

Mā tō tātou takiwā
For our District

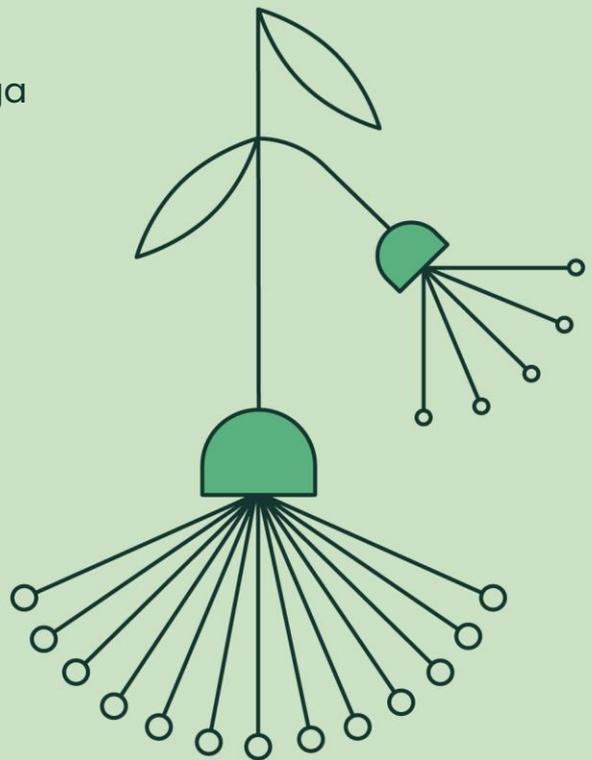
Policy Committee

Komiti Kaupapa Here

PP22-4

Thursday, 26 May 2022, 9.00am

Council Chambers, Barkes Corner, Tauranga



Policy Committee

Membership:

Chairperson	Mayor Garry Webber
Deputy Chairperson	Cr Monique Gray
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Development, review and approval of strategies and plans in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Development of the Future Development Strategy and urban settlement plan.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).

- To report to Council on financial implications of policies and recommend any changes or variations to allocated budgets.
- Listen to and receive the presentation of views by people and engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the special consultative procedure as required by the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of the social and cultural wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Develop the draft Statement of Intent for any Council Council-Controlled organisation (CCO) and review, assess and make recommendations to Council on any modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) or governance arrangements.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Land Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards,
 - Maketu-Te Puke Ward Forum
 - Kaimai Community Ward Forum
 - Katikati- Waihi Beach Ward Forum

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that a Policy Committee Meeting will be held
in the Council Chambers, Barks Corner, Tauranga on:
Thursday, 26 May 2022 at 9.00am

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1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

6 PUBLIC EXCLUDED ITEMS**7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

8 PRESENTATIONS

9 REPORTS

9.1 PROPOSAL TO USE THE INTENSIFIED STREAMLINED PLANNING PROCESS (ISPP) FOR THE ŌMOKORO A PLAN CHANGE AND STRUCTURE PLAN

File Number: A4571678

Author: Tracey Miller, Senior Policy Analyst Resource Management

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. An application to use the Streamlined Planning Process (SPP) for the Ōmokoroa Structure Plan and Plan Change was provided to the Minister for the Environment in July 2021. In December 2021 an amendment to the Resource Management Act (Enabling Housing Supply and Other Matters) created a newer faster process for Plan Changes, known as the 'Intensified Streamlined Planning Process' (ISPP).
2. Council staff and Ministry for the Environment officials consider that running a single decision-making process is likely to be more efficient and cost effective for all parties and reduce complexity in decision making.
3. The purpose of this report is to obtain approval from the Policy Committee to withdraw the SPP application and use a single ISPP for the Ōmokoroa Plan Change and Structure Plan and Te Puke Plan Change.

RECOMMENDATION

1. That the Senior Policy Analysts report dated 26 May 2022 titled 'Proposal to use the Intensified Streamlined Planning Process (ISPP) for Ōmokoroa Plan Change and Structure Plan' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Council withdraws its application to use the Streamlined Planning Process for Ōmokoroa from consideration by the Minister for the Environment and instead notifies the Ōmokoroa Plan Change and Structure Plan under the Intensified Streamlined Planning Process (which shall also include Te Puke) in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.

BACKGROUND

4. New legislation is currently being developed to replace the existing Resource Management Act 1991. The Natural and Built Environments Bill, the Spatial Planning

Bill and the Climate Adaptation Bill are proposed to be introduced to Parliament in 2022 with a view to being passed into law before the next general election in 2023, at which time the RMA is expected to be repealed. Irrespective of these changes to the RMA legislation, in December 2021 the Resource Management (Enabling Housing and other matters) Amendment Act (hereafter referred to as the RMA-EHA) passed into law. The timing of the Amendment Act speaks to the urgency of housing issues in New Zealand.

5. The RMA-EHA requires councils in Auckland, Hamilton, Tauranga, Wellington, Christchurch and Rotorua to change their planning rules so most of their residential areas are zoned for medium density housing. The RMA-EHA also creates a new streamlined process (ISPP) so that these councils can implement the required changes faster.
6. By making the housing rules more enabling it is expected that more medium density homes will be built across major cities in New Zealand.
7. Within Western Bay of Plenty District, the RMA-EHA, and more specifically the National Policy Statement on Urban Development (NPS-UD) applies to Ōmokoroa and Te Puke. This is because those are our towns with a population projection of greater than 10,000 people.
8. The RMA-EHA requires that changes to the District Plan (to enable more housing) be notified by 20 August 2022. Some of the changes will have immediate legal effect (that is, they will apply from 20 August 2022), even though a plan change process will still be followed.

Ōmokoroa SPP background

9. The Ōmokoroa Plan Change and Stage 3 Structure Plan is being progressed by the Resource Management Team. An application to use the Streamlined Planning Process (SPP) is currently with the Minister for the Environment (submitted in July 2021). The Minister has recently completed consultation on the SPP including with tangata whenua. Ministry for the Environment staff are currently working on summarising matters raised in the consultation process for the Minister. Ministry of Environment staff have advised Council staff that they still need approximately 2-4 weeks to finalise information received and they would need to allow another 6 weeks for the Minister's decision. This would be end of June 2022 (approximately). This decision is in relation to formally approving Western Bay of Plenty District Council to use the Streamlined Planning Process for the Plan Change.
10. The next step in the SPP is for the Minister to issue the Gazette notice, at this point Council would be required to carry out the steps set out in the SPP (refer to **Attachment 1**, draft statement of expectations) provided by the Minister in March 2022. If the SPP application is pursued, then there is still an opportunity to refine these steps before the Minister issues the Gazette notice.

Intensified Streamlined Planning Process (ISPP)

11. The new ISPP provides a similar process to the existing SPP legislation, however with less Ministerial involvement. As with the SPP there are no appeals to the Environment Court. A table summarising the key differences between the ISPP, SPP and the Standard Schedule 1 Plan Change process is provided in Table 1 below.

Comparison of the Intensified Streamlined Planning Process, Streamlined Planning Process and Standard Schedule 1 Process			
Features	Intensified Streamlined Planning Process (ISPP)	Streamlined Planning Process (SPP)	Standard Schedule 1 Process
Eligibility	Specified territorial authority (TA) must notify Intensification Planning Instrument (IPI) (s80F)	Set entry criteria (s80C(2)). Must be appropriate in circumstances.	No set criteria. A council can develop a plan or plan change at any time, to assist in carrying out its functions.
Initiation	The Minister sets direction on limited matters (s80L).	Local authorities must make a request to the relevant Ministers for a direction to use the SPP.	Initiated by local authority.
Process	Most Schedule 1 processes still apply – procedural steps are set by new Part 6 of Schedule 1. The Ministers direction may set timeframes.	Can be tailored in proportion to the planning issues. Some Schedule 1 processes remain – procedural steps in Part 5 of Schedule 1 apply. Allows for further procedural steps and timeframes.	Procedural steps and timeframes set by Part 1 of Schedule 1.
Timeframe	Timeframes for notification of IPI set in RMA – EHS (s80F) or in regulations (s80I)	Minister's direction sets timeframes.	2 years from notification to decision (s10(4)(a)).

	or 80K). Minister’s direction may set additional timeframes.		
Final Decision	<p>If the specified TA accepts all of the IHP (Independent hearing panel) recommendations, the IPI becomes operative on notification on the TA’s decisions. (Clause 103 of Schedule 1).</p> <p>If the specified TA rejects some or all of the IHP recommendations, the Minister becomes the final decision maker on those recommendations and the remaining part of the IPI becomes operative on notification of the Ministers decision. (Clause 104 and 105 of Schedule 1).</p>	Relevant Ministers.	Local authority is the decision maker (except for a regional coastal plan, or where a requiring authority makes decision on notices of requirement, designations, or heritage orders).
Appeal rights	No right of appeal (s107)	Limited – only decision of requiring authorities or heritage protection authorities (related to NoR or Designations or Heritage Orders)	<p>Available to any person who has made a submission or further submission.</p> <p>Appeals to Environment Court and the High Court</p>

- In Summary, Western Bay of Plenty District Council is a specified territorial authority (being a Tier 1) and must notify a change to the District Plan to enable medium density housing. The process for notification and carrying out the plan change process is primarily the same between the different planning pathways. The

timeframes with SPP and ISPP are faster than the usual Schedule 1 plan change process predominantly because there are no rights of appeal (except some limited matters with SPP). The Minister makes the final decision with the SPP process whereas the ISPP decision is made by a Council appointed independent hearing panel. In essence there is less involvement by the Minister and Ministry for the Environment with ISPP.

13. As mentioned above Council is required to notify changes to the District Plan to enable medium density housing by August 2022. It is possible that a decision / approval to use the SPP could be provided by the Minister by the end of June. However as both Ōmokoroa and Te Puke are projected to have populations of greater than 10,000 a plan change process is required for both towns. If Council continues to use the SPP for Ōmokoroa an ISPP would be required for Te Puke. This would result in two separate Plan Change processes occurring for medium density housing.
14. Running two separate planning processes in parallel would be administratively difficult and would create duplicated processes for both staff and the community. For example, the planning instruments would likely be notified separately, and the process of the Plan Change would be undertaken separately. Council would more than likely end up with different rules for the different towns because of the separate consultation and hearing processes for both towns. This would be difficult for staff, stakeholders and the community to grapple with.
15. Ministry for the Environment officials have advised Council staff that running a single decision-making process is likely to be more efficient and cost effective for all parties and reduce complexity in decision making.
16. Council now needs to consider the implications of continuing to progress the Plan Change under the SPP or instead withdrawing the SPP application from the Minister and using the ISPP for both Ōmokoroa and Te Puke. This report provides an assessment of each option with benefits and constraints analysed.
17. The primary reason for seeking to use the SPP was to speed up the process and hence get a quicker decision on the plan change. Delays with MfE approving the SPP process means there is now no longer a time advantage of using the SPP over the ISPP.

SIGNIFICANCE AND ENGAGEMENT

18. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

19. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
20. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance. All of the options for pursuing this Plan Change (SPP, ISPP and the usual Schedule 1 Plan Change process) require consultation to be carried out. Nevertheless, it is recognised that the Plan Change process itself is important too and will affect and/or interest a significant number of residents and ratepayers.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Name of interested parties/groups		Planned	Completed
Tangata Whenua	<p>Tangata Whenua have been engaged throughout the project as part of the wider Plan Change Process for Ōmokoroa. In addition, staff have consulted with iwi/hapū groups who hold mana whenua within Ōmokoroa about the Plan Change as well as the use of the SPP. The Minister has also consulted more widely with Tangata Whenua on the Plan Change and the use of the SPP process. Staff have also consulted on the possible change from using the SPP to the ISPP.</p> <p>The ISPP process requires a copy of the draft plan change to be provided to relevant iwi and hapū groups. Whichever process is chosen Council staff will continue to engage with iwi/hapū within Ōmokoroa or who hold mana whenua within the rohe.</p>		
General Public	<p>A range of consultation has been carried out over many years for the Ōmokoroa Plan Change and Structure Plan. A copy of the wider Plan Change timeline is provided in Attachment 2. More recently Council commenced a final round of 'pre-engagement' in June 2021 before lodging the SPP application to the Minister. Since the introduction of the new RMA-EHA Council has also</p>		

	<p>begun to carry out another round of consultation with the Ōmokoroa community (April / May 2022). In relation to the use of the SPP vs the ISPP the consultation for the general public remains the same, there are formal process steps required in the Plan Change process to ensure stakeholders / effected parties have an opportunity to put forward their ideas.</p>		
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ISSUES AND OPTIONS ASSESSMENT

21. Given the strong legislative requirement to notify a plan change to enable medium density housing, the two options for consideration are as follows; (no consideration has been given to doing nothing or progressing the Plan Change under the standard Schedule 1 process because this is not an option as a Tier 1 authority).
- a) Continue using the Streamlined Planning Process, or;
 - b) Withdraw the SPP application and use the Intensified Streamlined Planning Process (in conjunction with the Te Puke ISPP).

<p>Option A Continue using the Streamlined Planning Process for the Ōmokoroa Plan Change and Structure Plan</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> - The SPP is already with the Minister and could be notified in late July this year (best case scenario) however there are many uncertainties around the Ministers timeframes. - The draft Direction provided by the Minister to date includes additional steps above and beyond what Council proposed in the application including the additional step of Further Submissions and additional significantly wider consultation with tangata whenua (see Step 5 in the Attached Proposed Direction – Attachment 1). The draft direction also signals that there is additional work required alongside the Bay of Plenty Regional Council in relation to stormwater and biodiversity. These matters are being resolved between relevant staff and it is considered unnecessarily onerous to formally require the extent of information requested prior to

	<p>notification(see Steps 2 and 3 in the Attached Proposed Direction.)</p> <ul style="list-style-type: none">- The Ōmokoroa Community have been waiting a long time (several years) for Council to initiate the Plan Change process, there are developers who have cleared orchards ready to go now within the greenfield areas.- The SPP application would need to be amended to include all of the Ōmokoroa peninsula (not just stage 3) to be in accordance with the requirements of the RMA-EHA and NPS-UD.- As the Minister is directly involved in the process there is a greater degree of uncertainty of timeframes and matters requiring to be resolved before notification.- The Minister may issue the direction around June 2022 which would see Council having to notify the Ōmokoroa Plan Change just prior to notifying the Te Puke Plan Change. This would place a great deal of pressure on staff resources, essentially duplicating a time intensive process.- Notifying two separate plan changes (Te Puke using ISPP and Ōmokoroa using SPP) is complicated by different processes and timeframes.- Continuing to use the SPP for Ōmokoroa will more than likely result in two sets of medium density rules (Ōmokoroa under the SPP and Te Puke under the ISPP). This is because there will need to be two separate consultation processes, submissions, hearings etc. As per the normal plan change processes submitters are likely to raise different matters resulting in different planning outcomes for what should be two reasonably similar towns in terms of achieving the RMA-EHA and NPS-UD, i.e., to enable medium density housing.- The SPP application was viewed as the best plan change mechanism available at the time
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	<p>it was drafted. This was because of the shorter timeframes to be able to implement the Plan Change due to the no / very limited appeals to the Environment Court. However since the application was prepared new legislation has introduced a new process (ISPP) which enables a similar outcome to what we were seeking with the SPP in the same timeframe with no appeals to the Environment Court, less Ministerial involvement and Council is the final decision maker (in so far as they have the right to accept or refuse the findings of an Independent Hearing Panel).</p> <p>- The SPP Direction that is gazetted is very prescriptive as to what needs to happen and when. If something occurs that requires a change in timeframes Council has to make an application to the Minister.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Operational costs associated with staff resourcing, specialist and legal input, consultation and engagement processes are contained within existing budget. It is considered that running two planning processes will increase complexities and therefore require additional staff resourcing and time which has not been budgeted for.</p>
<p>Other implications and any assumptions that relate to this option.</p>	<p>- None</p>
<p>Option B Withdraw the SPP application and use the Intensified Streamlined Planning Process (in conjunction with the Te Puke ISPP).</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural 	<p>- A simpler process running one single Plan Change for Ōmokoroa and Te puke to enable the MDRS provisions. Will result in rules that are consistent for the two towns.</p>

<ul style="list-style-type: none"> • Environmental 	<ul style="list-style-type: none"> - A simpler process for the community to understand and engage with, notifying 1 single plan change rather than 2. - A more cost-efficient process with less staff time required. - Under the ISPP the timeframes to process the plan change are flexible. The only specification is that decisions must be notified by August 2023. There is less reliance and involvement on Central Government with the use of ISPP compared to SPP. For example, additional reporting back to the Minister is required with the SPP.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>As listed above, one planning process will require less staff resourcing and time and therefore cost less.</p>
<p>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</p>	<ul style="list-style-type: none"> - Ministry for the Environment officials consider that running a single decision-making process is likely to be more efficient and cost effective for all parties and reduce complexity in decision making. - If Council withdraws the SPP application before it is gazetted it will not require public notification of the withdrawal. Up until the application is gazetted Council can formally withdraw the SPP application without public notification.

STATUTORY COMPLIANCE

22. The Plan Change process must be carried out in accordance with the Resource Management Act 1991. As stated in this report, an Amendment to the RMA (Resource Management Amendment Act Enabling Housing and Other Matters) sets out the requirement for the District Plan to enable medium density housing in towns with a population projection of 10,000 or more. This needs to be notified by August 2022.

FUNDING/BUDGET IMPLICATIONS

23. There are operational costs of staff time associated with processing the Plan Change. Additional costs will be incurred if two Plan Change processes are carried out.

24. It is also important to note that the involvement of Ministry for the Environment through the SPP may incur costs which have not been provided by the Ministry to date.

ATTACHMENTS

1. **Proposed Direction and Statement of Expectations Minister David Parker**  
2. **Omokoroa Plan Change and Engagement Timeline**  

Updated Proposed Direction including Statement of Expectations (March 2022)

Proposed Direction to enter a streamlined planning process

Minister for the Environment's proposed Direction on the application from Western Bay of Plenty District Council to use a streamlined planning process for a change to the Western Bay of Plenty Operative District Plan (proposed Ōmokoroa Plan Change)

The Minister for the Environment received an application from Western Bay of Plenty District Council on 12 July 2021, pursuant to section 80C and clause 75 of Schedule 1 of the Resource Management Act 1991 (RMA), to use a streamlined planning process (SPP) to prepare a planning instrument known as proposed Ōmokoroa Plan Change, a plan change to the Western Bay of Plenty Operative District Plan.

In accordance with clause 78 of Schedule 1 of the RMA, the Minister for the Environment directs that the following streamlined planning process is used for Ōmokoroa Plan Change.

	Step	Timeframe
1	Prior to notification, Western Bay of Plenty District Council shall update the Ōmokoroa Plan Change and Structure Plan to incorporate and reflect the Medium Density Residential Standards (MDRS) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.	
2	Prior to notification, Western Bay of Plenty District Council shall prepare in consultation with Bay of Plenty Regional Council a catchment management plan, and update the Ōmokoroa Plan Change and Structure Plan to incorporate the outcomes of that catchment management plan.	
3	Prior to notification, Western Bay of Plenty District Council shall update the Ōmokoroa Plan Change and Structure Plan to assess and manage the effects on indigenous biodiversity and natural resources, including effects on coastal and marine areas outside the boundaries of the Plan Change.	
4	Prior to notification, Western Bay of Plenty District Council must undertake consultation with Tauranga Moana Advisory Group, Ngā Hapū o Ngāti Ranginui Settlement Trust, Pirirākau (a hapū of Ngāti Ranginui), Ngāti Pūkenga, Ngāti Hinerangi, Ngāti Hauā Iwi Trust, Ngaati Hauaa Tribal Trust, Ngāi Te Rangi, Ngāti Maru, Ngāti Tamaterā, Ngāti Rahiri Tumutumu, to ensure they are aware of the complexity and significance of the planning issues being considered. WBoPDC must then amend the planning instrument and section 32 report of the RMA if appropriate to address any matters raised.	
5	Publicly notify the proposed Ōmokoroa Plan Change for written submissions in accordance with clause 5 of Schedule 1 of the RMA. A minimum period of 30 working days for submissions must be specified in the public notice. To be completed no later than 30 working days after gazettal of the Direction	To be publicly notified no later than 30 working days after gazettal of the Direction.
6	Provide an opportunity for written submissions in accordance with clause 6 of Schedule 1 of the RMA.	Public submissions to be received no later than 20

		working days after public notification (Step 5).
7	Publicly notify the submissions in accordance with clause 7 of Schedule 1 of the RMA.	Public notice to be given no later than 10 working days after the close of the public submissions period (Step 6).
8	Provide an opportunity for further submissions in accordance with clauses 8 and 8A of Schedule 1 of the RMA.	Further submissions to be received no later than 10 working days after public notice given (Step 7).
9	If considered appropriate (either following a request or on the initiative of Western Bay of Plenty District Council), the hearing panel may undertake resolution of disputes in accordance with clause 8AA of Schedule 1 of the RMA. Refer Step 11 for overall timeframe for Steps 9, 10 and 11.	The progress report should be provided to the Minister for the Environment no later than 10 working days after the completion of further submissions.
10	Provide for the Minister for the Environment a written report of the SPP progress, any issues, and compliance with the procedures and Directions. To be completed no later than 10 working days of close of further submissions.	Step 11 to be commenced no later than 70 working days after the close of submissions (Step 8).
11	Conduct a public hearing under clause 8B of Schedule 1 of the RMA. Hearing to commence no later than 70 working days after the close of further submissions (Step 4).	
12	Hearings Panel to prepare a draft report showing how submissions and evidence presented at the hearing have been considered and the changes (if any) recommended to proposed Ōmokoroa Plan Change. This report must include how the hearing panel gave particular regard to the section 32 evaluation report, and any additional report that may be prepared under section 32AA of the RMA (as may be relevant) and be prepared having regard to any report prepared as part of the resolution of disputes under Step 5.	
13	Hearing panel to request and consider comments on the draft report prepared at Step 5 from Western Bay of Plenty District Council and submitters before finalising the report. The scope of comments is limited to identification and correction of minor or technical errors or omissions only.	
14	Western Bay of Plenty District Council to provide for the Minister for the Environment's consideration the written reports and documents required by clause 83(1) of Schedule 1 of the RMA.	To be submitted to the Minister no later than 10 working days after the completion of Steps 12 and 13.
15	Western Bay of Plenty District Council to provide a report to the Minister for the Environment with their express consideration of how the Statement of Expectations have been given regard to within the final Plan Change	
	The total time period within which the streamlined planning process for proposed Ōmokoroa Plan Change to the Operative Western Bay of Plenty District Plan must be completed is 200 working days after gazettal of the Direction.	Steps 1 – 15 to be completed no later than 200 working days after gazettal of the Direction.

	The process is considered to be complete when the documents referred to in Step 15 above are submitted to the Minister for the Environment.	
	In accordance with clause 78(5) of Schedule 1 of the RMA, the Minister directs that the hearing panel convened to hear submissions under Step 11 must include at least one independent hearings commissioner.	

Proposed Statement of Expectations

The expectations of the Minister for the Environment are that the proposed Ōmokoroa Plan Change:

- i. contributes to providing sufficient opportunities for the development of housing and business land to ensure a well-functioning urban environment for greater Tauranga as defined in Policy 1 of the National Policy Statement for Urban Development
- ii. enables appropriate and feasible infrastructure including a range of provisions for active transport and public transportation options that meet demand and reduce car dependency
- iii. manages the impacts of the development on cultural components including consideration of cultural impact assessment, cultural assessment forms, and means to manage effects on kōiwi and taonga
- iv. considers the content of the Urban Design Cultural Overlay prepared by Pirirākau Incorporated Society
- v. manages constraints (such as natural hazard risk and contaminated land) identified through the structure planning process
- vi. manages effects on indigenous biodiversity and natural resources, including any at risk fish species and threatened shorebirds, and effects on coastal and marine areas including outside the plan change area
- vii. implements a catchment management plan that addresses the management of post development stormwater effects, effects on scheduled areas in the Bay of Plenty Regional Coastal Environment Plan, and identification of, and inclusion of provisions to protect the values of streams and wetlands as required by the Regional Natural Resources Plan.

The expectations of the Minister for the Environment for Western Bay of Plenty District Council are that in undertaking the Streamlined Planning Process as directed:

- viii. Western Bay of Plenty District Council continues to engage with Waka Kotahi, Kāinga Ora, Department of Conservation, Tauranga Moana Advisory Group, Ngā Hapū o Ngāti Ranginui Settlement Trust, Pirirākau (a hapū of Ngāti Ranginui), Ngāti Pūkenga, Ngāti Hinerangi, Ngāti Hauā Iwi Trust, Ngaati Hauaa Tribal Trust, and Ngāti Taka
- ix. Western Bay of Plenty District Council continues to engage with requiring authorities with designations or notices of requirement affected by the proposed plan change.
- x. Western Bay of Plenty District Council considers in discussion with Tauranga Moana Advisory Group, Ngā Hapū o Ngāti Ranginui Settlement Trust, Pirirākau (a hapū of Ngāti Ranginui), Ngāti Pūkenga, Ngāti Hinerangi, Ngāti Hauā Iwi Trust and Ngaati Hauaa Tribal Trust, the skills required to appropriately consider the particular issues relevant to the Ōmokoroa Plan Change and Structure Plan including tikanga Māori and mātauranga Māori when appointing members of the hearing panel
- xi. Western Bay of Plenty District Council considers the skills required to appropriately consider the particular issues relevant to the Ōmokoroa Plan Change and Structure Plan including experience and expertise with structure planning that supports active transport and public transport when appointing members of the hearing panel
- xii. Western Bay of Plenty District Council places on a publicly accessible website, the dates, and anticipated timeframes for the process steps (and updated as necessary)

- xiii. Western Bay of Plenty District Council makes available on a publicly accessible website, copies of all submissions received no later than 5 working days after each submission period closes
- xiv. at time of notification, Western Bay of Plenty District Council ensures notice is served on Tauranga Moana Advisory Group, Ngā Hapū o Ngāti Ranginui Settlement Trust, Pirirākau (a hapū of Ngāti Ranginui), Ngāti Pūkenga, Ngāti Hinerangi, Ngāti Hauā Iwi Trust, Ngaati Hauaa Tribal Trust, Ngāi Te Rangī, Ngāti Maru, Ngāti Tamaterā, Ngāti Rāhiri Tumutumu, and the following groups that have applied for recognition of customary marine title and/or protected customary rights being Te Whānau a Mokomoko, Waaka and Holloway Whānau, Hauraki Māori Trust Board, Ngā hapū o Matakana and Beneficiaries of the Ihakara Tangitu Reserve.

Proposed Reporting Requirements

- i. Western Bay of Plenty District Council shall provide a written report to the Ministry for the Environment within 10 working days of the closing date for further submissions. The report shall demonstrate compliance with the preceding steps and identify any issues which may affect Western Bay of Plenty District Council's ability to comply with the Minister's Direction
- ii. When seeking approval for any final plan change, Western Bay of Plenty District Council shall provide for the Minister for the Environment's consideration the written reports and documents required by clause 83(1) of Schedule 1 of the RMA
- iii. When seeking approval for any final plan change, Western Bay of Plenty District Council shall in addition to the hearing panel's report, provide a report to the Minister for the Environment with their express consideration of how the Statement of Expectations has been given regard to within the final plan change.

Dated at Wellington this ____ day of _____ 2022

Hon David Parker

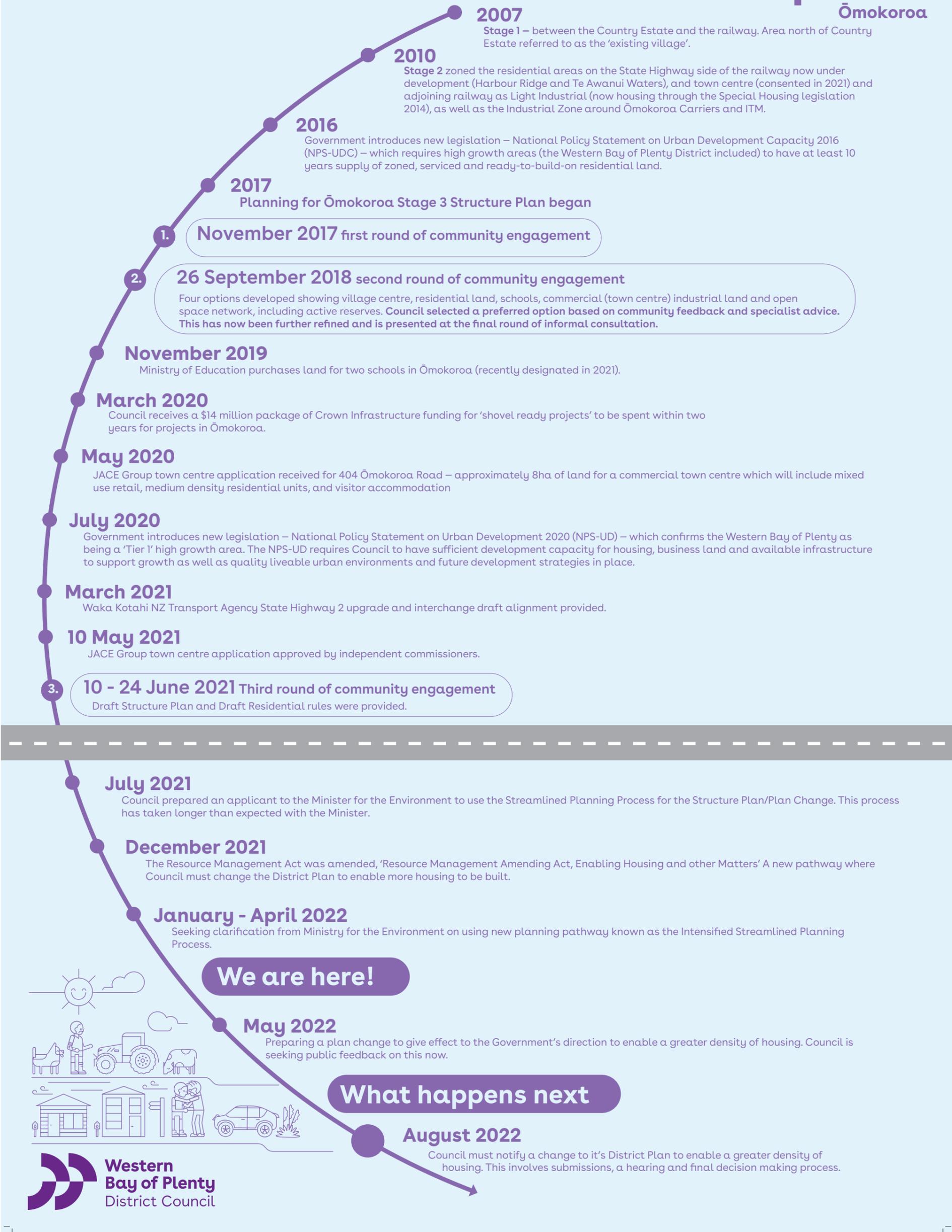
Minister for the Environment

Notes

- i. This Direction must be complied with.
- ii. S80B(2)(a) and (b) specifies all mandatory Schedule 1 requirements in any streamlined planning process (to the extent they are applicable to the particular planning instrument).
- iii. Clause 80 of Schedule 1 of the RMA provides the Minister with the ability to amend this Direction on his/her own initiative or following a request from the local authority.
- iv. The Local Authority may, in accordance with clause 81 of Schedule 1 of the RMA apply in writing to the Minister for an amendment to the Direction or extension of timeframes.
- v. Clause 89 of Schedule 1 of the RMA provides the Minister with the ability to revoke a Direction made under clause 78 of Schedule 1 of the RMA.
- vi. Clause 89 of Schedule 1 of the RMA provides for the Council to withdraw the planning instrument at any time prior to the Minister making his/her decision on the proposed planning instrument under Clause 84 of Schedule 1 of the RMA provides.



Ōmokoroa Structure Plan Timeline



10 INFORMATION FOR RECEIPT