



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 an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Bay of Plenty Regional Council
Contact person (if follow-up is required)	Marcia Christian, Consents Planner
	s 9(2)(a)
	0800 884 881 ext:9841

Comment form

Please use the table below to comment on the application.

Project name	The Pitau Project, Pitau Road, Mt Maunganui
General comment – potential benefits	In the short term the development will provide economic benefits associated with the construction of the retirement village. In the long term the development will provide additional housing (for older people) and will create ongoing employment opportunities for those working in the village.
General comment – significant issues	<p>Stormwater/Flooding</p> <p>Stormwater runoff in the area is managed under a comprehensive stormwater resource consent held by Tauranga City Council (TCC). TCC have advised that their infrastructure in that area is at capacity and that stormwater from their site cannot be accepted into the TCC reticulated system and therefore must be managed onsite. The proposal outlines that the ultimate development will result in 98% impervious surfaces. The applicant proposes to manage permanent stormwater via discharging to land soakage in accordance with permitted activity rule DW R22 in the Regional Natural Resources Plan (RNRP).</p> <p>The ENGEO report, supplied as Appendix 8, details the potential feasibility for the proposed stormwater infrastructure to meet the permitted activity criteria. However, further information regarding soakage device dimensions and geotechnical test locations/results are required to understand how the proposed stormwater infrastructure will meet the permitted activity rule, otherwise resource consent may be required for the permanent discharge of stormwater to land soakage.</p> <p>Further to this, a pumped drainage system is proposed for the underground garage. Details are yet to be received for proposed pumped system to assess the discharge against permitted activity conditions. The</p>

	<p>applicant will need to confirm pumped discharge rates, locations, and treatment measures, if applicable, to assess this discharge against permitted activity conditions.</p> <p>There is an existing overland flow path through the property. The applicant proposes an engineered flow path designed for the 1% AEP climate adjusted flow, which is appropriate to mitigate flood effects on neighbouring properties. There are concerns however that the design does not provide any freeboard to account for estimate imprecision or blockages.</p> <p>Provided open communications continue with the applicant, it is considered that these could be resolved.</p> <p>Dewatering/Groundwater</p> <p>The base of excavation is assumed to be 1.5 m RL as stated in the Civil Works Summary, which is 200 millimetres below the highest documented groundwater table level of 1.7 m RL. The groundwater table is likely higher during winter and after periods of prolonged rainfall. The applicant details that dewatering during construction works will be required and that they can comply with RNRP permitted Rule 42 for the dewatering of construction sites.</p> <p>The application does not describe dewatering management measures or where dewatering will be discharged aside from its potential use for dust control. Given the contaminated soils identified on site, groundwater dewatering should not be permitted to discharge offsite unless further information is provided to demonstrate groundwater is not also contaminated.</p> <p>Dewatered water is proposed as a source of water for dust control so will be extracted and stored on site. The applicant has identified the reticulated water network as an alternative source of water for dust control should the dewatered water not be sufficient, but this is pending approval from TCC.</p> <p>Site Stability</p> <p>The proposal outlines cut depths up to 8 metres deep and will require significant geotechnical input and design to mitigate land instability. Placement of stormwater soakage devices near foundations may also impact on land stability. The application does not contain sufficient information to assess land stability effects.</p> <p>Contaminated Land</p> <p>A Detailed Site Investigation (DSI) for the site was provided to BOPRC in pre-application engagement.</p> <p>Initial soil sampling results presented in the DSI, and reviewed by the Bay of Plenty Regional Council, show contaminants of concern have been recorded below the adopted soil contaminant standard for the protection of human health in a high-density residential land use scenario, but are above expected natural background concentrations, more conservative human health protection criteria and adopted environmental protection criteria in certain areas of the site. Therefore, the soils are considered suitable for the future intended land use but are not representative of cleanfill material and therefore require management during disturbance, through the provision of a Contaminated Site Management Plan (CSMP).</p> <p>The DSI recommends that further soil sampling and analysis of areas currently inaccessible due to existing buildings is completed prior to commencing works, BOPRC agrees with this recommendation. The additional sampling should be completed as part of preparatory works to confirm the site is suitable for the future intended land use and what controls are required to manage and mitigate the potential risks during soil disturbance activities.</p> <p>Based on the information provided, we consider the works do not require consent under the Contaminated Land rules of the Regional Natural Resources Plan.</p> <p>Dust Generation and Proximity to Air Shed</p> <p>The proposed development is located approximately 120 metres from the Mt Maunganui Airshed which is a Gazetted Polluted Airshed under the National Environmental Standards for Air Quality. Within the Airshed is the Port of Tauranga and an industrial area with a large number of industrial activities. Both of these areas have associated high volumes of heavy traffic movement. Within the Airshed air quality is monitored at a number of different locations, with the closest monitor located approximately 400 metres from the proposed development. The Airshed has known dust and odour issues. Given the potential to produce dust during earthworks, if not managed carefully, this could contribute to particulate exceedances in the Airshed. The</p>
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	<p>applicant may want to consider the use of chemical dust suppressants to ensure dust can be appropriately managed.</p> <p>In addition, it is important to recognise that the new retirement village development is located close to the Industrial and Port area, near the polluted Mount Maunganui airshed boundary. As such, residents may be exposed to particulates, odour and noise that occasionally affects surrounding urban areas. The Airshed boundary is shown below.</p> 
Is Fast-track appropriate?	<p>Based on the pre-application engagement with the applicant to date and the information received, it seems that this proposal is appropriate to be assessed through the fast-track process.</p> <p>There has been and will be further preapplication correspondence and meetings with the applicant to talk through potential issues of the proposal. Provided communication remains open and proactive from the applicant, it appears there are feasible solutions for managing the effects arising from the development of this site, with the provision of further detail and calculations to demonstrate the feasibility of their proposal.</p> <p>Alternatively, without continued communication and working to resolve BOPRC concerns, 10 days may not be sufficient to review all the information and ensure that proposed mitigation is sufficient.</p>
Environmental compliance history	<p>The Bay of Plenty Regional Council Regulatory Compliance team has researched compliance activity against both Pitau GP Ltd, and the associated Sanderson Group Ltd. There was no consent or compliance history discovered relating to Pitau GP Ltd.</p> <p>The Sanderson Group have held several resource consents in the Bay of Plenty, over a period of more than 20 years. There has only been relatively minor non-compliance recorded, with only a few instances of low-level enforcement action being taken in the period 2005 to 2014. BOPRC records show that three abatement notices have been issued during the period, all relating to different sites. They were in 2005 for breaching sewage discharge limits, in 2010 for burning unauthorised material, and in 2014 for discharging dust from a development site. One infringement notice was issued in 2014 relating to the dust discharge. No prosecutions have been taken against the company in this region.</p>
Reports and assessments normally required	<p>Engineering</p> <p>In addition to the information already provided, it is considered the following information is required to determine engineering related issues of this proposal:</p>

- Erosion and Sediment Control Plan that includes:
 - Indicative location of treatment controls,
 - Confirmation as to whether there will be any offsite discharges during construction, or demonstrate how runoff will be contained within the work area for the duration of works,
 - Dispersion areas for concentrated flows prior to treatment via silt fence,
 - TCC acceptance of construction discharges and water use for dust suppression, if applicable.
- Details to demonstrate compliance with the permitted rule for dewatering or assessment of potential dewatering activities and description of maximum abstraction rate, volume per day, discharge method and effects, and measures to ensure potentially contaminated groundwater will be prevented from discharging offsite.
- Freeboard and mitigation measures for overland flow path obstruction.
- Maximum 1% AEP water surface elevation (m RL) in overland flow path.
- Confirmation that the overland flow path 1% AEP flood level (climate change adjusted) does not affect adjacent properties or proposed buildings.
- Geotechnical Assessment Report and stormwater modelling (DRAINS) catchment input parameters for schematics shown in Lysaght's Figures 8 and 9.
- Drainage details, including:
 - Sub-catchment map (ie contributing drainage area to each soakage device and how sub-catchments will be bounded).
 - Conceptual soakage dimensions.
 - Conveyance details (ie how runoff will be routed to soakage and storage devices).
 - Soakage calculations.
 - Inlet pipe sizing.
 - Emergency overflow/spillway details.
- Description of where pumped basement discharges will be directed and, if not pumped to soakage, how discharge will be treated and restricted to less than 125 litres per second.
- A Geotechnical Investigation Report, overseen by a chartered Geotechnical Engineer (CPEng) which contains as a minimum:
 - Description of the investigations of sub-surface conditions and geotechnical hazards affecting the land.
 - Results of site inspections, evaluations, and field investigations.
 - Updated assessment of groundwater effects consistent with undercut excavation to 1.5 m RL and proposed soakage volumes.
 - Recommendations for measures to avoid, remedy or mitigate any geotechnical hazards both during earthworks and on the final landform.
 - Determine the earthwork requirements including sub-surface drainage, appropriate batters, retaining structures, and setbacks from property boundaries and drainage infrastructure.
 - Further geotechnical engineering services required during design or construction, including determination of the methods and frequency of construction control tests to be carried out.

Contaminated Land

The application should be supported by an updated Detailed Site Investigation (DSI) reflective of the proposal, and the results of additional recommended sampling and analysis, and a Contaminated Site Management Plan (CSMP) should be prepared and supplied with the consent application, based on the results of the DSI.

Any contaminated land reports should be prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines by a suitably qualified and experienced practitioner in site contamination. Guidance on what is expected of a SQEP is provided in Section 2.1.1 (Page 16 – 18) of the Ministry for the Environment. 2012. User's Guide: National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health. At the time the User's Guide was written there was no accreditation or auditing scheme for contaminated site practitioners in NZ however this is no longer the case and information on the Certified Environmental Practitioner (CEnvP) scheme and a list of certified practitioners is available here: <https://www.cenvp.org/>.

Cultural

An assessment of adverse effects on the cultural values of the relevant iwi and hapū of the area. We anticipate that this will be informed through relevant iwi Management Plans and consultation with iwi and hapū.

	<p>Assessment of Effects on the Environment and Policy Assessment</p> <p>An application should include an assessment of the effects on the environment (AEE) and policy assessment. If any discharge consents are required, then sections 105 and 107 of the RMA should be directly addressed. Relevant policy documents may include the National Policy Statement for Urban Development, National Policy Statement for Freshwater Management, Regional Policy Statement and Regional Natural Resources Plan.</p>
Iwi and iwi authorities	<p>Please find below the list of iwi and hapu that we would typically refer an applicant to, for an application of this type, as the subject site is within the rohe boundaries of the following groups:</p> <ul style="list-style-type: none"> • Waitaha, • Ngāti Ranginui, • Ngāi Tukairangi, • Ngāti Kuku, • Ngāi Te Rangi, and • Ngāti Pūkenga (Ngāti Pūkenga Iwi ki Tauranga Trust).
Relationship agreements under the RMA	<p>There are no Mana Whakahono o Rohe agreements either in place or in development with the regional council within the identified area. Nor are there any Statutory Acknowledgements to be considered in relation within the subject site and proposed activity.</p>
Insert responses to other specific requests in the Minister's letter (if applicable)	<p><i>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</i></p> <p>The main concern with the proposal going through the fast-track process relates to the timeframes for response by the BOPRC. If BOPRC and the applicant cannot resolve the bulk of the technical information requirements prior to the second step of the FTCA process commencing, there is concern from our technical staff that these issues may not be sufficiently considered. In general, we think this can be resolved and the application can be managed through the FTCA.</p>
Other considerations	<p>Contingency Measures</p> <p>Good engineering practice includes contingency measures such as freeboard and designated emergency overflow points. This means that when stormwater infrastructure fails to perform as intended, it fails in a controlled way. For example, blocked inlets or full soakage chambers overflow to the road instead of the neighbour's property or building basement. The sizing of the overland flow path and underground chambers is very sensitive to design assumptions and the proposed design does not allow any space for error.</p> <p>Maintenance and Operations Measures</p> <p>Performance of the stormwater infrastructures is also very sensitive to ongoing maintenance and could easily have reduced capacity if blocked with sediment, plant debris, trash etc. As previously stated, the design does not have any contingency measures included and reduced capacity of stormwater infrastructure could divert flood hazard onto other properties. As the applicant considers they can demonstrate that they meet the permitted discharge of stormwater to land soakage rules, and therefore not require a permanent stormwater discharge consent there is concern over ensuring ongoing maintenance of the stormwater infrastructure to safeguard the stormwater infrastructure's ability to perform as intended.</p> <p>Natural Hazards</p> <p>It is considered that risks from natural hazards such as flooding and liquefaction can be mitigated in accordance with the TCC City Plan (Plan Change 27), and the Building Act 2002, respectively. It is considered that PC 27 gives effect to the BOPRC Regional Policy Statement (RPS) in regard to flooding hazards. However, the risk to life from tsunami has not been considered in the application thus far. BOPRC consider the risk to life of people within the proposed retirement village needs to be considered due to the vulnerability of the elderly population. This is a requirement of the (RPS) natural hazard provisions.</p> <ul style="list-style-type: none"> • Policy NH 9B Assess natural hazard risk associated with a development proposal to intensify land use. • Policy NH 4B Requires a low natural hazard risk to be achieved on the development site.

	<p>It is recommended that the RPS policy be given effect to by requiring the applicant to provide a tsunami evacuation plan prepared by a suitably qualified and experienced practitioner. The plan shall demonstrate how the proposal achieves a low level of tsunami risk for people within the development site for a maximum credible event. The plan could consider vertical evacuation (if appropriate) and/or evacuation to a safe zone offsite. The plan should show how the proposed development building layout and access corridors supports the objective to achieve a low level of risk to life from tsunami.</p> <p>Consents Required</p> <p>The application identifies the need for consent under discretionary activity rule LM R4 of the Regional Natural Resources Plan (RNRP). Generally, earthworks of the scale that trigger rule LM R4 also require a discharge consent under discretionary activity rule DW R8 for the discharge of stormwater from sediment retention ponds and/or decanting earth bunds. Decanting earth bunds generally require flocculants to ensure efficient treatment which requires consent under DW R8. If chemical dust suppressants are to be used then these will also require consent under DW R8.</p>
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Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

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)	Stacey Hikairo
	Team Leader, Environmental Planning
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	The Pitau Project
General comment – benefits/significant issues	Please refer to attached letter dated 20 April 2023
Is Fast-track appropriate?	TCC has no objection to the proposal being fast-tracked if the Minister considers economic and social (increased housing supply) benefits justify the reduced opportunity for community and tangata whenua involvement in the consenting process. Furthermore, subject to a comprehensive assessment of the identified landscape, visual amenity, urban design, and other technical issues being undertaken by the Expert Consenting Panel.
Environmental compliance history	No compliance history of relevance
Reports and assessments normally required	Any recommendations are provided in the attached letter dated 20 April 2023.
Iwi and iwi authorities	Ngāi Te Rangī Iwi Ngāti Kuku Ngāi Tūkairangi Waitaha Iwi The contact details for these parties change from time to time, however, up to date contact details for mandated representatives are available via the TCC website: Tauranga City Council > Community > Tangata whenua > Resource management processes > Iwi and Hapū contacts
Relationship agreements under the RMA	No relationship agreements, however, abovementioned groups have iwi management plans.
Insert responses to other specific requests in the Minister's letter (if applicable)	A question has been asked about the removal or alteration of the relevant easement and consent notices. TCC does not foresee any issue with the removal of consent notices and/or replacement with separate consent notices. TCC does not foresee any issue with the removal or alteration of easements where these are conditional (subject to Section 243 of the RMA). A risk may arise where there is a third party is to an easement is in place to benefit this third party and is reliant on (burdens) land within the project area. Whilst TCC may be able to issue revocations under section 243(e) RMA, there will still be a reliance on that third party agreement to ultimately surrender or cancel any such easement. That agreement is a private issue which TCC is not a party too.
Other considerations	The Fast Track consenting process removes community participation. There is known interest in the specific outcomes of a Plan Change in this community regarding, among other things, height

	<p>and density where the applicant is placing considerable weight on a successful outcome of their submission to that plan change.</p> <p>An RMA consenting process may enable the community participation as appropriate for the scale and significance of the development.</p>
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20 April 2023

Rebecca Perrett
Acting Director, Fast-track Consenting Team
Ministry for Environment

By email – fasttrackconsenting@mfe.govt.nz



Re – The Pitau Project by the Sanderson Group Limited

Kia ora koutou,

Thank you for providing Tauranga City Council (TCC) with the opportunity to comment on the above-mentioned proposal prior to the Minister deciding if it is referred to an expert consent panel (ECP) in accordance with the Covid-19 Recovery (Fast-Track Consenting) Act 2020 (the Act).

The Pitau Project is a retirement village proposal that includes 167 apartments for independent living, 60 aged care units and ancillary facilities such as a dining area, library, gym, café and other facilities. This is a significant project for Tauranga, which is New Zealand's fastest growing city and currently has a housing deficit of approximately 5,000 homes. Tauranga is also the only metropolitan centre in New Zealand which does not comply with the housing requirements set out in the National Policy Statement for Urban Development 2020 (NPS-UD).

In its capacity as the owner of the site, TCC participated in a range of meetings with the Applicant regarding the proposal. These meetings did not constitute 'pre-application' meetings by the regulatory arm of TCC. Limited 'regulatory' pre-application advice has been given on the proposal and there has been no endorsement of the detailed development plans or any associated environmental effects.

TCC provides this letter in response to an invitation under Regulation 21(2) of the Act. Points 1-7 below provide an overview of the 'significant issues' you have sought comment on. The comments provided below represent the views of TCC staff. While some of the comments are of a technical nature, these comments are not exhaustive, being based on a cursory assessment of the Application. If the project proceeds down a fast-track pathway, TCC naturally reserves its right to comment at the later stages of the process.

1. Consultation and engagement

Cultural considerations

The Application has been reviewed by TCC's Strategic Māori Engagement Manager who is concerned with significant gaps in relation to mana whenua consultation and engagement. Whilst a Cultural Impact Assessment (CIA) has been provided by Ngāi Tūkairangi, there is no author identified. It is therefore not possible to verify that it has been authentically prepared by someone mandated by the hapū.

A significant concern is that there is no evidence of any consultation (or attempt thereof) with the following other parties:

- Ngāti Kuku - Ngāti Kuku are hapu who have expressed a strong interest in both the area, and the issue of elder housing;
- Ngāi te Rangi – Ngāi te Rangi iwi have a strong interest in the area and have also expressed an interest in the issue of elder housing in the past; and
- Waitaha – Waitaha iwi has an interest in the area as per their Treaty Settlement Statutory Acknowledgement and may have an expectation that they are consulted.

A further concern is the naming of Ngāti Pukenga as an interested iwi to this development.

The fast-tracking process removes significant rights from iwi and hapū, therefore the onus is on the Applicant to demonstrate thorough and robust engagement processes. It is possible that the above-mentioned parties may indicate their support for the Ngāi Tūkairangi CIA, however, this is unknown given no evidence of consultation has been provided.

On this basis, TCC's Strategic Māori Engagement advisors do not consider it appropriate for the project to proceed down a fast-track pathway until these engagement gaps are addressed. If it is determined to fast-track the proposal, TCC requests that the Minister mandate the following information be provided as part of a more detailed resource consent application:

- Evidence of consultation with all interested iwi and hapū
- Written evidence that these parties support the CIA provided by Ngāi Tūkairangi; or
- Comments and/or CIA from these parties regarding the potential impact of the proposal on cultural values.
- Removal of references to Ngāti Pukenga being an interested iwi to this development.

Discussed in Section 2.2 of this letter is that the development also looks to encroach into the cultural viewshaft protection area. If further assessment by the Applicant determines this to be the case, TCC would also expect evidence to be provided that iwi and hapū have been made aware of this, as the CIA does not currently address this issue.

Other community interest

The proposal represents a significant change to urban form, in the context of the existing zoning and what the community may be anticipating for the area. As indicated in Section 4 of this letter, the adverse effects associated with, density, height and height in relation to boundary non-compliances would very likely result in notification of the proposal if it were to proceed down an ordinary *Resource Management Act 1991* (RMA) pathway. TCC considers the level of community consultation undertaken to be overstated in the Application, and the level of community concern relating to the proposal to be understated.

2. Alignment with planning framework

2.1. Zoning

The Applicant has provided an overview of the 'Relevant zoning, overlays and other features' on Page 1 of Appendix 10. TCC accepts the assessment provided. Notably, whilst the subject site is zoned Suburban Residential under the Operative Tauranga City Plan, it is subject to Plan Change 33 (PC33), which proposes a Medium Density Residential Zone for the site. PC33 was notified in August 2023 to give effect to the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021*. As PC33 is giving effect to national direction, there is a high level of certainty that re-zoning of the site will occur, thus changing the nature of the existing environment from a regulatory perspective.

PC33 has attracted many submissions, which the TCC planning team are currently in the process of summarising. Many submissions relate to the Mount Maunganui North area (which includes the site), with three (including a submission from the Applicant) seeking that the proposed High Density Residential Zone be applied to the area so that further density and heights are achievable to give effect to Policy 3 in the NPS-UD. The Applicant has specifically sought that all density limitations for Retirement Village activities are removed. There are many submissions that oppose the increased densities and building heights permitted for the Medium Density Residential Zone, in addition to a large number of further submissions which oppose the submissions seeking higher densities.

The Application refers in places to studies, such as the Isthmus Mount Maunganui Urban Intensification Study¹ for PC33, which indicates that the site has capacity to accommodate higher densities than those permitted by

¹ https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-10a-mount-maunganui-urban-intensification-study-part1.pdf

the Medium Density Residential Zone. This study is not considered to be a detailed study, given that PC33 only proposed to enable the Medium Density Residential Standards at the time it was notified. However, in response to the submissions received, TCC is undertaking further assessment of the Mount Maunganui North area to inform if, and where development of four or more storeys (apartments) could be enabled. TCC also intends to seek feedback from the community later in 2023, on what investment and initiatives would be required to support higher density housing in the area.

This additional technical work and submissions received will be presented as part of the hearings process to assist with the panel's recommendations on PC33. At this point in time no assumptions should be made that the High Density Residential Zone will be extended over the Mount Maunganui North area.

2.2. Resource consenting triggers

The Application includes an assessment of resource consent triggers as Appendix 18. The following resource consent triggers are notable:

Rule 14G.2.1 – Density

The proposal is a 'Retirement Village' land use activity under the City Plan. Proposed Rule 14G.2.1 establishes a maximum development density for Retirement Village activities within the Medium Density Residential Zone. This rule permits a maximum density of three 'Independent Dwelling Units' (IDUs) per site in addition to one 'Rest Home' bed per 75m² of site area up to a maximum of 20 'Rest Home' occupants per site.

The proposal consists of 7 sites to be developed together and 167 apartments (independent dwelling units) and 60 rest home beds. The proposed number of apartments significantly exceeds the permitted number of IDUs for the site, however, if assessed on site area alone, the permitted number of rest home beds appears compliant. If the Application proceeds down a fast-track consent pathway, it would be helpful for the Applicant to provide a baseline assessment, as part of an urban design exercise. This would assist the ECP to understand how many IDUs could be provided on the site in another circumstance, for example if the site were subdivided and developed to its full potential as separate lots.

14G.2.2 - Building height and 14G.2.4 – Building Height in Relation to Boundary

Broadly speaking the permitted building height within the Medium Density Residential Zone is 11 metres. The Application specifies that the proposed building height is just under double this, which is a significant departure.

It is also unclear in the Application whether the building height encroaches on the cultural viewshaft protection area. The Appendix 1 Architectural Statement indicates that the building will not encroach into the cultural viewshaft. However, the viewshaft protection area maps were updated as part of PC33, and this has been misinterpreted by the Applicant. The new viewshaft protection maps for the area specify that any building over 27.4 metres above ground level (New Zealand Vertical Datum) will encroach into the viewshaft. While the Application indicates that the building height is between 21-24 metres, the design elevations (left hand side) show a height of 29.4 (unit not provided). The Appendix 1 Architectural Statement should be updated to reflect the new viewshaft protection maps, and the Application updated to provide clarity on this issue.

2.3. Policy Assessment

NPS-UD

The Applicant has provided a comprehensive assessment of the proposal against the relevant provisions of the NPS-UD in Appendix 10. TCC generally accepts the assessment provided of the NPS-UD objectives and policies,

https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-10a-mount-maunganui-urban-intensification-study-part2.pdf

https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/appendix-10a-mount-maunganui-urban-intensification-study-part3.pdf

but notes that Policies 3 and 4 are not directly relevant to the consideration of a resource consent application, rather, these policies direct the content of regional and district plans.

Tauranga City Plan

The Applicant has provided an assessment of the proposal against the relevant provisions of the City Plan, including PC33, in Appendix 10.

General

At this early stage, TCC has no significant concerns and nothing further to add to the assessment provided in relation to the objectives and policies contained in Chapter 4 which relates to Transportation, Earthworks, Signs, Noise, Lighting and Airport Slopes. TCC also accepts the assessment of Chapter 9 policies relating to Hazardous Substances and Contaminated Land, and notes that these matters can generally be dealt with by appropriate construction site management and conditions.

Plan Change 27

The purpose of Plan Change 27 (PC27) is to ensure that future land use, subdivision and development within Tauranga is planned to be resilient to flooding. PC27 introduces a new rule framework to the Tauranga City Plan to manage the effects of flooding from intense rainfall on people, properties and infrastructure by:

- protecting floodplains and overland flowpaths
- managing development and redevelopment within flood prone areas
- managing displacement effects where flooding is created in areas that there previous was none due to inappropriate earthworks.
- managing floor levels to reduce damage caused by flooding and risk to life and property
- managing the cumulative impacts on downstream properties of increased impervious surfaces.

Land use, subdivision and development undertaken within a floodplain, overland flowpath or flood prone area needs to meet the rule framework proposed by PC27. In this case, the site is subject to both a 'minor overland flowpath' and a 'flood prone area' which ranges in depth across the site.

The policies of PC27 have been addressed in Appendix 10 of the Application. The nature of comments provided in relation to the policies is that the site design is responsive to the existing flooding risks, or that the matters set out in the policies will be provided for. TCC is concerned by the lack of technical reporting to support these comments, and therefore, the extent to which the proposal currently aligns with relevant policies of PC27 is unknown.

If the proposal proceeds down a fast-track pathway, TCC expects that a more detailed Application will provide an assessment against the PC27 policies, informed by an appropriately detailed technical assessment. Further comments in relation to PC27 are provided in Section 6 of this letter.

Plan Change 33

The Applicant has provided an assessment of the relevant provisions of PC33 beginning on Page 20 of Appendix 10. Some of the provisions addressed in Appendix 10, such as Policy 14A.1.1.5, direct plan making, as they relate to the location and distribution of zones. These policies are not considered immediately relevant to the consideration of a resource consent application.

TCC does not accept the assessment provided in some instances, where it appears the Applicant has responded selectively to the policy content or has indicated that the policy matters have been considered, with no further assessment provided. Such policies include:

- Policy 14A.1.2.1 which encourages a range of residential densities to be identified through zoning and encourages the provision of specialist accommodation *"where the activity is consistent with the planned urban form of the zone and compatible with adjacent activities"*.
- Objective 14G-01 which sets out that the Medium Density Residential Zone provides for a variety of housing types and sizes that respond to housing needs and demand and *"the neighbourhoods planned urban character, including three-storey buildings."*
- Objective 14G-03 which sets out that development should provide quality amenity and design outcomes for residents and the neighbourhood.
- Policy 14G-P7 which seeks to ensure that the bulk, scale and site layout of development provides outlook with privacy separation.
- Policy 14G-P11 which seeks to ensure building and site layout respond to the characteristics of the site, including orientation and topography, and integrates with the planned built form and amenity of the surrounding neighbourhood and adjoining zones.
- Policy 14G-P13 which seeks to ensure development respects the land use and amenity values of adjacent activities and sites.

If the Application proceeds down a fast-track consent pathway, TCC expects a more detailed and balanced assessment of the abovementioned policies to be provided.

Notwithstanding the abovementioned policies, there are many other PC33 policies which the proposal does align with, as indicated by the Applicant. Policy 14G-P6 enables development greater than three-storeys where it is well located in relation to public transport, recreational and social infrastructure and a commercial centre; and provides an appropriate transition in building scale relative to the planned built form of adjacent sites. TCC accepts that the site is well-located, however, remains concerned regarding the building scale in the context of adjacent sites, as detailed in Section 3 below.

Summary in relation to policy alignment

At this early stage in the fast-track process, TCC cannot identify any policies within the City Plan (including PC27 and PC33) that present an absolute barrier to a development such as the Pitau Project in this location. Rather, a more detailed policy assessment, which weighs the policies both for and against the proposal should be provided as part of a detailed resource consent application. If the proposal proceeds down a fast-track consent pathway, TCC's expectation is that the ECP will carefully consider all relevant policies when making a decision on the proposal.

3. Urban Design Considerations

Urban design is a central consideration for the proposal as, broadly speaking, the urban intensification provided for by PC33 is contingent on good quality urban design. Urban design focusses on the creation of memorable places and can be defined as *"the art of designing the public environment of the city, including the interface between private properties and the public environment"*.

The Application has been reviewed by TCC's Urban Designer who has identified that of relevance to this proposal is 'Context' which is recognised in the New Zealand Urban Design Protocol² as one of seven essential urban design qualities. 'Context' refers to where buildings, places and spaces are seen not as isolated elements but as part of the whole town or city. Understanding Context requires the examination of projects relation to their setting to ensure that development fits in with and enhances its surroundings.

The Application makes several statements such as:

"The visual bulk and mass of the buildings have been critically assessed and designed appropriately to sit within its residential context..." and *"Building sleeving with lower heights at the boundary interface, setbacks and stepping of height have been provided"* (Application pg. 9).

² [New Zealand Urban Design Protocol | Ministry for the Environment](#)

And

"The bulk and location of the building forms has been reviewed and revised to provide a defined hierarchy of space and outlook whilst reducing visual and shading impacts to the adjacent properties" and "In addition, extensive shading analysis of the proposed massing design as well as analysis of setbacks from roads and adjacent residential areas has also been considered to ensure the proposal relates to and considers the scale and grain of the neighbourhood" (Appendix 1 Architectural Design Statement, pg. 4).

From an urban design perspective, TCC does not consider the above statements to be evident from the drawing set. Rather, the development reads as a series of buildings that impose themselves on the context rather than integrating and responding to it (acknowledging that the form has been broken into three parts along the north-eastern boundary). TCC is therefore concerned that the development does not fit with the surrounding context.

The potential landscape and visual effects of the proposal are addressed in Section 4 of this letter, but in short, the proposed scale, height and continuous building length may negatively impact neighbouring properties both visually and in terms of privacy and potential overlooking. The extent of adverse effect arising from the building design is also exacerbated by the site not being a consolidated urban block. Therefore, these potential adverse effects are experienced by a larger number of properties (at least 15) between Pitau Rd, Grove Ave and Oceanview Rd.

If the proposal proceeds down a fast-track pathway, TCC expects that a more detailed Application will be provided which incorporates an urban design assessment/report. Whilst Appendix 1 covers the architectural design process that was followed, it does not address urban design elements in a comprehensive way. The urban design assessment provided at the next stage of the fast-track process should also provide a balanced assessment of the proposal against key PC33 policies relating to urban design, as identified in Section 2.3 of this letter.

4. Landscape and Visual Amenity Considerations

Page 9 of the Application discusses the adverse effects associated with the proposal and is informed by Landscape and Visual Assessment (LVA) included as Appendix 3. From the outset the LVA is pitched as a high-level assessment, and it is evident that a more detailed assessment is necessary in relation to some of the potential adverse effects.

One such example is where the LVA discusses that Option 2 is the preferred landscape outcome for the building, because by reducing the building to five storeys on the southeast side, the overall visual dominance, scale and effect of shading will be reduced. However, preferred Option 2 still appears to exceed permitted shading standards by 39%, and no assessment has been made to determine if this extent of shading is acceptable.

TCC also considers that the main Application document oversimplifies the findings of the LVA. In relation to building heights, the Application states:

"The proposal has been modified and refined as a result of shading effects analysis and assessment of the effects on neighbours, including the height reduction from six storeys to five storeys on the aged care facility building. Visual amenity effects have been assessed as moderate to moderate-low (which equates to minor effects) and are specific to the immediately surrounding residential neighbourhood."

The LVA considers Landscape and Visual Amenity effects separately. In relation to Landscape Effects the LVA notes that overall, the complex will become visually dominant in the surrounding urban form as it exists and within the permitted environment. It is stated that *"In the context of the surrounding urban landscape character, there is potential for the building to generate moderate adverse landscape effects. These are mainly attributed to the building height and composition of height across the site comparative to the surrounding residential form"*. A moderate landscape effect is not considered to equate to a 'minor effect' for the purposes of the RMA, and this finding of the LVA is not reflected in the main Application document.

There also appears to have been over-simplification of the Visual Amenity assessment. The main Application document advances the overall visual amenity effect as moderate to moderate-low and equates this to a minor effect. The LVA actually stipulates that *"the degree of adverse visual effect however remains more than minor in the context of the permitted building environment."*

TCC expects that if this proposal were to progress down an ordinary resource consent pathway under the *Resource Management Act 1991* (RMA), it would be subject to at least a limited notification process, given the scale of the development, its proximity to neighbouring properties, and the likely magnitude of adverse environmental effects. The LVA supports this assessment, with some adverse effects being assessed as moderate, which would certainly not equate to less than minor.

If the Application proceeds down a fast-track pathway, TCC expects that a more detailed LVA will be provided which accords with recognised best practice industry guidelines and methodology. This further assessment should also reconsider the issue of the cultural viewshaft, and provide an updated assessment based on the viewshaft protection area maps and methodology introduced by PC33.

TCC has an expectation that any decision to fast-track the proposal will not be at the expense of careful consideration of the potential adverse landscape and visual amenity effects of the proposal by the ECP. It is expected that the ECP will comprehensively consider the potential effects on neighbouring property owners who would have limited opportunity to participate in the process, compared to if the Application proceeded down an ordinary resource consent pathway under the RMA.

5. Transport Network Considerations

The Application has been reviewed by a TCC Traffic and Safety Engineer. No significant concerns have been raised with the proposal; however, it is requested that if the proposal proceeds down a fast-track consent pathway, a more detailed Application is provided which addressing the following matters:

- An assessment of accessible parking requirements - Recommend providing 5 accessible spaces as per NZS 4121-200.
- Clarity regarding crossing location and widths. The Applicant mentioned that the crossing is located away from the intersection, but the width of the crossings is unclear and should be shown on the plans. Crossing widths should be sufficient to allow for safe two-way movement and that it should be formed in accordance with the T431 commercial standard of the TCC Infrastructure Development Code. Clarity is also sought regarding the location of light poles and trees in relation to crossings.
- There are no tracking curves provided on the plans for a truck, or tracking plans demonstrating how vehicles would enter and exit basement parking spaces.
- The 1.3-metre-wide footpath is not wide enough for mobility scooters and cyclists, and there is no footpath on the southern side of the road. The Applicant should commit to constructing a 3-metre-wide shared path on northern side of Pitau Road.
- Detailed plans of proposed onsite parking including dimensions.

6. Three Water Considerations

Potable Water Network

The Application, including Appendix 6, has been reviewed by TCC's Senior Water Network Engineer who confirmed that there is sufficient capacity in the water supply network to accommodate the development.

Importantly, the existing piped network is not adequately sized for this level of development, but the proposal factors in an upgrade of the water main from the existing 50mm to 150mm between Pitau Rd and Oceanview Rd. TCC has assumed that there would also be a loop main installed through the development to facilitate better security of supply given the type of use (Retirement/Care facility). These upgrades will be at the cost of the Applicant.

Development Works Approval will be required to ensure the network upgrades are correctly done and to allow a more thorough engineering assessment of the anticipated demand.

The development will be subject to TCC's Large Water User Policy, but given the supply is primarily for human consumption and sanitation they would be considered high priority. Applicants in this category will generally be approved but will still be assessed on the factors in Section 6 of the policy. They will be required to complete a water efficiency plan to demonstrate they are complying with best industry practice in terms of water efficiency.

Stormwater

The Application, including Appendix 6, have been reviewed by TCC's Senior Planning Engineer (Stormwater).

Consistent with the comments in Section 2.3 of this letter, TCC does not consider the Application to have adequately addressed stormwater management over the site in accordance with PC27. Particularly concerning is that proposal involves 92-98% impervious surfaces across the site, which is a significant departure from Rule 14G.2.6, which permits a maximum impervious surface of 70%.

The proposal involves stormwater management via on-site soakage into an undetermined number of underground tanks (primary flows) and via overland flow from the site (secondary flows). Given the proposed site imperviousness, the volume of water to be stored is significant, and managing overland flow from this site without creating an adverse flooding effect elsewhere will be challenging. There is currently a lack of technical reporting to support the feasibility of these approaches.

If the proposal proceeds down a fast-track consent pathway, TCC expects that a more detailed Application will be provided which includes further detail on the proposed overland flow-paths. This technical assessment should detail the form of the overland flow-path and how it will operate during a wet weather event, along with how obstruction of the flow-path will be prevented.

The entry and exit points for the flow-path must also be detailed, to confirm that the flow will connect to existing flow paths outside the site. The existing flow-path connects to Pitau Rd at a single location south of 55 Pitau Rd. This flow-path drains towards Maunganui Road at a location near 50 Pitau Rd. The proposed post-development alignment creates two flow-path exit points from the site. The northern exit point will connect to the existing flow-path offsite. The southern exit point is located between 61 and 63 Pitau Road. It is unclear where this flow path will connect. If it is proposed that the site drains to the existing flow-path on Southerland Avenue, an assessment must be provided demonstrating that this will not create an increased flooding risk to downstream properties.

TCC's preference is for consulting engineers for the Applicant to work proactively with TCC Development Engineers to resolve these technical issues ahead of TCC providing formal comments to an ECP at the next stage of the fast-track process.

Wastewater

The Application, including Appendix 6, has been reviewed by TCC's wastewater network engineer. While the existing reticulated wastewater network has insufficient capacity for the proposed development, the Applicant's proposed upgrades will address this issue.

The plans indicate that there will be a building over an existing easement in gross and wastewater main adjacent to 54 Oceanview Road. If the proposal proceeds down a fast-track consent pathway, TCC expects that an updated engineering report will be provided which addresses this. There is also an existing TCC wastewater main within an associated easement in gross traversing through the property that will also need to be relocated/removed, as indicated on the proposed plans.

7. TCC history with the site

On 3 March 2023, TCC wrote to the Environmental Protection Authority (EPA) expressing support for the Pitau Project resource consent application to advance down a fast-track consent pathway. TCC's letter noted the site was a former TCC owned elder housing village, therefore, consideration of the proposal by an ECP under the Act would mitigate any perception of a conflict of interest which might arise from TCC's dual roles as the former landowner and a consenting authority.

Whilst TCC remains concerned by this issue, it is possible to engage independent planners and decision makers to process and determine the resource consent application should the Minister decide not to fast-track the Application.

8. Conclusion

The proposal is a significant project for Tauranga and will support TCC's efforts to achieve its housing requirements under the NPS-UD. However, TCC has some concerns regarding consultation processes to date, and the significance of the proposed change in urban form.

Parts of the Application are considered to overstate the level of community and tangata whenua support for both this specific proposal, and intensification of the Mount Maunganui North area more generally. TCC recommends the Minister give particular regard to this issue when determining if the proposal should be fast-tracked. Irrespective of the consenting pathway the proposal takes, TCC considers it necessary for the Applicant to close the engagement gaps identified in Section 1 of this letter.

If the proposal proceeds down a fast-track pathway, TCC expects that a more fulsome application will be provided, containing the further information that has been recommended in this letter. More detailed assessments relating to urban design, landscape/visual amenity, and planning policies are particularly important. TCC has an expectation that the ECP will comprehensively assess these issues, and request modification or refinement of the proposal, as necessary, to ensure acceptable outcomes are achieved that align with the planning framework.

Overall, TCC supports the fast-tracking of the proposal, subject to the matters raised in this letter.

Kind regards,



Marty Grenfell
Chief Executive
Tauranga City Council