Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Bay of Plenty Regional Council (BOPRC)
Contact person (if follow-up is required)	Marlene Bosch
	Principal Advisor Consents
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Mitre 10 MEGA and Medical Centre Development Papamoa
General comment – potential benefits	There are potential employment benefits for the construction phase of the development and for the establishment of a medical centre. However, since the Mitre 10 is a relocation of an existing Mitre 10, it is considered to have minor additional employment or economic benefits for the region.
General comment – significant issues	Flooding and floodwater displacement are considered a significant issue. Please refer to attached letter dated 15 September 2020.
Is Fast-track appropriate?	No - Please refer to attached letter dated 15 September 2020.
Environmental compliance history	Not Applicable
Iwi and iwi authorities	Nga Potiki Contact: Matire Duncan – s 9(2)(a) Ngai Te Rangi Contact: Pia Bennett – s 9(2)(a) Waitaha: Contact: Vivienne Robinson – s 9(2)(a) Waitaha have a statutory acknowledgement on the Wairakei Stream, which this catchment drains into. Ngati Pūkenga Contact: Buddy Mikaere – s 9(2)(a)
Relationship agreements under the RMA	No relationship agreements
Insert responses to other specific requests in the Minister's letter (if applicable)	All questions have been responded to in the attached letter dated 15 September 2020
Other considerations	An application for the earthworks component of this project has been lodged with the Bay of Plenty Regional Council. Application RM19-0043 was lodged on 30 January 2019. This application is awaiting further information under section 92, RMA, regarding stormwater management, floodwater displacement and cultural effects. To assist the Minister, a comparison table, highlighting differences between the current application lodged under the COVID-19 Recovery Act 2020 and the earthworks application RM19-0043 lodged with the BOPRC, has been provided as Appendix 1.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Your Ref:
Our Ref:

15 September 2020

Liz Moncrieff
Acting Director, Natural and Built Systems
Ministry for Environment
fasttrackconsenting@mfe.govt.nz

Dear Liz

Covid-19 Recovery (Fast-Track Consenting) Act 2020 – Mitre 10 MEGA and Medical Centre Development, Papamoa – Comments pursuant to Section 21(4)

Thank you for providing the Bay of Plenty Regional Council (BOPRC) with the opportunity to provide comments on the Mitre 10 and Medical Centre Development application under the Covid-19 Recovery (Fast-Track Consenting) Act 2020. BOPRC have provided pre-application advice in 2018 and after lodgement of their earthworks application in 2019, BOPRC have held meetings with the applicant's consultants to discuss technical issues and further information required. An overview of the 'significant issues' you have sought comment on is provided below:

Stormwater

BOPRC is concerned about the increased flooding effect on neighbouring properties with the proposed development. Flood storage displacement due to elevation of the site to RL6.0 has been incorporated in the application. However, below is a summary of the main points that BOPRC engineers consider have not been adequately considered by the applicant:

1. **Predevelopment assumption of impermeability**

   BOPRC do not agree with the predevelopment situation being modelled as 100% impermeable.

   The existing site is a grassed paddock with underlying peat soils and farm drains. Peat soils are able to store up to five times or more of their weight in water. The ability for runoff to be stored in the peat will depend on its antecedent moisture content, which in turn will be related to groundwater levels at the site and the water levels in the drainage channels. This is not a constant. Generally, at the start of a storm event, the peat will not be at saturation level. The report identifies that groundwater varies from 1-1.8m below ground level. Groundwater at these levels will provide available storage within the peat layer.

   Modelling predevelopment as impermeable discounts the current natural predevelopment stormwater attenuation in the soil and suggests that when the site is sealed (post-development), there is no change to runoff and no need to store 40% of the runoff (a requirement of Tauranga City Council's (TCC's) Comprehensive Stormwater Discharge Consent). Although there may be times when groundwater at the site may be very close to the surface and conditions are completely saturated, with no ability for infiltration, that is not the situation that should be modelled for predevelopment.

   The predevelopment parameters need to be re-evaluated, to understand the effects of stormwater runoff.

The intention of the modelling is to help quantify storage requirements to mitigate runoff/ flooding effects. Typically, modelling parameters are conservative to allow for uncertainties. Assuming a predevelopment situation of completely saturated peat is not a conservative parameter. The applicant's peer reviewer, AWA, concurs that the predevelopment assumptions will underestimate the increase of stormwater runoff, post development. Specifically the Conclusion 4 of the AWA report states:

"*The approach for simulating hydrological losses in the Pre-development scenario will lead to an underestimate of the increase in runoff due to the development. This effect may be minor depending on the soil storage capacity above the groundwater table*."

2. **Increased 40 mm flood depth on the Riddell Block**

The flood modelling (even with an erroneous predevelopment assumption), has identified an effect of 40mm of extra flood depth on the neighbouring Riddell block solely due to flood storage displacement effects, as a result of raising the site level. This increased flood depth corresponds to approximately an extra 2000 m^3 of extra runoff volume that should be mitigated. The application states that the Riddell Block is flagged for residential development, so the developer will be required to mitigate flood displacement effects. If the extra 40mm due to flood displacement from Mitre 10 development is accepted, then The Riddell Block developer will therefore be required to mitigate effects from not only their development, but also the additional water originating from the Mitre 10 development.

The Riddell Block is therefore adversely affected by the increased depth of floodwater and any future use and development of the site may be limited.

3. **Live storage level of stormwater wetlands**

To achieve the calculated required storage volume of 32,700 m^3 in the proposed combined wetland areas of 11,787 m^2 and 5,546 m^2, the stormwater wetlands require a depth of 1.9m and corresponding live storage levels of RL 3.9m Moturiki Datum. The application states groundwater varies from between 1-1.8m below ground level and the modelling report states that in winter groundwater can be close to the surface. Previous analysis of groundwater bore monitoring data confirms the latter statement. During a wet year in 2017 (considered to be a 15 year return period rainfall event for 70 day duration), groundwater levels at the site would have been at RL5m. There will be periods of time, particularly in wet years, that groundwater levels will be higher and live storage to this level will not be available - i.e. groundwater will fill the wetland, decreasing the available area for stormwater storage and result in increased runoff.

Further analysis is required to confirm that RL3.9m live storage can be maintained in the wetlands during wet periods and that any ongoing resulting discharge of groundwater due to drainage configurations on the site will not create a downstream adverse effect.

4. **The Bell Road Catchment**

With respect to the Bell Road catchment, the modelling has shown that the development will increase runoff into the Bell Road catchment. There are existing flooding issues in the Bell Rd catchment which should not be exacerbated. The additional runoff and extent of the effect on the Bell Road catchment needs to be quantified.

5. **Other Considerations**

The modelling report mentions flood mitigation for the Tauranga Eastern Link stormwater ponds and the extra flooding to the north at Carlsberg and Tierra Place.

Urban Limits

BOPRC Policy and Planning staff have had a number of meetings/correspondence with Aaron Collier (planner for Mitre 10) regarding this site and development proposals dating back to March 2019. Initial concerns raised related to the proposal being commercial in nature and needing to connect to three waters infrastructure while being located outside the Regional Policy Statement (RPS) urban limits border.

TCC have completed the Rural Land Study and the Urban Form and Transport Initiative (UFTI) final report has recently been completed by the SmartGrowth partnership. To give effect to the NPS-UD (now gazetted), the RPS urban limits line approach will need to be amended to be more flexible and responsive. Land between the current RPS urban limits line and the eastern arterial will be included in the urban limits line when the RPS is amended.

Therefore, from an RPS urban and rural growth management perspective the BOPRC Principal Advisor, Policy and Planning has no concerns about the proposal being assessed under the 'Fast Track' consenting act.

Natural hazards

The subject site it is within the Pāpāmoa study area of the Rural Land Study Report. It is well known that the site and surrounding pastoral land is subject to flooding, liquefaction and comprised of peat. At section 11.8 'Recommendations' the report notes:

'The soil conditions and natural hazard considerations collectively raise significant engineering and economic impediments to achieving potential future urbanisation of the area. A more in-depth study of the area should be undertaken, specifically regarding engineering feasibility and infrastructure capacity before embarking on development.'

The following natural hazards are considered relevant:

a. Liquefaction and lateral spread
b. Tsunami
c. Intense rainfall flooding.

The application states that natural hazards and geotechnical effects can be appropriately mitigated. However, given the engineering stormwater management and displacement concerns raised in Section 1 above, concerns regarding flooding effects on neighbouring properties have not been addressed.

Summary

BOPRC consider that there are significant flooding issues relating to this development in the proposed location, which have not been sufficiently mitigated in the current application. BOPRC have been in discussion with TCC and the applicant regarding these issues since the beginning of 2019. Given complex nature of the hydrological issues, the potential effects on neighbouring properties and on TCC infrastructure, BOPRC consider that the shortened timeframes under the fast-track consenting process may not be appropriate for this application. On this basis, BOPRC request that the Minister decline to refer this project to an expert consenting panel.

Yours Sincerely

Marlene Bosch

Principal Advisor Consents

Appendix 1: Comparison of the Earthworks application and the Current Application

Current Application	Earthworks Application (RM19-0043) and subsequent changes through s92 responses
Address - 160 Domain Rd, Papamoa, Tauranga	142 Domain Road, Papamoa, Tauranga
Certificate of title - Lot 1 RC26681 (being a subdivision of Section 2 SO 450441)	Legal Description - Lot 1 Deposited Plan 528542 Resource Consent was granted by Tauranga City Council on 20 November 2018 under RC 26681 for a three-lot freehold subdivision, attached at Appendix C. The subject site comprises the land within Lot 1 only.
Landowner - Mitre 10 Holdings Ltd.	At the time of the original application with BoPRC, the applicant did not own the lane but had a sale and purchase agreement with the landowner at the time.
Project relates to the development and operation of Mitre 10 MEGA store and a medical centre, including associated access, car parking, signage, landscaping, services, earthworks and associated works This application is focused on the development of the southern part of the Site for the purpose of establishing and operating a Mitre 10 MEGA store and a medical centre	The proposed earthworks would enable the site to be developed from rural use (consisting of a vacant pastural lot), to a mixed-use development comprising medical and retail facilities
To provide two wetlands that will not only provide necessary low impact stormwater design, but will improve environmental outcomes,	Establishment of wetlands was not part of the original application
Undertake extensive ground improvement measures to ensure that the landform is fit for purpose	Not applicable to the earthworks application.

Ensure that the project integrates well with the existing and future transport network and three waters infrastructure allowing for additional development potential in the neighbouring blocks	Not applicable to the earthworks application.
Large scale earthworks and temporary discharge consent for the necessary enabling works.	Consistent with earthworks application
Earthworks across the Site to raise the Site to RL 6.0m and reduce the overall level of topographical change to allow the Site to be developed.	Earthworks are required to raise the level of the site by approximately 1.0-1.6m to create suitable building platforms for the proposed development and associated infrastructure. No reference to a Site RL of 6.0m
Two wetlands covering an area in excess of 17,333m² which will provide necessary stormwater management as well as amenity to the Site on the southern and western sides	The two permanent stormwater ponds are to be constructed at the north western corner of the site and used as Sediment Retention Ponds to service the full catchment. The ponds will be excavated to a base level of approximately RL 4.0 and can cater for half of the overall catchment each not including the ponds themselves (11.2ha). This means that each pond has a catchment of 5.6ha which is slightly above the recommended maximum of 5ha per pond (BOPRC Erosion and Sediment Control Guidelines 2010/01).
The earthworks on-site are proposed to be staged (in 3 stages), with the Mitre 10 MEGA site being the first priority followed by the Riddell Access Road and finally, the medical centre site. The earthworks will consist of ground improvement and civil works and will include the preloading of the site.	General reference to a staged approach
The stormwater management and off-site services will be constructed concurrently with the ground improvement works.	Not applicable to the earthworks application.

After the completion of the earthworks phase, the spare blocks of land at the north and east of the Site will be used to stockpile the surplus preload from the three stages.	Generally consistent.
Approximately 5 ha of the 14 ha Site that will be left undeveloped as part of the initial phase of the project. The future development of this land has been considered in the servicing of the Site but does not form part of the project.	Not applicable to the earthworks application.
Intention would be to commence the earthworks as soon as practicable following the approval of the application	It is proposed that the construction will start in the 2018/2019 earthworks season and is expected to be undertaken over 5 years This timeframe has passed as the consent has not been granted to date due to unresolved stormwater management issues – mainly floodwater displacement
Permits sought include land-use consent, water permit, discharge permit Rules LM R4, DW R21, DW R23	LM R4 (earthworks) DW R21 (temporary discharge of stormwater from construction site to farm drainage channel) DW R23 (temporary discharge of water to land soakage in sediment pond WQ R43 (temporary take and use of water to dewater construction site) The need for this consent is not addressed in the current application.
Archaeological authority has been granted (Heritage New Zealand File ref: 2019/645, date granted: 24 May 2019).	An archaeological assessment has been completed for the site by Archaeology Bay of Plenty. An Archaeological Authority has been sought from Heritage New Zealand pursuant to Section 44 of the Heritage New Zealand Pouhere Taonga Act 2014

A comprehensive stormwater discharge consent from BOPRC (Consent Number: 63636, date granted: 6 October 2009 to TCC) (the Pāpāmoa CSC) is in place for the full Wairakei catchment (that this Site falls within).	Consistent
Consent for the large-scale earthworks and associated temporary stormwater discharge has been sought from BOPRC (RM19-0043), date lodged: 23 January 2019. This consent is currently on hold at the Applicant's request. It will be withdrawn before lodging a consent application with an expert consenting panel under the COVID-19 Recovery (Fast-track) Consenting Act 2020 (the Act).	Yes, it is on hold at Applicant's request.
It is anticipated that construction activities will commence as soon as practicable after resource consents are granted via the Act. It is anticipated that it will take 60 months to complete construction activities	Consistent It is proposed that the construction will start in the 2018/2019 earthworks season and is expected to be undertaken over 5 years
Mitre 10 Construction - Ground Improvement and Civils - Site establishment and ground improvement works: 10 months (to commence at Month 9 stage) - Preload period: 12 months (to commence at Month 19 stage) - Removal of preload and Civil Works: 9 months (to commence at Month 31 stage) - Construction - Mitre 10 MEGA building: 9 months (to commence at Month 33 stage, with opening of commercial premise by Month 42) ***Access Road Construction - Ground Improvement and Civil works*** - Ground improvement works: 13 months (to commence at Month 13 stage)	Timeframe details not provided in earthworks application

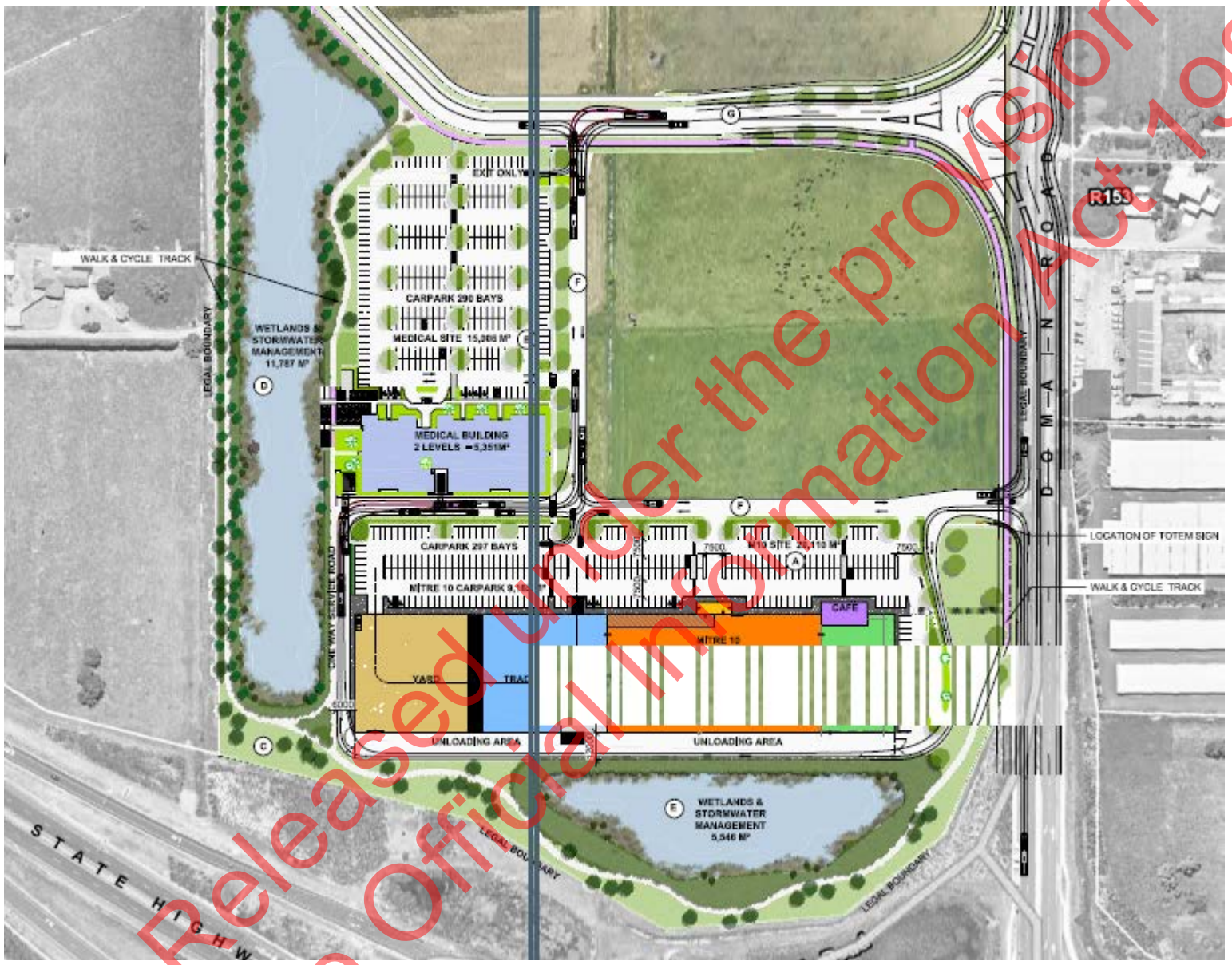
- Preload period: 12 months (to commence at Month 26 stage) - Removal of preload and Civil Works: 8 months (to commence at Month 38 stage) ***Medical centre Construction - Ground Improvement and Civil Works*** - Ground improvement works (staggered as preload material comes available): 23 months (to commence at Month 19 stage) - Preload period staggered as preload in 2 parts: 20 months (to commence at Month 34 stage) - Removal of preload and Civil Works (staggered): 13 months (to commence at Month 47 stage) Construction - Medical centre building: 12 months (to commence at Month 47 stage, with opening of commercial premise by Month 59) Stormwater management areas / wetlands: 10 months (to commence at Month 47 stage) Construction of off-site services: 10 months (to commence at Month 11 stage)	
A meeting was held on the 26 February 2020 with BOPRC. An overview of the project was provided. The other topics at the meeting involved the structure plan process, natural hazards and an update on the Regional Policy Statement (RPS). A follow up meeting was held on the 26 June 2020 where the stormwater modelling results were presented and discussed.	Enspire (Consent Planner for RM19-0043) was not involved in either meeting. The meeting was attended by the BOPRC Principal Advisor Planning and Policy and the Senior Environmental Engineer.
For stormwater, in regard to impacts on neighbouring areas and landowners, there is an increase in the maximum water level at the Riddell Block farmland by 40mm in both the intermediate and future development scenarios (as requested to be modelled by the	Not provided in the earthworks application Comments provided in the attached letter dated 15 September 2020

TCC and known as the 2% AEP 2055 Intermediate Development Scenario (IDS) and 2% AEP 2055 Future Development Scenario (FDS). However, the land is flooded for a shorter duration of time than the current scenario and the adverse effect on the Riddell Block is therefore considered to be no more than minor. There are also some increases in top water level in Tierra Place, and a reduction in top water level in Carlsberg Place, but as the building platforms at the dwellings all appear to be above RL5.5m, there is not a significant reduction in freeboard and no practical impact or effect. The duration of flooding is also reduced from the predevelopment scenario reducing the risk of waves caused by passing vehicles impacting the properties.	
There is an increase in the maximum water level in the Transport Agency ponds (south of the Site) by 150mm in the Northern Pond and 20mm in the Southern Pond in both the 2% AEP 2055 IDS and 2% AEP 2055 FDS scenario. Mitigation is proposed in order to convey the flow with a swale drain proposed around the south of the site, which will either tie in with the Domain Road drainage or continue north under the proposed access road to the existing farm drains north of the Site.	Not provided in the earthworks application
The project has the potential to generate adverse effects on Ngā Pōtiki values and sites of significance. The Applicant intends to continually engage with Ngā Pōtiki in order to ensure that any potential effects identified are avoided, remedied or mitigated	Not provided in the earthworks application
The project is able to manage stormwater runoff and flooding impacts in accordance with the Pāpāmoa CSC when considering the Full Development Scenario (as defined within the Pāpāmoa CSC). The updates to the catchment's stormwater model included work to convert the Rural catchment (Riddell properties and neighbouring land) into 2D. The results of this stormwater modelling shows that predevelopment case using	Not provided in the earthworks application, permanent stormwater discharge from the developed site was not relevant, but the displacement of stormwater and floodwater as a result of the earthworks was considered. Comments provided in the attached letter dated 15 September 2020

Intermediate Development Scenario results in a top water level in the Wairakei Stream just above the consented level of RL 4.5m. This means that conditions of the Pāpāmoa CSC are not being met at present. When the proposed upgrades to the Gravatt Road Culverts occurs (which is a requirement of the Pāpāmoa CSC), the pre-development levels reduce to just less than RL 4.5m and the project is able to manage stormwater runoff and flooding impacts in accordance with the Pāpāmoa CSC. In some areas between the Site and the Wairakei stream, the maximum water level in the flood event will be increased, however these areas will be flooded for a shorter period of time, so the overall effect will be less than minor. In some areas such as the rural farmland, this impact is seen as positive. The project is considered to have no more than minor impacts on the stormwater catchment.	
CIA has been prepared for the project by the Ngā Pōtiki a Tamapahore Trust Board and gives effect to the Tūhoromatanui: Ngā Pōtiki Environmental Plan 2019-2029. The CIA identifies that the Site was formerly part of the Pāpāmoa wetlands and formed part of the primary route from the hill pā to kāinga across the wetlands and Application for a project to be referred to an expert consenting panel 13 Pāpāmoa Dune plain, and the proposed construction of wetlands within the Site can partly restore the Site to its natural function and can support Ngā Pōtiki to reconnect with the environment through involvement in the wetland design, construction and ongoing maintenance. Engagement has been ongoing with Ngā Pōtiki in order to work collaboratively on the conceptual design of the proposed wetlands (including planting) and the potential introduction of other cultural aspects to the project, including a pou whenua or sculpture within or near the wetland.	Consistent
Servicing effects (effects from landform): The landform at the Site is proposed to be raised to approximately RL 6.0 m, to	

accommodate a 300 mm freeboard above a 100yr 48h storm event in the catchment. This 'ultimate landform' is expected to be shaped so the majority of the overland flows from the Site enter the stormwater management areas and tie into the upgrades planned for Domain Road by TCC.	
Natural hazards: A Natural Hazards Assessment has been produced in line with the BOPRC RPS and natural hazard risk management policy framework for project proposals. The natural hazards listed in the RPS have been assessed, with liquefaction, lateral spread, and flooding being the hazards evaluated further within the risk methodology as they were considered most relevant to the Site. With the risk mitigation measures proposed as part of the project (including raising the level of the Site and the two large hydraulically linked wetlands) the overall risk from the identified natural hazards is considered to be low. It is therefore considered that the effects from the project relating to natural hazards would be less than minor.	This is new information
Geotechnical effects: A Preliminary Geotechnical Report has been produced for the project. The types of soils identified at the Site and within the surrounding environment produce key challenges for the project, including lowbearing capacity, high compressibility and potential liquefaction at the Site. In order to support the design and construction of the project, the Site will be subject to extensive ground stabilisation methods as well as cut and fill earthworks which will raise the entirety of the Site to approximately RL 6.0 m. With the engineering solutions proposed at the Site, it is considered that the geotechnical issues can be appropriately mitigated.	A preliminary geotechnical report fromTonkin and Taylor, dated February 2017 was provided for the earthworks consent.

The potential for the project to be affected by climate change has been considered in detail in the Stormwater modelling and flooding work that informed the Engineering Services Assessment. This was guided by direction from TCC that compliance with the Pāpāmoa CSC would be judged using the 2055 climate change adjusted rainfall as this is the rainfall that was used in consenting. Therefore, the minimum storage is 40% of the difference in volume for the 1 in 50-year 48-hour 2055 event. In terms of the effects of long term climate change on groundwater, the PreliminaryGeotechnical Report states that this is more likely to affect sea levels and there is no evidence from continuous monitoring via level loggers that sea level (i.e. tidal fluctuations) will have any impact on groundwater levels within the Site. On this basis it is predicted that the effects of long term climate change on the groundwater table on this site to be very minor.	



This diagram was not part of the original application

Generally consistent with the Site location map in the original application.

Not able to identify earthworks, stormwater and other details from this this diagram.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Local authority providing comment	Tauranga City Council
Contact person (if follow-up is required)	Daniel Smith Manager, Environmental Planning s 9(2)(a)

Project name	Mitre 10 MEGA and Medical Centre Development Papamoa
General comment – potential benefits	No comment.
General comment – significant issues	Please refer to attached letter dated 15 September 2020.
Is Fast-track appropriate?	No. Please refer to attached letter dated 15 September 2020.
Environmental compliance history	No compliance history of relevance
Iwi and iwi authorities	Nga Potiki – Contact person is Matire Duncan s 9(2)(a) Te Kapu o Waitaha iwi – Contact person is Vivienne Robinson – s 9(2)(a) or Maru Tapsell – s 9(2)(a) The site is within the statutory area of interest for Te Kapu o Waitaha iwi. Ngati Pukenga – Contact person is Buddy Mikaere – s 9(2)(a) Ngai Te Rangi Iwi – Contact person is Pia Bennett – s 9(2)(a)
Relationship agreements under the RMA	No relationship agreements, however, all abovementioned groups have iwi management plans.
Insert responses to other specific requests in the Minister's letter (if applicable)	All questions have been responded to on this template or in attached letter dated 15 September 2020.
Other considerations	In addition to matters outlined in attached letter dated 15 September 2020, it is noted that the applicant sought consent from the Bay of Plenty Regional Council (BOPRC) for bulk earthworks of the site in early 2019.

15 September 2020

Tauranga City

Ms Moncrieff
Acting Director, Natural and Built Systems
Ministry for Environment
fasttrackconsenting@mfe.govt.nz

Dear Ms Moncrieff,

Covid-19 Recovery (Fast-Track Consenting) Act 2020 – Mitre 10 MEGA and Medical Centre Development, Papamoa – Comments pursuant to Section 21(4)

Thank you for providing Tauranga City Council (TCC) with the opportunity to provide comments on the above-mentioned proposal prior to the Minister deciding if it is referred to an expert consent panel. TCC has participated in a range of 'pre-application' meetings with the applicant's consultants since mid-2019. The focus of this engagement has been to provide the applicant with factual information, and importantly, there has been no endorsement or 'in-principle' support for the proposal. Points 1-5 below provide an overview of the 'significant issues' you have sought comment on.

1. Misalignment with city, regional and strategic planning

The subject land is located within the Rural Zone and is outside of the urban limits line. A basic assessment of the proposal against key policies of the Tauranga City Plan (City Plan) and Bay of Plenty Regional Policy Statement (RPS) is included as Attachment 1 to this letter. The proposal does not appear to align with City Plan policies pertaining to the Rural Zone.

The proposed development is of a size and scale that undermines the planning framework promoted by the RPS. The RPS explicitly states that new large-scale business activities of this nature are inappropriate outside of the urban limits line and shall only be undertaken within the urban boundary. It is anticipated that such development would only be possible after a re-zoning and structure planning process.

For context, the urban limits line was developed through the first iteration of the SmartGrowth Strategy and codified into the RPS. As part of that planning process, associated policy was put in place to recognise the role of the urban limits line, and how development outside of it could proceed. From a strategic point of view, the role of the urban limits line is to enable the delivery of the settlement pattern and provide priority of infrastructure to zoned areas and therefore also allow the Council to plan for sequential growth.

TCC has not (via Council resolution) considered the rezoning of this land area or its structure planning. Furthermore, the proposal is not provided for in either the SmartGrowth Strategy, draft Future Development Strategy and Urban Form and Transport Initiative as an existing area for urban development, nor a planned one.

2. Implications for existing/planned commercial centres

The scale and size of the operation (and its configuration) appears to result in the creation of a new commercial centre 'in its own right.' This is an effect greater than the operative City Plan and strategic framework for commercial centres anticipates.

While the proposal is limited to the Mega Mitre 10 and medical centre, it will likely attract other commercial enterprise to locate in/around this area. The application makes multiple references to the future development of the balance of the site and of the neighbouring blocks. An 'out of zone' centre of this magnitude is likely to have a direct impact on the three existing zoned commercial centres in the immediate Papamoa/Wairakei area and may undermine the operation of those existing and zoned centres. Particularly given TCC's assessments show that there is adequate supply of commercial land within existing zoned areas.

3. Transport network implications

The proposal will be a significant traffic-generating commercial centre. As commercial uses on the site have not been anticipated in any strategic planning for the area, the potential effects of such a use have not been anticipated through recent upgrades to the Domain Road corridor, between Doncaster Drive and Papamoa Beach Road.

There are three key transportation matters related to the proposal that require resolution:

a) The form of the principal new intersection with Domain Road, that will be used by most of the traffic entering and exiting the development to connect with the existing road network.
b) The impact that the significant traffic generated by the proposal will have on the operation of Domain Road to the north.
c) The impact that the significant traffic generated by the proposal will have on nearby infrastructure to the south. This is principally focused on the operation of the Domain Road interchange, a matter for Waka Kotahi-NZTA to consider, and whether this section of Domain Road south of the site should be upgraded to a four-lane carriageway.

During the applicant's earlier concept planning TCC provided some advice regarding the first two points above. Of concern is that the applicant has not taken these comments onboard. Most concerning is the proposed design of the new intersection and the impact the development will have on the operation of Domain Rd north of this intersection. TCC's recent upgrades to this road have taken a multimodal focus with a high priority placed on improving the facilities for pedestrians and cyclists. The road has been retained as a two-lane facility with widened footpaths / shared paths and improved pedestrian and cyclist crossing facilities. By way of example, the newly-commissioned traffic signals at the intersection of Doncaster Drive and Domain Road provide only a single traffic lane in each direction for through traffic, while providing widened paths for pedestrians and cyclists. This layout will have restricted the traffic-carrying capacity of the network in this location.

TCC are concerned that the additional traffic from the development, which was not reasonably anticipated when the Domain Road upgrades were designed and built, has the potential to generate significant traffic congestion and degradation of the level of service along this corridor for all users. The adverse effects of the development on the wider transport network will be difficult to resolve, particularly within the shortened timeframes associated with the fast-track consent process.

4. Three waters

Wastewater

It is unclear how the applicant is proposing to provide wastewater services to the site. Of importance is that the Opal Drive pump station (the main pump station for the area), which is mentioned in the application, is under strain and due for replacement. The designated site for the replacement pump station is leased to Kāinga Ora for transitional housing until July 2022. Until the site is available and

a new pump station constructed, the catchment is unable to accept additional discharges from unplanned development without further increasing the risk of wastewater overflows into private property and the environment.

Any servicing of the site will require pipework to connect to the wastewater network as the site is not currently serviced. This will require infrastructure through private property (the 'Riddell Block') or public land such as Domain Road. Such conveyance pipelines on private property are unlikely to meet the city's Performance Standards pertaining to wastewater. TCC has concerns regarding the timing, coordination and funding of any works associated with wastewater infrastructure within the Domain Road corridor.

Water supply

The site contains a public watermain protected by easement along the southern boundary. This is the bulk watermain for the coastal strip and is of extreme criticality as the supply to Pāpāmoa and Mt Maunganui. TCC has previously raised with the applicant concern around the impact of extensive groundworks and development adjacent to the pipeline and requested analysis of the effects.

Capacity to supply potable water to the site is limited while the Waiāri Water Supply Scheme is under construction. As the land is rural, network planning has not anticipated a commercial development which may have high water use and require high fire flow requirements.

TCC is implementing a Water Management Plan and associated policies in order to manage the city's water usage in alignment with national direction on freshwater. Based on TCC water management policies, it is unlikely that potable water will be available to mitigate the effects of a large scale and lengthy period of earthworks. The applicant would need to demonstrate an alternative source of water is available. It does not appear that the applicant is seeking consent to take groundwater.

Stormwater

TCC holds a comprehensive stormwater consent (CSC) for discharge from the Pāpāmoa area to land and the Wairakei Stream. This consent includes multiple conditions relating to catchment management and improvements, and it is integral to enabling continued development of current and future urban areas of Pāpāmoa to meet urban development objectives. The subject site is within the extent of the CSC, however the area isn't identified as present or future urban area. Development has therefore not been contemplated in catchment planning and consenting to date. It is imperative that compliance with the CSC not be compromised, as this would jeopardise the ongoing and future urban development potential within zoned areas of the catchment.

The proposal involves significant filling of land in an area where water is noted to pond after rainfall events. The site functions as floodplain storing water and receiving water from State Highway 2 in flood events. Filling of the site has the potential to displace and divert water, and the proposed wetlands dam water onsite. These are activities not contemplated by the CSC and may require regional consents.

On request, TCC provided the flood model of the area to the applicant. The applicant's flood modelling report indicates filling of the site does have effects on floodwater levels. Reporting focuses on compliance with the CSC, which has specified maximum water levels within the Wairakei Stream for a 2% AEP event[1], but does not include a natural hazards risk assessment as required by the RPS to consider effects on neighbouring properties.

[1] The application states that "conditions of the Papamoa CSC are not being met at present". This is not an accurate representation of the flood modelling. The scenario referred to includes future climate change effects without associated planned mitigated projects. The results demonstrate that compliance may not be achieved in future with climate change effects and without implementation of planned culvert upgrades. It cannot be used to draw conclusions about the current consent compliance status.

TCC has queried the effects on groundwater of extensive filling of the peat land with a high groundwater table. Groundwater is a core catchment management consideration which is reflected in the CSC. It is necessary for a suitably qualified and experienced expert to determine whether there are any groundwater effects which may change the hydrology and flood response of the catchment. In addition, the potential for the proposal to be affected by elevated groundwater levels associated with climate change and how this may contribute to further catchment changes.

The application discusses the provision of onsite infrastructure. It is unclear whether stormwater infrastructure forms part of the identified "within site" infrastructure to be vested in the Council, or if it is intended to be held in private ownership. TCC also understands that the applicant's conclusions regarding the scale of adverse effects is contingent on significant works including new stormwater infrastructure and pipework on public reserves and roads to mitigate downstream effects. TCC has not reviewed or endorsed the suitability of these works.

Overall, the servicing proposal for the site involves pipework on private land ('Riddell Block') as well as on Council owned land within existing roads and reserves in the existing urban area. TCC has not endorsed this approach or provided approval for works on Council owned land. It is highly likely that the proposed infrastructure solutions will (at least in part) be non-compliant with Council standards such as the City Plan infrastructure Performance Standard, Stormwater and the Infrastructure Development Code. It would be difficult for TCC to work towards resolution of these issues within the shortened timeframes associated with the fast-track process.

5. Community interest

TCC's on-duty planning staff have already received a small number of enquiries from concerned nearby residents who have 'got-wind' of this project. An out-of-zone development of this magnitude would generally be subject to a public notification process. TCC consider that the community has a wider role to play in considering this proposal than is provided for through the fast-track process.

In summary, there are numerous complex issues associated with the proposed development. TCC does not consider these issues to be resolvable within the condensed timeframes associated with the fast-track consenting process, and seeks the opportunity to fully assess all aspects of the proposal, particularly the proposed servicing solutions, through a standard consent process under the *Resource Management Act 1991*, or a plan change/structure plan process.

The proposed development may support, to an extent the purpose of the COVID19 Recovery(Fast-Track Consenting) Act 2020 in that it will promote employment. The other purpose of the Act is "continuing to promote sustainable management of natural and physical resources. Section 19 of the Act specifically refers to the contribution a project makes to a well-functioning urban environment. For the reasons set out in this letter TCC considers that the proposed development does not promote sustainable management of the natural and physical resources or contributes to the development of a well-functioning urban environment.

On this basis, it is respectfully requested that the Minister decline to refer this project to an expert consenting panel for fast-tracking. TCC looks forward to supporting the fast-tracking of other proposals for Tauranga which are more closely aligned with the city's planning.

Yours sincerely

Marty Grenfell
Chief Executive

Enclosures: Attachment A – Basic policy assessment

A basic assessment of the proposal against key policies of the Tauranga City Plan and the Bay of Plenty Regional Policy Statement

Plan provision	Summary of plan provision	TCC comment
Tauranga City Plan Objective 16A.3.1 and Policy 16A.3.1.1	Ensuring rural development is undertaken in a sustainable, effective and efficient manner, that addresses potential adverse environmental impacts, through a distribution of rural zonings that: a. Are consistent with the growth management policies of the Bay of Plenty Regional Policy Statement; b. Retain the potential for the rural land resource to be used predominantly for a range of *primary production activities*; c. Provide opportunities for the development of papakainga on rural *multiple-owned Maori land* and within the Rural Marae Community Zone; d. Avoid potential adverse impacts of development on the open, vegetated *rural character* of the rural landscape.	The proposal does not align with this objective and policy. Importantly, a commercial development of this nature is not consistent with the urban growth management policies UG14B and UG16B of the Bay of Plenty Regional Policy Statement – refer below.
Tauranga City Plan Objective 16A.3.2 and Policy 16A.3.2.1	Interim management and use of areas identified as being required for urban growth within the Bay of Plenty Regional Policy Statement	This site is not identified as an area for growth.
Tauranga City Plan Objective 16A.3.3 and Policy 16A.3.3.1	Ensure the *rural character* of the *Rural Zones* will be maintained by: a. Identifying, through zoning, a less intensive development pattern than in Rural Residential Zone and *Residential Zones*; b. Ensuring *buildings* and *activities* on *site* are of a scale and character compatible with existing and anticipated *rural character* and amenity of the zone in which the development is proposed; c. By ensuring that potential adverse impacts on *natural character*, *indigenous* vegetation and ecological resources within *Rural Zones* are fully addressed as part of any consent process; d. By ensuring that potential adverse visual impacts of development and *activities* on the maintenance of *rural character* and amenity, particularly in areas identified as *outstanding natural features and landscapes* and *important amenity landscapes*, are fully addressed as part of any consent process.	The proposal does not align with this objective and policy, particularly sub-clause b.
Tauranga City Plan Objective 16A.3.4 and Policy 16A.3.4.1	Provide for a variety of *primary production activities* as the predominant *activity* in the *Rural Zones* in a way compatible with existing and anticipated *rural character*, amenity and environmental characteristics of the individual zones while: a. Providing for ancillary *residential activity* and *papakainga*...	The proposal is inconsistent with this objective and policy.

	b. Providing for small-scale *home-based businesses*… c. … d. Providing for a limited range of community support *activities*, being smaller scale *tertiary education premises*; *schools; health centres* and *places of worship* that provide community support functions for residents within the *Rural Zones* and are compatible with anticipated *rural character* and amenity in terms of… e. Limiting the establishment of *activities* in *Rural Zones* that are expected to be located in Commercial or *Industrial Zones* to ensure: i) Non-rural land use and development does not compromise the purpose of the *Rural Zones*, or impact on *primary production activities* through establishment of *activities* unrelated to rural *activities*; ii) Avoidance of a cumulative effect on the *rural character* and amenity of the relevant rural zone; iii) Maintenance of the integrity of the network of *commercial centres*, with regard to the objectives and policies for commercial development.	
Regional Policy Statement Policy UG 7A	Provide for the expansion of existing business activities or existing zoned business land outside the urban limits shown in Appendix E, only if the proposal will…	The business is not existing, and land is not zoned for business.
Regional Policy Statement Policy UG 14B	Except as provided for in Policy UG 7A, urban activities shall not be developed outside the urban limits shown on Maps 5 to 15 (Appendix E). Explanation: The location and extent of existing and future urban growth to 2051 is provided for by defined urban limits… The urban limits also provide for residential infill and intensification of existing urban areas… Methods 14 and 16 provide for a review of the urban limits and amendment where necessary as circumstances change. An appropriate mechanism to manage growth is to provide direction through this Statement on where development may occur. This will enable regional and district plans to give effect to that direction.	The proposal is inconsistent with this policy.
Regional Policy Statement Policy UG 16B.	New large-scale business land shall be provided for generally in accordance with Appendix C and only within the urban limits shown on Maps 5 to 15 (Appendix E).	The proposal is inconsistent with this policy.