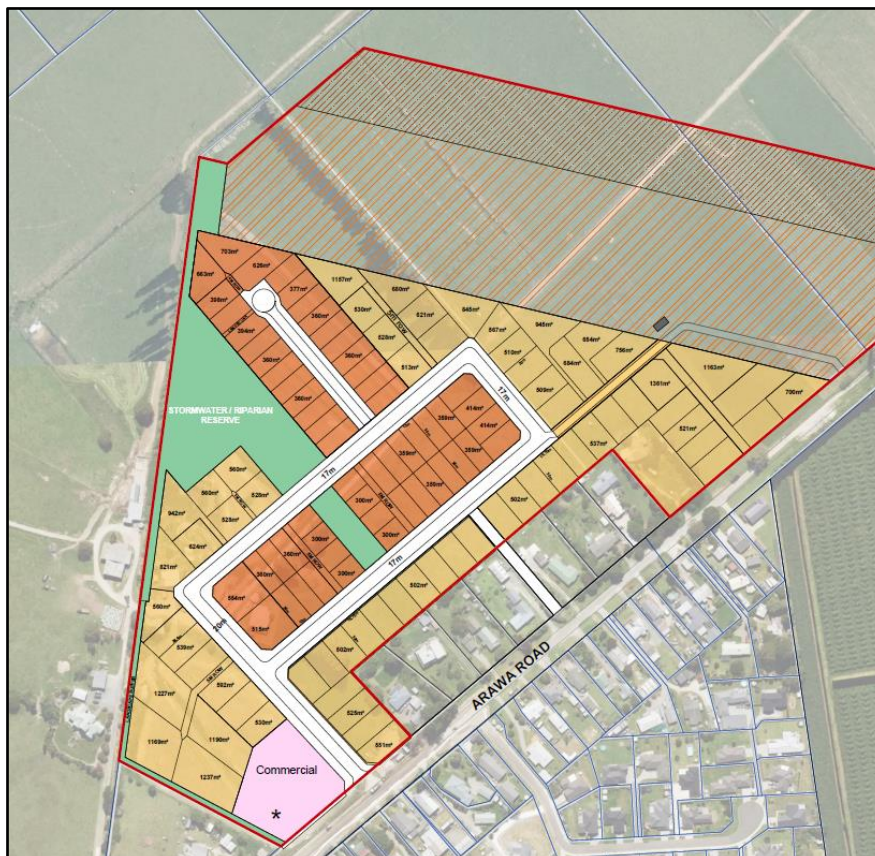




Application for Fast Track Consent Referral

Pongakawa Urban Development, Western
Bay of Plenty



For Kevin and Andrea Marsh

May 2024

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Document Quality Assurance

Status: Final

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Version 1	Draft	29/04/24
Version 2	Final for lodgement	3/05/24

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Report Information



Title: Application for Fast Track Consent Referral – Pongakawa Urban Development, Western Bay of Plenty.

MPAD Job Number: 21338

Date: 3 May 2024

Quality Assurance

The assessment contained herein and this report has been completed by the following:

Prepared by:	Vincent Murphy Senior Planner, MPAD MNZPI	
Reviewed and Approved by:	Richard Coles Director, MPAD MNZPI	

Applicant and Property Details

The details of the applicant and the site are as follows:

To:	Ministry for the Environment
Applicant's Name:	Andrea and Kevin Marsh
Subject Sites:	1491 State Highway 2, Pongakawa 3186 (road frontage to State Highway 2 and Arawa Road) 53 Arawa Road
Legal Descriptions:	Lots 1 and 2 DP 79072 Lot 8 DPS 77971
Site Area:	17.1ha (including primary and reserve wastewater disposal fields)
District Plan Zoning:	Rural
Planning Overlays / Other Limitations:	Floodable Area Subject to flooding during modelled 1 in 100-year rainfall event (as adjusted for climate change through to 2130)

Introduction

This application seeks referral to an expert consenting panel the resource consenting considerations of an urban development proposal at Pongakawa, near Te Puke and Tauranga City in the Western Bay of Plenty District, via the Fast Track Approvals Bill 2024 (FTAB) emerging legislation.

A shortfall of housing to meet expected demand now and into the short, medium and long-term scenarios the future in the Tauranga/Western Bay of Plenty sub-region has been signalled by repetitive Housing and Business Capacity Assessments prepared under the National Policy Statement for Urban Development 2020. This is further supported by independent and locality-specific economic analysis prepared by NERA Consulting.

The development of housing (up to 130 dwellings expected), local commercial and recreational amenities, and related subdivision, is sought to be approved by this application. This is being pursued to consolidate and improve amenities available to the residential community of Pongakawa, which is subject to residential growth pressure coinciding with prominent growing horticultural and industrial employment developments in the Te Puke area.

The proposed development is primed to deliver a reasonable number of dwellings to the market quickly. Joint-venture partnership options with local and experienced residential developers are tentatively awaiting green-lighting through consent certainty and corresponding financial arrangements.

The proposal is considered to deliver significant regional benefits as framed by the FTAB, addressing known housing supply shortages proximate to one of the consecutively fastest growing cities in New Zealand with complex geographic and infrastructure constraints shorting or significantly delaying supply elsewhere for the city (Tauranga).

As such, the proposal is considered to be eligible for fast track consenting under the FTAB, and is sought to be listed at Part B of Schedule 2 of the FTAB as a referred project for further consideration by an expert consenting panel. The remainder of this report seeks to provide the necessary application information addressing clauses 14-17 of the FTAB in particular.

Location and Rationale for Development

The subject site is centrally located central to a growing horticultural industry in the locality in recent years, with significant conversations from dairy and dry farming to kiwifruit orchards occurring in recent years¹, and productivity increasing². The subject site

¹ Data from Zespri confirms over 2600ha of kiwifruit orchards are now established (canopy cover) in the Pongakawa and Paengaroa localities immediately east of Te Puke, within approximately 5km of the site, with a substantial proportion coming online in the last decade.

² Data from NZ Kiwifruit Growers Incorporated details that 80% of NZ's kiwifruit production comes from the Bay of Plenty, the Te Puke region being central to that production. Kiwifruit tray production is estimated to increase by 56% to 208 million trays per season nationally.

is also proximate to the under-development Rangiora Business Park (west towards Te Puke), delivering 148ha of industrial activity space expected to demand employees in the next two years (a total of 4000 employees are expected). See **Figures 1 and 2** below for relevant site context and relation to growing sources of employment.

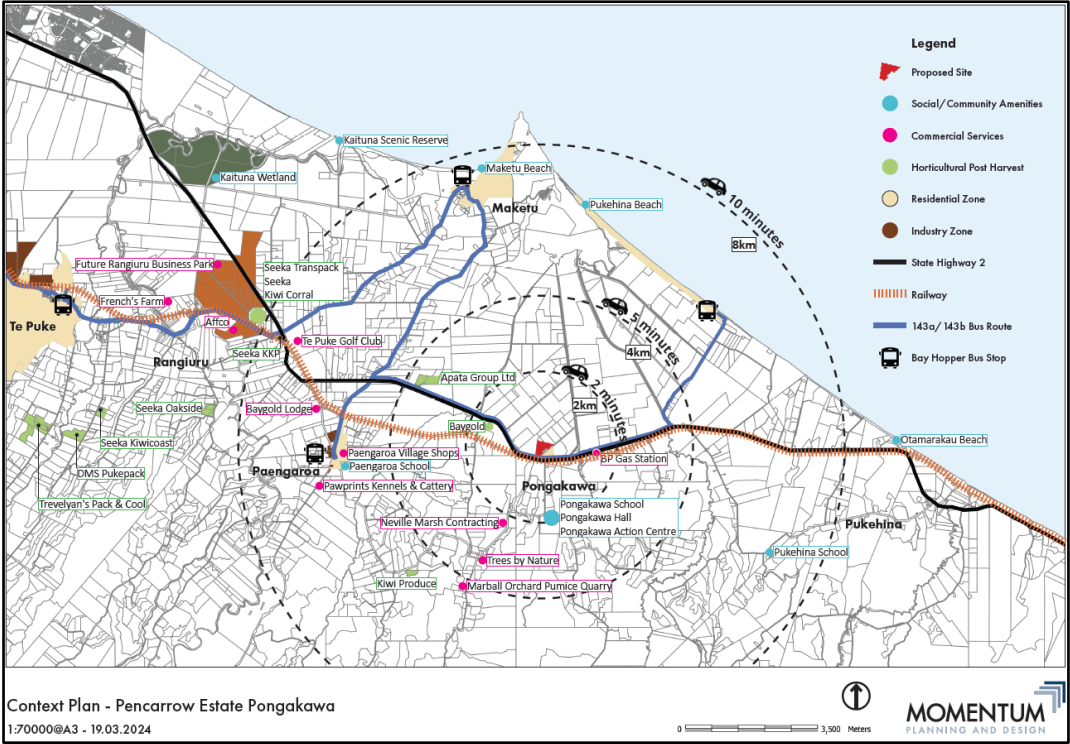


Figure 1 – Context Plan

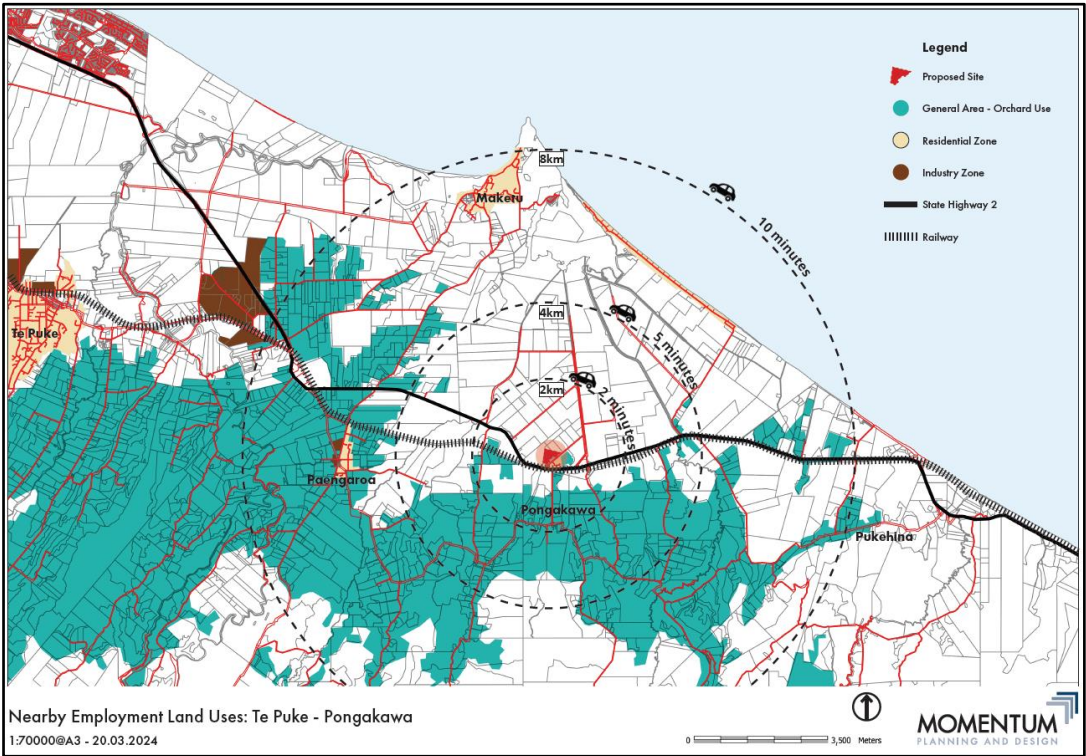


Figure 2 – Employment Land Te Puke-Pongakawa

Housing supply in the area is confirmed as insufficient through independent Housing and Business Capacity Assessments prepared in relation to the wider greater Tauranga/Western Bay of Plenty sub-region³. This accounts for increased development capacity within Te Puke by way of WBOPDC giving effect to the NPS-UD. The next forecast additional development to come online to service the area is a 'Future Eastern Town' in general locality east of Te Puke, with development not predicted to come online until 2034 at the very earliest⁴. The shortage of housing specific to Pongakawa is confirmed by independent economist Kevin Counsell of NERA Consulting (see **Appendix 8**).

The land proposed to be developed with housing/commercial land uses is subject to relatively low development constraints compared to surrounding land, as follows:

- The land adjoins/consolidates an existing residential settlement as opposed to interfering with unencumbered farmland elsewhere;
- The land is not subject to mapped tsunami risks. Mapped flooding hazards are limited to existing overland flowpaths through the site which will be retained with the development.
- The land is reasonably close to SH2, although sufficiently distanced to avoid reverse sensitivity effects to Waka Kotahi. SH2 provides direct connectivity via private travel and bus services to Te Puke and Tauranga City to the west.
- The land is adequately distanced from nearby Kiwi Rail (East Coast Main Trunk railway line) nationally-significant infrastructure.

The land is therefore considered to be most opportune in comparison to other land east of Te Puke to accommodate further growth pressure in the locality.

Proposed Development

It is proposed to undertake necessary earthworks, infrastructure construction and subdivision of land to enable planned development to occur as follows.

Enabling Development

Earthworks would be undertaken across the site to sufficiently stabilise the ground, ensure flood risk to future development is appropriately mitigated, and deliver overland flowpaths, stormwater treatment infrastructure and riparian improvements to the bordering channelised Puanene Stream.

³ Housing Development Capacity Assessment for Tauranga and WBOP – July 2021, pg 6; Housing and Business Capacity Assessment 2022 Summary – December 2022, pages 12, 25; Smartgrowth Strategy 2023-2073 Draft for Consultation – September 2023 pg 143.

⁴ Smartgrowth Strategy 2023-2073 Draft for Consultation – September 2023, pg 147. 2034 date of supplying dwellings considered ambitious given lack of business case, no plan change etc.

An intersection upgrade, at SH2/Arawa Road, would be undertaken. The design of this intersection has been undertaken in consultation with Waka Kotahi inclusive of an independent safety audit. A new tee-intersection at Arawa Road into the site would be installed, along with an additional footpath to the western side of Arawa Road. A new internal looped road would be constructed from this intersection to service the development.

Engineering design has been undertaken confirming the size of overland flowpaths to be provided to service the upstream catchment, as well as stormwater pipe, wetland and discharge infrastructure. See Lysaght Consultants appended information (**Appendix 3**), the design incorporating the 1 in 100-year rainfall event as modelled to be modified by climate change out to 2130.

Water supply options have also been designed for the site – either an upgrade of an existing main in SH2 / Arawa Road, or a reservoir solution – costing at detailed design stage to confirm. Wastewater infrastructure would be provided in the proposed road network, with the ability for all lots to connect to a reticulated network (with individual pumps and primary treatment devices) then conveying to a second combined treatment device prior to discharge to a dedicated wastewater disposal field. Such a system already being operative in smaller settlements in the Western Bay of Plenty and confirmed as viable here by Innoflow wastewater management consultants.

Power and communications servicing of the site is confirmed as feasible by Powerco and Chorus respectively.

Two reserves, one fronting Arawa Road and one engaging with the Puanene Stream are proposed, as are dedicated pedestrian routes enhancing connectivity with the wider Arawa Road residential community.

Residential Development and Subdivision

The land outside of a dedicated commercial lot, reserves and infrastructure spaces, is proposed to be subdivided to enable a diversity of dwellings to be constructed. To the interior of the site, relatively higher densities are proposed (minimum lot size 350m²). This lot size is provided for in residential areas of the District, and is considered to ensure that efficient and affordable urban development catering to a wide population demographic seeking to locate at Pongakawa is delivered.

To the periphery of the site, lot sizes are deliberately larger (minimum lot size 500m²). This is to increase the ratio of open space to built form at the interface of the development with surrounding rural land or the existing village of Arawa Road.

Deliberate design requirements are specified to apply to future dwellings along the common boundary with properties on the western side of Arawa Road. These include:

- Greater setbacks from the boundary than what is otherwise required for residential zones; and
- Restricting height of built form to one storey; and
- Landscape screening.

The above measures being proposed on plans and expected to be secured by conditions of consent to appropriately respond and balance amenity considerations at the existing Arawa Road properties sharing the common boundary.

All lots will have individual connections to the upgraded/installed infrastructure networks delivered as part of enabling works in accordance with contemporary engineering practice.

Commercial Development

A dedicated lot fronting Arawa Road is proposed to be developed with commercial buildings and a playground (3700m² total size). Intended to be accommodated by the buildings are a grocery/convenience store, and flexible community space for the likes of health professionals to utilise to carry out consultations in Pongakawa rather than all patients having to travel to Te Puke or further afield.

Specific design of the buildings has not yet been carried out however the permitted bulk and location standards applying to the WBOPDC Commercial Zone are proposed to be adopted as performance standards to be met. This restricts development to two-storeys in scale, considered appropriate to this location.

A playground is proposed adjacent to the commercial area. This is deliberately proposed so as to further enable the likes of a small café or hospitality venture to establish in the area and collectively create an enhanced sense of place to the Arawa Road residential village.

Timing and Stages

The enabling earthworks and infrastructure would be sought to be undertaken in the first available earthworks season, with some earthworks expected to be feasible in the 2024-2025 season subject to consenting.

Delivery of dwellings has been provided for in up to three stages, however this is subject to agreement with joint venture partners following securing of necessary consents – may be in one, two or three stages. First houses are expected to be ready to market end of 2026, again subject to consenting.

Eligibility for Fast Track Consenting

The proposal is a mixed use subdivision located adjacent to the settlement of Pongakawa on the Eastern Corridor within Western Bay of Plenty subregion. The subdivision is an ideal candidate for the Fast Track Consenting process as it will provide housing in a district that has identified a shortage of housing supply in the short, medium and long term. The subdivision will provide a variety of housing product to meet the needs of the community including varying housing sizes and budget. It will build upon Pongakawa's existing urban area and provide facilities such as reserves, walkways, commercial land, and bus stops to enhance public transport.

Clause 17(2) sets out the eligibility criteria for projects that may be referred to the panel. Clause 17 requires the joint Ministers to consider:

whether referring the project is consistent with the purpose of the Bill (see clause 3).

Comment: The project will provide an area for housing which exceeds the Regional Council's definition of significant under urban growth policies of the BOP Regional Policy Statement. This being in an area well-documented as experiencing high growth demand and established as being subject to predicted housing supply shortfalls in the short, medium and long-term scenarios.

whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.

Comment: The project will be able to be delivered to market up to 2 years earlier, with the certainty added by the fast track process.

the impact referring the project will have on the efficient operation of the fast track process:

Comment: Given the distinct factors applying to this development opportunity i.e. adjoining an existing settlement, close to transport corridors and central to emerging employment land, referring of the proposal is not considered to have the potential to impact the efficient operation of the fast track process.

whether the project would have significant regional or national benefits:

Comment: The project will provide regional benefits by increasing housing supply in close proximity to a significant labour market and location of employment. See further commentary below in respect of clause 17(3).

whether the application contains sufficient information to inform the referral decision.

Comment: This application includes substantial supporting technical information sufficient to confirm the land is suitable for residential use, is free of natural hazards and of site effects can be avoided or mitigated. This application report has been prepared with close regard to the requirements of Clause 14 of the FTAB to assist with the referral decision.

Clause 17(3) details factors that ministers may consider in determining if regionally or nationally significant benefits will result, relevant factors are considered further below.

17(3)(c) - Whether a project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):

Comment: The proposed subdivision and development will increase the supply of housing while also creating a variety of housing typologies. This occurring in the locality and market of the greater Tauranga urban environment and individual Te Puke urban environment where housing shortfalls in the short, medium and long terms have been established. This planned in a manner to keep the urban area of the village compact and consolidated to deliver an efficient use of land, well-functioning urban development, and reduces the fragmentation of productive land. The development also supports existing infrastructure in the wider area such as schools and community recreation facilities.

17(3)(d) – Whether a project will deliver significant economic benefits:

Comment: The planned subdivision creates commercial opportunities for new businesses in the Pongakawa township. It brings a degree of community services to the existing community, reducing economic expenditure to access all community services. It enables people to locate closer to sources of employment in the area, reducing transport costs. It also creates economic benefits as the site is developed.

17(3)(e) – Whether a project will support primary industries, including aquaculture:

Comment: The area surrounding the proposed subdivision has undergone a dramatic change in recent years, moving from diary farming/dry farming to highly productive kiwifruit horticulture. This change has increased the pressure on housing as the land use change has increased the required workforce. Increasing the housing options close by will support people moving closer to work and reducing vehicle kilometres travelled by workers, enable ease of direct access to this primary industry. Additionally, by growing the footprint of Pongakawa it does so whilst consolidating the existing urban footprint of the village to prevent unnecessary fragmentation of highly productive land.

17(3)(g) – Whether a project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:

Comment: Increasing the supply of housing close to areas of employment will potentially reduce the amount of kilometres travelled to and from work. This will consequently potentially reduce greenhouse gas emissions from private transport to work.

17(3)(h) – Whether a project will support adaptation, resilience, and recovery from natural hazards:

Comment: The subdivision plans include deliberate stormwater and overland floodwater management based on robust contemporary estimates of rainfall events, as modified for a conservative climate change scenario as at 2130. Delivering stormwater and floodwater management infrastructure with such levels of service creates improved upstream

community resilience from flooding. The design of the subdivision deliberate to work with the natural environment (i.e. occurrence of peat v more stable soils, variation in groundwater table), and takes into consideration potential natural hazards.

The proposed Pencarrow subdivision is therefore assessed to meet the eligibility criteria of a Fast-Track Approval project.

Assessment of Environmental Effects

All discernible potential effects of the proposal have been explored and considered in assessing this proposal to-date. These include:

- Contamination exposure effects;
- Archaeological, heritage, ecological and cultural effects
- Infrastructure servicing and capacity effects (addressing stormwater, water supply, wastewater, and energy and communications);
- Geotechnical stability effects;
- Natural hazard effects;
- Rural character and amenity effects (including noise and vibration, landscape and visual effects);
- Traffic effects;
- Rural productivity and reverse sensitivity effects
- Temporary earthworks and construction-related effects;
- Positive effects.

These are assessed in general detail below intended to reflect the direction of Clause 14(2)(b) of the FTAB.

Contamination Exposure Effects

A Detailed Site Investigation carried out by a suitably qualified and experienced contamination practitioner (Emma Joss of Pennan and Co, see **Appendix 11**) confirms that whilst several theoretical potential sources of historical contamination exist at the site, soil composition at the site does not exceed soil guideline values for residential land use.⁵ as outlined in regulation 7 of the NESCS. Negligible risk to human health and the environment is identified by the SQEP to future residential occupants. The site is therefore suitable to develop and be used for residential purposes insofar as potential contamination exposure pathways to future residents are concerned. The development and disturbance of the land also would not generate adverse contamination exposure effects to terrestrial or aquatic ecosystem constituents that interact with the site.

⁵ As outlined in regulation 7 of the NESCS

Archaeological, Heritage, Ecology and Cultural Effects

BOP Archaeology have completed an archaeological assessment of the site and no archaeological sites were discovered (see **Appendix 10**). The report concludes that there is *“reasonable cause to suspect that previously unrecorded archaeological sites may be encountered during earthworks.”* The archaeological report therefore recommends that an archaeological authority be obtained from Heritage New Zealand Pouhere Taonga. This will be obtained in due course and with appropriate engagement with tangata whenua. Given the positive working relationship with tangata whenua groups and the expertise of the project archaeologist, this approval is not sought to be granted via the Fast Track Approval referral process.

There would be no adverse effects upon built heritage in terms of nationally-listed or district-scheduled buildings or items owing to a lack of their presence at the site.

Tangata whenua have advised of the need for robust consideration of ecosystems and water resources as potentially impacted by development. This is a concern shared and sought to be addressed by way of expert advice from ecologists Wildland Consultants (see **Appendix 7**). Wildlands conclude that there would be no adverse effects upon physical habitat within downstream water bodies (including neighbouring Puanene Stream and downstream Little Waihi Estuary), and considerable restoration and enhancement value attached to proposed terrestrial planting including in the stormwater treatment wetland. This is subject to robust erosion and sediment controls during earthworks, and planting during permanent stormwater wetland construction, which is proposed – see appended Lysaght engineering information.

Native landscaping has also been included as recommended by ecology and cultural experts.

Impacts upon taonga of importance to tangata whenua have been considered with high importance in forming the components of the proposed subdivision and are considered to be appropriately addressed.

Subject to delivery of the above matters, support for the development has been forthcoming from hapu groups who have engaged on the project – Ngati Whakahemo and Ngati Pikiao, see appended correspondence records (**Appendix 13**).

Rural Productivity and Reverse Sensitivity Effects

The subject site has NZ Land Use Capability Classification ratings spread across Classes 2-4 and 7. The Class 2 land accounts for 75% of the site (includes wastewater field – see **Appendix 9**) and indicates moderate-high value for primary production, and as such is defined as versatile land under the District Plan. Such land is also subject to the NPS-HPL.

The site is part of a wider 95ha farm holding that traverses Class 2 and 3 land. Less than 5ha of Class 2 land is proposed to be developed for non-productive purposes (grazing of wastewater fields, where remainder of Class 2 land is located, can occur). This is an extremely small proportion of versatile land in the locality and would not inhibit the practical use of the remaining farm for primary productive purposes in the future. The area of land proposed to be developed follows existing fence lines to west and north, and overall protects the ability for practical and functional use of surrounding farmland for dry-farming purposes in particular, alongside future urban development.

For these reasons, the effects of the proposed subdivision and development in terms of physical and legal fragmentation of versatile rural land are considered to be very low, with no persons being adversely affected and overall being acceptable.

Reverse sensitivity effects refer to new land uses constraining lawfully established neighbouring land uses. In this instance, this would manifest by way of occupants of future residential dwellings of the proposed subdivision complaining and hindering rural uses of land, owing to odours, spray drift, noise etc common to rural working of the land but not common to residential environments.

The potential for this effect is proposed to be mitigated by way of two distinct measures:

1. Staged planning requirements requiring dairy sheds and effluent storage areas – the highest potential source of reverse sensitivity – to be removed prior to houses coming online in Stage 2 of the development.
2. Staged planning placing reserves (i.e. not dwellings) at the interface to sources of reverse sensitivity.

These proposed pre-requisites to issue of title (which can be secured via conditions of consent) and subdivision plan provisions are considered to suitably mitigate the potential for reverse sensitivity effects to future farmers/primary producers working the neighbouring rural land. It is noted that this land is currently owned by the applicant, whose approval is implicit.

The proposed subdivision plans will enable new residential dwellings and a small commercial development site. The nearest house would be approximately 170m away from State Highway 2 and will therefore be well separated from the noise and vibration effects associated with the normal operation of the State Highway. The distance is even further to the Kiwi Rail corridor on the southern side of SH2.

For these reasons, any adverse effects upon rural productivity, both as a result of consumption of rural land for non-rural purposes and as a function of reverse sensitivity effects, are considered to be suitably mitigated to be less than minor and acceptable.

Geotechnical Stability Effects – Site Suitability

CMW Geosciences have completed a Geotechnical Investigation Report (see **Appendix 4**) for the subject site. This investigation has confirmed the land is suitable for urban development and not subject to unacceptable earthquake or geotechnical risks including liquefaction, lateral spread and fault rupture. They recommend that as part of the foundation design, a TC2/TC3 foundation. This foundation type is not unusual in the Western Bay of Plenty context post-Christchurch 2011 earthquakes and would not generate an unreasonable or prohibitive development cost to residential development.

For these reasons, the site is considered to be appropriate in terms of geotechnical suitability, subject to reasonable recommendations being implemented through consent conditions that would suitably provide for site stability. For these reasons, geotechnical instability risks of developing the land upon nearby persons or infrastructure networks are considered to be less than minor and acceptable.

Natural Hazard and Environmental Effects

The site is indicated to be subject to flooding by way of overlays of the 1 in 100-year rainfall storm event (adjusted for climate change through to 2130) as recently modelled by WBOPDC, only in small gullies within the landform. These are overland flowpaths to be enhanced or re-provided with development. It is noted that the owners and applicants of this proposed subdivision have resided at the site for 50 years and have never seen the extent of the farm flood as implied by the modelling.

The geotechnical investigation, and a separate natural hazard risk assessment specific to Bay of Plenty Regional Policy Statement requirements, collectively determine the site is not at undue or elevated risk of impact from other natural hazards (see **Appendices 4 and 6**). The assessments canvass volcanic, flooding, earthquake/fault rupture, liquefaction, lateral ground spread, coastal erosion, tsunami and landslip natural hazard risks.

Subject to utilising the recommendation foundations for future buildings in this context, susceptibility of the planned development to natural hazard risks / exacerbation of natural risks is assessed to be suitably low to enable urban use as proposed.

The proposal incurs removal and cessation of dairy cattle grazing, which will have positive effects in terms of nutrient, in particular nitrogen, removal from the environment. The wastewater disposal field is proposed based on the use of specialist technology from experts for that purpose, following two stages of treatment prior to discharge into a dripline irrigation field following manufacturer requirements. The potential for off-site natural environmental effects relative to land-based wastewater discharge is considered to be inherently minimised and would be further assessment in detail alongside the devising of specific mitigation through the On-Site Effluent Treatment consenting process.

Rural and Residential Character and Amenity Effects

The following assessment has been completed incorporating landscape and visual amenity impact advice (LVIA) as detailed by a qualified Landscape Architect (Tom Watts, formerly employed at Momentum Planning Design, see **Appendix 12**).

Adjacent Rural Properties

North, east, southeast, and west of the site including land owned by the applicant is zoned Rural. In these directions are established working rural properties (at 1405 and 1423 State Highway 2; 6, 8, 14, 148 and 166 Tainui Road; and 182 McIntosh Road).

The nearest dwelling within these rural properties is more than 550m away (located at 1423 State Highway 2) and at a similar elevation. Considering the permitted height limit (8m, two-storey character), combined with this separation distance and reflectivity and planting measures proposed in the LVIA, impacts upon rural amenity factors and levels as experienced at these rural properties are considered to be negligible and acceptable. At this distance, the aforementioned amenity factors in the Rural Zone would remain prominent in the experience of persons at these properties.

Arawa Road Residential Properties

Arawa Road properties immediately adjoining the site have a rural residential character, each having an area of approximately 2000m², with an outlook over the proposed development site. This outlook includes grassed paddocks, shelter belt trees, worker's accommodation and farm buildings. The subdivision area will enable a change in land use and character of this outlook, which has been addressed in the landscape and visual assessment report. It was deemed appropriate to restrict the height of proposed residential buildings to single storey where future lots may adjoin these properties, alongside lower density. A yard setback of future dwellings of 8m has also been proposed to ensure there is a reasonable separation between future dwellings and the northwestern boundaries of these Arawa Road properties. These measures will help reasonably maintain the amenity values of these existing Arawa Road properties and mitigate the visual and rural amenity effects of future residential development as sought by the proposed subdivision.

Residentially zoned properties across Arawa Road and at Penelope Place experience different levels of amenity in comparison, owing to the expectation of closer proximity of built development and residential occupation. The future dwellings at the site would be restricted to the same scale and character as existing dwellings on this side of Arawa Road. For these reasons, amenity effects in respect of shading and natural daylight, and sense of enclosure are less than minor and acceptable.

Ambient noise from residential occupation within the site would be generated as a result of conversion to residential use. Noise derived from residential use would be similar to

that general noise experienced in the existing Residential zones alongside Arawa Road and encompassing Penelope Place. It is recognised that there may be different noise at the Arawa Road frontage to the site where commercial and play activities would be located, however, the effects of such use would be obscured and mitigated in perceptibility by passive noise of Arawa Road traffic and are expected to be during the daytime when the community facilities would be open and in use. For these reasons, no unreasonable noise effects upon neighbouring amenity are considered to result from the proposed subdivision.

This disposal field would be over 100m away from the nearest private residence not within the site, which is considered to be a sufficient distance which, combined with the buried nature of the disposal field, would ensure adverse amenity effects in terms of odour upon neighbouring amenity would not result.

Amenity Effects – Commercial Development

The commercial development enabled is small, community-scale uses, which are not expected to be large trip-generating or noisy land uses. The potential for material adverse amenity effects from enabling a small degree of commercial development is considered to be minimal and can be secured as such by way of conditions of consent.

For the reasons discussed above, any adverse effects upon rural character and amenity attributable to the proposal (including amenity of any person at any property) are considered to be less than minor and acceptable.

Traffic Effects

Harrison Transportation consultants have completed a Transportation Assessment Report (see **Appendix 5**) taking into account the likely traffic generated from the anticipated future residents and commercial traffic resulting from the future development of the land. In particular, the capacity of the supplying road network, and appropriate design requirements for new intersection into the site and upgrades to existing intersection at SH2 have been considered. In summary:

- A fit-for-purpose new entrance intersection into the development site can be delivered whilst also delivering footpath and carriageway improvements to Arawa Road.
- An upgraded intersection at SH2 is proposed, with deceleration lane.
 - This has been the subject of considerable geometric and constructability investigation, including collaborating with Waka Kotahi, and commissioning and responding to an independent safety audit of the intersection.
 - The design of the intersection reached is to the satisfaction of traffic engineering experts at WBOPDC and Waka Kotahi.

- Appropriate levels of service through these intersections will remain, with considerably improved safety and efficiency of movements at the SH2 intersection through the upgrades proposed.
- Traffic generation would not compromise performance of right-turn bay up Pongakawa School Road or cause queuing posing a risk to the railway line crossing at that location.
- A dedicated bus stop in the commercial lot is proposed, with agreements in place for local school buses (and possibly existing commuter services) to use this bus stop. This in a well observed and vibrant location (commercial area), and in lieu of the existing bus stop operation on the side of SH2 which is a recognised concern particularly for school children traffic.

Considering the above, and subject to implementing the proposed recommendations, any adverse effects upon the operation and safety of the receiving transport network are considered to be less than minor and acceptable.

Infrastructure Network Effects

The proposed development will improve water supply resilience on top of existing infrastructure servicing the area. Two options remain as feasible to be delivered subject to detailed design and final costings (reservoir or existing pipe upgrade). The existing pipe upgrade is preferred given the superior utility and resilience value, and can also readily add to firefighting capacity to the wider Arawa Road residential settlement.

Stormwater and wastewater generated within the site will be collected, treated and disposed of via proposed comprehensive reticulated networks and treatment wetlands (stormwater) / disposal drip field (wastewater).

Overland flows and floodwater from upstream catchments will be robustly provided for by way of three overland flowpaths to be delivered corresponding to existing overland flow patterns through the site.

The feasibility of power and communications infrastructure supply to the site has been confirmed by network providers Powerco and Chorus.

The above information is further detailed and evidenced by the Lysaght information at **Appendix 3**.

As such, no adverse effects to the operation of existing infrastructure networks is considered to result from the proposed development.

Temporary Earthworks and Construction Effects

The proposed subdivision will give rise to construction and earthworks activities that will have temporary effects on the amenity of the existing Pongakawa village. These are considered to be temporary and the staging of the development of the subdivision area will be from the existing residential village on the eastern side of the site moving to the northwest of the site. Enabling infrastructure works are required to be established at Stage 1. Future earthworks and subdivision consents are likely to include conditions of resource consent to mitigate earthworks and construction effects. Overall, these effects are considered to be temporary and able to be managed by best practices.

Positive Effects

The proposed subdivision will provide residential land to nearby horticultural farming activities, namely kiwifruit orchards, whilst suitably protecting against reverse sensitivity. Due to the extent of land use change to horticultural in the locality, there is a need for additional skilled and less skilled workers to service the needs of the kiwifruit industry in the immediate area. Providing for new residential development will assist in housing these workers and their families while minimising trip distance on the road network.

Through consultation with the community and Council staff, it was identified that there is a need in the area for additional social infrastructure, particularly medical services. There is also a need for some general convenience store. Suitable land-zoned Commercial is provided within the site for both of these activities.

There is also a lack of reserve facilities in close and convenient proximity to the existing Pongakawa residential settlement on Arawa Road. The provision of additional reserve land in the form of multipurpose recreation reserve and drainage reserve land will be provided. Combined with the new subdivisions this will ultimately provide for a walking circuit to be established through the future subdivision to the existing parts of Pongakawa settlement.

The overland flow paths, treatment pond and reserve proposed, combined with landscaping integral to the subdivision plan, present the potential for positive ecological impacts in terms of new habitat provision appropriate to the micro-climate and indigenous flora and fauna of the area.

These positive effects are considered to support the existing Pongakawa settlement and reinforce its identity and presence in the community while also providing for its future generations. Social well-being and resilience would be vastly improved with the development enabled by the proposed subdivision.

Environment Effects Conclusion

The proposed subdivision and development will result in the potential for the landscape values of the site to change from open rural paddocks to urban development. While this

change will have visual effects generated by newly built form, roads and other infrastructure associated with the change in land use, tailored and responsive mitigation accompanies the proposed plans to appropriately mitigate effects which can be secured by conditions of consent.

There will also be positive effects arising from the proposed subdivision. It will enable the consolidation of the Pongakawa village area while providing some recreational areas, commercial services, and some social infrastructure. There will also be some ecological benefits associated with the establishment of stormwater treatment wetlands and proposed landscaping elsewhere which collectively provides additional habitat for fauna and flora. This is consistent with the environmental outcomes sought by hapu, who amongst other matters wish the water quality of the drainage network to be maintained and enhanced. Recommendations for native trees within the road corridor have been identified as providing additional habitat for avifauna and may contribute to migratory and or increased native bird numbers.

While there will be a change to the landscape character of Arawa Road through the introduction of additional dwellings and a small commercial site the effects, care has been taken to ensure general compatibility of character at the interface to existing residential areas. Care has been taken to ensure that reverse sensitivity effects between the subdivision area and the balance land which is currently a dairy farm will be appropriately managed.

The totality of effects above has been considered in combination. Balancing the positive effects with the adverse effects associated with urbanisation of the land, the environmental effects overall are considered to be more than minor when accounting for the scale of change, however certainly acceptable.

National Policy Statements / National Environmental Standards

National Policy Statement for Urban Development 2020

The subject site and area has a strong employment, servicing and housing relationship with Te Puke township to the west. This is the commercial service and wider employment base for the locality, and is the close housing base for employees working in Pongakawa/Paengaroa orchards. Being less than 15km and 15 minutes drive away, the site is considered in the same locality and market as the Te Puke urban environment. The proposal reflects strictly unanticipated growth in previous spatial planning documents, however delivers on well-functioning urban development principles to be appropriate responsive development as entertained by the NPS-UD. This by way of enabling people to locate closer to employment, with proximity to strategic access routes (SH2), and delivering in-place social and recreational infrastructure to service the existing and future.

The proposal is considered consistent with the objectives and policy direction of the NPS-UD particularly where responsive planning is concerned. It should be noted significant development as set by BOPRC criteria is assessment to be met, as relevant to responsive planning directions in the NPS-UD.

National Policy Statement for Highly Productive Land

The proposal contributes housing supply to a locality and market established to be suffering from insufficient housing capacity now and predicted in the short, medium and long terms.

Alternative locations for siting the development have been considered through an RMA s.32 analysis. In summary, other sites are not considered more viable or preferable to accommodate development owing to:

- Greater susceptibility to natural hazards;
- Greater potential for archaeological/cultural effects closer to coast;
- Further distanced from transport network along SH2;
- Further reverse sensitivity towards rural activities (subject site wraps to north-west of existing residential settlement)
- Further disruption of established orchards or more productive land (particularly around Te Puke and Paengaroa residential areas).

Given the small area of Class 2 land to be removed from farming use (5ha of the 95ha farm), compared to the ecological and environmental, social and economic benefits to accrue for the current and future Pongakawa community, the general benefits of the proposal are considered to outweigh the costs.

Given this small area of productive land (5ha – confirmed by productive land experts Land Vision Ltd, see **Appendix 9**) compared to the vast extent of productive land in the area, the cumulative loss of productive capacity as modified by 5ha of removal is considered extremely minimal and suitably mitigated. Reverse sensitivity is also robustly provided for. Therefore Clause 3.8 avoiding subdivision of highly productive land is considered to be positively satisfied.

Clause 3.9 sets out what ‘appropriate’ development of highly productive land entails. This includes ‘small scale activity that has no impact on the productive capacity of the land’ (3.9(2)(g)). For the reasons discussed above, this is also considered to be satisfied.

As informed by expert land assessment, the proposal is considered to satisfy the gateways for use of 5ha of Class 2 land pursuant to Clauses 3.8 and 3.9 of the NPS-HPL.

National Policy Statement for Freshwater Management / National Environmental Standards for Freshwater

No resource consents are anticipated as necessary under the NES-F, as only riparian planting and restoration would occur within 10m of the stream which is provided for as a permitted activity. Wildland Consultants confirm no wetlands exist at the site, therefore NES-F provisions relating to wetlands are not engaged.

Riparian planting and stream improvements would give effect to the objective and policies of the NPS-FM, improving the quality of the watercourse and its constituent ecosystems.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

The DSI completed by SQEP Pennan and Co confirms the suitability of site soils for residential end-use. Therefore consenting under the NES-CS is not expected to be an issue.

No other engagement or consent triggers of national planning policy statements or national environmental standards are expected.

Consultation and Affected Persons

The following list of persons are likely to be affected by the project, including:

- Western Bay of Plenty District Council
- Bay of Plenty Regional Council
- Waka Kotahi
- Ngati Whakahemo
- Ngati Pikiao
- Adjacent Landowners

Consultation has occurred with all parties identified above, and others, see **Appendix 13**. both the Regional Council and District Council with respect to the urban expansion to Pongakawa and the environmental effects that need to be considered. Engagement with mana whenua has gained the written support of Ngati Whakahemo and Ngati Pikiao subject to the appropriate treatment of stormwater and wastewater so as not to adversely affect the downstream freshwater catchment area. Stream enhancement is proposed to improve the ecological values of the Puanene Stream adjacent to the site.

The concept design for an intersection upgrade with SH2 has undergone a safety audit and submitted to Waka Kotahi. No additional land is required under the Public Works Act.

Adjacent landowners on Arawa Road and Penelope Place have been consulted with respect to urbanising land adjacent to/proximate to their properties and how to manage amenity and character, traffic and reverse sensitivity effects in particular. This occurring

as recently as March and April 2024 via dedicated meetings and engagement, with consequential changes made to development plans to further address concerns raised.

Approvals Necessary to Complete Development

The following resource consents are required under the Resource Management Act:

1. Comprehensive Subdivision and Land Use Consent (WBOPDP Rules 18.3.5(c) and 18.3.5(a) and others - Non-Complying Activity) – From WBOPDC.
2. Land use consent for bulk earthworks (BOPRC RNRP Rule LM R4 – Discretionary Activity) – from BOPRC.
3. Consent to attenuate, treat, and discharge stormwater (BOP RNRP Rule 47B – RDA; Rule 30A – Discretionary Activity) – from BOPRC.
4. Consent to treat and discharge treated wastewater via a package treatment plant (OSET RP Rule14) – from BOPRC.

The above consents are sought to be accepted for referral to an expert consenting panel for consideration by this application pursuant to Clause 21 of the FTAB. A lodgement period of 6 months following the confirmation of referral would be accepted by the applicant (pursuant to Clause 21(3) of the FTAB), given the degree of work completed to-date towards commencing development that has occurred to-date.

The applicant is the landowner and therefore no third party approvals are needed to commence development.

Other Matters

No resource consents or NOR's have been lodged in respect of this development.

Climate change and natural hazards have been considered under the effects assessment above and in Appendix 6 attached. As discussed above, the site is not considered to be subject to any elevated natural hazard including geotechnical risks causing the site to be unsuitable or unacceptably risk-prone to accommodate the development.

No compliance or enforcement actions under the RMA are known to have been undertaken against the applicant at all and in respect of this site.

Conclusion

The proposed subdivision is extremely close to shovel-ready and supported by a number of local stakeholders and industry, residents and the development community. The project responds to housing shortage in the Tauranga/Western Bay of Plenty sub-region, and hence is considered appropriate for fast-track consenting.

The subdivision will establish a new residential area and small commercial site at Pongakawa that will provide for the housing needs of this community across the short-long term scenarios. The social infrastructure likely to be established as a result of this development will service the Pongakawa Village and also the surrounding rural catchment.

Large scale land use change to horticultural purposes in the vicinity of Pongakawa has increased the number of jobs in this part of the Western Bay of Plenty district and so the development will respond to this demand in an environmentally responsible and sustainable way. The developing Rangiuru Business Park is also only a few kilometres away and will provide employment for 4000 people when fully developed – housing of these employees will be supported by this subdivision.

Care has been taken to preserve the character of Pongakawa and integrate the proposed subdivision area with the existing residential settlement. The subdivision development yield proposed is consistent with that identified in the Regional Policy Statement for greenfield development, and to deliver lot sizes appropriate to the entire market to ensure affordability by those demanding housing in the area.

The proposed subdivision reflects many of the expected outcomes for residential development in the existing WBOP District Plan, in an integrated and coordinated manner to respond to existing and emerging demand.

An assessment of natural hazard risk has confirmed that the probability of natural hazards events affecting the site is suitably low.

Transportation effects are able to be managed with minor upgrade to the existing intersection with Arawa Road and the State Highway.

The proposed subdivision will allow people and communities to provide for their social, economic, cultural, and environmental wellbeing and be of a sufficiently small scale not to change the character of Pongakawa Village or detract from wider long term urban growth plans of the region. It is therefore considered to be consistent with Part 2 of the RMA, and is considered to be appropriate to be subject to the fast track consenting process.

Appendix 1: Certificate of Title

Appendix 2: Subdivision Development Plans

Appendix 3: Infrastructure Report

Appendix 4: Geotechnical Report

Appendix 5: Transportation Assessment

Appendix 6 - Natural Hazards Assessment

Appendix 7: Ecological Report

Appendix 8: Economic Assessment

Appendix 9: Soils Assessment

Appendix 10: Archaeological Report

Appendix 11: NES - Soil Contamination

Appendix 12: Landscape and Visual Assessment

Appendix 13: Consultation Records