiable;~~
 - ii. ~~Integrated into the design of the [building](#) and are not visually dominant when viewed from the public realm or adjoining [independent dwelling units](#);~~
 - iii. ~~Located and designed to allow bins to be moved to waste collection points as conveniently and efficiently as possible. This should not require bins to be transported through [independent dwelling units](#) or across unpaved surfaces, stairs or steep gradients;~~
 - iv. ~~An appropriate size for any waste generated and stored communally on-site; and~~
 - v. ~~Are located so that they do not result in adverse amenity effects.~~

Note: The New Zealand Building Code (G15/AS1 (2.0.1)) specifies a maximum carry distance of 30m for occupants transferring waste from dwellings to waste bins.

Positive effects

- h. ~~Whether the proposal promotes any positive effects, including:~~
 - i. ~~Enabling a variety of residential opportunities;~~
 - ii. ~~Minimising impacts on the natural environment, maximising energy and water efficiency and promoting the use of sustainable systems and materials;~~
 - iii. ~~Considering mātauranga and tikanga; and~~
 - iv. ~~Providing opportunities to maintain and enhance urban ecological corridors.~~

17B.6.3.22.1 Buildings, Activities and Structures in the City Centre Waterfront Precinct

In considering [activities](#) that are Restricted Discretionary Activities within the City Centre Waterfront Precinct (including [activities](#) that do not comply with *Rule 17B.5.4 Buildings, Activities and Structures in the City Centre Waterfront Precinct*), the [Council](#) restricts the exercise of its discretion to:

- a. Consistency with the objectives and policies for the City Centre Zone, particularly *Objective 17B-O65 – City Centre Waterfront* and *Policy 17B-P5 - City Centre Waterfront*;
- b. Maintenance of visual connections of the Tauranga Harbour to the City Centre;
- c. Whether any adverse effects or cumulative effects will occur from the [activity](#) and whether they can be avoided or mitigated;
- d. Whether the scale, bulk and design of the [activity](#) is such that it can be adequately

- accommodated within the waterfront area and is compatible with adjoining development and the amenity values of the waterfront;
- e. The matters outlined in Rule 17B.5.4 – Buildings, Activities and Structures in the City Centre Waterfront Precinct in relation to flood hazard design and construction of buildings and structures;
- f. Effects on the public experience of the City Centre Waterfront Precinct; and
- g. Effects on pedestrian access to, and public use and enjoyment of, the harbour edge.

17B.6.43 Restricted Discretionary Activities - Matters of Discretion and Conditions for Non-compliance with Standards

17B.6.43.1 Height

In considering [activities](#) that do not comply with *Rule 17B.5.1 a. - Building Height for Area F, GF, HG or the Northern Strand Scheduled Site identified in Appendix 17M: Northern Strand Scheduled Site Outline Development Plan*, Council restricts its discretion to the following matters:

- a. Whether the additional [building height](#) adversely effects sunlight access to open spaces;
- b. Whether the design avoids visual dominance;
- c. The effect on amenity for surrounding [sites](#) and open spaces;
- d. Maintenance of visual connections of the Tauranga Harbour to the City Centre;
- e. The scale and design;
- f. Effect on the [streetscape](#); and
- g. Positive effects.

17B.6.43.2 Sunlight admission to public places

In considering [activities](#) that do not comply with *Rule 17B.5.2 – Sunlight admission to public places* Council restricts its discretion to the following matters:

- a. Whether the design of the [building](#) adversely affects amenity of the public place;
- b. The duration of time where sunlight is blocked;
- c. Effects on the usability of the public space through loss of sunlight;
- d. Whether additional public space is provided to offset the loss of sunlight, and the quality and design of that space.

17B.6.43.3 Streetscape

In considering any [activities](#) that do not comply with *Rule 17B.5.3 – Streetscape* the Council restricts the exercise of its discretion to:

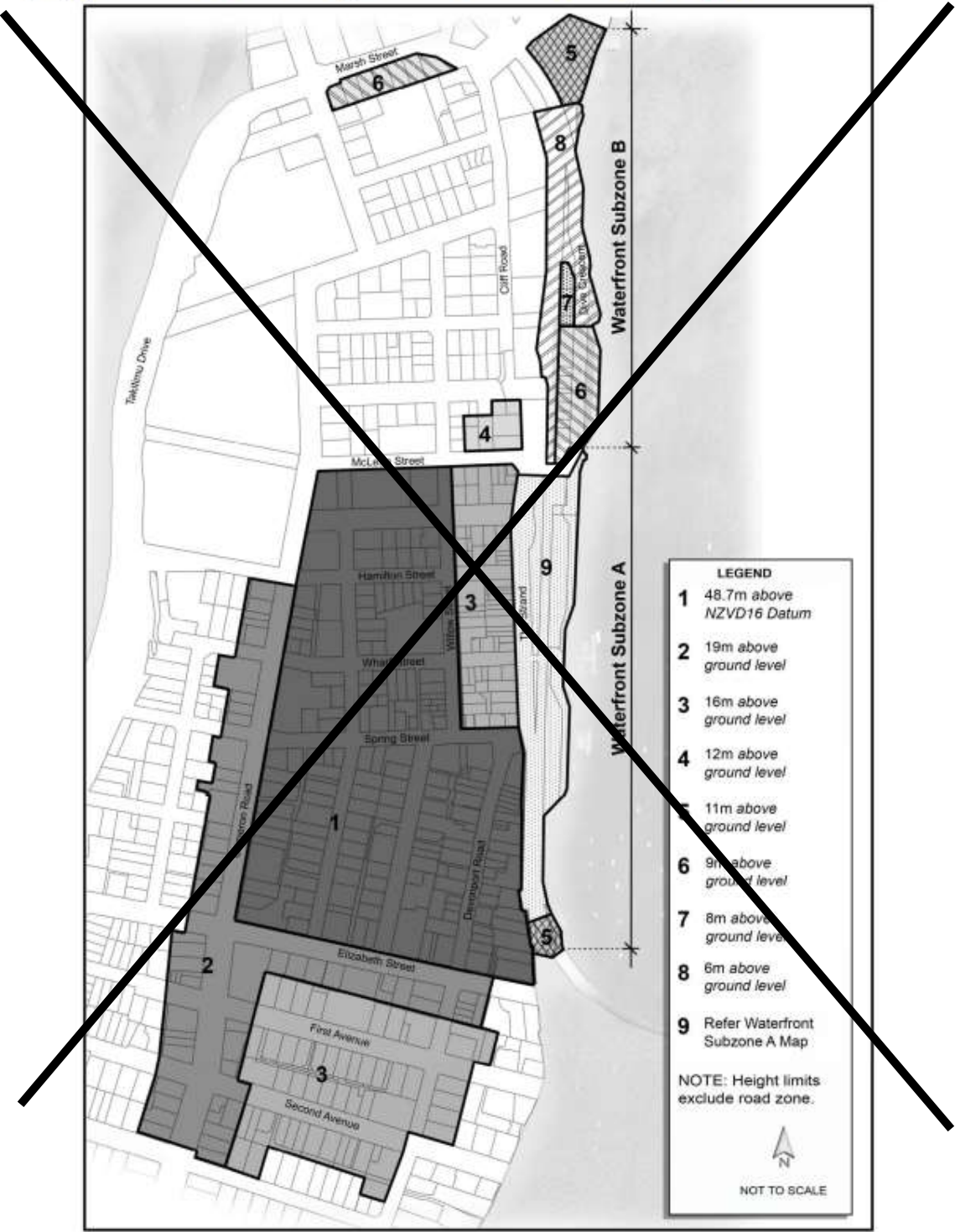
- a. The amenity of pedestrians;
- b. Effect on street amenity and character;
- c. Effect on safety and convenience of pedestrians;
- d. Level of [activity](#) and passive surveillance opportunities;
- e. The provision of a consistent [streetscape](#) with development adjacent to the [site](#).
- f. The effectiveness of mechanisms to achieve [active frontages](#).
- g. Effect on [streetscape](#) and pedestrian cover.

17B.6.43.4 Residential activities

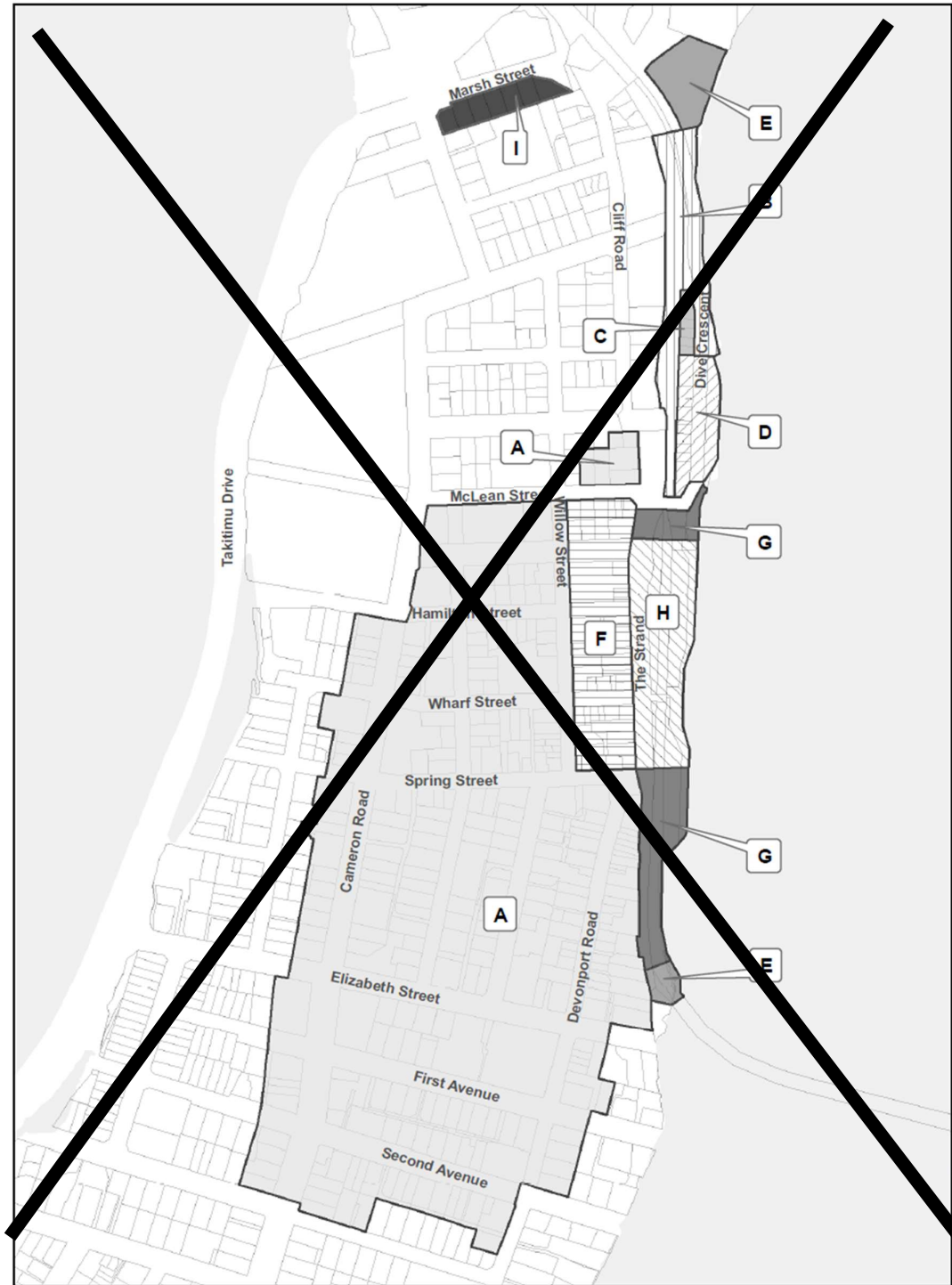
In considering any [residential activities](#) do not comply with *Rule 17B.5.5 – Residential Activities* the Council restricts the exercise of its discretion to:

- a. Amenity for future residents;
- b. The effect of loss of business floor space;

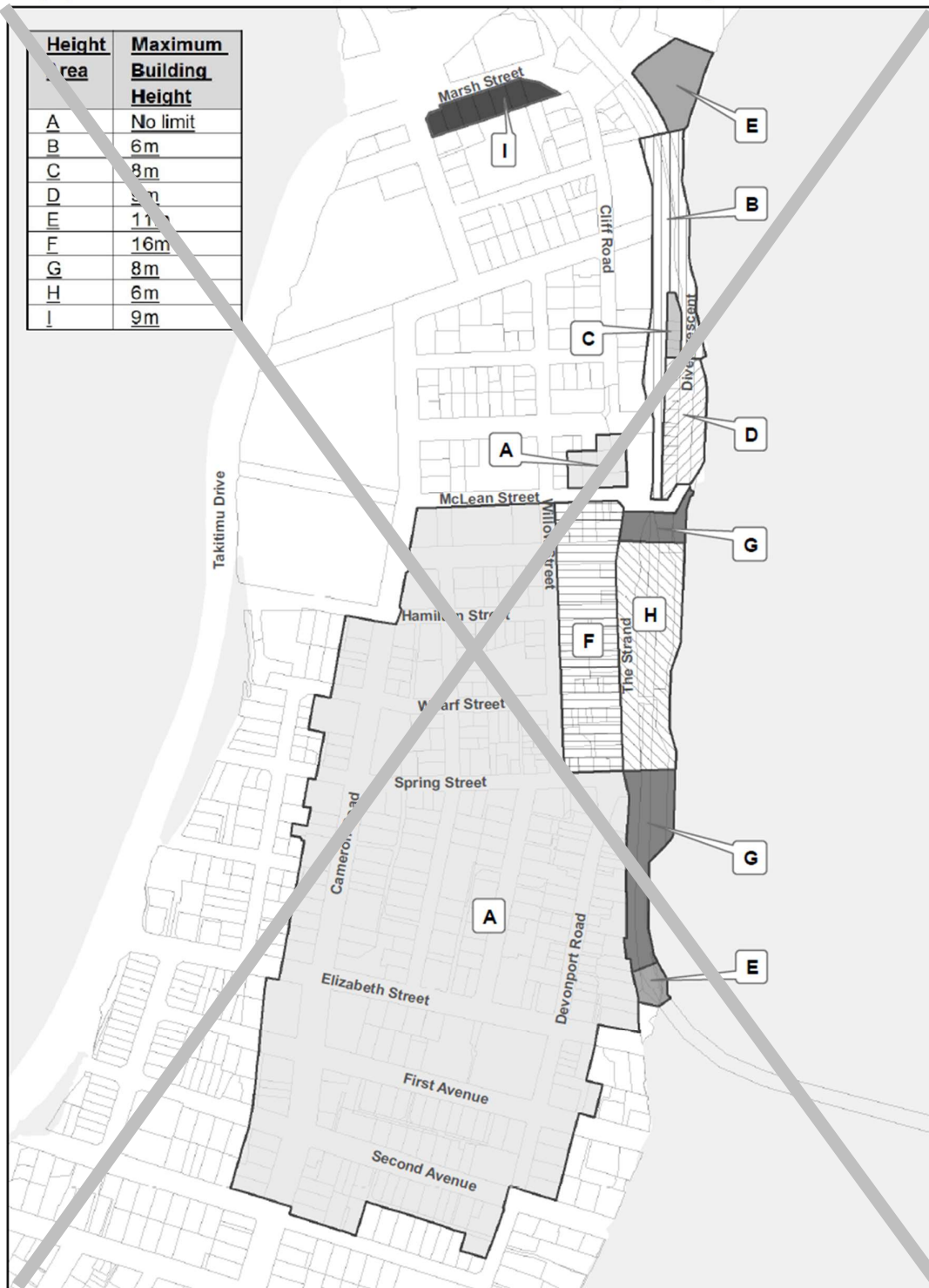
Appendix 17A: City Centre Building Heights



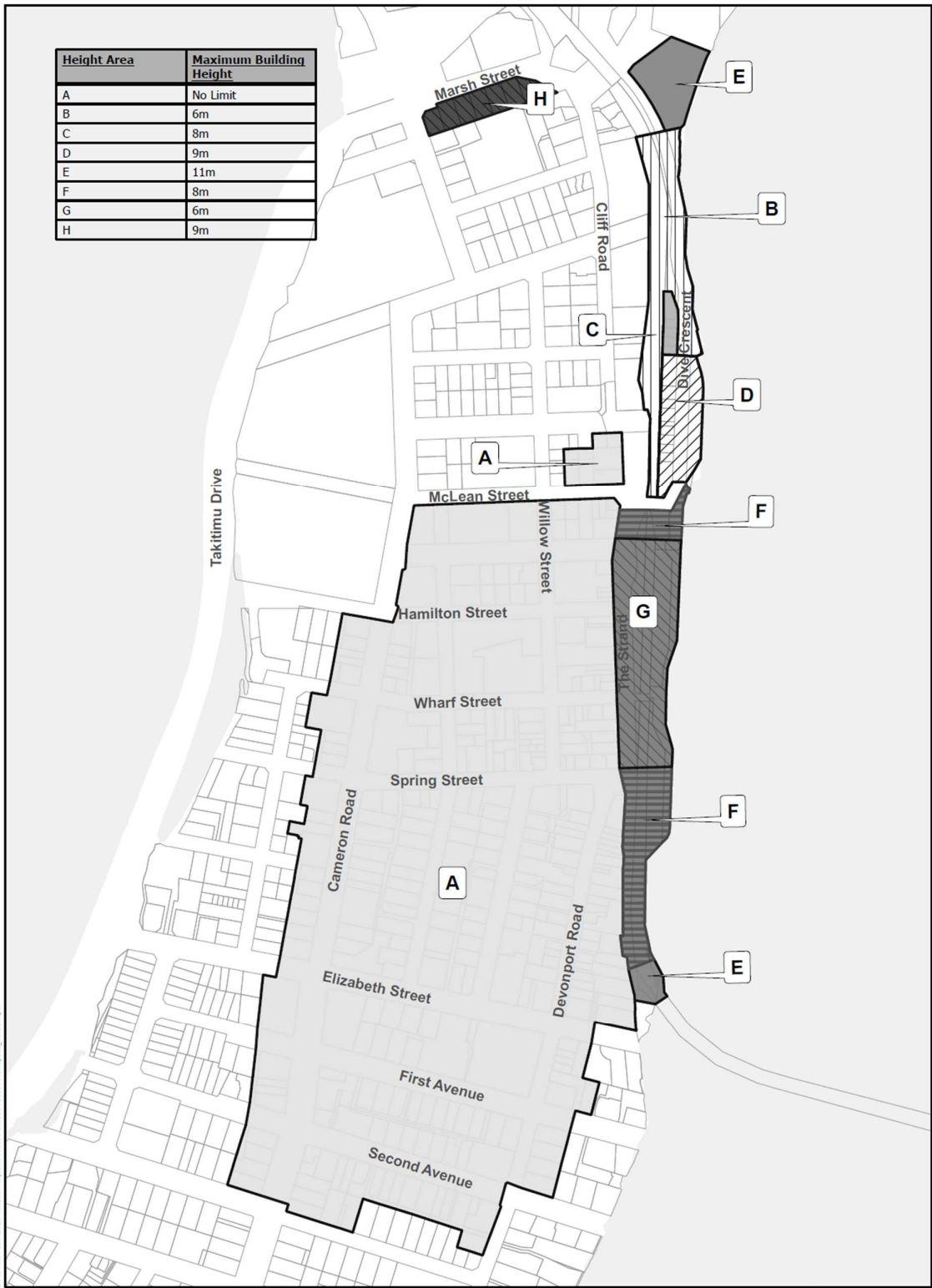
Appendix 17A: City Centre Building Heights



Appendix 17A: City Centre Building Heights



Appendix 17A: City Centre Building Heights



Appendix 4: Draft letter to Tauranga City Council Commission Chair on your decisions

Anne Tolley
Commission Chair
Tauranga City Council

cc Andrew Mead
Manager: City Planning and Growth, Tauranga City Council
Section 9(2)(a)

Dear Anne

On 24 May 2024 I received a letter from you on behalf of the Tauranga City Council (the Council) referring two rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me for a final decision.

The recommendations relate to Mount Maunganui North and an area known as Area F of the City Centre Zone.

My decisions made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991 (RMA) along with the reasons for my decision are set out in table format in Attachment A.

I want to thank the Commissioners, the Independent Hearings Panel and Council staff for the work undertaken to complete the Intensification Streamlined Planning Process.

Ministry for the Environment officials will contact Council staff to inform them of my decisions.

Yours sincerely

Hon Chris Bishop
Minister Responsible for RMA Reform

Attachment A: Accepted recommendations with reasons and alterations

Accepted recommendation	Reasons for accepting
<p>Matter A</p> <p>Tauranga City Council's recommendation:</p> <ul style="list-style-type: none"> a. upzone and increase the notified height from MDRS (11 metres plus 1 metre) to 22 metres for the residential land within 400 metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable catchment of the town centre b. increase the notified permitted activity height limit from 12 metres to 22 metres within the commercial centre. 	<p><i>Council's alternative recommendation would better give effect to the National Policy Statement on Urban Development, by providing greater development capacity and enabling the Mount Maunganui North area to change over time in response to the diverse and changing needs of people, communities, and future generations.</i></p>
<p>Matter B</p> <p>Independent Hearings Panel's recommendation:</p> <p>Remove the 16-metre permitted activity height limit over Area F in the City Centre Zone and make consequential changes to the maps in Chapter 17 and relevant provisions of the Tauranga City Plan.</p>	<p><i>I consider the Independent Hearing Panel's recommendation would better give effect to the National Policy Statement on Urban Development, would better achieve a well-functioning urban environment, and better enable as much development capacity as possible. I consider the proposed 16-metre height limit, together with the proposed policies and matters of discretion relating to Area F would not enable as much development capacity as possible in the City Centre Zone.</i></p>

Appendix 5: Council referral letter to the Minister on rejected Independent Hearing Panel recommendations

[Attached to cover email.]

24 May 2024



Hon Penny Simmonds
Minister for the Environment,.
By email: p.simmonds@ministers.govt.nz

Hon Chris Bishop
Minister for RMA Reform
By email: c.bishop@ministers.govt.nz

Copy to: Nathan Stocker
By email: [Section 9\(2\)\(a\)](#)

Dear Ministers

Referral under clause 101(2) of Schedule 1 to the RMA of rejected IHP Recommendations on Plan Change 33 – Enabling Housing Supply to the Tauranga City Plan.

Plan Change 33 (PC33) to the Tauranga City Plan is an intensification planning instrument under section 80E of the Resource Management Act 1991 (RMA). On the 20th of May 2024, the Tauranga City Council made its decisions on the recommendations of the Independent Hearings Panel (IHP) on PC33. Tauranga City Council has resolved to refer two of the IHP recommendations to the Minister. The rejected recommendations are outlined in this letter, along with Council's alternative recommendations and reasons.

The Tauranga City Plan is a key instrument for Tauranga in addressing the clear and present need for housing. The Tauranga City Council refers these recommendations to you and awaits your final decisions.

Summary of Plan Change 33

The purpose of PC33 is to incorporate the Medium Density Residential Standards and give effect to Policy 3 and Policy 4 of the National Policy Statement on Urban Development (NPS-UD). PC 33 covers the following key aspects:

- a. Incorporate current Suburban Residential, Wairakei Residential and Large Lot zones into new Medium Density Residential Zone consistent with the National Planning Standards to:
 - i. Enable the MDRS as a permitted activity.
 - ii. Enable four or more dwellings as a restricted discretionary activity.
- b. Rezone Te Papa Peninsula and areas around commercial centres identified elsewhere in Tauranga to meet Policy 3 in the NPS-UD to High Density Residential Zone and combine with the current High Density Residential Zone consistent with the National Planning Standards to:

- i. Enable the MDRS as a permitted activity.
 - ii. Introduce height maps to enable greater height adjacent to identified commercial centres to give effect to Policy 3(c) and 3(d) in the NPS-UD.
 - iii. Enable four or more storeys as a restricted discretionary activity.
- c. Commercial Zone provisions amended to:
 - i. Introduce on-site amenity and urban design provisions for residential activities.
 - ii. Introduce height maps to enable greater height in identified commercial centres to give effect to Policy 3(c) and 3(d) in the NPS-UD.
- d. City Centre Zone provisions are amended to:
 - i. Introduce on-site amenity and urban design provisions for residential activities.
 - ii. Enable greater development capacity to give effect to Policy 3(a) in the NPS-UD.
- e. Urban design:
 - i. Introduce a non-statutory urban design guide known as the Residential Outcomes Framework (ROF).
 - ii. Reflect key aspects of the ROF in the objectives, policies and assessment criteria of the City Plan.
 - iii. Apply urban design requirements to developments of four or more dwellings and residential activities in the Commercial Zone.
- f. Supporting or consequential amendments to:
 - i. Chapter 3 – Definitions.
 - ii. Chapter 12 – Subdivision.
 - iii. Chapter 4 – Transportation, Noise, Permitted Intrusions.
- g. Rezone the site known as Smiths Farm from Rural Residential to Medium Density Residential Zone.
- h. Identify Qualifying Matters that may limit height and density.

Summary of ISPP for Tauranga City Council

PC33 was publicly notified on the 20 August 2022. A total of 404 submissions were received. The summary of decisions requested was notified for further submissions on 28 November 2022. A total of 205 further submissions were received.

An Independent Hearings Panel (IHP) conducted hearings in July and October 2023. The IHP released its recommendations on 24 April 2024 and on 20 May 2024 Council considered the recommendations of the IHP.

Gazette notice (2023-sI3773) dated 16 August 2023, directs Tauranga City Council to notify decisions on the IHP recommendation in accordance with clause 102 of Schedule 1 of the RMA by 30 June 2024.

Referred Recommendations

Pursuant to clause 101(2) of Schedule 1 to the RMA, the Council refers the recommendations of the IHP that it has rejected, along with its reasons and its alternative recommendations that are set out in Attachment 1.

The maps and appendix relevant to the alternative recommendation for the Mount North area are set out in Attachment 2. The provisions and appendix relevant to the alternative recommendation for Area F in the City Centre Zone are set out in Attachment 3.

The Council refers these matters to the Minister for determination under clause 105 of Schedule 1 of the RMA.

Attachment 4 sets out all relevant information the IHP and Council considered when deciding on the recommendations.

If you require any further information or clarification, please do not hesitate to contact Andrew Mead, Manager: City Planning and Growth at andrew.mead@tauranga.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Anne Tolley', with a stylized flourish at the end.

Anne Tolley
Commission Chair
Tauranga City Council

Attachment 1: Table of Rejected IHP Recommendations, with Reasons and Alternative Recommendations

Matter: Mount Maunganui North		
IHP recommendation rejected by Tauranga City Council	Description of recommendation	Alternative recommendation
Retaining the heights and zoning for Mount Maunganui North as originally proposed by the Council when PC33 was notified.	<p>MDRS (11m+1m) is enabled in the High Density Residential Zone (HDRZ).</p> <p>Existing extent of Suburban Residential Zone in Mount Maunganui North is rezoned to Medium Density Residential Zone which enables (MDRS 11m+1m).</p> <p>12metres height applies to sites in the Commercial Zone.</p>	<p>As shown in Attachment 2:</p> <ol style="list-style-type: none"> Increasing the notified height from 12 metres to 22 metres within the commercial centre. Upzoning and increasing the notified height from MDRS to 22 metres for the residential land within 400metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable catchment of the town centre.
Reasons why the council does not support this recommendation and why the alternative recommendation is preferred		
<p>The Council has reviewed the relevant material prepared through the plan-making process including the notified plan provisions, the section 32 report, the section 42A reports, statements of evidence and the IHP's recommendation.</p> <p>The alternative recommendation to increase the notified height within the commercial centre at Mount Maunganui North (generally located between Pacific Avenue and Tawa Street), and to upzone and increase height for adjacent residential land, better accords with the relevant statutory considerations under the RMA.</p> <p>The alternative recommendation will give effect to the National Policy Statement on Urban Development 2020 as a whole. In particular:</p> <ol style="list-style-type: none"> It will ensure a well-functioning urban environment (Objective 1 and Policy 1); and It will create further development opportunities that will improve housing affordability by supporting competitive land and development markets (Objective 2); It will contribute to the City's development capacity requirements (Policy 2); It will enable building heights and densities of urban form commensurate with the level of commercial activity and community services (Policy 3(d)); and The height and density requirements are modified only to the extent necessary to accommodate qualifying matters (Policy 4). 		

Opportunities at Mount Maunganui North for higher density residential development (in particular, apartments of 16-22 m in height being approximately 4-6 storeys) will contribute to a well-functioning urban environment. The development opportunities provided for through the alternative recommendation are commensurate with the Town Centre role and function of the Mount Maunganui North commercial area, as assessed in Appendix 9 to the section 42A report. The level of commercial activity and community services in the centre supports 22 m of height within, and within a 400 m walkable catchment of, the town centre, and 16 m for residential land within 400-800 m walkable catchment of the town centre.

We accept the evidence of Mr Kemeys that although such opportunities may not be taken up in the short term, if they are not provided for, the Council risks being unable to meet its long term development capacity requirements under the National Policy Statement on Urban Development 2020, as assessed in Appendix 7 of the section 42A report. The alternative recommendation will make an important contribution to the required development capacity by supporting feasibility and delivery of a range of housing products as the Tauranga market adapts to changing conditions.

Larger scale apartments will deliver higher yields, which will reduce the total number of developments required to meet growth projections and, if this occurs, the market share of apartments in Tauranga would be met by a small number of developments in limited locations. Enabling the greatest height nearest centres, including the commercial centre at Mount Maunganui North, will provide stronger direction to the market that this scale and product is supported in those locations, which will in turn support competitive land and development markets.

While greater height and density of urban form will be provided for through the alternative recommendation, the associated plan provisions and resource consent requirements will enable management of identified cultural, landscape, coastal environment, natural character and outstanding natural features and landscapes values. Qualifying matters are proposed to set the maximum heights in Appendix 15 to the Council's closing statement. This responds appropriately to the complexities raised from multiple qualifying matter overlays in Mount Maunganui North and the scale of change planned for the area. Coastal and cultural landscape values will be managed as a matter of national importance through a new qualifying matter overlay. An urban design assessment is required for all residential developments comprising of four or more independent dwelling units. As set out in the evidence of Mr Lucca, the urban design principles incorporated into Plan Change 33 policies include public interface; housing design; high quality developments; building bulk and scale; residential amenity; urban trees; site context and interface; movement networks; sustainability; and safety and security. Based on Mr Lucca's evidence and other available information, we consider that the alternative recommendation will assist in maintaining a level of consistency, both for developers and the Council, that relevant urban design principles are addressed to support the wellbeing of residents and the community.

In terms of s 32AA of the RMA, the alternative recommendation is the most appropriate way to achieve the objectives (having regard to efficiency, effectiveness, reasonably practicable options and the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated (including opportunities for economic growth and employment)). In particular, some benefits of increased height and density opportunities at Mount Maunganui North are able to be realised, while costs (including adverse environmental, economic, social and cultural effects) will be appropriately mitigated through the plan provisions and resource consent process. The analysis in the section 32AA report at Appendix 5 of the section 42A report (including section 3.1) is adopted to the extent relevant to the alternative recommendation.

The alternative recommendation to increase the notified height within the commercial centre and upzone and increase height for adjacent residential land is in accordance with the Council's functions under the RMA, because it provides for increased development opportunities while ensuring integrated management of development and effects on natural and physical resources, in particular the natural and physical resources that are managed through qualifying matter overlays.

While not a matter that can override the higher order planning instruments such as the National Policy Statement on Urban Development 2020, the alternative recommendation will also achieve the sustainable management purpose of the RMA, recognise and provide for the matters of national importance in section 6 of the RMA (including natural character of the coastal environment and the relationship of Māori and their culture and traditions with

their ancestral lands, water, sites, wāhi tapu, and other taonga), and have regard to section 7 of the RMA (including the efficient use and development of natural and physical resources, and maintenance and enhancement of the quality of the environment).

Matter: Area F in the City Centre Zone

IHP recommendation rejected by Tauranga City Council	Description of recommendation	Alternative recommendation
Removing the height limit over Area F in the City Centre Zone and consequential changes to the maps in Chapter 17 and relevant provisions.	<p>Recommend that the height limit over Area F of the City Centre Zone is removed.</p> <p>Area A does not have any height limit, noting that any building which encroaches 48.7metres above NZVD16 Datum requires resource consent due to the airport heights.</p>	<p>As shown in Attachment 3:</p> <p>Retain a height limit of 16 metres in Area F in the City Centre Zone.</p>

Reasons why the council does not support this recommendation and why the alternative recommendation is preferred

The Council has reviewed the relevant material prepared through the plan-making process including the notified plan provisions, the section 32 report, the section 42A reports, statements of evidence and the IHP's recommendation.

The alternative recommendation to retain a 16 m height limit in Area F better accords with the relevant statutory considerations under the RMA.

Having regard to all relevant matters (including the shading analysis included as Appendix 12 to the section 42A report), the 16 m height limit will ensure amenity of the public waterfront area and prevent unreasonable shading.

The alternative recommendation will give effect to the National Policy Statement on Urban Development 2020 as a whole. In particular:

1. It will ensure a well-functioning urban environment (Objective 1 and Policy 1); and
2. It enables building heights to realise as much development capacity as possible, to maximise the benefits of intensification (Policy 3(a)).

Retaining a height limit in Area F permits appropriate height and density of urban form as of right, while creating a resource consenting threshold for taller buildings which provides for regulatory oversight of developments to ensure a well-functioning urban environment. The height limit does not prohibit taller buildings. Overall, this approach enables as much development capacity as possible, to maximise the benefits of intensification.

The alternative recommendation is consistent with other relevant management plans and strategies of the Council prepared under the Local Government Act 2002, which emphasise the importance of the waterfront area to the vitality and amenity of the City.

The Council's strategic direction for the City Centre is clearly expressed in several documents, including the City Centre Strategy 2012 and the City Centre Action and Investment Plan 2022-32 (as outlined in the reporting planner's section 42A report). The alternative recommendation is consistent with these documents because it will ensure an attractive and well-functioning city centre. As the city centre intensifies, the design of buildings will become more important, and the alternative recommendation will provide an appropriate level of control over this.

In terms of s 32 of the RMA, the alternative recommendation is the most appropriate way to achieve the objectives (having regard to efficiency, effectiveness, reasonably practicable options and the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated

(including opportunities for economic growth and employment). In particular, the 16 m height limit appropriately balances the potential costs of constraints on development with the benefits of maintaining amenity of the public waterfront area.

The 16 m height limit for Area F is in accordance with the Council's functions under the RMA, because it provides for development opportunities while ensuring integrated management of development and effects on an important natural and physical resource, namely the public waterfront.

While not a matter that can override the higher order planning instruments such as the National Policy Statement on Urban Development 2020, the alternative recommendation will also achieve the sustainable management purpose of the RMA and maintain and enhance amenity values in accordance with s 7(c) of the RMA.

Attachment 2: Council's alternative recommendation for zoning and heights in Mount North



Tauranga City Plan Planning Maps Key (1 of 3)

Jurisdiction

- 1) The rules of this City Plan only apply landward of Mean High Water Springs.
- 2) The Bay of Plenty Regional Council is the consent authority for activities seaward of Mean High Water Springs and for activities on the surface of waterbodies.
- 3) The line of the coast shown on this map represents the position of Mean High Water Springs based on aerial mapping (2007). It does not necessarily represent the current position of Mean High Water Springs.
- 4) The Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

Planning Zones

	City Centre Zone
	City Centre Waterfront Subzones
	Commercial
	City Living - Mixed Use (CLMU)
	City Living - Mixed Use (CLMR) - 19 metre max. height
	City Living - Residential (CLR) - 9 metre max. height
	City Living - Residential (CLR)
	Suburban Residential
	Residential Large Lot
	High Density Residential

Planning Zones (continue)

	Port Industry
	Tauriko Industry
	Tauriko Commercial
	Industry
	Rural Residential
	Rural
	Education Centre
	Passive Open Space
	Active Open Space
	Active Open Space (Major)
	Conservation
	Greenbelt

Planning Zones (continue)

	Te Tumu Future Urban
	Rural Marae Community
	Urban Marae Community
	Ngati Kahu Papakainga
	Special Use Baypark
	Wairakei Town Centre (Core)
	Wairakei Town Centre (Fringe)
	Neighbourhood Centre (Wairakei)
	Papamoa East Employment
	Wairakei Residential
	Rail
	Road All Public Roads and Service Lanes are Road Zone

Plan Areas

	Current Erosion Risk Zone (CERZ)
	50 year (2060) Erosion Risk Zone (50 year ERZ)
	100 year (2100) Erosion Risk Zone (100 year ERZ)
	Scheduled Site
	Commercial Plan Area
	High Rise Plan Area
	Medium Rise Plan Area
	Flood Hazard Plan Area
	Special Ecological Area (Category 1)
	Special Ecological Area (Category 2)
	Outstanding Natural Features and Landscapes Plan Area
	Important Amenity Landscapes Plan Area
	Kiwi Rail Reverse Sensitivity Plan Area
	NZTA Reverse Sensitivity Plan Area





Jurisdiction

- 1) The rules of this City Plan only apply landward of Mean High Water Springs.
- 2) The Bay of Plenty Regional Council is the consent authority for activities seaward of Mean High Water Springs and for activities on the surface of waterbodies.
- 3) The line of the coast shown on this map represents the position of Mean High Water Springs based on aerial mapping (2007). It does not necessarily represent the current position of Mean High Water Springs.
- 4) The Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

Planning Zones



Medium Density
Residential Zone



High Density
Residential Zone



City Centre Waterfront
Precinct

Plan Areas



City Living –
Mixed Use Precinct



City Living –
Residential Precinct



Mount Maunganui
Precinct

Other Areas



Vibration Alert Layer

Tauranga City Plan Planning Maps Key (3 of 3)












1) The rules of this City Plan only apply landward of Mean High Water Springs.
2) The Bay of Plenty Regional Council is the consent authority for activities seaward of Mean High Water Springs and for activities on the surface of waterbodies.
3) The line of the coast shown on this map represents the position of Mean High Water Springs based on aerial mapping (2007). It does not necessarily represent the current position of Mean High Water Springs.
4) The Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

Utilities








Note: While only transmission and key electric lines are identified on the Planning Maps, works in close proximity to all electric lines can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for buildings, earthworks and mobile plants within close proximity to all electric lines. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines especially within 20m of those lines, contact the line operator.

Other Symbols

	Legal Parcel Boundary as at Date Printed on Map
	Mean High Water Springs
	Sub Zone Boundary
	Pedestrian Environment Street Frontage
	Pedestrian Link Requirement
	Coastal Protection Area
	Special Noise Rule Applies (Courtney Road, Bathkham Town Centre)
	Territorial Authority Boundary

	High Voltage Transmission Plan Area-Support Structure
	High Voltage Transmission Plan Area-Electric Line
	High Voltage Transmission Plan Area
	Powerco Structure
	Powerco Overhead Electric Line
	Powerco Underground Cable
	Trustpower Structure
	Trustpower Electric Line
	Gas Transmission Pipeline

Heritage

	Built Heritage Site Number (Refer Heritage Register, Chapter 7) NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel.
	Notable Tree (Refer Notable Tree Register, Chapter 8) NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel.
	Heritage Tree (Refer Heritage Tree Register, Chapter 7) NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel.
	Significant Groups of Trees (Refer Significant Groups of Trees Register, Chapter 6) NOTE: Tree canopies should be sighted on site to determine actual extent
	Significant Maori Areas (Refer Chapter 7, Appendix 7B: Register of Significant Maori Areas)
	Significant Archaeological Areas (Refer Chapter 7, Appendix 7D: Register of Significant Archaeological Areas)
	Te Tumu Archaeological Management Areas (Refer Chapter 7, Appendix 7E: Te Tumu Archaeological Management Areas)

Designations

	Designated Site Boundary (other than Road Designation)
	Designated Road or Road Widening
	Designated Site Number (Refer Appendix 10C: Designations)

	Limited Access Road
	Proposed Designated Site Boundary (other than Road Designation)
	Proposed Designated Road or Proposed Road Widening
	Proposed Designated Site Number (Refer Appendix 10C: Designations)

Requiring Authority Abbreviations

C	Tauranga City Council
MJ	Ministry for Courts
DR	Department of Corrections
MD	Ministry of Defence
ME	Ministry of Education
MH	Ministry of Health
MS	Meteorological Service of New Zealand
NP	New Zealand Police
NZTA	New Zealand Transport Agency
PC	PowerCo Limited
RC	New Zealand Railways Corporation
TNZ	Telecom New Zealand Ltd and Telecom Mobile Communications Ltd
TW	Transpower New Zealand Limited
WB	Western Bay of Plenty District Council
CH	Chorus Limited

Other Abbreviations

AW	Accessway - Zoned Passive Open Space
SL	Service Lane
C.M.A	Coastal Marine Area covered by Regional Coastal Environment Plan



Planning Map

Proposed Plan Change 33,
Recommendations December 2023



Metres

Scale = 1:5,000

Cadastral information sourced from
Land Information New Zealand
CROWN COPYRIGHT RESERVED



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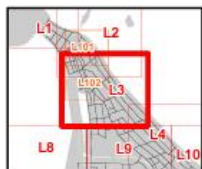
Produced by the Designated Team - Copyright Learning City Council 2020

Produced by the Capital City Team - Copyright Tarrant County Court © 2020

City Plan

Planning Map

L3

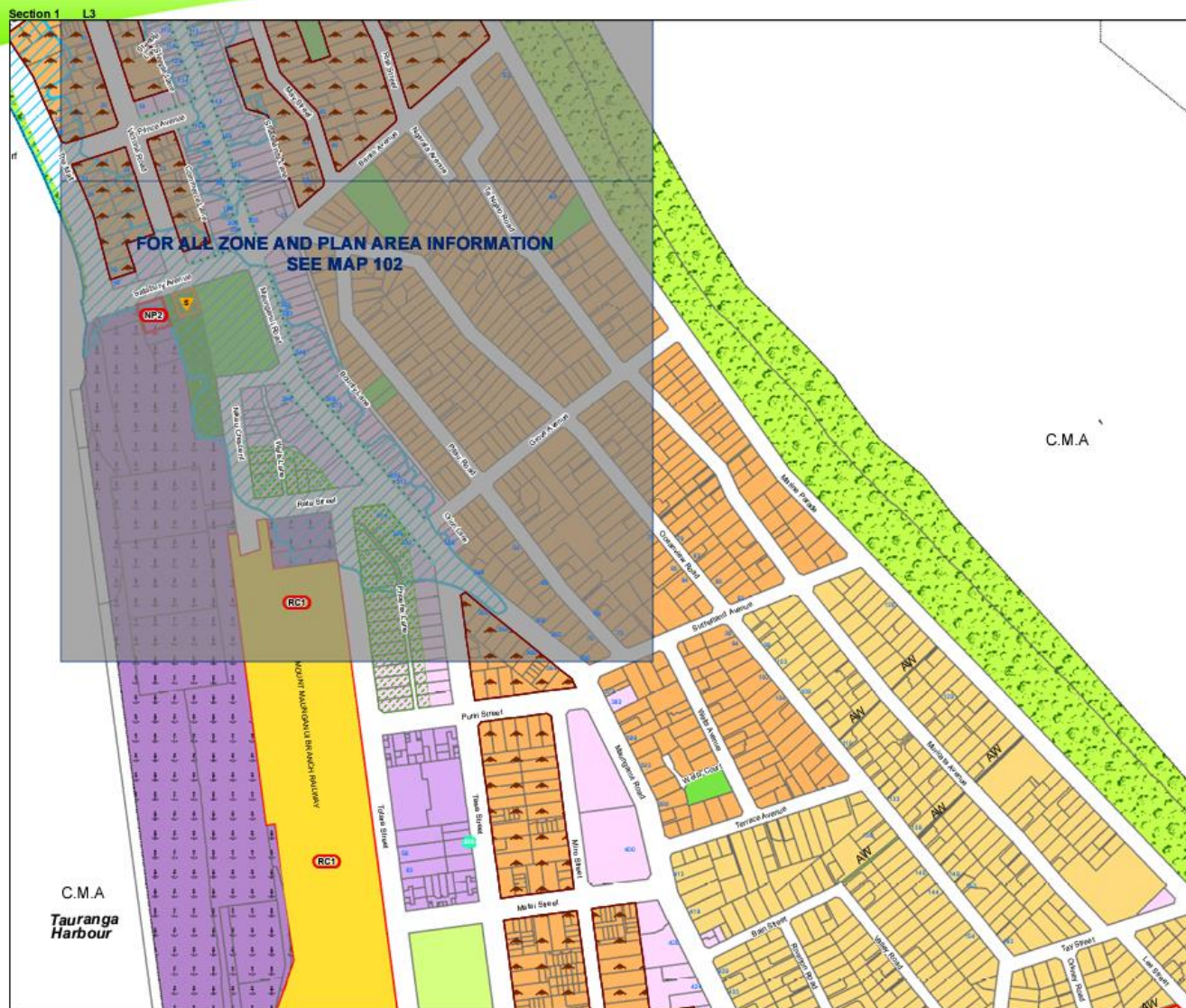
Proposed Plan Change 33,
Recommendations December 2023

Scale = 1:5,000

Cadastral information sourced from
Land Information New Zealand
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TaurangaCity



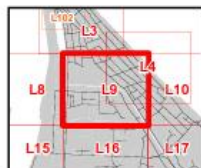


City Plan

Planning Map

L9

Proposed Plan Change 33,
Recommendations December 2023



0 50 100 200 300
Metres

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Tauranga City



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[illegible]

Appendix 14Q: Building Heights in the High Density Residential Zone and Identified Commercial Zones*

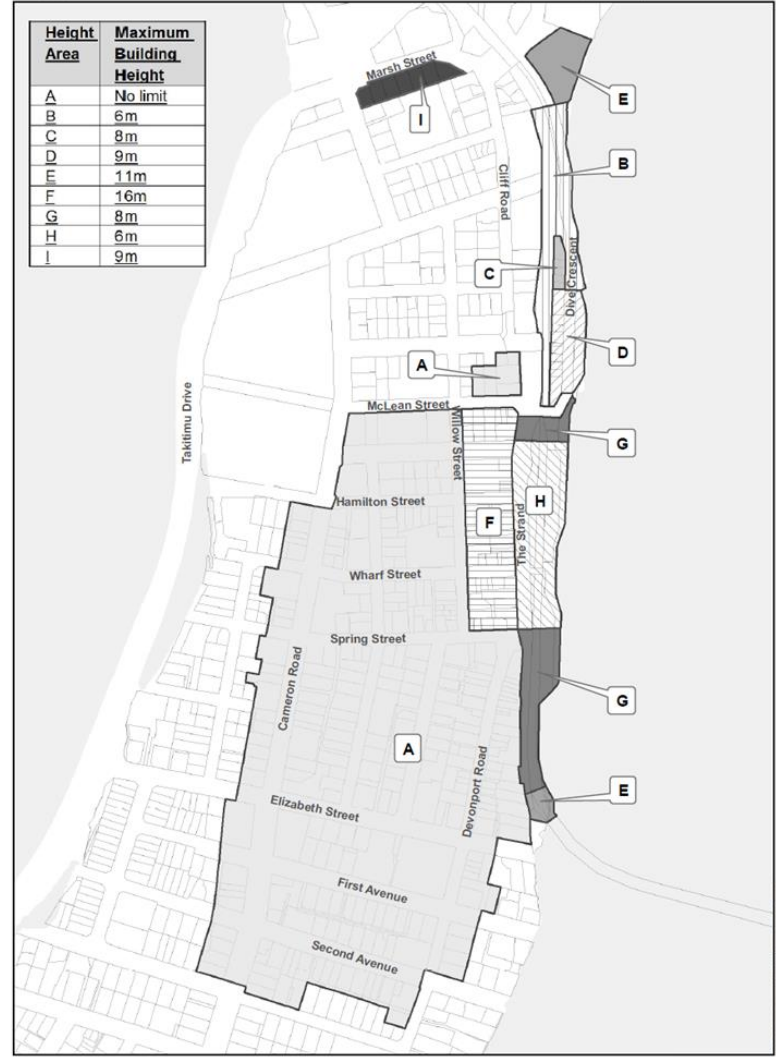


* Please note that there a number of qualifying matters that limit height and density in the Mount Maunganui North area which have been recommended by the IHP and accepted by Council. The qualifying matters that limit heights shown in Appendix 14Q are identified as overlays in the City Plan as follows:

- Viewshaft to Mauao (Chapter 6A of the City Plan)
- Mount Maunganui North Coastal Environment Plan Area (Chapter 6A of the City Plan)

Attachment 3: Council’s alternative recommendation for building heights in Area F in the City Centre Zone

Appendix 17A: City Centre Building Heights



17B.5.1 Building Height

- a. The maximum height of any building or structure, with the exception of the permitted intrusions in *Rule 4H.2 – Permitted Activity Rules* and any building in the Northern Strand Scheduled Site which complies with *Appendix 17M: Northern Strand Scheduled Site Outline Development Plan*, shall not exceed the permitted height for the area in which the site is located, as specified in *Appendix 17A: City Centre Building Heights*, as follows:

Height area	Maximum Building Height
A	No limit
B	6m
C	8m
D	9m
E	11m
F	16m
G	8m
H	6m
Northern Strand Scheduled Site identified in Appendix 17M	A building which includes a multi-level tower block with a maximum height of RL35 m (excluding an area for building services, utilities and plant which shall have a maximum floor area of 120m ² and a maximum height of RL39m) in accordance with <i>Appendix 17M: Northern Strand Scheduled Site Outline Development Plan</i>

- b. No building or structure within any identified Viewshaft Protection Area (with the exception of the permitted intrusions in *Rule 4H.2.3 – Permitted Height and Viewshaft Protection Area Intrusions*) shall exceed the maximum elevation identified within the Plan Maps (Part B);
- c. *Rule 17B.5.2 - Sunlight Admission to Public Places* shall also apply;
- d. The height of buildings and structures must comply with permitted activity rules in *Section 4I Specified Airport Slopes and Surfaces*.

Note: Any activity that does not comply with the maximum building height for Area F, G or H in Rule 17B.5.1 a. - Building Height shall be considered

as a Restricted Discretionary Activity.

Note: Any activity that does not comply with the maximum building height for Areas B, C, D or E in Rule 17B.5.1 a. - Building Height shall be considered as a Discretionary Activity.

Note: Any activity that does not comply with the maximum building height in Rule 17B.5.1 b. - Building Height shall be considered as a Discretionary Activity.

Note: Any activity on the Northern Strand Scheduled Site that does not comply with Appendix 17M: Northern Strand Scheduled Site Outline Development Plan shall be considered a Restricted Discretionary Activity.

17B.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a. Any **activity** that does not comply with:
 - i. *Rule 17B.5.1 a. - Building Height* for Area F, G or H;
 - ii. *Rule 17B.5.1 a. – Building Height for Northern Strand Scheduled Site* identified in *Appendix 17M: Northern Strand Scheduled Site Outline Development Plan*;
 - iii. *Rule 17B.5.2 - Sunlight Admission to Public Places*;
 - iv. *Rule 17B.5.3 – Streetscape*;
 - v. *Rule 17B.5.4 - Buildings, Activities and Structures in the City Centre Waterfront Precinct*;
 - vi. *Rule 17B.5.5 – Residential Activities*;
 - vii. *Rule 17B.5.6 – Minimum Floor Area*;
 - viii. *Rule 17B.5.7 - Outdoor Living Space at Ground Level*;
 - ix. *Rule 17B.5.8 - Outdoor Living Space Above Ground Floor*; or
 - x. *Rule 17B.5.9 – Outlook Space*.

17B.6.4.1 Height

In considering **activities** that do not comply with *Rule 17B.5.1 a. - Building Height* for Area F, G, H or the Northern Strand Scheduled Site identified in *Appendix 17M: Northern Strand Scheduled Site Outline Development Plan*, **Council** restricts its discretion to the following matters:

- a. Whether the additional **building height** adversely effects sunlight access to open spaces;
- b. Whether the design avoids visual dominance;
- c. The effect on amenity for surrounding **sites** and open spaces;
- d. Maintenance of visual connections of the Tauranga Harbour to the City Centre;
- e. The scale and design;
- f. Effect on the **streetscape**; and
- g. Positive effects.

Attachment 4A: All relevant information the IHP and Council considered for zoning and heights in Mount North

Note all documents are found on key documents webpage, including IHP recommendations.

<https://www.tauranga.govt.nz/council/council-documents/tauranga-city-plan/proposed-plan-changes/plan-change-33-enabling-housing-supply/plan-change-33-key-documents>

Document	Link	Paragraph/Section
IHP Report	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-5/0-ihp-recommendation-on-PC33-report-and-appendices-1-4.pdf	Section 8.3
Summary of submission by topic	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-2a-summary-of-decisions-requested-by-volume.pdf	Page 86-104
Submitter evidence	https://www.tauranga.govt.nz/council/council-documents/tauranga-city-plan/proposed-plan-changes/plan-change-33-enabling-housing-supply/plan-change-33-key-documents	Under Session 2 Hearing – Submitter Evidence, letters to be tabled, legal submissions and rebuttal.
Section 42A Report	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/vol-04-residential-development-general.pdf	Section 4.4.2, and Section 4.4.4 (Mount Maunganui)
Economics Assessment – Stage 1 – Appendix 9 of s42A	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-9-commercial-assessment-stage-1.pdf	Section 6
Economics Assessment – Stage 2 – Appendix 9 of s42A	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-9-commercial-assessment-stage-2.pdf	Section 6.4
Development Capacity Assessment – Appendix 7 of s42A	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-7-development-capacity-assessment.pdf	All
Mr McIlrath – Economic Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-expert-evidence-lawrence-mcillrath-economics.pdf	Para 6.5-6.22
Mr Lucca – Spatial Planning Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-expert-evidence-carl-lucca-spatial-planning.pdf	Sections 6, 9 and 13

Document	Link	Paragraph/Section
Mr Lucca – Rebuttal Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/rebuttal-evidence-carl-lucca-spatial-planning-urban-design.pdf	Sections 2.2, 3 and 4
Mr Lucca – Closing Statement	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/closing-appendix-14.pdf	Section 6
Mr Heath – Economic Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-expert-evidence-tim-heath-economics.pdf	Sections 6.18-6.38 and 8.15-8.17
Mr Heath – Rebuttal Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/rebuttal-evidence-tim-heath-economic.pdf	Section 2.1-3.3
Mr Kemeys – Development Feasibility Evidence	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-expert-evidence-michael-kemeys-development-feasibility.pdf	6.24-6.25
Mr Mead – Council	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-expert-evidence.pdf	Section 7
Section 32AA	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-5a-s32aaa-evaluation.pdf	Section 3.1 and Section 6
Tauranga City Council Opening Statements – Session 2 Hearing, 5 October 2023	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-opening-statement-day-4.pdf	All
Council closing statement	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/closing-statement.pdf	Section 4
Council closing statement – Appendix 5 – Combined Walkable Catchment and HDRZ maps	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/submitter-expert-evidence-jwl-investment-trust-aaron-collier-planning.pdf p	Page 4
Section 42A Report	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/vol-03-qualifying-matters.pdf	Section 1 and Section 2 (Qualifying matters relevant to Mount Maunganui North area).

Document	Link	Paragraph/Section
Council closing Statement	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/closing-statement.pdf	Section 2.1 (Qualifying matters relevant to Mount Maunganui North area).

Attachment 4B: All relevant information the IHP and Council considered for building heights in Area F

Note all documents are found on key documents webpage, including IHP recommendations.

<https://www.tauranga.govt.nz/council/council-documents/tauranga-city-plan/proposed-plan-changes/plan-change-33-enabling-housing-supply/plan-change-33-key-documents>

Document	Link	Paragraph/Section
IHP Report	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-5/0-ihp-recommendation-on-PC33-report-and-appendices-1-4.pdf	Section 8.2
Summary of submission by topic	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-2a-summary-of-decisions-requested-by-volume.pdf	Page 296
Submitter Evidence – Aaron Collier, Planning	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/submitter-expert-evidence-jwl-investment-trust-aaron-collier-planning.pdf	Section 8
Submitter Evidence – Aaron Collier, Planning Statement	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/tailed-statement-JWL-investment-trust-aaron-collier.pdf	Section 2
Submitter Evidence – Fraser Colegrave, Economics	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/submitter-expert-evidence-jwl-investment-trust-fraser-colegrave-economics.pdf	Para 19-27
Submitter Evidence – JWL Investment	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/submitter-evidence-jwl-investment-trust-dean-waddell.pdf	Para 14-20
Legal Submission on behalf of JWL Investment	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/legal-submission-jwl-investment-trust.pdf	Para 22-33
S32 Evaluation Report, Volume 2 – City Centre Zone (as notified)	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s32-eval-report-vol2.pdf	All
S42A Report	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/vol-9-chapter-17-section-17B-city-centre-zone.pdf	Section 9.18
Analysis of Shading Heights Affects along The Strand –	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-12-analysis-of-shading-effects-along-strand.pdf	All

Document	Link	Paragraph/Section
Appendix 12 of s42A Report		
S42A Report Appendices Appendix 5a – Section 32AA Evaluation	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-5a-s32aaa-evaluation.pdf	Section 8.5
S42A Report Appendices Appendix 5b – Section 32 Evaluation of existing Qualifying Matters	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-5b-section-32a-evaluation-report.pdf	Section 2
Tauranga City Council Opening Statements – Session 2 Hearing, Day 2 Opening Statement of Carolyn Wratt	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-opening-statements-day2.pdf	Page 42
Council Rebuttal, including s32AA	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/council-rebuttal-evidence.pdf	Addendum section 42A hearings report (rebuttal), Section 5, page 34-38 Appendix 2 – s32AA Evaluation (Rebuttal), section 5, pages 90-91
Council closing statement	https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/closing-statement.pdf	Section 9

Appendix 6: Relevant excerpts from the Independent Hearing Panel recommendations Report on Plan Change 33

[Attached to cover email.]

Appendix 6 Relevant excerpts from the IHP report

because, of course, NPS-UD policy 3 (along with the rest of the NPS) remains live and is required to be given effect.

338. While the Panel does not endorse Mr Heath's translation classification, it finds it a sufficient basis for present purposes but encourages Council to expedite its proposed commercial centres plan change in light of the real concerns expressed by the sector.

8.2 Area F City Centre

339. JWL (submission #269.5) sought an unrestricted building height in Area F, which was proposed to have a 16m height limit. JWL considered that the Council approach went beyond protecting the waterfront area and would inhibit the future development of the land.
340. The s.42A Report set out that the airport height slope and surface set an upper ceiling height over the city centre, and that the heights in the southern and western portion of the city centre are proposed to be increased in response to Policy 3(a) of the NPS-UD, as these are the least sensitive areas. The report noted that Area F did not undergo a s.32 evaluation, and so has remedied this in the s.42A Report. The shading analysis carried out for the Council by Designgroup Stapleton Elliott, attached to the s.42A Report stated:

As to which height is acceptable is somewhat of a judgement call. By 4.05pm at the winter solstice, buildings of 16metre height have completely shaded the waterfront area. This equivalent level of shading occurs at 6.35pm during summer. Using a 48.7 NZVD Datum height results in a similar level of shading at 2.50pm during winter and 5pm during summer. The modelling clearly shows that an increase in height results in shading of the waterfront area at an earlier time of the day. Given the strategic importance of the waterfront to the shape and feel of the city, and the fact that higher buildings will create shading effects earlier in the day, I recommend that the height limit for Area F is retained as 16metres.

341. Mr Waddell, the managing director of JWL, set out details of its consented development within Area F, consisting of the majority of the block between Hamilton Street, Willow Street, Harrington Street and The Strand (excluding the two corner sites fronting the Strand). He indicated that as part of the last City Plan review process a 36m height was agreed over part of JWL's land and its existing resource consents allow for much greater height than 16m.²⁰⁹
342. Mr Collier, planner for JWL, opined that:²¹⁰

The issue of shading effects and the fact that a higher building may create shading effects earlier in the day in relation to the adjacent land is irrelevant. The approach adopted by the Council in rejecting JWL's submission has no basis in terms of policy 3 (a) which requires that in City Centre zones, building heights and density of urban form

²⁰⁹ Waddell, Statement of evidence, 11 September 2023, at [16]-[18].

²¹⁰ Collier, Statement of evidence, 6 September 2023, at [8.5].

to release as much development capacity as possible to maximise the benefits of intensification.

343. He further pointed out that he considered that increased shading is not a basis for a QM, referring to s.770(f), that for urban non-residential areas a QM can only apply to *'(f) open space provided for public use, but only in relation to land that is open space'*.²¹¹ He noted that the land affected is not zoned open space; it is zoned City Centre Business zone – Waterfront sub zone.²¹² Mr Collier also referred to Appendix 17M of the (operative) City Plan, which already provides a height of 38.4m RL over part of the JWL site.²¹³

8.2.1.1 Findings

344. We have not received any specialist evidence on shading, over and above the shading maps provided by the Council.
345. Whilst we accept that the increased building height in Area F will result in some increased shading over the Council owned land, we were not presented with shading as a new QM, and further accept Mr Collier's opinion that a QM cannot apply in this instance.
346. Policy 3(a) of the NPS-UD requires that PC33 realises as much development capacity as possible in the city centre. We therefore accept the JWL submission on this point and recommend that the height limit over Area F be removed, recognising that the ultimate height of development across the site will be limited by the existing QMs over the land.

8.3 Mount Maunganui North (MMN)

347. We heard from various submitters and their witnesses in support and against the increased heights and density within the MMN area. It is clear from these submissions that the heights within the town centre area and the surrounding residential area are linked; and we therefore consider them together.
348. The Council confirmed that at the time of notification the MMN area was not proposed to have additional height over and above the MDRS within the commercial zone or adjacent HDRZ or MDRZ. We were told this approach was precautionary:
- a) as there was uncertainty about the potential adverse effects on cultural and landscape values that traverse the peninsula; and
 - b) it was intended that opportunities for greater height would be addressed by assessment and engagement through the Mount to Arataki Spatial Plan.

²¹¹ Collier Statement of evidence, 6 September 2023, at [8.6].

²¹² Collier Statement of evidence, 6 September 2023, at [8.7].

²¹³ Collier statement of evidence, 6 September 2023, at [8.8].

355. Mr Thompson opined that:²¹⁸

...PC33 will result in a disproportionately large amount of terrace houses and apartments in Mount Maunganui, due to its high demand and attractiveness as a location, and that this will result in significantly higher rates of population and dwelling growth than estimated either by Tauranga City Council (in the population and dwelling projections) or by Veros. This has significant implications for the economic effects of PC33.

356. Mr Brown, for Waymark and the Mount Business Association provided a clear description of the MMN area, as it currently exists, stating that:²¹⁹

Notwithstanding, this evolution, most of North Maunganui remains more suburban in character than wholly urban...

357. Whilst Mr Brown recognised that the current city plan already allows for increased height, he indicated that: ²²⁰

(d) Parallel with this, both residential site amalgamations and the movement towards a mixture of terrace and apartment building forms across most of Mt Maunganui North (up to 6 storeys high, but perhaps more typically 3-4 storeys) would do more than just remove private open spaces and push development to the perimeter of many lots. It would also 'squeeze out' and contract many of the visual cues that locals and visitors to Mt Maunganui currently associate with both its particular landscape and, more generally, its coastal location: the views and glimpses of Mauao that I have already referred to, the 'viewshafts' to Te Awanui and the Pacific Ocean down successive side streets, glimpse of the tops of the Norfolk Island pines near The Mall and Marine Parade, and even more localised views / glimpses of Hopukiore / Mt Drury and its pohutukawas. Although views associated with the District Plan's protected viewshafts to Mauao would remain, these actually represent a very small proportion of the visual connections that constantly reinforce the maunga's presence. Significantly, such intervention has the potential to be particularly damaging in relation to the sense of connection between the Maunganui Road retail centre and Mauao, with views both over and between rooftops lost apart from those directly down the road axis to the maunga – between Tawa Street and Salisbury Avenue.

(e) These changes, both reflecting and accompanied by, a progressive 'up-lift' in the profile of residential development across Mt Maunganui (as a whole) could well result in its urban form and character becoming progressively homogenised and devoid of differentiation or distinction. Conceivably, this would only change near both the port and industrial areas close to the Bay Oval and Totara Street. In effect, much of residential Mt Maunganui might end up being absorbed within a relatively uniform residential and metropolitan matrix. Theoretically, therefore, such changes could result in a significant shift in terms of public and visitor perceptions of Mt Maunganui North – away from it as a coastal settlement or 'village' that has its own character and identity to it increasingly as an adjunct to,

²¹⁸ Thompson, Statement of evidence 12 September 2023, at [33].

²¹⁹ Brown, Statement of evidence, 12 September 2023, at[20].

²²⁰ Brown, Statement of evidence, 12 September 2023, at [21 (d)] and [21(e)].

specifically address whether the lower heights, as included in the notified plan change, were commensurate with anticipated future levels of growth, the s.32 Evaluation Report did. In particular, the s.32 Report opined that the retention of the current height limits in the Mount Maunganui town centre would give effect to Policy 3(d) and its requirement for commensurate building heights and densities.²³⁰

367. Whilst we accept Ms Ryder’s view that PC33 will result in change across the city, we do not consider that this is sufficient justification in itself for accepting greater height within the MMN area. Nor do we accept Mr Luca’s view that increased height is acceptable and that the resource consent process is the appropriate avenue to assess urban design outcomes; increasing the permitted height within the area will not maintain the existing character and amenity of the area.
368. In view of this, and having considered the evidence, we consider that in this instance it is more appropriate to retain the heights and zoning as originally proposed by the Council when the plan was notified.

8.4 Ōtūmoetai Centres

369. Ōtūmoetai contains the three centres of Bureta, Cherrywood and Brookfield. As noted above at paragraph 331, Mr Heath had translated these as local centres. The area is also covered by the Ōtūmoetai Spatial Plan 2023-2050.
370. In applying Policy 3 to the three centres, Council had recommended the following:²³¹
- a) **Bureta:** Amend the 16m HDRZ around the centre to align with the Ōtūmoetai Spatial Plan (including the northern part as natural hazards are managed by QM) and enable 4 storeys within and up to a 400m catchment of the centre.
 - b) **Cherrywood:** Amend the 16m HDRZ around the centre to align with the Ōtūmoetai Spatial Plan and enable 4 storeys within and up to a 400m catchment of the centre.
 - c) **Brookfield:** Amend the 22m and 16m HDRZ around the centre to align with the Ōtūmoetai Spatial Plan and enable 6 storeys within the centre and then 4 storeys between 400-600m of the centre.
371. While we received a number of representations from local submitters seeking reductions in height and density – and some critical of the Ōtūmoetai Spatial Plan process – the fact is that the spatial plan holds sway.

8.4.1.1 Finding

372. We find that the heights and densities proposed by PC33 for the three Ōtūmoetai local centres are appropriate in terms of NPS-UD Policy 3 (and particularly Policy 3

²³⁰ s.32 Evaluation Report, at[4.3.2] and Appendix 15.

²³¹ S.42A Report Session 2, Volume 4, at [4.4.2.2] and revised Appendix 14Q [Closing Statement, Appendix 1a - 04, 1 December 2023].

Appendix 7: Email correspondence between Ministry for the Environment officials and Tauranga City Council officers

[Attached to cover email.]

Leah Clark

From: Janine Speedy <Section 9(2)(a)>
Sent: Wednesday, 19 June 2024 4:26 pm
To: Fleur Rodway
Cc: Bridget Murdoch; Leah Clark; Nathan Stocker
Subject: RE: Tauranga City Councils IPI

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Kia ora Fleur,

How the provisions work is that in the High Density Residential Zone, the heights within this zone are set out in 14D.2.2, which send the Plan user to Appendix 14Q which shows the heights. Then there we have a number of qualifying matters that apply. These qualifying matters were all accepted in Council's decision. You will note in Appendix 14Q there is wording which advises that QMs may apply. Here is snippet from Appendix 14Q.

Zone Building Heights: Te Papa, sheet 2

Note: Buildings must comply with all provisions of the City Plan, including qualifying matters that may affect zone heights.

The map below is the Mount Maunganui North Coastal Environment Plan Area. You will see that the CEPA overlay limits height to 11metres and 12metres in the Commercial Zone. The map shows the heights that trigger the need for a resource consent and the relevant provisions are set out in Chapter 6A. Here is the relevant Objective and Policy:

6A.1.14 Objective – Mount Maunganui North Coastal Environment Plan Area

Protect the landscape, cultural, heritage and natural character values within the Mount Maunganui North Coastal Environment Plan Area from inappropriate development.

6A.1.14.1 Policy – Mount Maunganui North Coastal Environment Plan Area

Protect the landscape, cultural, heritage and natural character values from the adverse effects of inappropriate development within the Mount Maunganui North Coastal Environment Plan Area by:

- a. Ensuring that the height, scale and form of **buildings** and structures maintain the landscape, cultural, heritage and natural character values of Mauao, Hopukioire, Moturiki, Motuotau, Tauranga Harbour and the open coast;
- b. Ensuring development is subservient to the landscape values afforded by the Norfolk Island Pines along Marine Parade and The Mall;
- c. Encouraging the maintenance, reinstatement or enhancement of **indigenous** vegetation;
- d. Avoiding, remedying or mitigating effects on the cultural and spiritual values of tangata whenua;
- e. Avoiding, remedying or mitigating cumulative effects of **buildings** and **structures**.

37

If you have any other questions, please let me know.

Kind regards

Janine

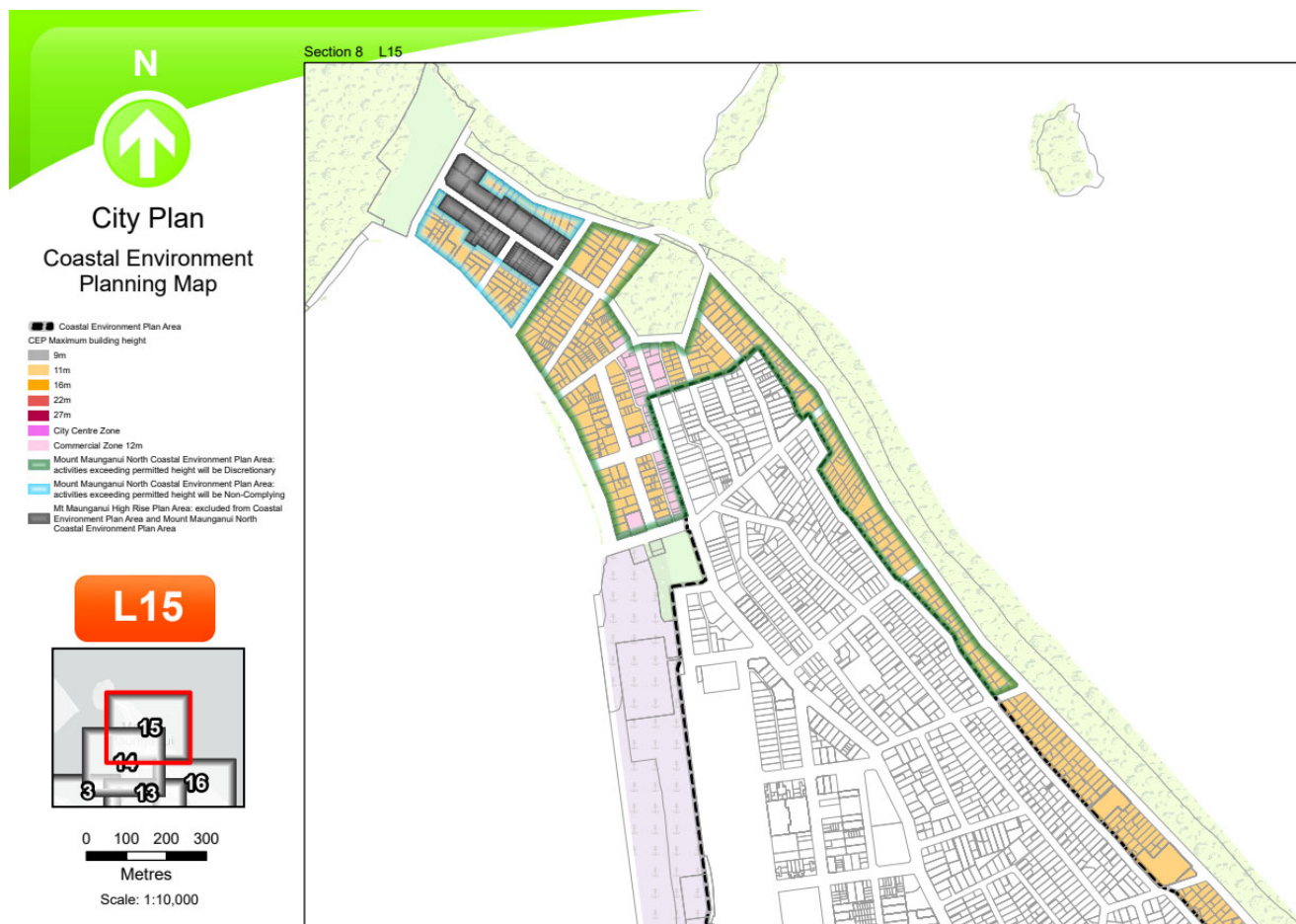
From: Fleur Rodway <Section 9(2)(a)>
Sent: Wednesday, June 19, 2024 1:21 PM
To: Janine Speedy <Section 9(2)(a)>
Cc: Bridget Murdoch <Section 9(2)(a)> Leah Clark <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: Tauranga City Councils IPI

CAUTION: External Email.

Kia ora Janine,

Thanks for getting back to us yesterday.

Could you please clarify the effect of the CEPA on the Maunganui North area?



It would be really good to see an equivalent version of the above map for what the council is proposing in its alternative recommendation and what heights would be permitted given the application of the CEPA across the Mount Maunganui North area (we understand the CEPA rules permit 9 and 11 metres of building height, but the Council's letter indicates 16 and 22 metres is permitted as part of the alternative recommendation). **The height limits are shown in the key in the planning maps. There is a range of heights in the shown in the CEPA maps that trigger height. These heights are based on a technical landscape assessment undertaken as part of PC33. These are not included in Council's alternative recommendation as they have been accepted by Council. Noting that there are also existing Viewshafts that may also limit height within this area. These have been operative in the City Plan since our last full review.**

It would also be good to clarify where exactly the Coastal Environment Plan Area is – we are assuming it is on the outside, nearest the coast (the coloured sections), but don't know where it extends to from this map? **Yes it is the**

coloured areas with the key providing the height limit. Section 8 (Part B, Plan Maps) provides all the planning maps for the coastal environment plan area.

Thank you very much for your help.

Ngā mihi nui,

Fleur

From: Leah Clark <Section 9(2)(a)>
Sent: Tuesday, June 18, 2024 5:03 PM
To: Janine Speedy <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: Tauranga City Councils IPI

Thanks Janine! That is very helpful.

We will be in touch tomorrow if we have any other questions 😊

Ngā mihi nui,

Leah Clark (she/her)
Senior Analyst | Kaitātari Matua
Urban and Infrastructure Policy | Te Kaupapa Here mō Ngā Taone me Ngā Hanganga
Ministry for the Environment | Manatū Mō Te Taiao
Section 9(2)(a) | Section 9(2)(a) | environment.govt.nz

From: Janine Speedy <Section 9(2)(a)>
Sent: Tuesday, June 18, 2024 4:35 PM
To: Leah Clark <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: Tauranga City Councils IPI

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Kia ora Leah,

Please see responses below in red.

Kind regards

Janine Speedy | Team Leader: City Planning
Tauranga City Council | Section 9(2)(a) | Section 9(2)(a) | Section 9(2)(a) | www.tauranga.govt.nz

Thanks Tauranga!

Together, we've nearly halved our household waste going to landfill.



From: Leah Clark <Section 9(2)(a)>
Sent: Tuesday, June 18, 2024 3:02 PM
To: Janine Speedy <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: Tauranga City Councils IPI

CAUTION: External Email.

Kia ora Janine,

Thanks very much, we really appreciate your prompt response.

For the first question, is there any other background context you are able to provide about why the Council withdrew those submission points? **Not much to tell. A number of residents raised concerns with these submission points and therefore Council withdrew the submission points.**

And we have one other question – we note that Area F is zoned City Centre *Business* Zone in the operative plan, and is zoned City Centre Zone in PC33. Could you please point me in the right direction to find relevant provisions in the Operative Plan for the City Centre Business Zone, and information in the PC33 documents about this zone name change? I see appendix 17A of the operative plan includes a map with heights relevant to Area F, but it does not mention the City Centre Business Zone. And section 2.3 of the [s32 report](#) discusses the naming conventions in the national planning standards, but does not specifically mention the City Centre Business Zone. **The City Centre Zone and City Centre Business Zone are the exact same zone. You will see in the operative Plan that it is referred to as the City Centre Zone in the provisions and City Centre Business Zone in the maps. It is a odd wording error that has sat in the City Plan for a number of years. The City Centre Zone provisions are set out in Chapter 17A – Commercial Zones of the operative Plan. PPC33 sought to separate Chapter 17 into three sections as follows:**

- Chapter 17A – Commercial Zones
- Chapter 17B – City Centre Zone
- Chapter 17C – Commercial Zones and Development (provides strategic direction)

Thank you,

Leah Clark (she/her)

Senior Analyst | Kaitātari Matua

Urban and Infrastructure Policy | Te Kaupapa Here mō Ngā Taone me Ngā Hanganga

Ministry for the Environment | Manatū Mō Te Taiao

Section 9(2)(a) | Section 9(2)(a) | environment.govt.nz

From: Janine Speedy <Section 9(2)(a)>
Sent: Tuesday, June 18, 2024 2:15 PM
To: Leah Clark <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: Tauranga City Councils IPI

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Kia ora Leah,

Responses to your questions below in red.

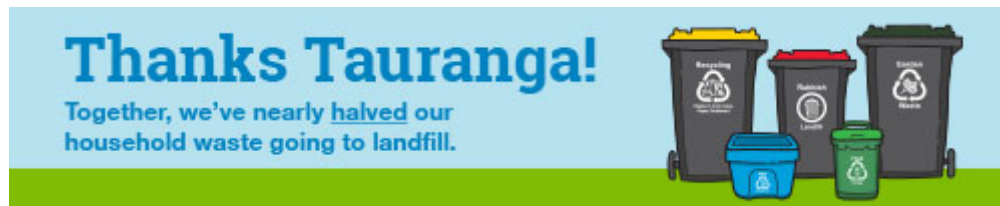
If you have any questions, let me know.

Kind regards

Janine Speedy | Team Leader: City Planning

Tauranga City Council | Section 9(2)(a) | Section 9(2)(a) | Section 9(2)(a)

| www.tauranga.govt.nz



From: Leah Clark <Section 9(2)(a)>

Sent: Tuesday, June 18, 2024 11:49 AM

To: Janine Speedy <Section 9(2)(a)>

Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>

Subject: RE: Tauranga City Councils IPI

CAUTION: External Email.

Kia ora Janine,

Hope you are well.

We are continuing to draft our advice on Tauranga City Council's referred recommendations, and have a few clarification questions. Would it be possible to please clarify these points by the end of the day? Please do let me know if this is not possible.

In relation to the Mount Maunganui North recommendation:

1. The submission points 314.14 and 314.15 seemed to outline why the council arrived at its original position on the heights for Mount Maunganui North, but requested amendments to enable subsequent changes. Is this understanding correct? **Not sure what you mean here, submission points 314.14 and 314.15 were withdrawn. Here is the letter to formally withdraw these submission points** https://econtent.tauranga.govt.nz/data/city_plan/plan_changes/2022/pc33/pc-33-tcc-sub-points.pdf. These submission points sought to give effect to Policy 3 of the NPS-UD by rezoning and amending Appendix 14Q: Building Heights to enable greater height and density where appropriate. There are three submissions (Urban TaskForce 318.13, Brian Goldstone 211.2, Sanderson Group 208.1, 208.18) which seek additional height in the Mount North area. The s.42A discussion is set out in section 4.4.4.2 https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/vol-04-residential-development-general.pdf
2. Para 4.1.5 of the [Council's closing statement](#) notes the legal submission is dated 1 Dec 2023, but the [closing legal submission](#) is dated 30 November 2023. Is this a typo or is there a separate legal submission (as we cannot find a legal submission dated 1 Dec 23)? **This is a typo, the closing statement should say 30 November 2023.**

In relation to the Area F/City Centre Zone recommendation:

3. There is a portion of Area F that is zoned Passive Open Space. Could you please clarify whether the Passive Open Space Zoned portion of Area F is subject to the IHP's and Council's recommendations? **No, it is not as Appendix 17A only relates to heights in the City Centre Zone and does not include the Open Space Zone.**
4. We note Tauranga City Council's position during the hearing was that a qualifying matter applied to Area F. However, this position is not explicitly reflected in the referral letter. Could you please clarify whether the Council still considers the shading qualifying matter applies to Area F? **Yes we do consider it as a QM, the assessment as a QM is set out in**

Thank you,

Leah Clark (she/her)

Senior Analyst | Kaitātari Matua

Urban and Infrastructure Policy | Te Kaupapa Here mō Ngā Taone me Ngā Hanganga

Ministry for the Environment | Manatū Mō Te Taiao

Section 9(2)(a) | Section 9(2)(a) | environment.govt.nz

From: Leah Clark

Sent: Wednesday, May 22, 2024 8:50 AM

To: Janine Speedy <Section 9(2)(a)>

Cc: Nathan Stocker <Section 9(2)(a)>

Subject: RE: Tauranga City Councils IPI

Mōrena Janine,

Hope you're doing well. Congrats on the milestone for the IPI!

My colleague Nathan (cc'd) will be leading the advice, so if you could please cc him in when you send the letter that would be great. Nathan will be in touch soon 😊

Ngā mihi nui,

Leah Clark (she/her)

Senior Analyst | Kaitātari Matua

Urban and Infrastructure Policy | Te Kaupapa Here mō Ngā Taone me Ngā Hanganga

Ministry for the Environment | Manatū Mō Te Taiao

Section 9(2)(a) | Section 9(2)(a) | environment.govt.nz

From: Janine Speedy <Section 9(2)(a)>

Sent: Wednesday, May 22, 2024 7:27 AM

To: Leah Clark <Section 9(2)(a)>

Subject: Tauranga City Councils IPI

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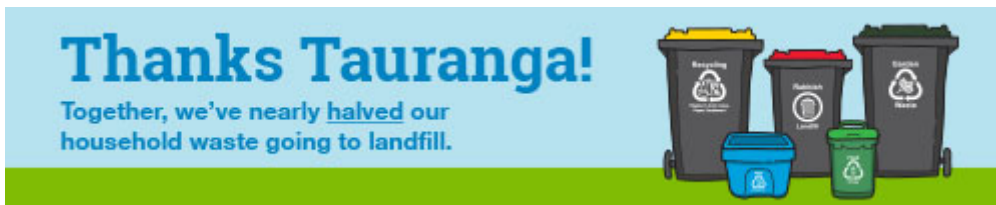
Hi Leah,

Council made decisions on the IPI on Monday. There are two rejected recommendations. We are now pulling together the letter to send to Minister Bishop and Minister Simmonds. Who should I copy in from MfE?

Thanks

Janine Speedy | Team Leader: City Planning

Tauranga City Council | Section 9(2)(a) | Section 9(2)(a) | Section 9(2)(a) | www.tauranga.govt.nz



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Leah Clark

From: Janine Speedy <Section 9(2)(a)>
Sent: Thursday, 20 June 2024 12:07 pm
To: Fleur Rodway
Cc: Nathan Stocker; Leah Clark
Subject: FW: PC33 - Closing Statement and link to 3D models

Follow Up Flag: Follow up
Flag Status: Flagged

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Kia ora Fleur,

Please see below the 3D models and instruction on how to navigate them that were sent to the IHP following the hearing.

Hopefully they are helpful! If you have any questions, let me know.

Ngā mihi

Janine

From: Janine Speedy
Sent: Friday, December 1, 2023 2:59 PM
To: David Hill <Section 9(2)(a)>; Richard Knott <Section 9(2)(a)>; Fraser Campbell <Section 9(2)(a)>; Vicki Morrison-Shaw <Section 9(2)(a)>
Subject: PC33 - Closing Statement and link to 3D models

Kia ora koutou,

Council's closing statement for PC33 is complete and currently being uploaded to our website. Our admin will send you the closing statement, appendices and legal submission in reply this afternoon.

To understand the different height triggers in the Mount North area and the City Centre, we created a 3D model. The details below are to provide you with access and instructions to navigate the 3D model if you are interested.

Within the Mount model the heights are shown as blue for MDRS, red for four storeys and green for where the cultural viewshaft is encroached.

Within the City Centre model, we have selected four different areas (three in Area A and one in Area F). The orange colour is the height to the flight path, the red is to the height of the cultural viewshaft and the dark greenish colour is the operative height for the property.

Here are the links to the 3D modelling for the Mount and the City Centre.

Mount -

<https://taurangacc.maps.arcgis.com/apps/instant/3dviewer/index.html?appid=415a78a891204e4cb386a5236fcccced5>

City Centre -

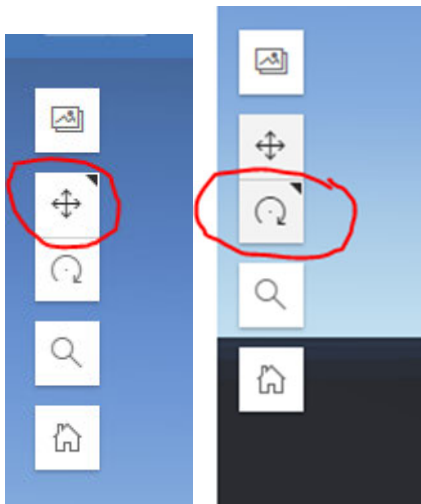
<https://taurangacc.maps.arcgis.com/apps/instant/3dviewer/index.html?appid=f5a9ad13843f40b3bd518f8321a4e074>

Instructions

1. On the top right corner there is symbol of a tag "a" clicking on this symbol will open up different scenarios and views.



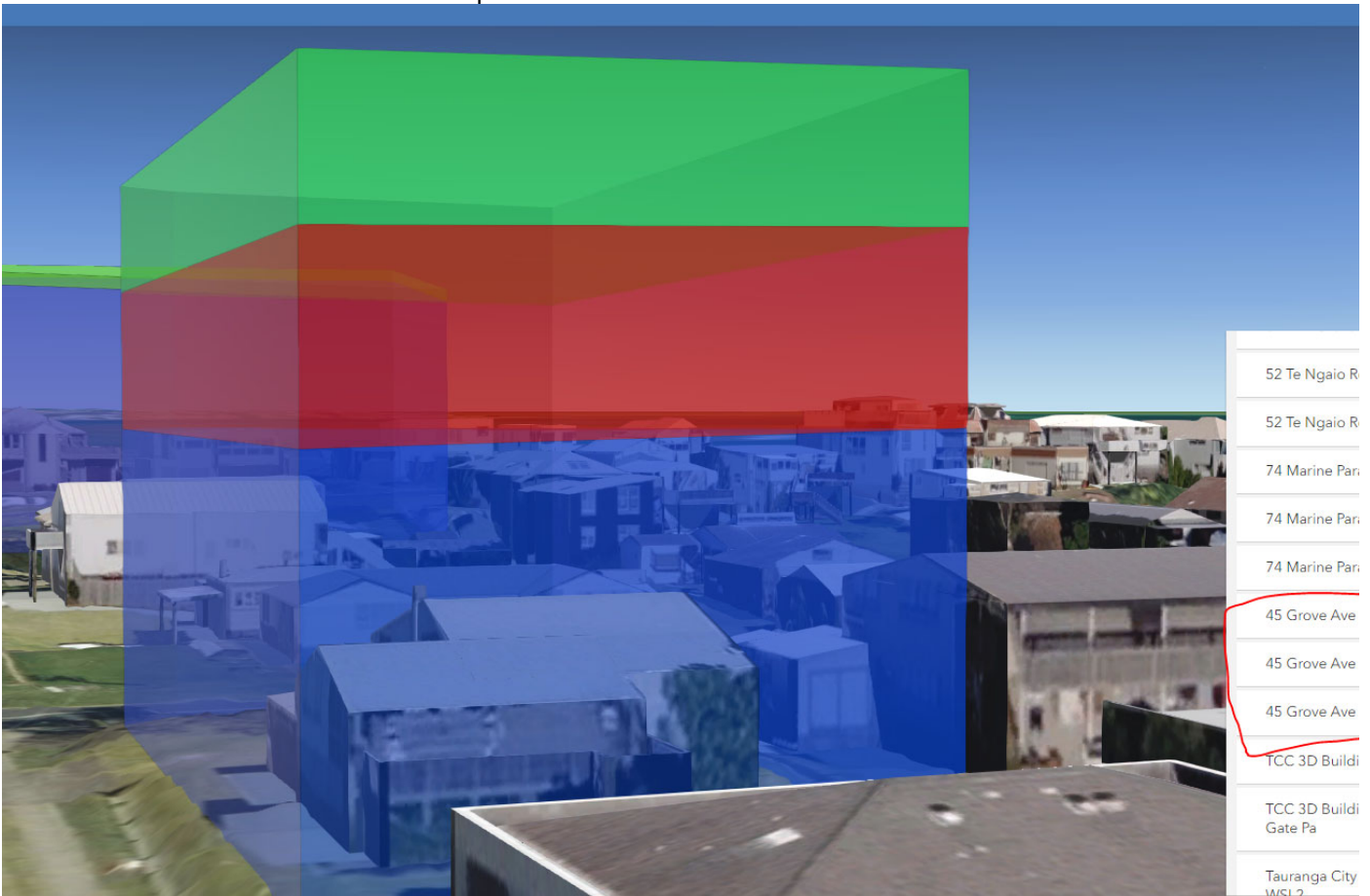
2. On the right corner there is a symbol with four arrows to pan or rotate and an a symbol of an arrow looping. Left click and drag these around to interact with the map. Scrolling in and out zooms in and out.

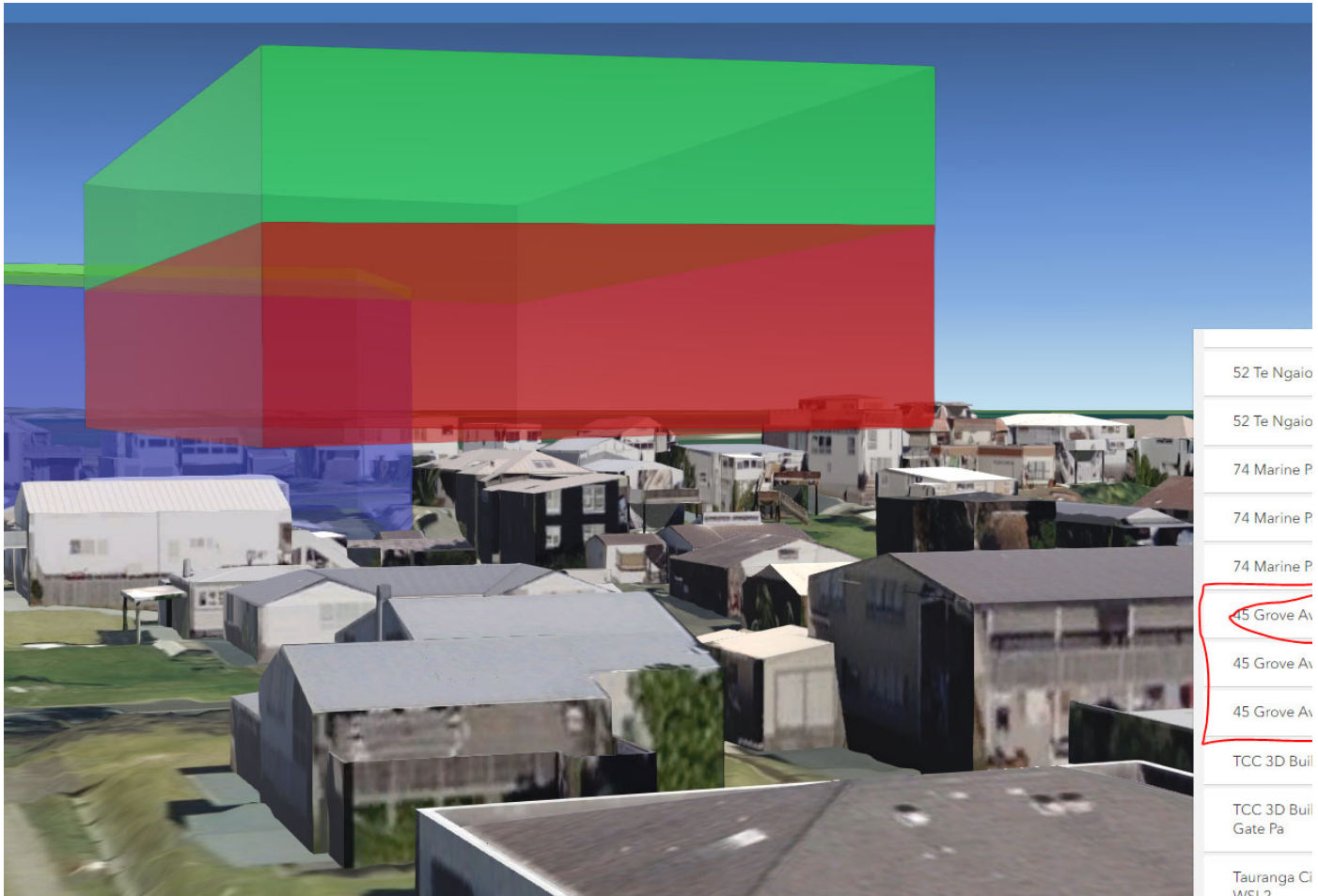


3. On the bottom right is a symbol of layers. This allows you to turn the layers on and off:



example -





4. If you get stuck, go back to step 1, as this will reset the layers.

If you have any questions, or require any information, please do not hesitate to contact me.

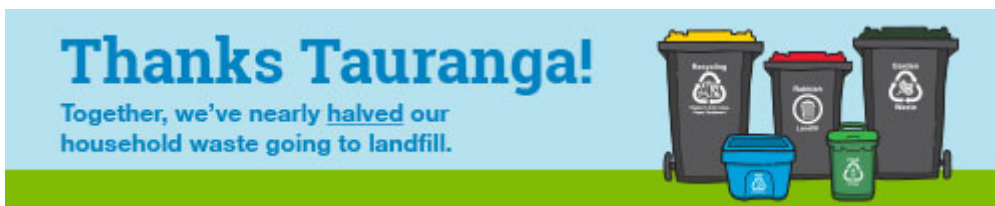
I hope you all have a nice break over the Christmas period.

Ngā mihi

Janine Speedy | Team Leader: City Planning

Tauranga City Council | **Section 9(2)(a)** **Section 9(2)(a)** **Section 9(2)(a)**

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Leah Clark

From: Janine Speedy <Section 9(2)(a)>
Sent: Thursday, 20 June 2024 6:22 pm
To: Leah Clark
Cc: Fleur Rodway; Nathan Stocker
Subject: Re: PC33 - Closing Statement and link to 3D models

MFE CYBER SECURITY WARNING

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Yes, sorry! Should be Appendix 17A

Sent from my iPhone

On 20 Jun 2024, at 5:53 PM, Leah Clark <Section 9(2)(a)> wrote:

CAUTION: External Email.

Thanks Janine! Sorry just checking that "Appendix 17B" should say "Appendix 17A" (highlighted below)?

Thank you,

Leah

From: Janine Speedy <Section 9(2)(a)>
Sent: Thursday, June 20, 2024 5:19 PM
To: Leah Clark <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: PC33 - Closing Statement and link to 3D models

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora Leah,

The consequential changes to the maps is referring to Appendix 17A which is a map that illustrates the different areas. These areas and the heights are in Rule 17B.5.1. There are no changes to the zoning maps.

The relevant provisions and appendix are set out in Attachment 3 of the letter to the Minister.

The IHP recommendation with the changes is a bit confusing because the areas were all renumbered as Area F was recommended to be absorbed in Area A. Therefore for the IHP recommendation it is easiest to look at the track change version to see those changes -

https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-5/10-ihp-recommendation-chapter-17-sections-17A-17B-17C-tracked-version.pdf.

The amendments made in the IHP recommendation to 'absorb' Area F into Area A are in the following sections (shown as grey highlight):

1. Purpose
2. Rule 17B.5.1
3. Rule 17B.6
4. Matter of discretion 17B.6.3.1 (renumbered from 17B.6.4.1)
5. **Appendix 17B**

Let me know if you need anything further. I will be in the office early and available until 9am.

Kind regards

Janine

From: Leah Clark <Section 9(2)(a)>
Sent: Thursday, June 20, 2024 3:56 PM
To: Janine Speedy <Section 9(2)(a)>
Cc: Fleur Rodway <Section 9(2)(a)> Nathan Stocker <Section 9(2)(a)>
Subject: RE: PC33 - Closing Statement and link to 3D models
Importance: High

CAUTION: External Email.

Kia ora Janine,

Sorry, hopefully only one more question!

We see the IHP's recommendation for Area F in the City Centre Zone includes "consequential changes to the maps in Chapter 17 and relevant provisions". Could you please provide us with a list of those consequential changes? Just a bit more detail to reference what those exact maps and provisions are would be great.

I appreciate we have been asking for this information with tight timeframes, but if you could please get back to me before the end of the day that would be much appreciated, or 9am tomorrow at the latest.

Thank you very much,

Leah Clark (she/her)

Senior Analyst | Kaitātari Matua

Urban and Infrastructure Policy | Te Kaupapa Here mō Ngā Taone me Ngā Hanganga

Ministry for the Environment | Manatū Mō Te Taiao

Section 9(2)(a) | Section 9(2)(a) | environment.govt.nz

From: Janine Speedy <Section 9(2)(a)>
Sent: Thursday, June 20, 2024 12:07 PM
To: Fleur Rodway <Section 9(2)(a)>
Cc: Nathan Stocker <Section 9(2)(a)> Leah Clark <Section 9(2)(a)>
Subject: FW: PC33 - Closing Statement and link to 3D models

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Kia ora Fleur,

Please see below the 3D models and instruction on how to navigate them that were sent to the IHP following the hearing.

Hopefully they are helpful! If you have any questions, let me know.

Ngā mihi

Janine

From: Janine Speedy

Sent: Friday, December 1, 2023 2:59 PM

To: David Hill <Section 9(2)(a)> Richard Knott <Section 9(2)(a)> Fraser Campbell <Section 9(2)(a)>; Vicki Morrison-Shaw <Section 9(2)(a)>

Subject: PC33 - Closing Statement and link to 3D models

Kia ora koutou,

Council's closing statement for PC33 is complete and currently being uploaded to our website. Our admin will send you the closing statement, appendices and legal submission in reply this afternoon.

To understand the different height triggers in the Mount North area and the City Centre, we created a 3D model. The details below are to provide you with access and instructions to navigate the 3D model if you are interested.

Within the Mount model the heights are shown as blue for MDRS, red for four storeys and green for where the cultural viewshaft is encroached.

Within the City Centre model, we have selected four different areas (three in Area A and one in Area F). The orange colour is the height to the flight path, the red is to the height of the cultural viewshaft and the dark greenish colour is the operative height for the property.

Here are the links to the 3D modelling for the Mount and the City Centre.

Mount -

<https://taurangacc.maps.arcgis.com/apps/Instant3DViewer/index.html?appid=415a78a891204e4cb386a5236fccc5d5>

City Centre -

<https://taurangacc.maps.arcgis.com/apps/Instant3DViewer/index.html?appid=f5a9ad13843f40b3bd518f8321a4e074>

Instructions

1. On the top right corner there is symbol of a tag " clicking on this symbol will open up different scenarios and views.

<image001.png>

<image002.png>

2. On the right corner there is a symbol with four arrows to pan or rotate and an a symbol of an arrow looping. Left click and drag these around to interact with the map. Scrolling in and out zooms in and out.

<image003.png>

<image004.png>

3. On the bottom right is a symbol of layers. This allows you to turn the layers on and off:

<image005.jpg>

example -

<image006.png>

<image007.png>

4. If you get stuck, go back to step 1, as this will reset the layers.

If you have any questions, or require any information, please do not hesitate to contact me.

I hope you all have a nice break over the Christmas period.

Ngā mihi

Janine Speedy | Team Leader: City Planning
Tauranga City Council | Section 9(2)(a) Section 9(2)(a)
| Section 9(2)(a) | www.tauranga.govt.nz

<image008.png>

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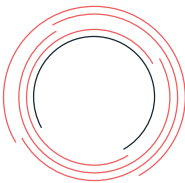
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Appendix 8: Shading analysis carried out for the Council by Designgroup Stapleton Elliott

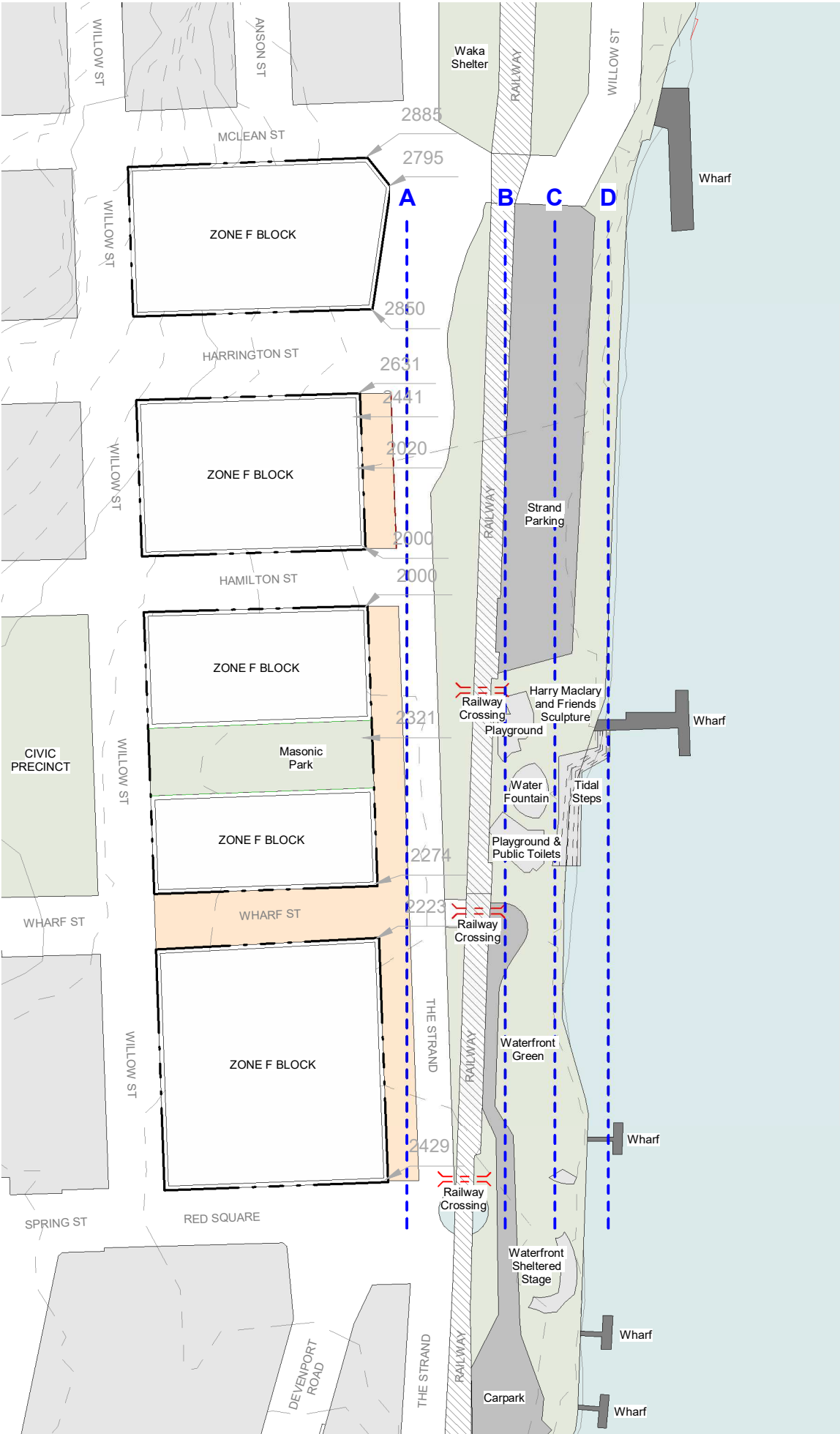
[Attached to cover email.]

TAURANGA CITY COUNCIL TCC PPC 33 RESPONSE TO SUBMISSIONS TAURANGA CBD ZONE F **ADDITIONAL TESTING** FEBRUARY 2023

S010	1	RIS - PART 1 - SUMMARY OF EVENTS
S100	1	RIS - PART 1 - NOTIFIED VERSION - WINTER SOLSTICE
S101	1	RIS - PART 1 - NOTIFIED VERSION - WINTER SOLSTICE
S102	1	RIS - PART 1 - NOTIFIED VERSION - SUMMER SOLSTICE
S103	1	RIS - PART 1 - NOTIFIED VERSION - SUMMER SOLSTICE
S110	1	RIS - PART 1 - JWL INVESTMENT TRUST OPTION - WINTER SOLSTICE
S111	1	RIS - PART 1 - JWL INVESTMENT TRUST OPTION - WINTER SOLSTICE
S112	1	RIS - PART 1 - JWL INVESTMENT TRUST OPTION - SUMMER SOLSTICE
S113	1	RIS - PART 1 - JWL INVESTMENT TRUST OPTION - SUMMER SOLSTICE
S120	1	RIS - PART 1 - ALTERNATIVE OPTION - WINTER SOLSTICE
S121	1	RIS - PART 1 - ALTERNATIVE OPTION - WINTER SOLSTICE
S122	1	RIS - PART 1 - ALTERNATIVE OPTION - SUMMER SOLSTICE
S123	1	RIS - PART 1 - ALTERNATIVE OPTION - SUMMER SOLSTICE
S130	1	RIS - PART 1 - NOTIFIED VERSION - 3PM DIRECT COMPARISON
S131	1	RIS - PART 1 - JWL INVESTMENT TRUST OPTION - 3PM DIRECT COMPARISON
S132	1	RIS - PART 1 - ALTERNATIVE OPTION - 3PM DIRECT COMPARISON



BUILDING SHADOW ENTERING THE STRAND



KEY SUN/SHADE EVENT MARKERS (DASHED BLUE):
A - OVER THE STRAND
B - PAST RAILWAY
C - WATERFRONT 50% COVERAGE
D - ENCROACHING OVER WATER

S010
REV.1

RtS - PART 1 - SUMMARY OF EVENTS

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

Contractors shall verify all dimensions on site before commencing work. Do not scale from the drawings. If in doubt ask. Copyright of this drawing is vested in Designgroup Stapleton Elliott.

PROJECT No. T703
PLOT DATE. 31/01/2023 9:58:44 AM

1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
NO.	DESCRIPTION	DATE

BULK & SCALE SUN/SHADING TESTING CRITERIA:

NOTIFIED OPTION:
16m above ground level for Block F

JWL INVESTMENT TRUST OPTION:
Unlimited height for Block F (effectively 48.7m NZVD due to flight path)

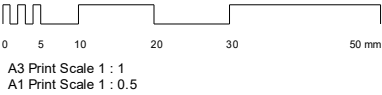
ALTERNATIVE OPTION:
27m above ground level for Block F

		NOTIFIED OPTION		JWL INVESTMENT OPTION		ALTERNATIVE OPTION	
		SUMMER	WINTER	SUMMER	WINTER	SUMMER	WINTER
TIME OF DAY	A - OVER THE STRAND	15.10	13.50	13.30	13.00	14.10	13.20
	B - PAST RAILWAY	18.00	15.30	16.00	14.05	17.10	14.50
	C - WATERFRONT 50% COVERAGE	18.15	15.45	16.30	14.30	17.30	15.10
	D - ENCROACHING OVER WATER	18.35	16.05	17.00	14.50	18.00	15.35

SUMMARY OF EVENTS

SCALE @ A3 - 1 : 200 | SCALE @ A1 - DOUBLE SCALE

NOTES:
- Sun/Shade testing indicative of winter & summer solstice days.
- Times are approximate only.
- Sun/Shade testing results do no account for neighbouring blocks - actual results may differ and are dependent on surrounding context.



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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - NOTIFIED VERSION - WINTER @ 13.50
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND WATERFRONT (PAST RAILWAY)



RtS - PART 1 - NOTIFIED VERSION - WINTER @ 15.30
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S100
REV.1

RtS - PART 1 - NOTIFIED
VERSION - WINTER
SOLSTICE

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

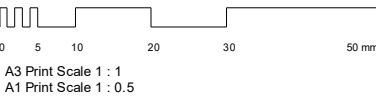
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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - NOTIFIED VERSION - WINTER @ 15.45
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCROACHING OVER THE WATER



RtS - PART 1 - NOTIFIED VERSION - WINTER @ 16.05
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

SUNSET - 5.12PM

S101
REV.1

RtS - PART 1 - NOTIFIED
VERSION - WINTER
SOLSTICE

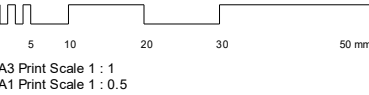
TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - NOTIFIED VERSION - SUMMER @ 15.10
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND (PAST RAILWAY)



RtS - PART 1 - NOTIFIED VERSION - SUMMER @ 18.00
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S102
REV.1

RtS - PART 1 - NOTIFIED
VERSION - SUMMER
SOLSTICE

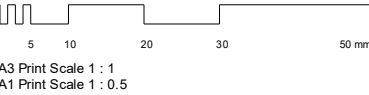
TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - NOTIFIED VERSION - SUMMER @ 18.15
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCROACHING OVER THE WATER



RtS - PART 1 - NOTIFIED VERSION - SUMMER @ 18.35
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

SUNSET - 8.40PM

S103
REV.1

RtS - PART 1 - NOTIFIED
VERSION - SUMMER
SOLSTICE

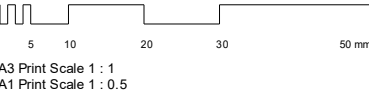
TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - JWl INVESTMENT TRUST OPTION -
WINTER @ 13.00

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND WATERFRONT (PAST RAILWAY)



RtS - PART 1 - JWl INVESTMENT TRUST OPTION -
WINTER @ 14.05

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S110
REV.1

RtS - PART 1 - JWl
INVESTMENT TRUST OPTION
- WINTER SOLSTICE

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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PLOT DATE. 31/01/2023 9:58:49 AM

1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
NO.	DESCRIPTION	DATE

0 5 10 20 30 50 mm
A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - JWL INVESTMENT TRUST OPTION - WINTER @ 14.30

SCALE @ A3 - 1 : 2000| SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCREACHING OVER THE WATER



RtS - PART 1 - JWL INVESTMENT TRUST OPTION - WINTER @ 14.50

SCALE @ A3 - 1 : 2000| SCALE @ A1 - DOUBLE SCALE

SUNSET - 5.12PM

S111
REV.1

RtS - PART 1 - JWL
INVESTMENT TRUST OPTION
- WINTER SOLSTICE

TAURANGA CITY COUNCIL
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ADDITIONAL TESTING

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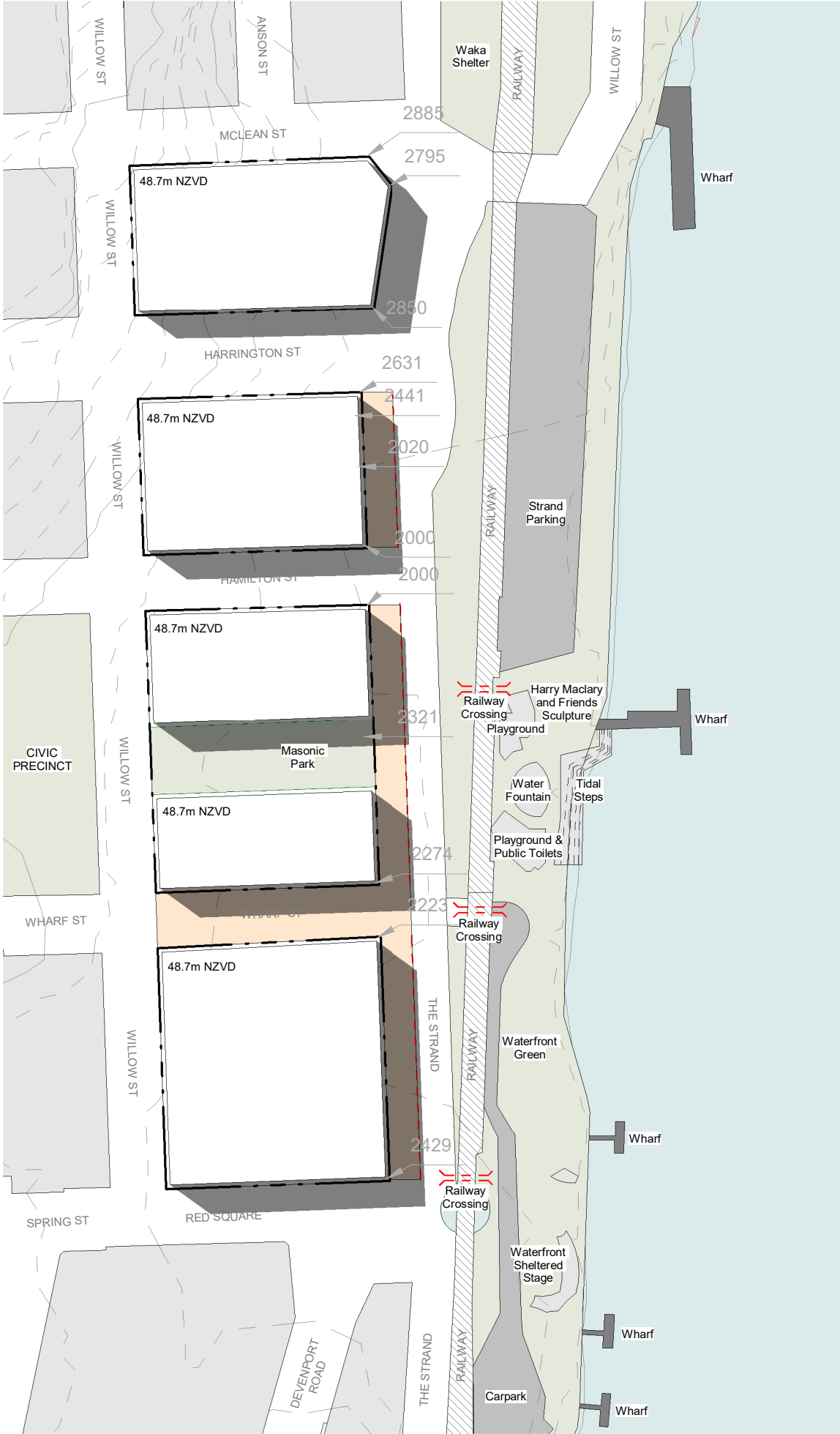
1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
NO.	DESCRIPTION	DATE

0 5 10 20 30 50 mm
A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
SUMMER @ 13.30

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND WATERFRONT (PAST RAILWAY)



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
SUMMER @ 16.00

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S112
REV.1

RtS - PART 1 - JWL
INVESTMENT TRUST OPTION
- SUMMER SOLSTICE

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TAURANGA CBD ZONE F

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PLOT DATE. 31/01/2023 9:58:50 AM

1 PC 33 Additional Testing - 2023.01.31
Response to Submissions
- FOR COMMENT

NO.	DESCRIPTION	DATE
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0 5 10 20 30 50 mm
A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
SUMMER @ 16.30

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCROACHING OVER THE WATER



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
SUMMER @ 17.00

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

SUNSET - 8.40PM

S113
REV.1

RtS - PART 1 - JWL
INVESTMENT TRUST OPTION
- SUMMER SOLSTICE

TAURANGA CITY COUNCIL
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TAURANGA CBD ZONE F

ADDITIONAL TESTING

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PROJECT No. T703

PLOT DATE. 31/01/2023 9:58:51 AM

1 PC 33 Additional Testing - 2023.01.31
Response to Submissions
- FOR COMMENT

NO. DESCRIPTION DATE

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A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - ALTERNATIVE OPTION - WINTER @ 13.20
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND (PAST RAILWAY)



RtS - PART 1 - ALTERNATIVE OPTION - WINTER @ 14.50
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S120
REV.1

RtS - PART 1 - ALTERNATIVE
OPTION - WINTER SOLSTICE

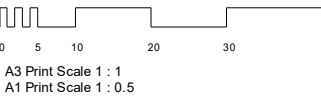
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PLOT DATE. **31/01/2023 9:58:52 AM**

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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - ALTERNATIVE OPTION - WINTER @ 15.10
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCROACHING OVER THE WATER



RtS - PART 1 - ALTERNATIVE OPTION - WINTER @ 15.35
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

SUNSET - 5.12PM

S121
REV.1

RtS - PART 1 - ALTERNATIVE
OPTION - WINTER SOLSTICE

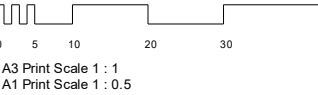
TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - ALTERNATIVE OPTION - SUMMER @ 14.10
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND (PAST RAILWAY)



RtS - PART 1 - ALTERNATIVE OPTION - SUMMER @ 17.10
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S122
REV.1

RtS - PART 1 - ALTERNATIVE
OPTION - SUMMER SOLSTICE

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

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PROJECT No. T703
PLOT DATE. 31/01/2023 9:58:54 AM

1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
NO.	DESCRIPTION	DATE

0 5 10 20 30 50 mm
A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW OVER THE STRAND WATERFRONT - 50% COVERAGE



RtS - PART 1 - ALTERNATIVE OPTION - SUMMER @ 17.30
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENCROACHING OVER THE WATER



RtS - PART 1 - ALTERNATIVE OPTION - SUMMER @ 18.00
SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

SUNSET - 8.40PM

S123
REV.1

RtS - PART 1 - ALTERNATIVE
OPTION - SUMMER SOLSTICE

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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PROJECT No. T703
PLOT DATE. 31/01/2023 9:58:55 AM

1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
NO.	DESCRIPTION	DATE

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A3 Print Scale 1 : 1
A1 Print Scale 1 : 0.5

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - NOTIFIED VERSION - SUMMER @ 15.00
FOR COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - NOTIFIED VERSION - WINTER @ 15.00 FOR
COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S130
REV.1

RtS - PART 1 - NOTIFIED
VERSION - 3PM DIRECT
COMPARISON

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

ADDITIONAL TESTING

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PROJECT No. T703

PLOT DATE. 31/01/2023 9:58:56 AM

1 PC 33 Additional Testing - 2023.01.31
Response to Submissions
- FOR COMMENT

NO. DESCRIPTION DATE

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A1 Print Scale 1 : 0.5

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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
SUMMER @ 15.00 FOR COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - JWL INVESTMENT TRUST OPTION -
WINTER @ 15.00 FOR COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S131



RtS - PART 1 - JWL
INVESTMENT TRUST OPTION
- 3PM DIRECT COMPARISON

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

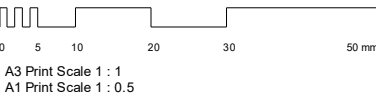
ADDITIONAL TESTING

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PROJECT No. T703

PLOT DATE. 31/01/2023 9:58:57 AM

1	PC 33 Additional Testing - 2023.01.31 Response to Submissions - FOR COMMENT	
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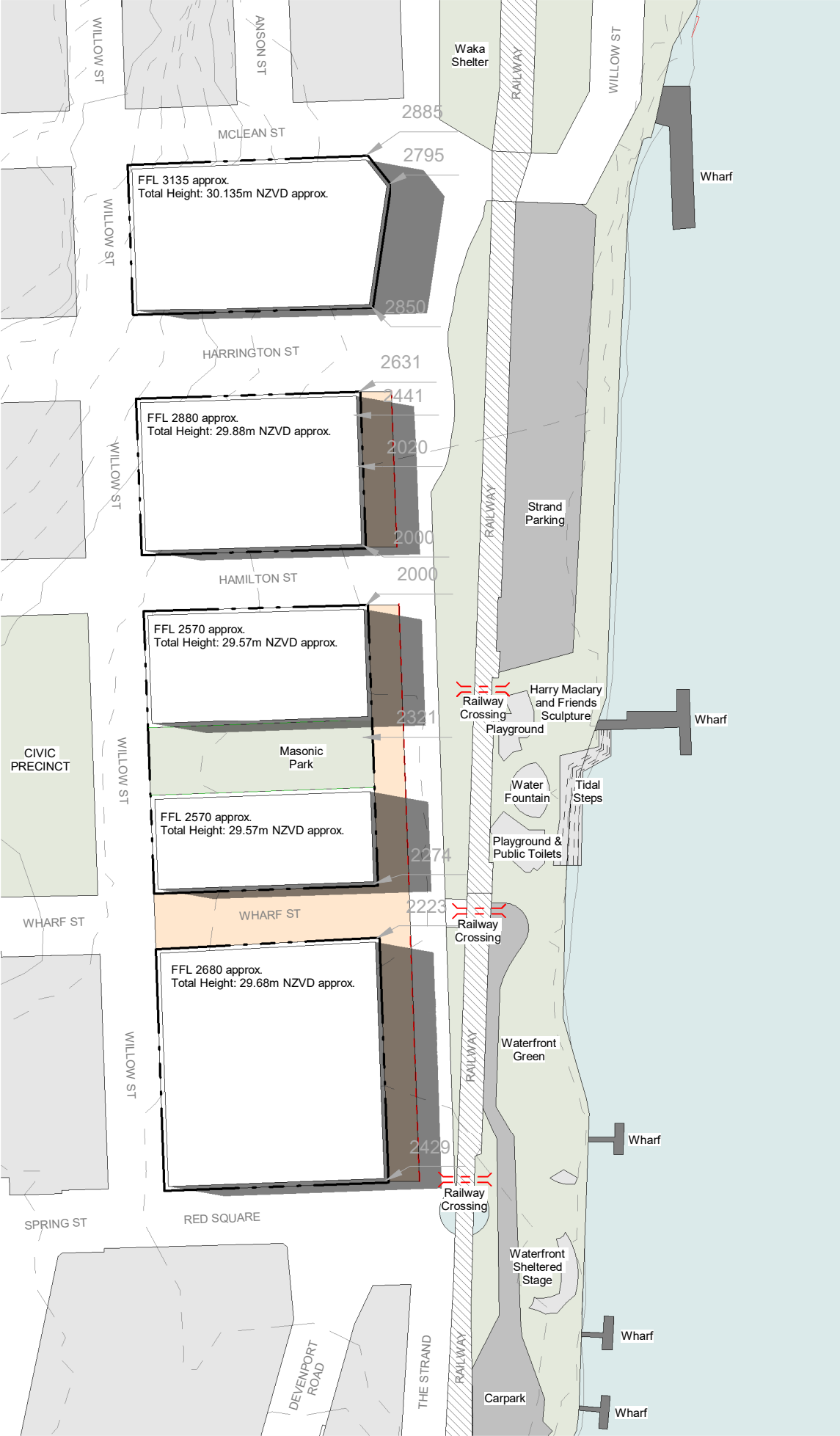


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BUILDING SHADOW ENTERING THE STRAND



RtS - PART 1 - ALTERNATIVE OPTION - SUMMER @ 15.00
FOR COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

BUILDING SHADOW ENTERING THE STRAND (PAST RAILWAY)



RtS - PART 1 - ALTERNATIVE OPTION - WINTER @ 15.00
FOR COMPARISON

SCALE @ A3 - 1 : 2000 SCALE @ A1 - DOUBLE SCALE

S132
REV.1

RtS - PART 1 - ALTERNATIVE
OPTION - 3PM DIRECT
COMPARISON

TAURANGA CITY COUNCIL
TCC PPC 33 RESPONSE TO SUBMISSIONS
TAURANGA CBD ZONE F

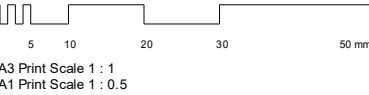
ADDITIONAL TESTING

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PROJECT No. T703

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Appendix 9: Relevant excerpts from annotated district plan text

[Attached to cover email.]

Appendix 9 Excerpts from annotated district plan text

Plan Change 33: Enabling Housing Supply - Annotated Text – December 2023

- ii. Any Controlled Activity that does not comply with *Rule 17A.12.5.8 e., f. and g. - Seventeenth Avenue Commercial Plan Area* or *Rule 17A.13.1.11 e. - Standards and Terms for Residential Activities in the Seventeenth Avenue Commercial Plan Area*);
- g. Any **activity** described as a Restricted Discretionary Activity that does not comply with a Restricted Discretionary Activity Standard and Term;
- h. Any **activity** that does not provide for the Service Lane identified in *Appendix 17P: State Highway 2/Te Paeroa Road Commercial Plan Area Outline Development Plan* in accordance with *Rule 17A.12.5.9 m., n. and o. - Highway 2/Te Paeroa Road Commercial Plan Area*;
- i. Any **activity** within the Bureta Road Commercial Plan Area which contravenes *Rule 17A.12.5.10 j. - Bureta Road Commercial Plan Area* by establishing a vehicle ingress or egress between the Bureta Road Commercial Plan Area and Vale Street;
- j. Any Restricted Discretionary Activity within the Coast Commercial Plan Area that does not comply with a Restricted Discretionary Activity Standard and Term.
- k. Any residential activity in the Commercial Zone that does not comply with three or more of the following standards:
 - i. *Rule 17A.11.2 – Pedestrian Environment Streets;*
 - ii. *Rule 17A.11.3 – Streetscape;*
 - iii. *Rule 17A.11.4 – Boundaries of Commercial Zone and Sensitive Zone;*
 - iv. *Rule ~~17A.14.18.3 b.~~ 17A.11.6.1 – Residential activities in Commercial Zone;*
 - v. *Rule ~~17A.14.18.4~~ 17A.11.6.2 - Outdoor Living Area – Residential activities in Commercial Zone;*
 - vi. *Rule ~~17A.14.18.5~~ – 17A.11.6.4 Size of Independent Dwelling Units – Residential activities in Commercial Zone;*
 - vii. *Rule ~~17A.14.18.6~~ 17A.11.6.3 - Outlook Space – Residential activities in Commercial Zone.*
- ~~l. Any residential activity in the Commercial Zone that does not comply *Rule 17A.14.18.3 a. or c. Residential activities in Commercial Zone.*⁴⁴~~

⁴⁴ Consequential to Property Council of New Zealand (199.6), Haumoana Hospital Limited Partnership (201.3), JWL Investment Trust (269.4), Urban Task Force (318.21), Kāinga Ora (350.115), Zariba Holdings (355.5)

Section 17B – City Centre Zone

Retain 17B.1 - Purpose of the City Centre Zone as notified:

17B.1 Purpose of the City Centre Zone

The City Centre Zone is to maintain and enhance the role and function of the City Centre as the principal retail, commercial, civic, entertainment and cultural centre of the City and the Western Bay of Plenty sub-region.

Zone provisions enable a wide range of land-use activities to establish within base environmental standards. The Plan provisions will guide major change in land use and development on both private and public sites, support the development and use of public spaces and pedestrian amenities, and assist accessibility to and within the City Centre for public and private transport.

The scale and form of buildings and facilities in the City Centre will reflect its premier place in the commercial network of the City and the sub-region. New investment will be attracted to maintain and enhance this position while addressing environmental effects.

The zone encompasses three areas of distinct character and function:

- a. The central city from McLean Street and Monmouth Redoubt through to Third Avenue, where the emphasis is on maximising business, entertainment and civic opportunities through large-scale development while supporting good pedestrian movement, amenity, safety and convenience. An active street frontage with interaction between public and private spaces is expected, with vehicle access across the footpath discouraged.;
- b. The waterfront precinct includes the Dive Crescent area (which has a focus on civic, cultural and commercial activities) and The Strand area (which has a focus on recreation and entertainment activities, particularly events associated with the inner harbour or City Centre itself).
- c. The height of buildings is limited on the eastern harbour edge as shown on Appendix 17A: City Centre Building Heights, but for two different reasons. The height is limited on The Strand (Areas F, G and H) to maintain sunlight to the waterfront open space, and to enable views to the harbour for the more intensive central area. The height of buildings is limited along Dive Crescent (Areas B, C, D and E) to retain views from the culturally significant sites including Monmouth Redoubt and Cliff Road to the harbour.

Opportunities for above ground urban living is important for the vitality of the City Centre. The design of buildings is also critical to a well-functioning, safe and attractive City Centre. Key considerations for residential living include maintaining and enhancing on and off-site amenity, safety, movement, cultural values and other relevant urban design outcomes.

17B.2 Objectives of the City Centre Zone

Retain Objective 17B-O1 - City Centre Role and Function as notified:

17B-O1 City Centre Role and Function

- a. Development of the City Centre supports its role and function as the principal commercial, civic, entertainment and community centre for the City and the Western Bay of Plenty sub-region.
- b. A City Centre that is a functional, safe, inclusive, and an attractive place to live.

Amend Objectives 17B-O2 - Bulk and Scale of Buildings and 17B-O3 - Site Layout and Building Design as follows:

17B-O2 ~~Bulk and Scale of Buildings~~ Design and Site Layout

~~Buildings and structures are of a bulk and scale that balance the landscape character, including the area's waterfront attributes and public amenity, with opportunities for economic investment and activity.~~

17B-O3 ~~Site Layout and Building Design~~

~~Development maintains and enhances the landscape character and amenity values of the City Centre Zone with well-designed public and private buildings, structures and spaces, and enables opportunities for economic investment and activity.~~⁴⁵

Retain Objective 17B-O4 - Urban environment as notified:

17B-O4 Urban Environment

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

Retain Objective 17B-O5 - City Centre Accessibility as notified:

17B-O5 City Centre Accessibility

Convenient, safe and efficient access for passengers and goods, private motorists, pedestrians and cyclists is maintained and enhanced to, from, and through the City Centre.

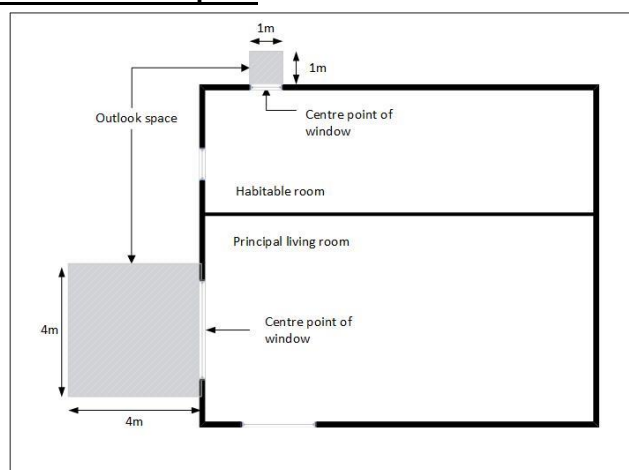
Retain Objective 17B-O6 - City Centre Waterfront as notified:

17B-O6 City Centre Waterfront

Development of the City Centre waterfront area in an integrated way with buildings, structures and public areas that support a range of commercial, recreational, cultural activities and events of a temporary nature.

⁴⁵ Kāinga Ora (350.124)

Figure 17B.3 Outlook space



- b. The minimum dimensions for a required outlook space are as follows:
 - i. A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - ii. All other [habitable rooms](#) must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- c. The width of the outlook space is measured from the centre point of the largest window on the [building](#) face to which it applies.
- d. Outlook spaces may be over driveways and footpaths within the [site](#) or over a public street or other public open space.
- e. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey [building](#).
- f. Outlook spaces may be under or over a balcony.
- g. Outlook spaces required from different rooms within the same building may overlap.
- h. Outlook spaces must:
 - i. Be clear and unobstructed by [buildings](#); and
 - ii. Not extend over an outlook space or outdoor living space required by another [independent dwelling unit](#).

Retain Rule 17B.5.10 – Rules in Other Section of the Plan as notified:

17B.5.10 Rules in Other Sections of the Plan

[Activities](#) within the City Centre Zone shall also comply with the following sections of [the Plan](#):

- a. The provisions of *Chapter 4 – General Rules Provisions*;
- b. The provisions of *Chapter 7 - Heritage*;
- c. The provisions of *Chapter 8 - Natural Hazards*;
- d. The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e. The provisions of *Chapter 11 – Financial Contributions*; and
- f. The provisions of *Chapter 12 - Subdivision, Services and Infrastructure, Section 12G – Purpose of Service and Infrastructure Provisions*.

Amend Rule 17B.6 - Restricted Discretionary Activity Rules as follows:

17B.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a. Any [activity](#) that does not comply with:
 - i. *Rule 17B.5.1 a. - Building Height* for Area F, G or H;

Appendix 10: Relevant excerpts from statements of evidence

[Attached to cover email.]

Appendix 10.

1. Statement of Evidence - Planning, Aaron Collier, 6 September 2023

Appendix 17A: City Centre Building Heights

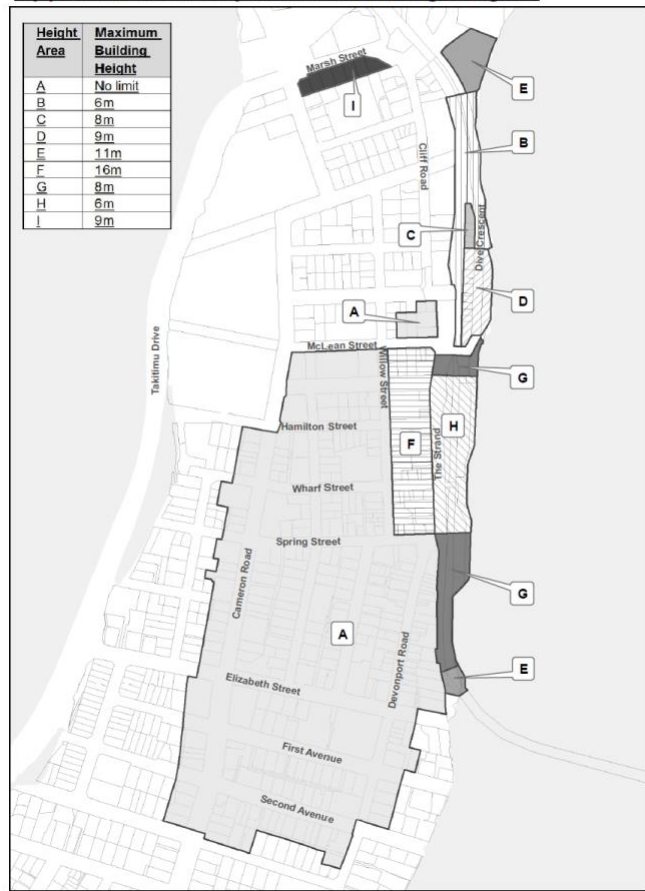


Figure 6: City Centre Building Heights

- 8.2 Council has reviewed the building heights within the CBD as part of the plan change and has suggested that the change sought by JWL to Area F is inappropriate due to shading and overshadowing effects.
- 8.3 With respect to shading and overshadowing this is not a qualifying matter which would exclude the site from an unlimited building height. The 16m maximum height which is recommended in the s.42A report does not reflect the building heights authorised by the submitters current resource consents which are a building height of 20.22m for the stage 1 building and 30.52m for the stage 2 building. These resource consents have been given effect to, and works have commenced on site for building foundations and other construction. The buildings also contain residential activities.
- 8.4 I do not agree with the statement in the s.42A report that height in Area F as to which height is acceptable is *"somewhat of a judgement call"*⁷.
- 8.5 The issue of shading effects and the fact that a higher building may create shading effects earlier in the day in relation to the adjacent land is irrelevant. The approach adopted by the Council in rejecting JWL's submission has no basis in terms of policy

⁷ s.42A report Volume 9 page 39.

2. Statement of Evidence - Economics, Fraser Colegrave, 12 September 2023

- 17 At this session, the Council tabled proposed new heights for the land covered by SML's submission, which I supported.

Council's Current Position

- 18 Council's initial position, as informed by Tim Heath's analysis, was that the physical extent of the Mount Maunganui town centre should end mid-block, just north of Rata Street. That was subsequently extended down to the intersection with Tawa Street, and the corresponding walkable catchments updated accordingly.
- 19 In addition, the section 42A report recommended that the area covered by SML's submission be rezoned as HDRZ, with permitted heights increased to 22 metres.
- 20 I support this revised position because greater height enables the realisation of important economic benefits, as set out below. In addition, this revised position helps better give effect to the enabling ethos of the NPS-UD and the RMA amendments to which PC33 responds.

Economic Benefits of Greater Height

- 21 The revised heights proposed for the land covered by SML's submission – and elsewhere – will enable buildings of up to six storeys to be permitted subject to meeting all other requirements. I support this provision, because greater height is integral to boosting dwelling capacity, expanding housing choice, and improving affordability.
- 22 In addition, greater height is essential to project viability, especially in areas like Tauranga City, where land values are high. Faced with expensive land costs, property developers must maximise yields to spread them over as many dwellings – or as much floorspace – as possible. Otherwise, the final product will be too expensive, and/or poor quality.
- 23 Moreover, with building coverage limited to 50 % of net site area, the *only* way to increase yields in high values areas is to intensify and build taller. This is why the tallest buildings are usually found in high value areas, and because planning rules are more likely to allow them in such locations.
- 24 While it will take time for the market to adjust and make the best possible use of the greater building heights proposed by PC33, the Auckland experience provides a timely natural experiment into how things could play out over time in Tauranga.
- 25 In 2015, the Auckland Unitary Plan became operative in part. Amongst other things, it enabled much greater height in strategic locations across the region. The market response was much swifter than many expected, with a surge of higher density developments quickly emerging across the region, even in places that were previously dominated by low-rise, stand-alone dwellings. This is shown in the graph

3. Section 42A Hearing Report, Appendix 6 – Expert Conferencing Joint Witness Statements, Approach to Policy 3(c) and (d)

7. Adam Thompson considers the proposed HDRZ around the Mount Maunganui commercial centre will create demand for much larger centre. The Town Centre classification may not reflect its function and there may be challenges finding suitable additional commercial land to expand this centre.

3.4 Planning recommendations for centres

1. Aaron Collier and Fraser Colegrave agree with the July 2023 provisions relating to the residential height and density around the Gate Pa commercial area.
2. Bryan Perring and Craig Batchelar agree with the July 2023 provisions relating to the residential height and density around The Sands commercial area.
3. TCC notes that Mark Arbuthnot does not challenge the July 2023 residential provisions affecting the residential zoned land around the Tauranga Crossing commercial area.
4. Mark Arbuthnot and Greg Akehurst do not agree with the July 2023 classification of Tauranga Crossing as a 'Town Centre', they consider it should be a 'Metropolitan Centre'. They consider that as part of PC33 the planning provisions affecting the Tauranga Crossing commercial area (Tauriko Commercial Zone) should be amended to give effect to Policy 3 by increasing the height from 16m to 21m and deleting the GFA constraint.
5. Stephen Brown, Craig Batchelar and Shae Crossan do not agree with the July 2023 residential height and density provisions around the Mount Maunganui commercial area.
6. Craig Batchelar and Shae Crossan support the notified PC33 provisions relating to residential height and density provisions around the Mount Maunganui commercial area.
7. Stephen Brown broadly agrees with the approach adopted by Craig Batchelar and Shae Crossan in point 6. above, but considers that some other small scale amendments to the height and density controls would be appropriate.
8. Adam Thompson does not consider that there is sufficient information to justify both the notified and July 2023 PC33 provisions. Adams concerns relate to whether the commercial area will be sufficient to service the future residential population.
9. Rebecca Ryder is in support of Council's position for height for the Mount area. Rebecca note's that Council's expert with regard to landscape expertise on height matters is not in this caucusing session.
10. Aaron Collier and Fraser Colegrave support the July 2023 height and density as shown on the July 2023 for Mount Maunganui, subject to feasibility concerns around 16m identified below.
11. Susannah Tait is concerned about the stepped height approach and in particular the feasibility of building within the 16m height limit, noting that this anticipates a 4 storey development and this would require installation of a lift. Susannah, Aaron Collier, Nicki Williams and Fraser Colegrave support an alternative height limit of 22m as this will definitely enable a high density outcome. Susannah agrees with the extent of the high density in the July 2023 maps.
12. TCC experts consider the 16m height limit provides for up to 5 storey buildings, depending on design. The experts identified in points 11. and 12. will arrange a separate discussion on this matter.

3.5 Methodology for assessing sufficient development capacity

1. Action: where any of the experts have additional minor queries or suggested amendments to the July 2023 suite of reports – it was agreed that these should be sent to the Council and, if necessary, Council follow up with other parties who may have an interest and possible discussion with report authors.
2. Adam Thompson considers an estimate of apartment feasibility requires a specific evaluation of the costs and revenues of apartments and cannot be inferred from terrace house feasibility. Adam is concerned that the methodology used in the July 2023 reports underestimates the amount of apartments that will be realised in the Mount Maunganui area. If the Mount Maunganui area delivers a large number of apartments this is likely to exceed the level of commercial services available and therefore would be inconsistent with Policy 3(d).

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

- 4.1 The participants to this Joint Witness Statement, as listed below, confirm that:
- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
 - (b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
 - (c) The matters addressed in this statement are within their area of expertise; and
 - (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Independent Facilitator and this is recorded in the schedule below.

Confirmed online 26 July 2023

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Fraser Colegrave (Econ)	Sanderson Management Limited JWL Investment Trust	Yes – participated only in agenda items 3.1-3.4
Aaron Collier (P)	Sanderson Management Limited JWL Investment Trust	Yes
Rebecca Ryder (L)	Sanderson Management Limited Bay of Plenty Regional Council	Yes
Nicki Williams (P)	Retirement Villages Association Ryman Healthcare Limited	Yes
Shae Crossan (P)	Waymark Holdings Limited	Yes
Stephen Brown (L/UD)	Waymark Holdings Limited Mount Business Association Classic Group	Yes
Mark Arbuthnot (P)	Tauranga Crossing Limited	Yes
Greg Akehurst (Econ)	Tauranga Crossing Limited	Yes – participated only in agenda items 3.1-3.4
Craig Batchelar (P)	Bluehaven Investments Limited Mount Business Association	Yes
Bryan Perring (Comm Dev)	Bluehaven Investments Limited	Yes
Adam Thompson (Econ)	Mount Business Association Classic Group	Yes

Without a supermarket, petrol station, local and central government service centres, or even a sizeable service / office community, the centre lacks the breadth of activities and services generally associated with a metropolitan centre (like Tauranga) or even a fuller service centre (like Bayfair)". Furthermore, at Paragraph 9 Mr Brown states "Instead, it retains a strong orientation towards the increasingly lengthy cruise ship calendar and market, summer visitors including a large-scale teen News Year Eve cohort, weekend use by a more variable array of local visitors, and local residents whose use can also be intermittent but more focused on lunchtimes and evenings."

21. All of the above leads me to an opinion that the MMN area is significantly different to any other commercial centre within Tauranga and should therefore be carefully consideration in a different light than other commercial centres within the City in terms of residential intensification. Its primary function is a tourist and entertainment destination.
22. It is also acknowledged in the Property Economics Stage 2 Report (Page 30), that *"For Mt Maunganui to improve its status in the hierarchy there needs to a significant broadening of its offer, specifically to include a supermarket of some form and commercial employment opportunities. Its current narrow focus, albeit successful within its current focus, needs to widen to elevate its status"*. In my opinion, additional commercial employment opportunities and a supermarket would and/or should be needed now to meet the revised proposed density given the closest supermarket is not within a "walkable catchment" (the existing closest supermarket is some 800m south of the southernmost extent of the MMN area and 3km south of the northern extent).

POLICY 3(d) – COMMENSURATE HEIGHTS AND DENSITIES

23. I understand that the key driver for TCC to re-evaluate densities across the City is to ensure that it is meeting the requirements of Policy 3 of the

4. Submitter Expert Evidence, Waymark Holding Limited – Simon Clark – Commercial property

10. My experience indicates that supermarkets and other larger retailers find the land or rentals too expensive in the MMN area to make new development viable and they must look further away from the centre to find viable options. The current commercial zoning around Newton Street, MacDonald Street and Owens Place (shown on Figure 2 below) will, in my view, cater for any further need in the wider Mount to Arataki area for commercial land or new commercial tenancies long into the future and, as planned, is well separated from the residential zone to cause the least negative effect on people and family's living nearby. These commercial zones are also on the edge of a well developed and nationally important industrial area, adjacent to the Port of Tauranga.



Figure 2: commercially developable land within the wider Mount to Arataki catchment

11. In the last 10 years I am only aware of one occasion where land sufficient to provide for a large Countdown or New World supermarket has been available in the vicinity of the MMN area. The site that is now home to

Carparking

16. The MMN area is already becoming too busy during weekend and holiday periods as people can't find reasonable parking and the public is pushed into the neighbouring streets to park their cars. Without any obvious solutions to the lack of carparking I consider that customers would quickly be put off by this and potentially they would choose not to visit the MMN area.

EFFECTS OF HIGH DENSITY ZONING ON THE MMN COMMERCIAL PROPERTY MARKET

17. If a much more intensified residential offering was provided for, as well as adding further commercial zoning in this locality in my opinion it would unbalance the commercial market and put the market at risk of becoming inaccessible to locals and tourists so causing vacancy and deterioration of the unique look and feel of this already thriving commercial area.
18. The current commercial zones and existing higher density zones beyond the shopping centre as well as medium density intensification of the residential zone will, in my view, cater for future growth in this area long into the future.
19. I anticipate there will be further modernisation of the buildings in the Main Street with high quality retail premise on the ground floor with offices and apartments on the upper levels. A recent example of this is the new Quest Hotel (at the corner of Rata and Maunganui Streets) which has created a new gateway to the MMN area with a quality retail offering on the ground and high-density accommodation on the upper levels.
20. From a property market perspective, if further intensification was allowed in the surrounding residential areas, it would discourage development from occurring in the Main Street, as apartment demand would be diluted and new developments in the Main Street would become unviable.

Appendix 11: Relevant excerpts from hearings opening statements

[Attached to cover email.]

Appendix 11

Opening Statement of Carolyn Wratt on behalf of Tauranga City Council, Session 2 Hearing

Matters of discretion

- 5.14 I recommend amendments to the remaining matters of discretion to make them consistent with Ms Peters' recommended changes to the equivalent matters of discretion in the residential zones. As these are for non-compliance with the same standards in the residential zones, I see no reason for the matters of discretion to be different in the City Centre Zone.
- 5.15 In response to the evidence of Ms Williams on behalf of Ryman Healthcare Limited and Retirement Villages Assoc, I recommend inclusion of "positive effects" as a matter of discretion for overheight buildings. I consider this will enable a more balanced consideration of the effects.

6.0 OUTSTANDING AREAS OF CONTENTION

- 6.1 Below I have identified what I believe to be the main outstanding issues still in contention where I do not agree with the amendments being sought in submissions or evidence.

Height of Area F

- 6.2 Evidence from Mr Waddell and Mr Collier on behalf of JWL Investment Trust oppose the height limit of 16metres for Area F within the City Centre Zone. In particular, their evidence addresses the "Northern Quarter site" which is bounded by Hamilton, Harrington and Willow Streets, and is a portion of Area F.
- 6.3 The 16metre height limit of the operative City Plan was retained in PPC33 for the reasons of shading on the public open space that lies between The Strand and the harbour. In response to the submission from JWL Investment Trust, Council asked Designgroup Stapleton Elliott to undertake modelling of the shading effect of 16metres height in Area F as well as two other height scenarios.
- 6.4 Mr Collier considers that it is not a QM under s77O of the RMA, and in particular criteria (f) which relates to open space. I agree, but point out that retaining the maximum height of Area F as a QM was applied under s77O(j) of the RMA (not s77O(f) as asserted by Mr Collier). Section 77O(j) relates to any other matter that makes higher density development, as provided for by Policy 3 of the NPS-UD, inappropriate in an area. The s32 evaluation for this QM was undertaken in accordance with the requirements of sections 77Q and 77R of the RMA for the evaluation of existing QMs.
- 6.5 I acknowledge that two consents have been granted for the JWL site at 62 Willow Street for a height greater than 16metres, however I note that the JWL site is only a portion of the land within Area F; estimated as being less than a quarter of Area F. The two granted resource consents for Stages 1 and 2 have proven that, with a good design, overheight buildings may be successfully consented. In addition, I note that the JWL resource consents were granted as a discretionary activity status, whereas non-compliance with the maximum height of 16metres in Rule 17B.5.1 - Building Height is recommended in PPC33 to be a restricted discretionary activity.
- 6.6 The evidence of Mr Waddell and Mr Collier has not caused me to change my recommendation in relation to the maximum height of Area F.

Tauranga City Council Opening Statements – Session 2 Hearing, Day 4:

Opening statement of Ashlee Peters, Approach to giving effect to NPS-UD for Mount Maunganui North Area

1.0 INTRODUCTION

- 1.1 This opening statement has been prepared by Ashlee Peters, Senior Policy Planner at Tauranga City Council (Council). My qualifications and experience are set out in the s.42A report, publicly released on 25 August 2023. I repeat the confirmation that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

2.0 PURPOSE

- 2.1 My opening statement will provide context for how PPC33 gives effect to Policy 3 of the NPS-UD for Mount Maunganui North.
- 2.2 I have relied upon the expert evidence of Mr. Tim Heath to assess the Mount Maunganui North commercial centre and its range of commercial activities and community services.

3.0 MOUNT MAUNGANUI NORTH

Notified zoning and heights

- 3.1 As notified, PPC33 classified the commercial zone of Mount Maunganui as nearest equivalent to a town centre zone (Appendix 15 of the s32 Report).
- 3.2 The overall approach to zoning for this area included:
- a. Medium Density Residential Zone (**MDRZ**) proposed to apply to land in the operative Suburban Residential Zone.
 - b. 'New' High Density Residential Zone (**HDRZ**) proposed to apply to land in the operative High Density Residential Zone.
 - c. The operative High Rise Plan Area was carried through into the new HDRZ without material change.
 - d. New Mount Maunganui Precinct introduced to carry over objectives, policies and activity status for non-residential activities within the operative HDRZ from Adams Avenue to Banks Avenue. This also carried over the objective and policy framework for managing height in and around the High Rise Plan Area.
- 3.3 However, PPC33 did not propose additional height beyond the Medium Density Residential Standards (**MDRS**) requirements in the Mount Maunganui North area, or the operative height for the commercial zone (12m).
- 3.4 This was a precautionary approach to uncertainty about the effects of greater building height on cultural and landscape values (s6 RMA matters of national importance).
- 3.5 Council intended to assess these matters further in an upcoming spatial plan.

Submissions

- 3.6 Submissions from Sanderson Management Ltd (208), Urban Taskforce (318) and Brain Goldstone (211) sought to increase the extent and scale of building heights within and around a walkable catchment of the Mount Maunganui centre to give effect to Policy 3.
- 3.7 A significant number of further submissions were received which opposed opportunities for additional height or density in the area.

Tauranga City Council Opening Statements – Session 2 Hearing, Day 4:

Opening statement of Janine Louise Speedy, Introduction to Mount Maunganui North Area

1.0 INTRODUCTION

- 1.1 This opening statement has been prepared by Janine Louise Speedy, Team Leader: City Planning at Tauranga City Council (Council). My qualifications and experience are set out in the s.42A report, publicly released on 25 August 2023. I repeat the confirmation that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

2.0 PURPOSE

- 2.1 The purpose of this opening statement is to provide a brief introduction to Plan Change 33 – Enabling Housing Supply (PPC33) as it relates to the Mount Maunganui North area.
- 2.2 Opening statements will follow from Ashlee Peters and Manasi Vaidya as the lead authors of key components of the s42A report as they relate to the Mount Maunganui North area.

3.0 INTRODUCTION

- 3.1 The Mount Maunganui area was included in PPC33 where the land is zoned High Density Residential Zone, Commercial Zone and Suburban Residential Zone in the operative City Plan. These zones are identified as relevant residential zones to implement the Medium Density Residential Standards (MDRS) and give effect to Policy 3(d) of the National Policy Statement on Urban Development (NPS-UD).
- 3.2 PPC33 as notified proposed to rezone the Suburban Residential Zone to Medium Density Residential Zone to implement the MDRS, combine the operative High Density Residential Zone located in the Mount Maunganui North area with the proposed High Density Residential Zone to implement the MDRS and align provisions and amend provisions in the Commercial Zone. The plan change did not propose any additional height beyond the MDRS requirements in the Mount Maunganui North area.
- 3.3 There were three submissions received which seek to increase height with two submissions specifically referring to giving effect to Policy 3(d) of the NPS-UD. There were also submissions which seek no change to the operative provisions within the Mount Maunganui North area.
- 3.4 The summary of decisions requested was notified to all submitters on 28 November 2022 and the opportunity to make a further submission.
- 3.5 In addition, Council sent letters to ratepayers in the Mount Maunganui North area to advise that requests for additional height around the Mount Maunganui commercial centre had been made and provided details on how to make a further submission. This area extended from Adams Avenue to Sutherland Street, Terrace Ave and up to Hinau Street. There was a two week period to make a further submission.
- 3.6 Of the 205 further submissions received, a substantial number of these are from residents opposing any additional height in the Mount Maunganui North area. These submissions raised concerns regarding the landscape and character values, lack of infrastructure, risk of natural hazards, lack of car parking, cultural values and that the commercial centre is a visitor centre rather than a town centre.

- 3.7 The Mount Maunganui North area was a significant part of expert conferencing held on 26 July 2023. Particularly discussion on the type of centre in the Mount Maunganui North area and how that relates to Policy 3(d) of the NPS-UD.
- 3.8 In response to these submissions and further submissions received, additional technical work on the type of commercial centre and on qualifying matters was undertaken to inform the recommendations set out in the s42A report.

Appendix 12: Relevant excerpts from Section 32 report

[Attached to cover email.]

Appendix 12 Section 32 Evaluation Report, Volume 3 - Commercial Zone

As part of PPC33 an assessment was undertaken to look at where Policy 3 should be applied in the City and determine the subsequent changes to height and density. This process is set out in detail in Appendix 15 and informs the changes proposed to the Commercial Zone.

Notably, the Appendix 15 assessment identifies that no existing commercial centres are equivalent to the metropolitan centre zone prescribed in Policy 3(b). The equivalent town centres, local centres or neighbourhood centres are considered to be subject to the requirements of Policy 3(d).

The Amendment Act or Policy 3(d) does not prescribe the level of building height or density of urban form required within the equivalent town centres, local centres and neighbourhood centres. Therefore, the methodology set out in Appendix 15 determines the threshold for height that is commensurate to the scale of commercial activity and community services enabled or established in and around each block of Commercial Zoned land. The methodology also considers the strategic approach to opportunities or constraints for each centre.

In summary, the following building heights are proposed for centres equivalent to town centre, local centre or neighbourhood centre zones to give effect to Policy 3(d):

Commercial Centre	Height within the Centre
Te Papa Spatial Plan, including: <ul style="list-style-type: none"> • Cameron Road Commercial Zoned land; • Fraser Cove; • Gate Pa; • Greerton; • Other associated neighbourhood or local centres within the catchment*. 	Up to Eight storeys Up to 27 metres *Heights vary from 16 to 27 metres for other smaller centres within the catchment.
Otumoetai Spatial Plan, including: <ul style="list-style-type: none"> • Cherrywood*; • Brookfield**. 	*Four storeys 16 metres ** Up to Six storeys Up to 21 metres
Town Centre: <ul style="list-style-type: none"> • Mount Maunganui. 	Current 12m height retained. Opportunities for greater height and density subject to further spatial planning to address cultural landscape values.
Town Centre: <ul style="list-style-type: none"> • Bayfair/Arataki; • Bethlehem; • Papamoa Plaza/ Fashion Island; • Wairakei*. 	Six storeys 21 metres *Wairakei Town Centre (Core) retains 24 metres
Local Centre: <ul style="list-style-type: none"> • Tweed Street; • Golden Sands; • Pyes Pa. 	Four storeys 16 metres
Other Neighbourhood Centres	Retain 12 metres
Other Commercial Centres	Retain existing plan provisions

to identify which commercial areas align with the definition of neighbourhood, local or town centre zones is set out below. These criteria include consideration of:

1. Whether existing land use is characterised by a range of commercial and community activities that service the residential catchment or by industrial, large format activities or special purpose;
2. Whether the surrounding land use is predominantly residential; and
3. The scale or size of the commercially zoned land.

The centres which are identified to meet the town, local and neighbourhood centre allocation will then progress to the next step, which adds a discretionary strategic lens.

- Step 2

Step 2 adds a strategic lens to these allocations to determine if specific circumstances of a centre effect how it aligns with the relevant definition of town, local and neighbourhood centre in the NPStds. This will allow for consideration of strategic direction, such as spatial planning outcomes (i.e Te Papa, Otumoetai and UFTI) to provide further justification about the purpose of the centre and potential up-zoning under Policy 3 of the NPS-UD. This is particularly relevant for any areas that may be identified as a smaller centre but are well connected in terms of public transport or provision of community facilities. It could also be applied to restrict development where the catchment has significant constraints, or the purpose of an undeveloped centre is yet to be determined.

From here, centres will be allocated as town, local or neighbourhood centres that are necessary to progress the Stage 2 assessment on building heights and density of urban form required by Policy 3(d).

Stage 2 – Mapping spatial extent of High Density Residential Zones

- Step 3

Once the relevant commercial centres are identified, consideration is given to what land is ‘adjacent’ to the centre as directed by Policy 3(d) in the NPS-UD.

It is accepted that ‘adjacent’ refers to a walkable catchment around the centre from the zone boundary. The extent of this catchment increases relevant to the scale of the centre to recognise that people will walk further for a greater range of services, transport options or employment.

- Neighbourhood Centre – No additional walking catchment applied as the MDRS is considered to provide building heights and density of an urban form that is commensurate with the level of commercial activities and community services within a centre (consistent with all other Tier 1 councils approach to implementing Policy 3(d)).
- Local Centre – 400m walking distance, approximately 5 minutes walk
- Town Centre – 800m walking distance, approximately 10 minute walk

The extent of the catchment takes into consideration accessibility along formed footpaths that provide safe and convenient walking access to the centre. Land use constraints, such as state highways, access through industrial land, steep topography, or natural barriers, have also been considered and reduced the accessibility accordingly. Land that is open space or rural in character is also excluded from the catchment.

The outcome from this provides the extent of the proposed High Density Residential Zone.

- Step 4

Once the spatial extent of the High Density Residential Zone is determined, consideration was given to building heights and density of urban form within the commercial centres themselves and the surrounding residential land that is up-zoned.

It is proposed to use a tiered approach to increasing height based on:

- town centres - enable six storeys (21 metres),
- local centres enable 4 storeys (16 metres); and
- neighbourhood centres retain 3 storeys to align with MDRS.

In terms of enabling density of urban form within the commercial centres, it is proposed to remove density limits for independent dwelling units in the Commercial Zone by introducing a restricted discretionary activity status and supporting urban design controls. A height map for each High Density Residential Zone and identified Commercial Centres is included as an appendix to Chapter 14.

- Step 5

Amendments to height and density were considered for zone provisions to accommodate a prescribed list of qualifying matters. The final outcome is a height map for the High Density Residential Zone that will sit as an appendix in the zone chapter. Where existing rules in the plan appropriately manage the qualifying matter, these have not influenced the height enabled in the zone.

4. Mapping

The application of the methodology for Policy 3(c) and (d) in the NPS-UD has identified the following centres for up-zoning of adjacent residential land and additional height within the relevant commercial zone:

Centre	Walkable Catchment	Height within the walkable catchment
Te Papa Spatial Plan, including: <ul style="list-style-type: none"> • Catchment* from City Centre Zone; • Fraser Cove**; • Gate Pa**; • Greerton**; • Other associated neighbourhood or local centres within the Spatial Plan. 	*1500metres Approx. 15minute walk **800metres Approx. 10minutes walk	Eight storeys 27 metres Including transitional areas of 16 to 21 metres
Ōtūmoetai Spatial Plan, including: <ul style="list-style-type: none"> • Cherrywood; • Brookfield; • Southern side of Bureta. 	400metres-800metres Approx. 5-10minutes walk	Four to six storeys 16 to 21 metres
Town Centre: <ul style="list-style-type: none"> • Mount Maunganui 	Extent of current High Density Zone replaced with proposed High Density Residential Zone.	Current height limits retained. Opportunities for greater height and density subject to further spatial planning to address cultural landscape matters.

Section 32 Evaluation Report, Appendix 15: Spatial Extent of NPS-UD Policy 3(c) and (d)

Location of Commercial Zone	Operative Plan		Is the established land use characterised by industrial activities, large format activities or a special purpose?	Is the surrounding land use predominately residential?	Size of Commercial Zone	Nearest NPStd Equivalent Centre Zone	Strategic Comments
	Zone	Plan Area					
		Sensitivity Area		wastewater treatment plant and bridge.			
Marsh Street, Pitt Street, West Street	Commercial	NZTA Reverse Sensitivity Plan Area	Yes, light industry	No,	N/A	N/A	Mix of trade, construction, retail, marine supplies, day care, smaller tenancies,
Mount Maunganui Main Street Pacific Avenue to Grove Avenue	Commercial	Part Flood Hazard Plan Area	No	Yes	72,671m ² (7.27ha)	TCZ	Linear development along Maunganui Road from Mt Drury to Grove Avenue. Landscape/cultural values significantly affect extent of potential height opportunities. Mount Maunganui Spatial Plan intends to address these matters in a comprehensive manner. Existing High Density Residential Zone around fringes supports town centre function. Flood and inundation hazard issues raised through the Indicative Business District. Close proximity to heavy industrial land uses through the Port Zone. The Mount Maunganui Spatial Plan is scheduled to commence in early 2023.
Mount Main Beach 4 Marine Parade	Commercial	N/A	No	Yes	203m ² (0.02ha)	NCZ	Restaurant
Corner Maunganui Road/Adams Avenue 2 Maunganui Road	Commercial	Flood Hazard Plan Area	No	Yes	873m ² (0.09ha)	NCZ	Dairy, eateries
Maunganui Road north of Blake Park 416-436 Maunganui Road	Commercial	N/A	No	Yes	10,346m ² (1.03ha)	N/A	Café, takeaways, small retail, dairy, visitor accommodation (Quest and backpackers). More of a general purpose commercial space. Not clearly linked to the main Town Centre strip ending at Grove Avenue to the north. Can be considered further through the Mount Maunganui Spatial Plan.
Corner Bain Street/Maunganui Road 425 Maunganui Road	Commercial	N/A	No	Yes	241m ² (0.02ha)	NCZ	Mini-mart, takeaways, small business
Maunganui Road south of Puriri Street 373-400 Maunganui Road	Commercial	N/A	Yes, Council library and open space reserve	Yes	N/A	N/A	Council Library and Zespri offices. Potential to partially rezone to open space for vested reserve.
373 Maunganui Road	Commercial	N/A	No	Yes	927m ² (0.09ha)	NCZ	Dairy

Appendix 13: Relevant excerpts from submissions and legal submissions

[Attached to cover email.]

Appendix 13. 1 JWL Investment Trust Submission #269 on Proposed Change 33 to the Tauranga City Plan

Submission on Proposed Plan Change 33 to the Tauranga City Plan

[Clause 6](#) of Schedule 1, Resource Management Act 1991

To: Tauranga City Council

Name of submitter: JWL Investment Trust

This is a submission on proposed Plan Change 33 to the Tauranga City Plan (Enabling Housing Supply).

We could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are as set out in the attached table.

JWL Investment Trust (JWL) is a property trust independently administered in Tauranga. JWL are active across Tauranga City in significant commercial and residential land development and building projects. JWL have undertaken investment in land development and commercial buildings in Tauranga for the past 20 years. This investment includes the subdivision and development of land for residential purposes, private plan changes and master planned commercial development (including land at Gate Pa). JWL has significant land holdings, predominantly within the Tauranga CBD and within the Gate Pa/Cameron Road corridor. These land holdings include the Gate Pa retail centre and Mitre 10 at Cameron Road. JWL's site was zoned commercial through a mix of private plan changes and as part of the last City Plan review. JWL have provided significant investment in the Gate Pa centre over the last 15 years.

JWL are also the owners and developers of the Northern Quarter site which is located on Lot 1 DP 559052. The site is bordered by Hamilton Street, Harrington Street, and Willow Street). The Northern Quarter site is currently undergoing redevelopment with Stage 1 having commenced.

JWL submission seeks to ensure that the City Plan must contain efficient and appropriate methods, policies and rules to facilitate appropriate growth and development. Changes to the City Plan under Plan Change 33 must be based on sound planning policy, supporting technical information and assessment, and must avoid the creation of both inefficient processes and unnecessary costs.

269.1

JWL generally supports Plan Change 33 with the creation of the opportunity for medium density residential development and the inclusion of further building heights in both the commercial and residential zones to give effect to the National Policy Statement – Urban Development (NPS-UD).

269.8

JWL consider that Plan Change 33's framework must not introduce unnecessary regulatory processes and planning pathways or furthermore restrictive provisions than those which exist in the Operative District Plan. This is particularly so in relation to the

269.2

Page No	Reference	Support/Oppose	Decision Sought	Reasons
Commercial Zone provisions	Restricted discretionary activity status for residential activities in commercial zones	Oppose	That residential activities be provided for as a permitted activity in commercial zones. 269.4	<p>We oppose the more restrictive framework proposed for residential activities within the commercial zone under Plan Change 33.</p> <p>The change in activity status from permitted to restricted discretionary fails to promote the role of centres in achieving intensification. The more restrictive and less enabling approach is contrary to the NPS-UD.</p>
Planning Map	Building height Tauranga City Centre – Building heights Appendix 17A	Oppose	<p>We oppose the restrictions on building heights in Area F and subsequent rules relating to this 269.5 restriction which imposes a 16m building height over the Northern Quarter site.</p> <p>We seek that the 16m building height be removed and that an unrestricted building height should apply.</p>	The provision of an unrestricted building height as a permitted activity should occur as a restriction of 16m is not supported by clearly defined qualifying matters in relation to Area F. The approach goes beyond protecting the waterfront area and will inhibit future development of the land.
Commercial Zone provisions	Restricted discretionary activity status of buildings in the City Centre zone	Oppose	We seek that all buildings in the City Centre zone be provided for as a permitted activity. 269.6	Plan Change 33 removes the permitted activity status of buildings within the City Centre zone. It is unclear how this can occur under Plan Change 33 as this matter is not related to residential intensification. We are concerned that this will result in unnecessary costs and delays and uncertainty, and is contrary to the many incentives from the Council which promote growth and revitalisation of the City Centre. A permitted activity status (as currently applies) should remain. 269.7
Planning maps and associated provisions	Qualifying matters (Plan Change 27 – flooding from rainfall events)	Oppose	We seek that the identification of natural hazards (flooding) is restricted to natural hazards as shown on the City Plan maps in terms of qualifying criteria and that Plan Change 27 can not be used for the identification of qualifying matters.	The matters identified as qualifying matters with respect to flooding from rainfall events are better addressed as matters which can be considered through the resource consent process as matters of discretion and addressed with site specific information and suitable detailed design solutions. This is how the

within the relevant commercial zone: Bayfair/Arataki, Bethlehem, Papamoa Plaza/Fashion Island and Wairakei.¹⁶

19. In response to submissions, the reporting planner recommended changes to amend the notified version of PC33 to provide for greater height and density in the Mount Maunganui North area. This included increasing height in the Commercial zone from 12 metres to 22 metres (6 storeys), through proposed amendments to Rule 17A.11.1 and Appendix 14Q: Building Heights in the High Density Residential Zone and Identified Commercial Zones.¹⁷ These amendments are a reasonably foreseeable logical consequence of the submissions by Sanderson Management Limited, Mr Goldstone and Urban Task Force for Tauranga. They are therefore within scope.
20. As set out in our Session 1 reply submissions dated 18 July 2023, further comfort can be taken from Tauranga City Council (TCC) having taken the additional step of writing to residents in the Mount Maunganui North area advising them of a number of submissions seeking greater height. There were 205 further submissions lodged, and a large proportion of these related to the Mount Maunganui North area, largely in opposition to any amendments to the notified heights. It is clear that affected persons were put on notice of the potential for increased height and density in the Mount Maunganui North area and had a real opportunity to participate in the process.

JURISDICTION FOR ADDITIONAL HEIGHT WITHIN CENTRES IN COMMERCIAL ZONES ACROSS THE CITY

21. In their evidence on behalf of Kainga Ora, Ms Tait and Mr Foy recommend an increase in permitted building height limits within centres in the Commercial Zone to 24.5 metres.
22. The Session 2 legal submissions on behalf of Kainga Ora acknowledge that there is no submission point that would allow for a permitted height of 24.5 metres across all centres. However, Kainga Ora submits that the IHP should exercise its powers

¹⁶ Section 32 Report, Appendix 15: Spatial Extent of NPS-UD Policy 3(c) and (d).

¹⁷ Section 42A Report, Volume 4 – Residential Development – General, Section 4.4.4.2, p 32.

development capacity as possible to maximise the benefits of intensification.

29. There is no qualifying matter that applied to the site or the adjoining Council owned reserve to justify a more restricted activity status as the plan was notified regarding Plan Area F. No submission appears to have sought for this through submissions, rather JWL submission sought for the 16-metre height limit of Area F to be removed.
30. The Section 42 A report refers to the reason for the height restriction being that shading effect on land intended as 'public space'. But this Council owned land as zoned in City Centre Subzone H is commercial zone. It has the potential for future commercial uses and buildings. Mr. Collier's opinion is that Council is applying a qualifying matter to the land as if it is zoned open space.
31. A qualifying matter to be applied must legally meet the tests the tests set under s.77O of the RMA. Qualifying matters in the application of intensification policies to urban non-residential areas include Criteria (f) open space provided for public use, but that should be in relation to land that is open space. This land is zoned commercial.
32. Regardless of Councils intention in strategy policy documents that identify the waterfront land for public amenity, based on its commercial zoning and permitted 6 metre building height, Council commercial interests will likely mean that parts of the land will be developed for commercial buildings. This is a model the Council has used elsewhere to offset public space redevelopments (e.g., Zespri building site as part of the Maunganui reserve redevelopment, Mount town centre commercial building block as part of the Ngai Poratakataka square development).
33. It is also arguable that this recommendation to impose a qualifying matter on Area F based on overshadowing, also has trade competition/conflict of interest implications, as Area F heights are being limited to benefit not only

public use of this space, but also Council's commercial interests in benefitting commercial zoned land owned by Council.

Conclusion

34. JWL position on heights for Gate Pa is that there should no restrictive qualifying overlay applied to that part of the site where the operative plan heights of 12 metres be retained (the Mitre 10 site), with no further residential development will be enabled through PC 33 than that in the City Plan. Regarding the rest of the site where heights up to 27 metres is recommended to be a permitted activity, the cultural qualifying matter is accepted, subject to the wording changes recommended by Mr. Collier at paragraphs 4.13 -4.28
35. As stated by Mr. Colgrave, the revised heights proposed for the land covered by JWL's submission will enable buildings of up to six storeys to be built "as of right" subject to meeting all other requirements.
36. Based on JWL's expert evidence, it is submitted the permitted heights for the Area F should be the same as for the rest of the CBD area that has no height limits proposed through PC33.
37. Greater height is integral in Mr. Colgrave opinion in both Gate Pa and the CBD to boost dwelling capacity, expand housing choice, encourage investment, and improve affordability.
38. Gate Pa is a key part of the Te Papa growth area for Tauranga to provide affordable housing and is one of the few suburbs in Tauranga where land is affordable, at least more so than other suburbs in Tauranga¹².
39. The effects of enabling (and constructing) taller buildings in strategic locations such as the CBD have important economic benefits. Mr.

¹² Colgrave, para 19

Appendix 14: Relevant excerpts from Section 42A report, appendices and addendums

[Attached to cover email.]

Appendix 14. 1 Addendum Section 42A Hearings Report (Closing Statement)

cycling improvements; stormwater resilience improvements; and cultural related projects. The investment progressively increases over the course of the ten years, aligned with growth expectations and funding availability. It is not anticipated that the Long Term Plan consultation process will result in significant changes related to this programme of work.

2.4 Similarly, the draft 2024-34 Long Term Plan includes more than \$200m of investment in the Mount to Arataki Spatial Plan area over the next ten years, to support growth in that area. This also includes open space and public realm improvements; roading network improvements (including safety); walking and cycling improvements; stormwater resilience improvements; and cultural related projects. The investment progressively increases over the course of the ten years, aligned with growth expectations and funding availability.

2.5 It is not anticipated that the Long Term Plan consultation process will result in significant changes related to the spatial plan programmes of work.

2.6 The proposed approach of enabling growth within the current City Plan will assist to maximise development opportunities (and associated forward investment) of residential sites, while supporting investment is appropriately provided for over time. Overtime, supporting increase in residential numbers around centres will also allow Regional Council to increase public transport services to these areas, alongside Council investment in walking, cycling and public transport facilities. In this regard, Plan Change 33 contributes to providing for a progressive approach to achieving connected centres outcomes and the related sustainable, liveable neighbourhoods. Conversely, not enabling the increased densities has the risk of resulting in 'under-development' and inefficient use of urban land, compromising the aforementioned outcomes.

3. RESPONSE TO OTUMOETAI SPATIAL PLANNING ADOPTION TIMEFRAMES

3.1 A number of submitters spoke to the OSP and related adoption dates and process. For clarity, the following steps were taken through the process and leading to final adoption of the spatial plan:

- (a) 3 October 2022: Report to Council's Strategy, Finance and Risk Committee including engagement outcomes and seeking adoption of spatial plan (including proposed areas where residential intensification

2. Addendum section 42A hearings report (closing statement)

- 4.1.5 The legal submission¹²³ on behalf of Council confirms there is jurisdiction for recommendations to increase height within and adjacent the Mount Maunganui North town centre to give effect to Policy 3 of the NPS-UD.
- 4.1.6 A range of recommendations are proposed for the Mount Maunganui North area. This includes:
- Increasing the notified height from 12metres to 22metres within the commercial centre.
 - Upzoning and increasing the notified height from MDRS to 22metres for the residential land within 400metres walkable catchment of the town centre, and 16metres for the residential land within 400-800metres walkable catchment of the town centre.
 - Incorporating existing and new qualifying matters to manage s6 matters of national importance.
- 4.1.7 The following sections address:
- a. NPS-UD Policy 3(d) for Mount Maunganui North
 - b. Mount Maunganui Precinct provisions
 - c. Qualifying matters
 - Mount Maunganui North Coastal Environment Plan Area
 - Multiple Natural Hazards
 - Mount Maunganui Airshed
 - Engagement regarding Air Quality in Mount Maunganui North

4.2 NPS-UD Policy 3(d) for Mount Maunganui North

The lead author for this topic is Ashlee Peters.

Extent of commensurate height within and adjacent the Mount Maunganui town centre

- 4.2.1 At the hearing¹²⁴, Council's economic expert Mr Tim Heath was questioned on the meaning of commensurate regarding the level of commercial activities and community services for the Mount Maunganui town centre.
- 4.2.2 Mr Heath stated *"it's forward looking, but its commensurate to the requirements of the market it services. So that's the market it is projected to service in the future, not necessarily now. So commensurate to the types of activities and level of services it should accommodate based on the future projected demand."* I agree with Mr Heath's interpretation of commensurate.
- 4.2.3 The NPS-UD seeks that planning decisions enable and support, rather than constrain, growth pressure in a manner that is appropriate for the forecast needs of the community to contribute to well-functioning urban environments.
- 4.2.4 Objective 1 of the NPS-UD specifies that well-functioning urban environments are for *'all people and communities'*. The NPS-UD does not distinguish between types

¹²³ Legal submissions in reply on behalf of Tauranga City Council Proposed Plan Change 33 – Session 2, dated 1 December 2023

¹²⁴ Day 4, 5 October 2023

3. Addendum Section 42A Hearings Report (closing statement)

9. Closing statement in relation to Volume 9 - City Centre Zone

The lead author for this section is Carolyn Wratt.

9.1 Height in Area F

- 9.1.1 Planning evidence from Mr Aaron Collier on behalf of JWL Investment Trust opposes the height limit of 16metres for Area F within the City Centre Zone. As a recap, Area F is bounded by McLean Street to the north, Willow Street to the west, The Strand to the east and Spring Street to the south. In particular, he considered that to retain the 16metre height ignores the bundle of consents already granted for the “Northern Quarter site” which is bounded by Hamilton, Harrington and Willow Streets site. He estimated the Northern Quarter site to be about 80% of the northern block.²³⁷
- 9.1.2 At the hearing²³⁸, the IHP questioned an option to apply Area A over the Northern Quarter site. This would have the effect of enabling unlimited height to the site. I do not support this approach. Even though a resource consent has been granted for Stage 1 on 22 June 2022 for a building height of 20.8metres, and Stage 2 was granted on 4 January 2023 for a building height of 30.52metres at the roof apex, the building has not been constructed. The resource consent application included landscape assessments to assess the effects which is considered appropriate within Area F. This illustrates that there is a consenting pathway to seek additional height. Removing the height limit would enable those resource consents to be put to one side, and an even higher building to be constructed as a permitted activity. I consider such a development would have a significant effect on the shading of the public space on the waterfront.
- 9.1.3 The evidence of Mr Collier has not caused me to change my recommendation in relation to the maximum height of Area F.

9.2 Addition of Permitted Activity Standards for Residential activities

- 9.2.1 In response to the submissions seeking a more permissive activity status for construction of new buildings and additions to existing buildings, I recommended in my s42A report that the activity status in Rule 17B.4 – Activity Status Rules revert from restricted discretionary back to a permitted activity. This recommendation was cognisant of the Waikanae decision and to give effect to Policy 3(a) of the NPS-UD.
- 9.2.2 PPC33 introduced a number of standards to residential activities in the City Centre Zone to match those of the MDRS. At the hearing²³⁹ the IHP questioned whether the introduction of these standards would be contrary to the decision in Waikanae. There are several possible answers to this question. One perspective is that it is not contrary to the Waikanae decision because PPC33 removed the height limits from the southern and western parts of the City Centre Zone, which enables greater residential development as a result. With increased residential development comes a greater importance on the quality and liveability of each

²³⁷ Day 6, 9 October 2023.

²³⁸ Day 6, 9 October 2023

²³⁹ Day 2, 3 October 2023.

4. Addendum Section 42A Hearings Report (rebuttal)

Response

- 5.6 In response to Mr Waddell's discussion of the specific height agreed to as part of the previous City Plan review, I assume he is referring to the Northern Strand Scheduled Site identified in Appendix 17M: Northern Strand Scheduled Site Outline Development Plan. The maximum height for this site was unchanged by PPC33 and remains in Rule 17B.5.1 - Building height as:

A building which includes a multi-level tower block with a maximum height of RL35 m (excluding an area for building services, utilities and plant which shall have a maximum floor area of 120m² and a maximum height of RL39m) in accordance with Appendix 17M: Northern Strand Scheduled Site Outline Development Plan

- 5.7 Turning to the maximum height for Area F, Mr Collier considers that it is not a QM under s77O of the RMA, and in particular criteria (f) which relates to open space.⁷³ Mr Collier is correct that s77O(f) does not apply as it relates to open space provided for public use, but only in relation to land that is open space. I agree that Area F is not open space. Retaining the maximum height of Area F as a QM was applied under s77O(j) of the RMA (not s77O(f) as asserted by Mr Collier). Section 77O(j) relates to any other matter that makes higher density development, as provided for by Policy 3 of the NPS-UD, inappropriate in an area.⁷⁴ The s32 evaluation for this QM was undertaken in accordance with the requirements of sections 77Q and 77R of the RMA for the evaluation of existing QMs.
- 5.8 Mr Collier considers that the overshadowing modelling and approach taken by the Council ignores Appendix 17M: Northern Strand Scheduled Site Outline Development Plan of the operative City Plan which already provides for a much greater building height over a part of the site.⁷⁵ As I have set out above Appendix 17M remains in the Plan; however Mr Collier has not explained that the increased height in Appendix 17M only applies to a small portion of Area F, being 1,120m². This is shown in Figure 2.
- 5.9 I am aware that buildings within Area F have been granted consent for a higher building height as pointed out by Mr Collier.⁷⁶ Both stages of JWL's development are located at 62 Willow Street as shown in Figure 3. Resource consent was granted for Stage 1 on 22 June 2022 for a building height of 20.8metres, and Stage 2 was granted on 4 January 2023 for a building height of 30.52metres at the roof apex. I note that these resource consent applications were made under the current 16metres maximum height rule, and the application included technical drawings of the effect of winter sun shading. The resource consent applications were for a discretionary activity under Rule 17A.15.1 a. i. - as a permitted activity that does not comply with Rule 17A.11.1.2 – Building Height in the City Centre and Waterfront Sub-Zone (amongst other rules).

⁷³ Statement of Evidence of Aaron Collier on behalf of JWL Investment Trust, 6 September 2023, Paragraph 8.6.

⁷⁴ Appendix 5(b): Section 32 Evaluation Report, section 2.

⁷⁵ Statement of Evidence of Aaron Collier on behalf of JWL Investment Trust, 6 September 2023, Paragraph 8.8.

⁷⁶ Statement of Evidence of Aaron Collier on behalf of JWL Investment Trust, 6 September 2023, Paragraph 8.3.

- 5.10 While I can appreciate Mr Collier's argument that resource consent approval has already been granted for buildings in excess of 16metres, I note that the site at 62 Willow Street is only a portion of the land within Area F. I estimate this as being less than a quarter of Area F. Further, the site is only a portion of the block of land bounded by Hamilton, Willow and Harrington Streets. The two granted resource consent for Stages 1 and 2 have proven that, with a good design, overheight buildings may be successfully consented. In addition, I note that the JWL resource consents were granted as a discretionary activity status, whereas non-compliance with the maximum height of 16metres in Rule 17B.5.1 - Building Height is recommended in PPC33 to be a restricted discretionary activity.
- 5.11 The evidence of Mr Waddell and Mr Collier has not caused me to change my recommendation in relation to the maximum height of Area F.

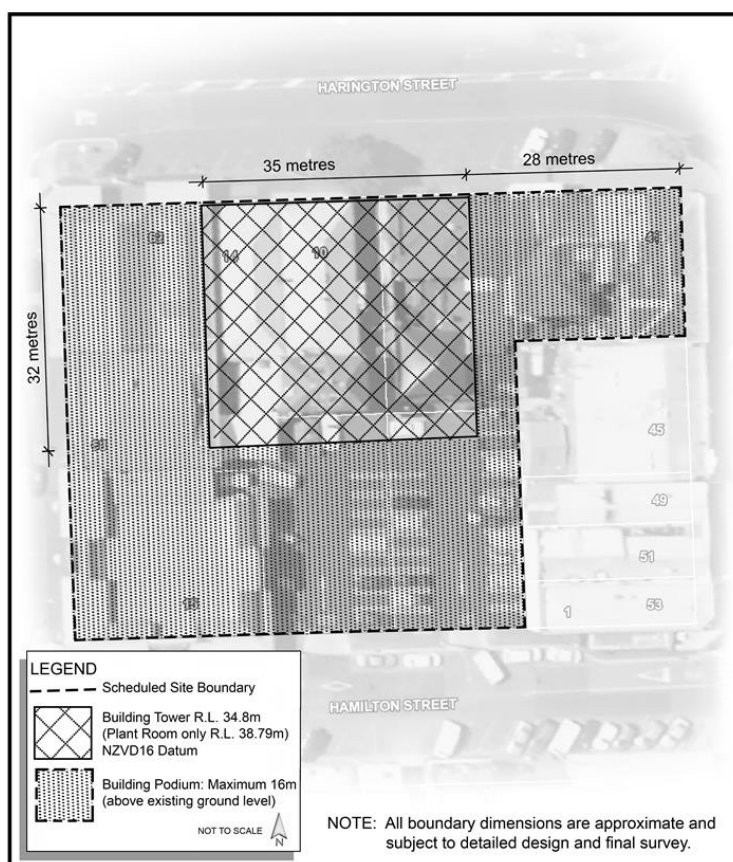


Figure 2: Appendix 17M Northern Strand Scheduled Site Outline Development Plan

5. Appendix 5B of the Section 42A Hearing Report: Appendix 5b – Section 32 Evaluation for existing Qualifying Matters

2

Section 32, 77Q and 77R Evaluation – Existing Qualifying Matter - Height Limits Area F of City Centre Zone

2.1 Introduction
<p>This existing qualifying matter is applied in accordance with section 77O(j) of the RMA as <i>any other matter that makes higher density development, as provided for by policy 3 of the NPS-UD, inappropriate in an area</i>. The operative City Plan contains height limits for the City Centre Zone, most of which are proposed to be retained as an existing qualifying matter by the PPC33 provisions. The exceptions are the western edge of the zone and southern portion which are proposed to have no height limit by PPC33 (although these areas are still subject to the height limits imposed by other QMs).</p> <p>Most of the height limits in the City Centre Zone have been reflected in the assessment for qualifying matters contained in the s32 evaluation, but the 16m height limit for Area F was not included. This evaluation assesses Area F as a QM and effectively fulfils the evaluation required by the RMA.</p> <p>This evaluation is prepared in accordance with the requirements of sections 77Q and 77R of the RMA for the evaluation of existing qualifying matters.</p>
2.2 Why the area is subject to a qualifying matter
<p>The existing height limit in Area F has two purposes. The first is to maintain amenity of the public spaces on the eastern side of The Strand, including to maintain sunlight to public areas along the waterfront. The second purpose is to retain views to the harbour for the more intensively developed City Centre Zone and central spine of the Te Papa Peninsula.</p>
2.3 Qualifying matter type
<p>This existing qualifying matter falls under section 77O(j) - <i>any other matter that makes higher density development, as provided for by policy 3 of the NPS-UD, as the case requires, inappropriate in an area</i>.</p>
2.4 s77Q(1)(a) – Location where the existing qualifying matter applies
<p>The existing 16m height limitation for buildings applies within Area F of the City Centre Zone as identified in the following image:</p>

development density down to the harbour edge to maintain harbour views and maintain direct sunlight to key public spaces in the area.

2.7 s77Q(1)(d) – Describe in general terms the level of development that would be prevented by accommodating the qualifying matter in comparison with the level that would otherwise be enabled by policy 3(a) of the NPS-UD

In general terms, less development would be enabled as a result of accommodating the QM in comparison with the level that may otherwise be enabled by providing unlimited heights in Area F. However, as described below, quantifying this difference in development potential in greater detail for all of Area F is not practicable.

Proposed buildings greater than 16m in height are enabled as a restricted discretionary activity. Restricted discretionary activity status is consistent with development capacity being *plan-enabled* as described by clause 3.1(2) of the NPS-UD. However, the objective and policy direction is clear that building heights are to be limited in Area F to balance the landscape character, including the area's waterfront attributes and public amenity, with opportunities for economic investment and activity. This requires the maintenance of views to the harbour from other parts of the City Centre Zone, and the retention of sufficient sunlight to public spaces in the waterfront area.

As the consideration of resource consent applications for building heights greater than 16m in Area F is a restricted discretionary activity, this will require the consideration of the actual and potential effects on the environment, including cumulative effects, on a case by case basis. It is therefore challenging to determine which resource consent applications for greater building heights in Area F may be approved and which may be refused.

In addition to the above, there are other existing qualifying matter provisions that limit building heights in the City Centre Zone including Area F. These comprise:

- The airport heights slope and surface provisions (as described in section 6.11.3 of the section 32 evaluation); and
- The Viewshaft Protection Area provisions (as described in section 6.8.4 of the section 32 evaluation).

Accordingly, it is challenging to accurately describe the level of development that would be prevented by the qualifying matter in comparison with the amount that would be enabled by policy 3(a) of the NPS-UD. It is clear that building heights in the City Centre Zone, including Area F, are already restricted by other QMs including the airport heights slope and surface requirements and viewshaft protection provisions. Therefore, it is clear that as a result of the two other existing QMs, the unlimited height of buildings in Area F that would otherwise be enabled by policy 3(a) is not a realistic scenario.

2.8 s.77(Q)(1)(e) – Notify the qualifying matter in the IPI

The existing qualifying matter provisions were notified in section 17B of PPC33.

2.9 s.77R(a) – The specific characteristics that makes the level of development within policy 3(a) of the NPS-UD inappropriate

Area F is located adjacent to the City Centre Zone Waterfront Precinct and fronts the western side of The Strand. Excessively tall buildings within Area F have the potential to generate adverse effects that will undermine the objectives for the waterfront area including:

- The preservation of the landscape qualities and view of the harbour from other parts of

6. Section 42A Hearing Report Volume 4 Residential Development – General

addressed through a separate Schedule 1 plan change. There is a risk that considering changes to specific commercial provisions in isolation of the broader city-wide context (and limited by the IPI scope) could undermine the ability to establish a sustainable commercial land use framework that supports the role and function of any commercial zoning decisions. A comprehensive city-wide assessment of land use frameworks for business/industrial activities will enable a full assessment of the commercial and industrial network and reduce the risk of any unforeseen consequences, including retail distribution effects, and provide greater opportunities for relevant parties to participate.

Recommended land use scenario for HDRZ

PPC33 notified an extent and scale of HDRZ that was broad to maximise opportunities to address the identified shortfall in housing supply as set out in the expert evidence of Mr Andrew Mead (Strategic) in the Session 1 hearing. In my opinion, the matters raised by submissions warrant some refinement to the notified land use scenario used to spatially apply the extent and scale of the HDRZ.

I note that Policy 3 is descriptive, rather than prescriptive, in areas not associated with a City Centre Zone, Metropolitan Centre Zone or rapid transit. Therefore, the NPS-UD allows for and anticipates variation to local context and values within and around other transport corridors and smaller centres identified in Policy 3(d). Further, it cannot be reasonably expected that all tier 1 authorities will have the same approach to the extent or application of HDRZ. Differences are reasonably expected when accounting for topography (e.g., Tauranga's landform is varied with estuaries, ridgelines and peninsulas) and local context (e.g., environmental factors, differences in population projections, housing shortfalls or capacity requirements).

In my opinion, the absence of a national level of prescription for HDRZ metrics supports Council's discretion to propose a land use scenario that is appropriate for the local context, provided that the recommendations give effect to the objectives and policies of the NPS-UD as applicable to the scope of the IPI. In this case, the Development Capacity Assessment included as Appendix 7, has been relied upon to demonstrate that the recommended land use scenario for HDRZ is able to achieve sufficient development capacity as required by Policy 2 of the NPS-UD.

It is within this context that further consideration has been given to refining walkable catchments, building height and density of urban form within, and around identified centres, to respond to the matters raised in submissions.

Extent of HDRZ catchments

The extent of the HDRZ is considered within the context of:

- *'at least a walkable catchment'* for the City Centre Zone, Metropolitan Centre Zone and rapid transit stops as set out in Policy 3(c) of the NPS-UD; and
- *'adjacent'* as set out in Policy 3(d) of the NPS-UD for nearest equivalent town and local centres.

The term 'adjacent' is not defined in legislation or relevant plans. It is generally accepted that 'adjacent' includes properties that are adjoining, and those that are close to or near, but not necessarily bordering the site. However, the use of 'adjacent' in Policy 3(d), rather than 'walkable catchment' used in Policy 3(c), should not be considered as a restriction on Council's requirement to give effect to Policy 3(d) within the context of the broader NPS-UD directives.

To determine what is adjacent to a town or local centre, a methodology of applying a walkable catchment in accordance with the MfE guidance is accepted practice. It is important to

- Amend HDRZ to include area between Moa Street, McDowell Street, Oceanbeach Road, and Valley Street, particularly 1 McDowell Street / 40 Oceanbeach Road.
- Delete HDRZ from 3/10 Ranch Road.
- Amend to enable greater height within the Commercial Zone in Mount Maunganui and rezone adjacent residential area to enable 6 storeys as a permitted height.
- Amend approach to building height for Mount Maunganui town centre to ensure opportunities for greater height, density and extent are subject to further spatial planning and schedule 1 process.

Multiple further submissions were received which seek the following changes:

- Support retaining HDRZ as notified in Planning Maps L1, L2, L3, L101 and L102 (Mount North).
- Oppose retaining HDRZ as notified in Planning Maps L1, L2, L3, L101 and L102 (Mount North).
- Support wholly and in part, deleting or limiting HDRZ from Mount Maunganui or peninsula.
- Support reducing height to only allow 3 storeys at Mount Maunganui.
- Oppose amending Appendix 14Q to reassess Mount Maunganui to allow for greater height.
- Support amending to not apply blanket walkable catchment.
- Support wholly and in part including land within a walkable catchment of Mount Maunganui for HDRZ and enabling 6 storeys.
- Oppose including land within a walkable catchment of Mount Maunganui for HDRZ and enabling 6 storeys.
- Support deleting HDRZ from Tweed Street / Central Parade and amending to MDRZ.
- Support amending HDRZ to MDRZ at Tweed Street / Central Parade.
- Support deleting HDRZ near Mauao.
- Oppose deleting HDRZ near Mauao.
- Support deleting HDRZ from Valley Road.
- Oppose enabling greater height within the Commercial Zone in Mount Maunganui and adjacent residential area.
- Support enabling greater height within the Commercial Zone in Mount Maunganui and adjacent residential area.
- Oppose amending building height for Mount Maunganui town centre.
- Support amending building height for Mount Maunganui town centre.

For further information see Appendices 2(a) and (b) that provide a summary of decisions requested by submitters.

4.4.4.2 Discussion and analysis

Mount Maunganui North

The Mount Maunganui North centre (generally located between Pacific Avenue and Tawa Street) was identified as nearest equivalent to a town centre in the Appendix 15 methodology based on its scale. At notification, no additional height (above the MDRS) was proposed for the centre or surrounding residential land as the extent and scale of any intensification was intended to be addressed by the outcomes of the proposed Mount to Arataki Spatial Plan. A precautionary approach was adopted as notifying additional building height without understanding the complexities of cultural and landscape values would not recognise and provide for these s6 RMA matters of national importance.

Submissions from Sanderson Management (208.1, 208.18), Urban Taskforce (318.13) and Brain Goldstone (211.2) were received seeking to increase the extent and scale of the building heights within and around the Mount Maunganui North centre and give effect to Policy 3. A significant number of further submissions were received which oppose these submission points and opportunities for additional height or density in the area.

Responding to these submission points requires reconsideration of the centre classification and whether the notified height and density in this area is appropriate to give effect to Policy 3 of the NPS-UD.

I have relied on the commercial assessment (Appendix 9) that considers the centre is nearest equivalent to a town centre. The assessment considers that although the centre provides services for holidaymakers, it still provides a large capacity of 154 retail stores and 82 businesses identifying as commercial services such as hairdressers, lawyers, medical practitioners, offices and education facilities¹⁶. Further, it is forecast to improve its offering to a wider variety of services to meet the needs of the growing population and holidaymakers.

Based on the evidence available, there is no compelling RMA reason why the Mount Maunganui North centre should be subject to a different methodology to determine the commensurate scale of building height or density. Due to the extended linear nature of the commercial zoning along Maunganui Road, the appropriate location for the southern edge of the centre has been identified in the commercial assessment (Appendix 9). This considers the edge of the centre to be the end of the primary retail environment at the intersection of Maunganui Road and Tawa Street. An appropriate boundary of the HDRZ based on a walkable catchment of 800 metres from this point traverses Sutherland Avenue, Oceanview Road, Terrace Avenue, Maunganui Road, Hinau Street and Kawaka Street as the southern boundary.

Expert conferencing on the approach to Policy 3, including the Mount Maunganui North centre, was undertaken on 25 July 2023. Some experts questioned the appropriateness of enabling 6 storey heights for this centre on the basis that the scale of the recommended HDRZ is not commensurate to the centres existing level of commercial activity and community services. Therefore, the capacity of the centre will be unable to accommodate the scale of HDRZ recommended. The Joint Witness Statement for the approach to Policy 3(c) and (d) is included in Appendix 6.

I have relied on the expert evidence of Mr Tim Heath (Economics) to determine that the scale and function of the centre offers a high level of activities and services that are appropriate to support its diverse market and urban growth. I have also relied on the expert evidence of Mr Michael Kemeys (Development Feasibility) to conclude that 6 storey heights are necessary to achieve the sufficient housing development capacity requirements of Policy 2 of the NPS-UD. The scale ensures the height within and adjacent to town centres is appropriate to support feasibility and enable a suitable share of apartment development to contribute to achieving development capacity requirements.

Cogito Trust (402.2) considers that '*Mount Maunganui is an area of significant existing urban intensification with potential for further intensification under the ODP*¹⁷.' The submitter considers that spatial planning should be undertaken ahead of any further plans to enable greater height, density, or extent of the HDRZ in this area. In my opinion, the matters identified by the submitter have been appropriately addressed by PPC33, and therefore, not necessary to require a separate Schedule 1 plan change process. The expert evidence of Mr Carl Lucca (Planning) considers the approach to the HDRZ in PPC33 is well-considered and aligns with

¹⁶ Commercial Assessment, Stage 1

¹⁷ODP interpreted as operative district plan

the approach to spatial planning. Mr Lucca confirms the role of the proposed spatial plan will be to inform actions and investment to appropriately support the intensification enabled by the PPC33 land use.

Given the outcomes of the commercial centres assessment that identifies the Mount Maunganui centre as having a high level of commercial activity and community services, it is considered acceptable to give effect to Policy 3 by extending the HDRZ within an 800 metres walkable catchment. Due to the increase in built form enabled by this change, further technical assessments were required to understand whether there are areas where density or height may be inappropriate and meet the evidential test to be justified as a QM. Volume 3 appropriately addresses specific QMs to manage identified values of cultural, landscape, coastal environmental, natural character and ONFL. Volume 2 appropriately addresses transport matters, stormwater management and infrastructure capacity, including public/community facilities. Specific provisions relating to infrastructure capacity for four of more independent dwellings units are set out in Volume 7.

The submission points of Sanderson Management (208.1, 208.18) and Urban Taskforce (318.13) to increase height within the centre, amend the zoning of land within the walkable catchment of the centre to HDRZ, and increase heights to at least 6 storeys should be accepted in part. It is recommended that 6 storeys are appropriate within the town centre and up to 400 metres from the centre, then transitioning to 4 storeys within 400-800 metres from the centre. Note that these zoned heights may be limited by QM provisions and overlays not reflected in the zone heights of Appendix 14Q.

Brian Goldstone (211.2) which seeks to amend Appendix 14Q to enable greater height around the centre and allow for specific site assessments regarding height should be accepted. Building height above the permitted standards is enabled as a restricted discretionary activity.

Submissions and further submissions that seek to delete or exclude Mount Maunganui from the HDRZ or oppose additional building height above the MDRS should be rejected as the centre is an appropriate location to support greater residential intensification with access to a suitable scale of commercial activities and community services for the projected population growth over the long term. I recognise that many of these submission points seek to delete or exclude Mount Maunganui from the HDRZ, or additional height, for reasons that are considered QMs which are addressed in Volume 3.

Cogito Trust (402.1) which seek to retain the extent of the HDRZ as notified in Planning Maps L1, L2, L3, L101 and L102 should be rejected on the basis that the area contains an equivalent town centre where additional height and density is appropriate to give effect to Policy 3(d) and the intensification directives of the NPS-UD.

Central Parade / Tweed Street

In response to submissions that seek to delete the HDRZ from Central Parade / Tweed Street, the commercial assessment (Appendix 9) confirms that the role and function of the centre is nearest equivalent to a local centre. In my opinion, the appropriate commensurate scale of urban form and density is to enable up to 4 storeys within a 400 metre walkable catchment from the commercial zone.

Submissions that seek to delete or exclude Central Parade / Tweed St area from the HDRZ should be rejected as this centre is an appropriate location to support greater residential intensification with access to a suitable scale of commercial activities and community services.

However, I recommend amending the boundaries of the HDRZ to align closer to the 400 metres walking catchment which results in corresponding removal of the HDRZ from parts of the

7. Section 42A Hearing Report, Appendix 5(a): Section 32AA Evaluation Report

Centre	Appendix 15 Notified	Economic Assessment	Planning recommendation
Bayfair	Town centre	Town centre	Amended HDRZ to align closer to 800 metres catchment. Enable 6 storeys within centre and up to 400 metres catchment, then 4 storeys from 400-800 metres catchment.
Papamoa Plaza	Town centre	Town centre	Amended HDRZ to align closer to 800 metres catchment. Enable 6 storeys within centre and up to 400 metres catchment, then 4 storeys from 400-800 metres catchment.
Wairakei/The Sands	Town centre	Town centre	Amended HDRZ around The Sands centre to enable 6 storeys within 400 metres, and 4 storeys within 400-800 metres. Within centre enable 22 metres fringe height and 24 metres core height.
Excelsa/Golden Sands	Local centre	Neighbourhood centre	HDRZ removed from around the centre. Operative height within the Excelsa Commercial Plan Area retained.
Pyes Pa	Local centre	Neighbourhood centre	HDRZ removed from around the centre. Operative height within Commercial Zone retained.
Tauranga Crossing	Commercial	Town centre	No change to surrounding MDRZ and Tauriko Commercial Zone provisions.

3.1.3 Preferred Option

Option 2 is the preferred option.

It is considered appropriate to amend the spatial extent of the HDRZ and application of commensurate building heights in the HDRZ and identified commercial centres to ensure the provisions enable residential intensification in appropriate locations.

Amending Appendix 14Q: Building Heights in the High Density Residential Zone and Identified Commercial Zones to provide for 22metres is necessary to accommodate the planned built form of 6 storeys residential apartments to achieve at least sufficient development capacity.

This option recognises that the endorsed spatial plans for Te Papa and Ōtūmoetai identify the most appropriate locations for intensification and support strategic investment plans for these areas.

This option recognises that the Mount Maunganui town centre provides a suitable level of commercial activities and community services to support opportunities for high density residential intensification of between 4-6 storeys to give effect to Policy 3(d) of the NPS-UD.

This option recognises that Tauranga is forecast to have low uptake of apartments within and around identified centres over the next 30 years. The implementation of transitional heights for Te Papa and town centres seeks to promote the benefits of centres-based intensification and the greatest scale of built form in the most accessible areas of the catchment. The stepped approach to enabling 6 storeys within 400 metres of town centres and transitioning to 4 storeys

through a static capacity check in the preparation of engineering assessments. The preferred option represents closer alignment to these provisions for retirement villages and rest homes.

The urban design assessment considers the activity in context of planned built form, and in terms of the policy direction. The amended provisions will provide enhanced direction on key aspects of urban design, ensuring an appropriate focus on amenity and that the development is able to integrate within its surroundings. For instance, the addition of controls on waste management allows the consideration of screening and placement of waste areas to prevent adverse amenity outcomes for adjoining independent dwelling units. Matters of discretion are broadly the same as for developments of four or more independent dwelling units³⁵. This ensures that development is considered in terms of the planned urban character and coherence of the surrounding community.

Through amending the engineering assessment provision and connecting this to the requirement for a static capacity check, greater clarity is provided in relation to the methodology for understanding the capacity of the network. This ensures that the demands of the development do not adversely affect the local water supply capacity, or stormwater and wastewater systems, and can be accommodated without compromising levels of service for the rest of the community. Matters of discretion are also aligned to developments of four or more independent dwelling units³⁶.

The amendments enable urban design and infrastructure capacity issues to be considered, and addresses shortcomings in the notified framework.

³⁵ A further matter of discretion - Rule 14G.12.12 - Transport Network in the MDRZ (Rule 14H.13.11 in the HDRZ) supports the requirements for an Integrated Transportation Assessment, which is the subject of a separate s32AA assessment.

³⁶ Through Rule 14G.12.11 – Waters Infrastructure (MDRZ); Rule 14H.13.10 - Infrastructure (HDRZ).

8. Section 42A Hearing Report, Appendix 9 – PC33 Commercial Centre Network Analysis and Economic Overview, Property Economics



Industrial employment grew by 207 employees, equating to about 103% over the 2000 industrial employment level. This was driven by growth in the neighbouring Port of Tauranga over the same period.

Overall, the Mt Maunganui Centre is considered a steadily growing commercial centre with a diverse range of activities. The growing proportion of the Other sector employment reflects the Mt Maunganui Centre's improved role and function to service the diversified demand of the community.

CENTRE AUDIT

Based on Property Economics' ground truthing and centre business audit, the Mt Maunganui centre is comprised of 239 stores. This is increased to 248 stores when accounting for Vacant and Under Construction tenancies. Notably, most stores have a small footprint with a "convenience / specialty store" focus.

There are 154 retail stores within the centre with Food and Beverage Services and Clothing, Footwear and Personal Accessories being most frequent retail offerings. In addition, there are 82 businesses identifying as commercial service providers, ranging from hairdressers, lawyers, real estate agencies to medical practitioners, educational facilities.

An important measure of a centre's health is the level of vacancy, of which the Mt Maunganui Centre had only 8 vacant stores. Proportionally, this equates to 3.2%, which indicates the Mt Maunganui Centre is healthy and performing well for a centre of this size and in current market conditions.

While Mt Maunganui has a sizable number of stores, its retail offer is quite narrow with a comparatively high proportion of food and beverage stores and clothing (beach / surf wear) stores. The reasons for this are understandable given the centre's location and the markets the centre primarily services.

The centre does not contain a number of national banner brands typically seen in major shopping destinations, has no supermarket or department stores, no material Large-Format-Retail (LFR) offer and is concentrated on a single linear strip that has limited practical potential to expand further and limited parking opportunities at present. A large part of the surrounding catchment is water which limits growth of the centre's localised community and therefore increases the influence and focus on servicing visitors.

It is clear Mt Maunganui is a unique / niche centre within Tauranga's centre network and an important asset to the local economy. It is one of New Zealand's holiday 'hot spots' and as a result experiences significant domestic and international visitation (the latter particularly via cruise liners). This primarily peaks during the summer season. The centre is good quality and provides a good customer experience.

suggests that the City Centre is struggling and requires support to maintain its role, function, and continuous growth.

Furthermore, the City Centre's environment is not conducive to attracting shoppers, with a feeling of disconnection and lower quality brands. While the waterfront area with eateries is more attractive, this is only a small component of the wider City Centre.

Therefore, there is a need for rejuvenation and new investment to improve the vitality of the City Centre. It is also crucial that any proposed activities within the wider City do not adversely affect the City Centre's recovery and growth potential. Commercial activities should complement, rather than compete with the City Centre, and act as a catalyst for its recovery and growth.

7.2.2. TOWN CENTRE ZONE

Under the NPS centre zoning framework, in urban areas, Town Centre Zones are areas used predominantly for a range of commercial, community, recreational, and residential activities.

Mt Maunganui Centre

Due to the centre's geographical location and the extent and type of the existing businesses, Mt Maunganui Centre is a commercial centre with a range of activities predominantly servicing the surrounding urban market and holiday makers to that market, with a strong bias towards food and beverage and beach / surf wear fashion stores (especially within the commercial core area). Albeit a niche centre in Tauranga, this at present is considered to be nearest equivalent to a Town Centre within the NPS centre framework from an economic perspective.

Bayfair & Owens Place Centre

Bayfair & Owens Place Centre contains a range of retail and commercial activities at the intersection of SH2 and Girven Road. Whilst with a substantial growth during the last decade due to the redevelopment and extension of the Bayfair Shopping Mall, at present the centre has a strong bias and functions primarily as a retail destination and does not encompass a broad mix or large extent of commercial, recreational and community services / activities that service the wider Tauranga market. As such, in Property Economics view, the centre is nearest equivalent to a "Town Centre" to represent the current level, breadth, and extent of businesses within the Bayfair & Owens Place precinct.

Cameron Road Centre

The Cameron Road Centre is an established commercial hub that caters to a diverse range of business activities. It currently features several major national brands, such as PAK'n SAVE, Countdown, The Warehouse and Harvey Norman, which serve as anchors for the commercial core area of the centre. With its current level of employment and business activities, the Cameron Road Centre is nearest equivalent to a 'Town Centre' as defined by the NPS centre zoning framework.

9. Section 42A Hearing Report, Volume 9 – Section 17B – City Centre Zone

The operative City Plan does not make a distinction between the construction of a building and the land use activity for which the building and land is used. The activity tables focus on the land use activity, and any buildings that are part of that. Rule 17A.10.1 is the activity table for the Commercial Zones and has the following introductory text:

All activities in Commercial Zones shall have the status identified in Table 17A.1: Commercial Zones Activity Status.

“Activity” is defined in the operative City Plan as:

Means the development or use of any land for a particular purpose, and includes any erection, construction, alteration of, or addition to, any building or structure on the land; and the carrying out on the land of any excavation or other works associated with that use and development.

It is clear from the definition that the buildings are inherently part of the activity rather than being separate. Looking ahead to the implementation of the NPStds, this approach is somewhat different to the NPStds which tend to make a distinction between “activities” and “facilities”. This is most clearly illustrated by the NPStds defined terms for residential:

Residential activity: means the use of land and building(s) for people’s living accommodation.

Residential unit: means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Rather than making changes to the definitions which would have city-wide consequences, PPC33 created separate rules for physical buildings and structures versus land use activity in the City Centre Zone.

In PPC33, the land use activity is disconnected from the built form because the activity is not the concern; the area that Council wish to focus on is design. The key reason for this is the desire for Council to have the ability to assess physical form and layout of buildings and structures in the City Centre Zone to ensure good urban design outcomes. Central to this was the ability to effectively engage Council’s urban design panel; to do this requires a resource consent process. A permitted activity status would not enable the urban design panel to influence the design (other than what was offered by cooperative developers). Even with a resource consent, the urban design panel is optional rather than mandatory.

In the s32 evaluation report which accompanied PPC33, the focus on the built form through a consenting process was considered the most effective and efficient way of achieving the objectives. That is, there was no value in requiring a resource consent for the land use activity when the land use activity was not of concern.

Council’s aspirations for the city centre are clearly expressed in a number of documents that have been developed under other Acts, including the Local Government Act.¹ These documents are:

- City Centre Strategy (2012)
- Tauranga City Strategic Framework (2022)
- City Centre Action and Investment Plan 2022-32

¹ S74(2)(b)(i) of the RMA requires us to have regard to management plans and strategies prepared under other Acts.

- Retain the maximum building heights in the city centre (Heather Grace, 291.4);
- Allow unrestricted height except where there are clearly defined qualifying matters (Urban Task Force, 318.19); and
- Oppose buildings that rise above the footpaths more than five storeys, or a maximum of eight storeys if the buildings are set back from the footpaths, like Devonport Towers is set back from Devonport Road (Alison Grey, 345.1).

9.18.3 Discussion and analysis

The operative City Plan sets out height limits for the entire City Centre Zone in Appendix 17A: City Centre Building Heights. In addition, an upper ceiling of height is set at 48.7m above NZVD16 Datum as a result of the airport heights slope and surface (Section 4I). For most of the City Centre Zone, PPC33 retained the height limits unchanged, for reasons which include shading of public spaces and cultural values associated with Monmouth Reserve. However, PPC33 deleted the height limits for the western and southern portion of the City Centre Zone. The map below highlights in blue the areas where PPC33 proposed to change the height limit. In the blue shaded areas, the maximum height limit is deleted, although height may still be restricted for other reasons such as the airport height slope and surface, or the viewshaft corridor.

The increase in the maximum height for the southern and western portion of the zone was to give effect to Policy 3(a) of the NPS-UD to increase the development capacity. Of the City Centre Zone, the southern and western areas are the least sensitive as they adjoin the Commercial Zone, and High Density Residential Zone (which includes the Mixed Use Precinct). The eastern edges are much more sensitive to additional height due to the shading effect on The Strand and the public open spaces therein. The maximum height is retained for the northern areas around Dive Crescent to preserve the cultural values from the Monmouth Redoubt Reserve.

While a s32 evaluation was undertaken in accordance with the Amendment Act for retaining the maximum heights on Areas B, C, D, E, G and H as a QM, Area F should have also undergone the s32 evaluation requirements. To fill this gap, I have undertaken the assessment required for the sites affected by retaining the maximum heights of the operative City Plan as a QM. This is attached as Appendix 11.

However there now are three different overlays which apply to all or parts of the City Centre Zone and are identified as a QM:

- Maximum height in the City Centre Zone – appears in Chapter 17B and applies to Areas B-H between 6metres and 16metres;
- Viewshaft corridor – appears in Section 7 Viewshaft Corridor maps where the existing viewshaft map from the operative City Plan has been redrawn for greater clarity; and
- Airport heights slope and surface – appears in section 4I of the Operative City Plan and remains unchanged in PPC33 other than to be recognised as a QM.

To assist in understanding how the various height limits work, Council's GIS team has undertaken modelling of four sites within the City Centre Zone. This is included as [Appendix 12](#).

It should be noted that Policy 3(a) of the NPS-UD is the most relevant to the City Centre Zone and is one that must be given effect to by PPC33:

... district plans enable:

(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification;

The height and activity status are intrinsically linked, as PPC33 justified the more stringent activity status for buildings with an increase in height for some of the City Centre Zone. In light of the Waikanae decision, I have considered the matter of maximum height closely, however PPC33 did not seek to reduce the permitted height of any properties, only to amend activity status. The broad options for managing maximum height are:

- Retain the notified approach of PPC33 – unlimited height in Area A unless a QM applies (i.e. the Airport heights slope and surface or viewshaft) but with a restricted discretionary activity status for the building which would ensure the height was considered;
- Take off the maximum height limit from the entire City Centre Zone unless a QM applies (such as the Airport heights slope and surface, historic heritage or viewshaft) and with a permitted activity status for the building; or
- Increase the maximum height a little over what is in the operative City Plan, and a permitted activity for the building.

While I am mindful of the requirements of Policy 3(a) of the NPS-UD to “enable building heights”, I am also aware that the height limits that PPC33 sought to retain from the operative City Plan are for legitimate planning reasons. With the exception of Area F (which is discussed below), these have been identified as QMs and assessed as such. Therefore, I recommend retaining the approach to limiting height in the City Centre Zone.

Area F

A very specific submission point from JWL Investment Trust (269.5) challenged the 16metre height limit for Area F and considered that this area should have an unrestricted height limit. The submission considered that the approach of PPC33 goes beyond protecting the waterfront area and will inhibit future development of the land. The reason for the height limitation is to ensure amenity of the public waterfront area and prevent unreasonable shading. To better understand the issue and options, Council contracted Designgroup Stapleton Elliott to model the shading effect of different building heights on the public waterfront area. This is appended as Appendix 12 to this report. It is worth noting that even

with a seemingly “unrestricted” height limit, any buildings would be limited to 48.7m above NZVD16 Datum due to the airport heights slope and surface.

I am mindful of the importance of the waterfront area to the vitality and amenity of the city centre; a fact which is reflected in many of Council’s strategic documents. A sample of the more recent statements relating to the role and function of the waterfront are set out below.

City Centre Strategy 2012

- Catalyst actions of the strategy is to commence the redevelopment of the waterfront with spaces for active uses that retain maximum public access and views to the waterfront.
- The vision for the waterfront is to be further enhanced as a unique feature of the City Centre. Importantly, the car parking will be removed to create a large open space that hosts a range of festivals and activities throughout the year. A clear pedestrian connection will be created along the waterfront from Dive Crescent to The Strand extension. The waterfront will be an active pedestrian focussed area, with bike and walking routes, viewing areas, and space for a variety of functions including markets, events and festivals.

Te Rapunga Ora ki Te Papa City Centre Action and Investment Plan 2022 – 2032

- Improving our waterfront and community spaces is a community aspiration for the city centre;
- A waterfront city centre, where high-quality, vibrant spaces connect people with the moana is a strategic goal. Through a combination of high-quality design, enhanced connections with the water, events space, and a mix of commercial and recreational facilities, our waterfront will become a uniquely Tauranga attraction. This will in turn support and attract business and investment in the wider city centre.
- 40% more usable open space on the waterfront is a goal for the next 5 years
- The Waterfront and Taumata Kahawai Precinct is the connecting point between the city centre’s whenua and moana. This precinct will become a premier recreational destination, improving access to marine activities and recreational activities on the water’s edge, and celebrating our city’s deep cultural connection with Tauranga Moana.

As to which height is acceptable is somewhat of a judgement call. By 4.05pm at the winter solstice, buildings of 16metre height have completely shaded the waterfront area. This equivalent level of shading occurs at 6.35pm during summer. Using a 48.7 NZVD Datum height results in a similar level of shading at 2.50pm during winter and 5pm during summer. The modelling clearly shows that an increase in height results in shading of the waterfront area at an earlier time of the day. Given the strategic importance of the waterfront to the shape and feel of the city, and the fact that higher buildings will create shading effects earlier in the day, I recommend that the height limit for Area F is retained as 16metres.

I consider the 16metre height limitation is the most effective method to achieve:

- Objective 17B-O1 – City Centre Role and Function;
- Objective 17B-O2 – Bulk and Scale of Buildings;
- Objective 17B-O3 – Site Layout and Building Design; and
- Objective 17B-O4 – Urban Environment.

Appendix 15: Relevant excerpts from NPS-UD guidance

[Attached to cover email.]

demand to enable greater heights and densities. Intensification must be enabled even if you only have high demand and low accessibility or vice versa.

6.1 Relevant policies

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial and community services; or
- (b) the relative demand for housing and business use in that location.

6.2 Enabling as much development capacity as possible in city centre zones (Policy 3(a))

In city centre zones, tier 1 local authorities are required to enable building heights and density of urban form to support as much development capacity as possible. This is to maximise the benefits of intensification. In practice, 'as much as possible' means removing unnecessary and unreasonable barriers to accommodate the maximum amount of development capacity that can be realised. Removing these barriers will help to enable greater up-zoning in city centres where intensification will have the greatest benefits.

Practically, 'as much as possible' will likely look different in various urban environments. City centres are a step up in the zoning hierarchy from metropolitan centres, so enabling as much development capacity as possible is expected to mean greater than six storeys (because six storeys is the minimum

for metropolitan centres). Tier 1 local authorities should be considering the level of demand and accessibility in determining what heights and densities can be enabled. In practice, this may mean:

- no maximum building heights or maximum gross floor area (GFA) standards in city centre zones or large parts of city centre zones
- development standards that may limit building height and density, where there is evidence that doing so will contribute to a well-functioning urban environment and achieving the objectives of the NPS-UD as a whole.

In giving effect to this policy requirement, local authorities need to step through the following:

- Consider what ‘as much as possible’ is going to mean in the city centre, taking into account local circumstances and factors – specifically, the level of demand and accessibility should be key considerations.
- Consider if any of the qualifying matters (eg, matters of national importance, open space, heritage orders or other matters) apply to the city centre. Also, look at to what extent heights and densities may need to be modified to accommodate the qualifying matter. (The qualifying matters set out the matters local authorities need to consider in enabling ‘as much as possible’.)
- Review the current city centre controls and determine if they are enabling enough to support the outcomes intended in the NPS-UD and by Policy 3(a). This means checking the controls are enabling as much development capacity as possible to maximise the benefits of intensification. If not, the controls will need to be amended accordingly.
- In maximising the benefits of intensification, consider whether enough intensification has been enabled to support outcomes such as transport choice, accessibility and climate emissions reduction. If you are not maximising the benefits of intensification due to other factors (eg, character), ensure the effects of doing so have been taken into account using adequate evidence in a section 32 report.
- As directed by Policy 6, consider what ‘as much as possible’ will mean for the urban environment in terms of urban form, amenity changes and the benefits of urban development. Local authorities will need to ensure the specific outcome of enabling as much development capacity as possible is consistent with the wider NPS-UD policy direction.
- Consider if the outcome and/or decision on what ‘as much as possible’ means for the city centre environment will ensure that a well-functioning urban environment is achieved.

In some urban environments, there may be circumstances or factors, which are linked to the qualifying matters in the NPS-UD (subpart 6, clause 3.33), that will mean these will need maximum height limits or GFAs in city centre zones. Any such decisions will need to be supported by robust evidence and analysis. Where heights and density within city centres are scaled below maximum levels due to other circumstances or factors, the trade-offs of this approach should be clearly articulated in a section 32 report.

Local authorities will need to ensure they enable as much development capacity as possible and that the outcomes will deliver a well-functioning urban environment, which enables all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and into the future.

Hon Chris Bishop

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



27 June 2024

Anne Tolley
Commission Chair
Tauranga City Council

cc Andrew Mead
Manager: City Planning and Growth, Tauranga City Council
Section 9(2)(a)

Dear Anne

On 24 May 2024 I received a letter from you on behalf of the Tauranga City Council (the Council) referring two rejected Independent Hearings Panel recommendations and the Council's alternative recommendations to me for a final decision.

The recommendations relate to Mount Maunganui North and an area known as Area F of the City Centre Zone.

My decisions made in accordance with Schedule 1, clause 105 of the Resource Management Act 1991 (RMA) along with the reasons for my decision are set out in table format in Attachment A.

I want to thank the Commissioners, the Independent Hearings Panel and Council staff for the work undertaken to complete the Intensification Streamlined Planning Process.

Ministry for the Environment officials will contact Council staff to inform them of my decisions.

Yours sincerely

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

Hon Chris Bishop
Minister Responsible for RMA Reform

Attachment A: Tauranga City Council Intensification Planning Instrument - Accepted recommendations with reasons and alterations

Accepted recommendation	Reasons for accepting
<p>Matter A</p> <p>Tauranga City Council's recommendation:</p> <ul style="list-style-type: none"> a. upzone and increase the notified height from MDRS (11 metres plus 1 metre) to 22 metres for the residential land within 400 metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable catchment of the town centre b. increase the notified permitted activity height limit from 12 metres to 22 metres within the commercial centre. 	<p><i>Council's alternative recommendation would better give effect to the National Policy Statement on Urban Development, by providing greater development capacity and enabling the Mount Maunganui North area to change over time in response to the diverse and changing needs of people, communities, and future generations while enabling management of identified cultural landscape, coastal environment, natural character, outstanding natural features and landscape values.</i></p>
<p>Matter B</p> <p>Independent Hearings Panel's recommendation:</p> <p>Remove the 16-metre permitted activity height limit over Area F in the City Centre Zone and make consequential changes to the maps in Chapter 17 and relevant provisions of the Tauranga City Plan.</p>	<p><i>I consider the Independent Hearing Panel's recommendation would better give effect to the National Policy Statement on Urban Development, would better achieve a well-functioning urban environment, and better enable as much development capacity as possible. I consider the proposed 16-metre height limit, together with the proposed policies and matters of discretion relating to Area F would not enable as much development capacity as possible in the City Centre Zone.</i></p>