

Discussion Paper

Growth Management in Tauranga City and the Western Bay of Plenty District



Resource Policy Section
Environment Bay of Plenty
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Explanation of Terms

Development corridors: Ribbons of housing or commercial development that tend to follow main roads.

Greenfield urban development: Development that occurs on farmland. The opposite is infill development; development that involves land that has been developed previously. Greenfield development tends to be much cheaper to do as it is development from a “clean slate”.

Local authority: Refers to a territorial authority or a regional council.

Partner council: Tauranga City, Western Bay of Plenty District and Environment Bay of Plenty Councils all agreed to implement SmartGrowth. They are the “partner” councils.

Regional Policy Statement: The “umbrella” RMA 1991 planning document guiding resource

management in the region. Regional and district plans may not be inconsistent with the Regional Policy Statement.

RMA: The Resource Management Act, 1991. The RMA is the statute that sets out the requirements for developing and maintaining the RPS.

SmartGrowth: A 50-year growth management strategy (plan) designed to ensure that while growth continues, the western Bay of Plenty remains a great place to live, work and play.

Sub-region: Small part of a region. The Bay of Plenty has three subregions: western Bay (Tauranga City and Western Bay of Plenty District), Rotorua (Rotorua District) and the eastern Bay (Whakatane, Kawerau and Opotiki Districts).

Territorial authority: District or city council (e.g. Tauranga City Council). Environment Bay of Plenty is not a

territorial authority. It is a regional council.

Urban Design Principles: These stress the importance of pre-planning communities so that best use is made of land, and so that sustainable patterns of use follow. For example, some designers avoid creating cul-de-sacs so people are more likely to walk to local facilities. They might also create streets that encourage better socialisation – perhaps through well-placed open space or careful alignment of properties.

Urban footprint: The area of land covered by roads, houses, urban structures (business areas, sewage treatment plants, etc.) and parks.



Introduction

This discussion paper is intended to help readers understand some of the issues and challenges faced when implementing aspects of SmartGrowth. It is intended to be a “think piece”; something that promotes thought but does not have all the answers.

The changes to the Bay of Plenty Regional Policy Statement being considered by Environment Bay of Plenty may, eventually, implement SmartGrowth, the western Bay of Plenty’s 50-Year Strategy and Implementation Plan.

Before Environment Bay of Plenty can formally (1st Schedule, RMA) change the RPS it must consult. This paper is an important part of the consultation process because it provides an indication of what we think we need to do to implement SmartGrowth – and is a useful basis for your feedback.

Background

The western Bay of Plenty is facing substantial long-term growth pressure. Despite this pressure, the community expects its quality of life to be maintained and the core values that make it a desirable place to live to be protected.

In May 2004 the western Bay of Plenty SmartGrowth Strategy was adopted by the three partner councils: Environment Bay of Plenty, Tauranga City Council and Western Bay of Plenty District Council. The strategy is a 50 year vision and plan to manage the western Bay of Plenty's growth. It's goal has been to prepare an agreed strategy for the western Bay of Plenty that will encourage sustainable urban and rural development, specifically for the next 20 years (2001-2021), and generally for the next 50 years (2021-2051). It supports a change from low-density suburban residential development trends to more compact

urban development which is based around a "Live, Work and Play" concept.

Growth management in this way raises a number of issues about how people want to "Live, Work and Play" in the western Bay of Plenty. Several statutes - the Resource Management Act 1991, the Local Government Act 2002, and the Land Transport Management Act 2003 influence the SmartGrowth strategy. The strategy links community and Tangata Whenua aspirations, land-use and urban form, transportation, network infrastructure, and funding. SmartGrowth therefore relies, in part, on being put into practice/place through documents that regional council and partner territorial authorities have created under these statutes.

These include:

- The Regional Policy Statement.
- The Regional Plan.
- District Plans.

- The Regional Land Transport Strategy ("RLTS").
- Long-Term Council Community Plans.

Figure 1 below shows how these documents work together, and the processes that influence them.

This discussion paper focuses on how the SmartGrowth Strategy can be put into action through a proposed change to the Regional Policy Statement.

Regional Growth

Although SmartGrowth has a focus on growth management in the western Bay of Plenty it also recognises the impact growth in that area has on the rest of the region.

Forecasts of significant growth in the western Bay have made us think about how we can reduce the impact it will have on the rest of the region.

As a result SmartGrowth has developed a Regional Settlement Strategy.

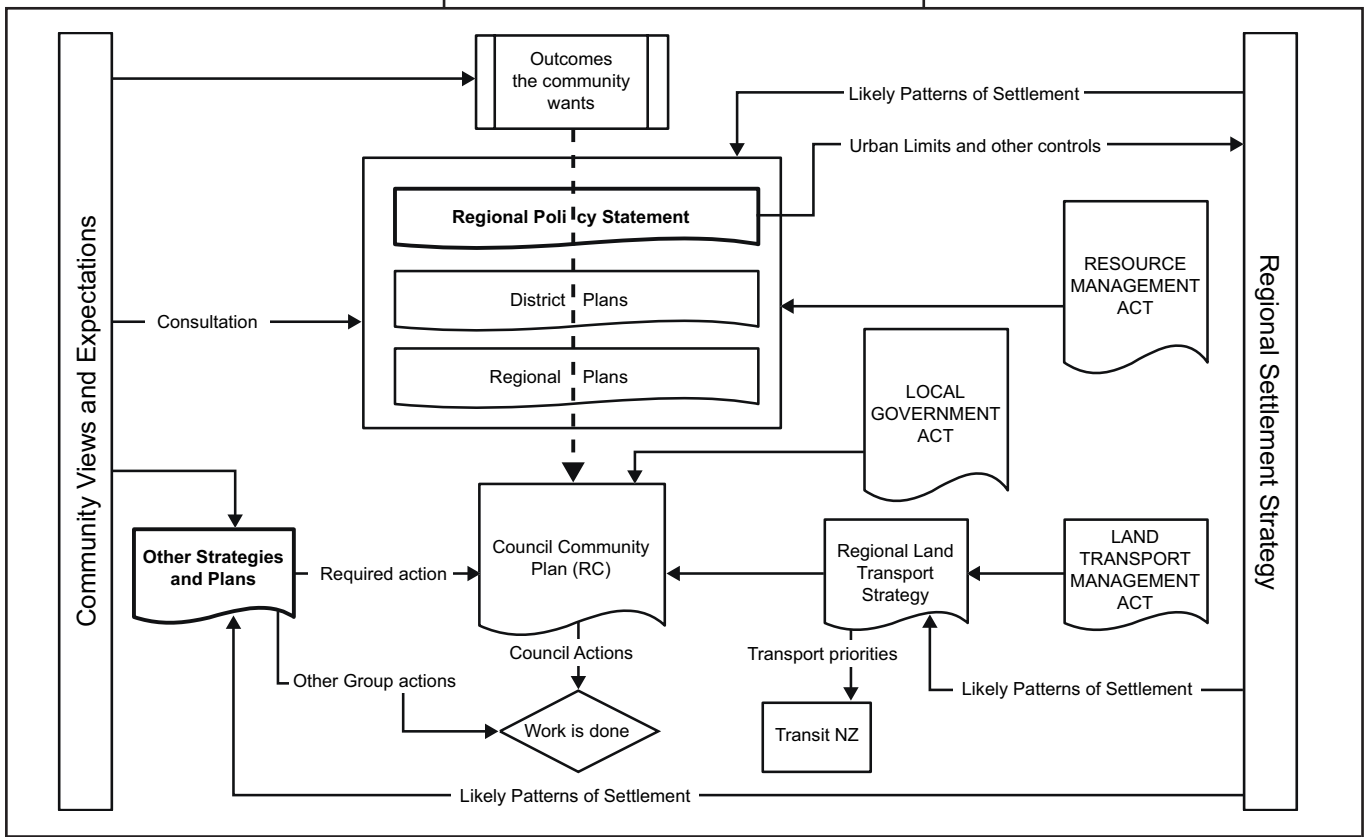


Figure 1: The Regional Planning Framework

The Regional Settlement Strategy sees growth in the western Bay moving east towards Whakatane and south towards Rotorua.

In addition, growth elsewhere can impact upon growth in the western Bay of Plenty. For example, growth in Rotorua is linked to growth in Tauranga - directly through the effects of road widening, and less directly as people choose to live in Rotorua because of the city's lower costs of living.

Purpose of this Discussion Paper

Section 7 of the SmartGrowth Strategy sets out implementation methods, associated priorities, responsible agencies, and costs. These are things various agencies need to do to better manage growth. The Sub-Regional Settlement Patterns and Regional Settlement Strategy actions (Actions 7.2.1 and 7.2.2) identify Environment Bay of Plenty as lead agency.

Both actions say the Regional Policy Statement should be changed to include:

- a high-level overview of current and future spatial settlements for the western Bay and their links to transportation infrastructure,
- a high-level enunciation of Live Work & Play relationships for the region.

This paper discusses the issues that arise as a result of these requirements.

Existing Growth Management Policy

There are a number of policy documents written before SmartGrowth, which relate to the management of the western Bay of Plenty's growth. This section of the discussion paper looks at the most important of these, in relation to proposed changes to the Regional Policy Statement.

The SmartGrowth report "Analysis of Planning Instruments Relevant to Growth Management in the western Bay of Plenty Subregion, August 2002" provides a more extensive overview.

The Regional Policy Statement

Under the Resource Management Act 1991, the Regional Policy Statement is the most important planning document for the region. Regional plans and district plans must not be inconsistent with the Regional Policy Statement. (sections 67 and 75 of the Act). By making a change to the Regional Policy Statement to incorporate SmartGrowth's Sub-Regional Settlement Pattern and Regional Settlement Strategy, Environment Bay of Plenty will provide an overarching resource management framework for the way growth should be sustainably managed in the region. The Regional Policy Statement change will justify and support the changes each partner council will have to make to their district plans under the SmartGrowth Strategy.¹

Environment Bay of Plenty's current Regional Policy Statement has a 'natural resources' focus – one which is common to many regions' policy statements. It outlines issues related to water, land and air quality and has policy to address them. But it also contains a section (Chapter 13) that addresses issues related to urban form and the built environment. Chapter 13 is an important part of the proposed changes.

There is some overlap between the Sub-Regional Settlement Patterns and Regional Settlement Strategy actions of SmartGrowth, and the Regional Policy Statement. For example:

Regional Policy Statement Policy:

"6.3.1(b)(i) To sustain the potential of land resources to meet the reasonably foreseeable needs of current and future generations".

13.3.1(b)(vii) To promote urban and small settlement form and design which minimises adverse effects on the environment.

13.3.1(b)(viii) To discourage uses of land, for example for urban development or settlement growth, which would:

- (a) Reduce the ability of communities to have access to potable water;
- (b) Result in the loss of soils of high versatility for primary production, and recreational, amenity and landscape values of regional significance;
- (c) Compromise access to and the efficient operation and use of transport and communication links particularly the strategic routes leading to the Port of Tauranga;
- (d) Compromise access to air transport in the region;
- (e) Expose people and capital investment in infrastructure and buildings to an unnecessary risk from natural hazards;
- (f) Expose public health and capital investment in infrastructure and buildings to unnecessary risk from incompatible land uses; or
- (g) Result in the loss of access to minerals including aggregate sources.

SmartGrowth 7.2.2 Principle : Careful management is needed to ensure that the overall vision of a compact settlement pattern, minimising adverse environmental effects, and achieving a balance between live, work and play is not compromised.

SmartGrowth Action 7.2.2.1: "Other important elements include the protection of natural resources e.g. versatile soils. These elements need to be formalised through the Regional Policy Statement to provide a framework for long term implementation".

Regional Policy Statements are sometimes criticised for being overly generic. The new policy should be clear and detailed enough to guide development. We think an opportunity should be taken in the proposed Regional Policy Statement change to:

- Explain that the growth management is a component of sustainable management.
- Note that growth management is of regional significance in terms of Section 30(1) (b) of the RMA 1991.
- Indicate that while a general growth management framework is being introduced for the Bay of Plenty, only in the western Bay of Plenty has enough analysis been done to put a detailed strategy in place. For the east/Rotorua, further changes will follow once each of these communities has completed the analysis needed.
- Make it clear that only part of the growth management strategy is being put in place through the Regional Policy Statement. Other components, such as development contributions to fund infrastructure and transportation, will be implemented through the Local Government Act 2002 and the Regional Land Transport Strategy completed under the Land Transport Act 2003, as "other methods".
- Apportion the growth between the TCC and the WBOPDC.
- Prescribe expected densities so that development may occur within the proposed urban footprints.
- As part of the Live, Work and Play concept identify the proposed business land which lies outside

¹Action 2 Section 7.2.1: Regional Settlement Strategy, Action 1 Section 7.2.2: Regional Settlement Strategy, Section 7: Implementation Methods, SmartGrowth Strategy Implementation Plan, 3 May 2004, pages 62 and 65.

the proposed urban limits line to the east, central, and the west.

District Plans

District plans are the planning documents that members of the public are usually most familiar with. Although the Regional Policy Statement and other documents influence the formation and interpretation of district plans, these tend to be referred to less often.

The RMA 1991 requires that each city or district have a district plan. A district plan contains policies and rules that control the way resource consent applications to subdivide or develop land are handled. The western Bay of Plenty sub-region has two operative district plans; the Tauranga District Plan and the Western Bay of Plenty District Plan.

Tauranga City has embraced principles of consolidation. Its plan promotes a range of housing densities, business activity and a compact urban form. Although still growing rapidly, Tauranga is developing a form of Live, Work, and Play through a mix of subdivision standards, residential zones and comprehensive planning for new urban growth areas covering services, parks and reserves. This will be promoted further through planning for areas such as Pyes Pa and Papamoa East.

The Western Bay of Plenty District Council administers an area much larger than TCC. It is a predominantly rural based district with more than half its population living in small urban settlements. The western Bay has policy to protect soils, avoid sporadic subdivision and protect landscapes

and other important values, yet still allow development. This is causing significant pressures on soils, infrastructure and other important resources.

If they are to be useful, changes to the Regional Policy Statement need to be practical, unambiguous and provide enough direction to the partner councils to help them in the development of their district plans. There needs to be clear discussion and agreement about the extent and content of any proposed change to the Regional Policy Statement and the district plans before the Regional Policy Statement change process begins.

What SmartGrowth Says

A Regional Settlement Strategy

Although SmartGrowth's focus was limited to the western Bay of Plenty, some thought was given to the impact growth in the west will have on the rest of the Bay of Plenty.

Section 6.4 of the strategy contains a series of development corridors that have a regional focus. The southern corridor promotes a twin city development focus between Rotorua and Tauranga.

Section 6.4 of SmartGrowth describes a Regional Settlement Strategy. The strategy includes a relocated airport, new base hospital and several transportation corridors (such as a highway to Hamilton and Port of Tauranga transport routes). It also states: "The tenets of this Strategy will be incorporated into the Regional Policy Statement". Action 7.2.2.1 reinforces this:

Draft changes to Environment Bay of Plenty's Regional Policy Statement to incorporate a Regional Settlement Strategy for long-term growth management ready for public consultation.

Urban Limits

Urban Limits are very broadly shown in the SmartGrowth Strategy's Subregional Settlement Pattern maps.

Section 6.5 of SmartGrowth described the purpose of urban limits:

The urban limits are set to provide sufficient land area for residential development based on the target levels of intensification adopted in the framework.

Employment nodes are identified to provide sufficient land for the planning period.

In theory, urban limits will direct growth to areas we know can sustain it. They are intended to divert ad-hoc development so that it proceeds in a more coordinated way, in a smaller land area than might otherwise be the case.

Urban limits will make sure enough land has been allocated for residential development - according to levels set in the Regional Policy Statement. Employment areas need to also be identified.

SmartGrowth has a number of actions related to limits. For example:

7.1.8.1: Develop a settlement pattern that takes into account the landscapes, natural features, and marae sightlines within the subregion.

7.1.9.2: Develop a settlement pattern that avoids the areas that are generally unsuitable for urban development.

7.2.2.1: Implement the key elements of the Sub-Regional Settlement Pattern through the Regional Policy Statement:

Urban Limits are an important part of the settlement pattern. Together with business/employment areas, Papakainga and intensification areas and their associated network infrastructure and transportation needs they will define the future shape and development of the western Bay of Plenty sub-region.

Tangata Whenua

In both the Western Bay of Plenty District Council and Tauranga City Council plans, provision is made for Papakainga development of Maori land. Whanau development of land is an important concept and consistent with the principles and purpose of the RMA 1991.

The challenge for the Regional Policy Statement is translating the concept into a framework that provides certainty on the ground. Owners of land outside Tangata Whenua development areas need to be clear where these areas are and the likely processes of their development. Similarly, there is widespread belief that Tangata Whenua themselves need greater clarity about their ability to develop this land and the way their ideas might be addressed by the administrative bodies.

One of the proposals in this paper is that Tangata Whenua development zones be mapped and within these areas the Regional Policy Statement provides what policy guidance it can to ensure whanau, Hapu or iwi can have their mandated development plans properly recognised.

Live, Work, and Play

The Live, Work, and Play concept is an important part of SmartGrowth. Its ideas come from several urban development theories. Common to these theories is the concept of compact form, "human scale" development, and a move away from an exclusively car-dependent style of development.

Live, Work, and Play — particularly reduced car dependence — is also an important part of the Bay of Plenty Regional Land Transport Strategy, 2003.

SmartGrowth describes “Live, Work, and Play” as follows:

“Live, work, and play” is a concept that emphasises the need for balance within the management of growth. It has relevance at different levels.

At the sub-regional level, it includes the provision of land and services for housing, business, rural production, community activities and recreation. It emphasises the interrelationships of these activities to provide for accessibility, minimised energy use, and reduced vehicle emissions.

At the local level it includes providing the opportunity for people to meet most of their daily needs within their own community and promoting community cohesion and more harmonious lifestyles. It gives opportunity for people to remain active through all stages of life, in a healthy and safe environment.

At site level, it includes careful design to contribute more to the public domain, provide for privacy, and offer diversity through mixed-use development. [my emphasis]

Although not explicitly mentioned in the SmartGrowth actions, Live, Work, and Play is so much a part of the Strategy that its inclusion in the Regional Policy Statement is essential. In order to include Live, Work, and Play in the Regional Policy Statement we will need to send signals to both planners and developers that development should be based on sound urban design and land-use relationship principles. That means that promoters of larger developments will need to think about where their residents will be employed, how easily they can move within the community and how healthy, active lifestyles and social relationships might be promoted and achieved.

Incorporating the SmartGrowth Actions into the Regional Policy Statement

Growth Management Section

Identifying growth as a significant issue presents an opportunity to restructure

the Regional Policy Statement so it reflects the way people think about the region’s development. A new Regional Policy Statement Section called “Growth Management” which contains SmartGrowth - derived subsections should be included.

The new section would bring most of the “physical resources (Ch 13, Regional Policy Statement)” – related material into a more focused, growth management oriented section.

Because the Bay of Plenty is so diverse, we think this new section will be made up of several subregional sections; each guided by the Regional Settlement Strategy. The first will be for the western Bay of Plenty.

Urban Limits Maps

SmartGrowth requires us to include maps in the Regional Policy Statement that describe urban limits and other aspects of the settlement strategy. The law allows us to develop focused policy and to produce maps – so maps are likely to form part of the changes to the Regional Policy Statement. Figure 3 to Figure 7 show draft urban limits maps.

Then, through policy, we should direct partner councils and developers in how they treat wetlands, heritage sites and other important features, probably by way of reference to existing Regional Policy Statement policy.

Live, Work, and Play Policy

In SmartGrowth, “Live, Work, and Play” has three levels of applicability. These are the regional, local and site level.

The third level (site specific) concerns the specifics of how individual sites are developed. This is too narrow a focus for the RPS.

The RPS is concerned with the way large areas of land are managed.

The distribution of land-uses, their connection to infrastructure and roads, and ensuring good land use in one area protects values elsewhere are important matters.

In relation to the Live, Work and Play concept, SmartGrowth puts forward several techniques to help achieve better use of land, prescribing an increase in average development density being one of them. It has proposed that Greenfield urban development should occur at an average of 15 lots per hectare (the current is nearer 10).

Rather than leaving this to the partner councils alone to deal with in their respective district plans, we propose developing policy to set this level in the Bay of Plenty. SmartGrowth also promotes “Internalising” transport, so that areas of development are more self-contained and don’t necessarily lead to further congestion of the wider roading network. A big part of this is ensuring housing development has access to employment nearby.

We know there will be difficulties in getting people to work where they live and play, but despite this, intergenerational considerations,² reduced emissions and infrastructure costs support the development of transport policy in the Regional Policy Statement.

We plan to use maps to show where employment is required. Employment needs to be considered in the setting of urban limits. Identifying where employment land needs to be should achieve better efficiency in the way network infrastructure, open space and community facilities, and transport is funded and provided.

²Just because people do not work near where they live today does not mean that opportunity should be foreclosed on for the future.

Papakainga is an important part of the settlement strategy. The development of Papakainga will also be promoted through the development of policy in the Regional Policy Statement.

Finally, in addition to these matters, we think a commitment to urban design principles is important. We therefore plan to provide policy related to these principles as appropriate.

Issues and Options – Outstanding Questions

The SmartGrowth report “Evaluation of Growth Management Alternatives, A Sustainable Development Perspective. July 2003” looks at different approaches to growth management. It ranks development approaches by applying scores to each according to multiple criteria.

Figure 2 shows the results. Although high density is chosen as a preferred approach, the current approach (evolving densification) lags not too far behind.

Consultation is an important part of policy development. There has been considerable consultation in developing SmartGrowth, and that document has been modified in accordance with some of that feedback.

Now, in addition to feedback received during the development of SmartGrowth, we are seeking feedback that will help mould RPS policy.

The traditional approach to guiding policy feedback is through the development of an issues and options paper; we describe the issues and propose some options; the community provides feedback on that process. It is common to meet and discuss these things, and for discussion to go beyond the narrow scope of the council-produced paper.

This issues and option paper is more detailed than usual. Although we are proposing a significant change to the Regional Policy Statement, the broad direction has been set through the SmartGrowth process. In this paper the options relate more to detail than direction.

Issue: The definition of Urban Limits; whose land is in, whose land is out?

Draft urban limit maps are contained in appendices (Figure 3 to Figure 7). The limits lines have been taken from SmartGrowth but adjusted having particular regard to geotechnical, topographical and natural features of the subject areas. We have tried to calculate the size of the urban limits to reflect best estimates of population growth and servicing feasibility. But this is an imprecise “science”; your view on the position of the urban limits line is important. Some options for the line are discussed below:

Option: Map urban limits down to a cadastral (land parcel) base. Show whether individual parcels are in or out.

If we do this then it is likely that we will face some fairly heated debates about the exact location of the line. The alternative is to retain a blurry line, like that in SmartGrowth, and require that partner councils do the refined mapping.

We think it is our responsibility to map a detailed urban limit. We consult closely with the partner councils but need to take responsibility for justifying the final urban limit decision.

The maps shown in Figure 3 to Figure 7 assume support for the detailed approach.

Option: Rather than apply limits to the entire Subregion, map only Greenfield growth areas.

There are two main ways we can tackle delineating growth management in the subregion. First, we can, as shown in SmartGrowth, for the entire subregion, define those areas that are or may eventually become urban. Conversely, we could delineate only those areas for which urban growth is anticipated (Greenfield areas) – other areas would be subject to more general, overarching policy.

We think the first approach is better. It provides a clearer bench-mark for monitoring and should be much clearer to Regional Policy Statement users.

Option: Use policy to require that Regional Policy Statement limits be implemented by way of Territorial Authority planning rules.

SmartGrowth does not explicitly state that urban limits must be implemented by way of rules in district plans, but it does imply as much.

Rules in district plans are a good tool for restricting growth if the urban limits are properly defined and the rationale clear and transparent. People sometimes criticise rules because they can be seen as unfairly jeopardising livelihoods. The alternative viewpoint is that rules provide certainty and protect community aspirations where market failure is occurring.

In the case of urban limits, as defined by SmartGrowth, we think a robust rule framework is warranted for a number of reasons including:

- The identified benefits associated with the objective are unlikely to be achieved without formal protection of significant natural, physical and cultural features.
- Certainty assists with future land investment decision making by private and public interests.
- Infrastructural investments can be proactively programmed, funding needs identified and financial contributions sought.
- The rules provide clear direction about what activities support or run counter to achieving the objective
- The rules are supported by topographical, servicing and other development constraints.

Alternatives like strategic land purchase (for example, purchasing land at the periphery of growth areas) offer no obvious advantage over rules.

They would also tend to be less flexible and more costly.

For these reasons we are inclined to propose the use of rules in district plans. Alternatives like strategic land purchase (for example, purchasing land at the periphery of growth areas) offer no obvious advantage over rules. They would also tend to be less flexible and more costly.

Issue: How should Environment Bay of Plenty deal with competing land uses – should we “pick winners”?

The RMA is a “market oriented” statute. It was developed at a time when politicians believed allowing people to “do their own thing” would eventually lead to them doing what was best. In some situations this approach works, in others it does not.

SmartGrowth requires Environment Bay of Plenty to develop relatively prescriptive policy. By requiring “urban limits” it challenges the idea that without urban limits development will generally head in the most logical direction.

SmartGrowth has presented a case that the long run costs of the status quo will be higher than if we move to a more prescriptive approach. It argues that distorting land markets (i.e. specifying now that some people can one day develop their land while others cannot) is, on balance, better than allowing possibly the same situation to evolve over time.

Prescribing the location of business land (as required by SmartGrowth) raises some important questions. On the one hand prescribing where employment will occur provides certainty, but on the other it consigns land that might otherwise benefit from residential use, or remaining rural, to a use that may have less monetary

value than alternatives. Potentially, a situation could arise where business land becomes so cheap (oversupply) that it is used inefficiently.

Timing the “release” of land is also an issue. Employment is an important community issue. At Tauriko, developers are progressing plans to change the Tauranga City Plan to provide in excess of 300ha of industrial zoned land there. The Tauriko initiative, which involves a mix of developer owned and other land, is occurring in parallel with feasibility work on development of industrial land and Rangiora.

The western Bay of Plenty subregion currently lacks affordable business land. This is cited as a barrier to long-term sustainable economic growth in both the SmartGrowth Strategy and the SmartEconomy Strategy. SmartGrowth wants to ensure that housing placement, and major access routes are located sensibly with respect to business land. Business land should be distributed to ensure reasonable proximity to major transport routes and residential areas.

New business land primarily for non-retail uses in identified growth areas is designed to provide local support services and opportunities for employment to promote the “Live, Work and Play”. Its provision will be matched to population growth to ensure that the land market can function without shortage-driven inflation. While car-based, large format retail is likely to be a strong influence, integration of this type of development with the strategic roading network and surrounding communities is sought.

Under the RMA 1991 both the broader economic aspects and the narrower aspects (including viability of a project and/or benefits to a developer) are relevant. Although the economic effects of a proposal on the environment have

to be considered, it is only the effects on the community at large, not the effects on the expectations of individual investors. The validation of by the wider community of the SmartGrowth Strategy’s approach to this issue is therefore sends a strong signal against “one-off” land development proposals which do not fit within the ethos of the Sub-Regional Settlement Pattern or Regional Settlement Strategy.

Issue: Live, Work, and Play. What do we include, and what do we leave out?

There is no single statement in the SmartGrowth Strategy that states the attributes of Live, Work and Play. However, based on references to the concept throughout the document, Live, Work and Play can be interpreted as meaning:

- i. Increased population density, particularly around intensification nodes.
- ii. Mixed land use, with the degree of mixing increasing with the level of intensification.
- iii. Living in close proximity to employment opportunities: business land in or near existing communities.
- iv. Providing choice in housing opportunities.
- v. Providing transport choice: public transport, private vehicle, cycle and pedestrian modes.
- vi. Walkable neighbourhoods.
- vii. Living close by to a range of open space and recreation opportunities.
- viii. High standards of urban design.
- ix. Promoting a distinctive community identity.
- x. Participatory planning.

Live, Work and Play borrows heavily from the North American concept “new urbanism”. It is an “ideal” and has some environmental health advantages (less air emissions, healthier citizens).

However, statistically, given the relatively small scale of New Zealand's development, we are unlikely to be able to "prove" live, work and play is a better growth model than more laissez faire alternatives.

We have done our best to evaluate Live, Work and Play and how it "fits" with the RMA 1991. In this section we outline some of the questions that arise from that analysis and our thinking on this issue at large.

One of Live, Work and Play's definitions is "Providing transport choice: public transport, private vehicle, cycle and pedestrian modes". To achieve this a number of Regional Policy Statement interventions are possible. We could use policy to specify that partner councils ensure neighbourhoods are highly permeable (can be crisscrossed easily, preferably by foot or cycle). We could also suggest that layout of urban areas is more grid-oriented than cul-de-sac based. Alternatively, we could state policy that simply states that transport choice must be provided for.

The listing "Living in close proximity to employment opportunities: business land in or near existing communities", is more of a challenge. SmartGrowth expects that employment areas will be mapped. But it also talks of the need for urban development to provide for local employment. We think we will need to apply the same rigor to mapping employment area locations as we do to the location of accommodation areas.

We feel less confident about being so specific about mixed-use areas (i.e. employment within accommodation areas). In particular, partner councils have experience addressing noise and traffic impacts associated with mixed use and for this reason we propose encouraging the partner councils to develop appropriate effects based rules.

Environment Bay of Plenty believes the Regional Policy Statement needs to:

- (a) Map Urban Limits and require settlement at around 15 dwelling units/ha or more (where feasible). The Regional Policy Statement must define terms like "feasible" so that it will be abundantly clear when exceptions to policy will be accepted.
- (b) Within new urban areas ensure active measures are taken to create local employment and ensure the provision of basic local services (for example, a community shopping area is provided). We recognise that local employment and services may be mitigated through provision of efficient corridors to nearby facilities; the goal is to reduce car dependency; create good social conditions.
- (c) Encourage good urban design. In particular, we see public open space (streets in particular) being crucially important if density targets are to be met without a consequent loss of neighbourhood amenity.
- (d) Actively promote provision for cycling and walking.
- (e) Designate (specify the location of) employment land where it is known. Where employment and accommodation mix, the Regional Policy Statement should describe the required yields of employment and housing and require that partner councils achieve the mix.
- (f) Reinforce the importance of strategic transport links for the conveyance of goods and products; but the importance of minimising their use for people's movements to and fro.
- (g) Anticipate the development of the Commercial Retail Strategy for the

subregion. This will identify suitable locations and timing for large format retail and ensure that this type of development is integrated with the strategic roading network and surrounding communities.

- (h) Provide for Marae development zones and the potential of mixed-use therein.

Some of these are discussed below as separate issues.

Issue: How prescriptive should Live, Work and Play policy be?

Section 32 of the Resource management Act requires that we justify why we want to change the Regional Policy Statement. When it comes to Live, Work and Play there are some challenges. Our biggest challenge is taking broad "urbanist" concepts (applied elsewhere in the developed world) and building a case for them to be considered under the RMA 1991. A case exists, but the evidence is relatively weak and tends to relate to very large communities.

Environment Bay of Plenty believes the evidence we do have shows the principles of live, work and play need to translate into policy. This has been discussed above. But it is not certain how prescriptive that policy should be.

Some aspects of SmartGrowth are non-negotiable. They are sufficiently researched and have been consulted and worked through with the subregional community to an extent that they are able to withstand the scrutiny of the Regional Policy Statement proposed change process. On the basis of the degree to which SmartGrowth has pre-defined scope the following Table 1 gives some indication of our preferred policy approach.

Provision	Main policy target	Specific or general	Scope for variation
15 dwelling unit/ha or more (where feasible)	Partner councils, developers	Specific	Minimal. Physical characteristics (defined)
Local employment and services	Partner councils	General	Some. For example, Pyes pa employment in Tauriko.
Good urban design	Partner councils, Developers, the public.	General	Considerable. To be useful we need to describe good design principles, but should also allow for flexibility and design flair.
Provision for cycling and walking	Partner councils, Developers	Specific	Possibly an aspect of good urban design.
Location of employment land	Partner councils	Specific	Some. The background material is inexact and economic efficiency considerations are important.
Strategic transport links	Partner councils, Developers	Specific (i.e. density of access to strategic routes).	Little.

Table 1: Preferred Policy approach

Issue: Regional Policy Statement vs. District Plan

Environment Bay of Plenty has confirmed that a case exists to define urban limits at property boundaries. That way we can show people if they are “inside” or “outside” the limits. But, the inside/outside decision is, in some places, arbitrary.

To decide if land is in or out of the urban limits we have calculating likely yields (potential number of houses) in an area and then, from topographical and constraints assessments of the subject area, matched boundaries until SmartGrowth population targets are met. But there is a degree of arbitrariness in this exercise. For example, theoretically, we need to undertake very precise geotechnical, heritage and servicing assessments before we calculate yields. Also, we need to know the break-even point for land development – the point where it is no longer feasible to do earthworks or work with land that is not ideal.

Although having access to all the facts would be helpful, planning to this level of detail is still fraught with problems.

The urban limits are, in places, located where development is not expected for 50 years. It is impossible to know what a future that far out holds.

The Regional Policy Statement is a Regional document. Urban limits are a guide – providing support to partner councils when changing their district plans. Environment Bay of Plenty considers, bearing in mind the Regional Policy Statement purpose and the capacity for partner councils to undertake detailed land use planning, that partner councils, through their district plans and other processes, should do the fine-grained analysis necessary to prepare structure plans. We also anticipate, with time, urban limits changing.

There are tradeoffs in anchoring urban limits in the Regional Policy Statement. The most obvious is that that proposed urban limits will not always be correct. Things will change. For example, growth may slow or political pressure may direct growth elsewhere. Territorial authorities are more likely to become aware of inadequacies before the regional council but will then have

to initiate changes to the RPS before they can change their own plans to put the situation right.

Issue: Working through the RMA 1991 Process

The legislative mandate for the SmartGrowth exercise is contained in Section 4 of the Strategy. Figure 6 (included in the appendices) shows how the strategy complies with legislation. In addition the Environment Court recently accepted in the Omokoroa decision that it is legitimate to use the legislative tools of the RMA 1991, the LGA 2002 and the LTMA 2003 for long term growth management planning.

The RMA 1991 in its current form is an environmentally-based sustainable management statute. Proposals in draft form were introduced into Parliament in December 2004 which could bring the statute more into line with newer legislation such as the LGA 2002 and the LTMA 2003. They will give regional councils a specific growth management/development planning role through their regional policy statements.

Clause 9(1) of the Bill requires regional councils to in the exercise of their functions promote sustainable urban form, timely and effective provision of infrastructure and its integration with land use policies. In formal terms, this is likely to occur through regional policy statements.

Aside from these developments in the current legislative climate, the legitimacy of specifying at a strategic level where that growth should occur in a region is laid down in the leading decision on these matters by the Court of Appeal in Auckland Regional Council v North Shore City Council (CA29/95), which stated:

... a regional council does have the power under the Resource Management Act 1991 to include in its Regional Policy Statement provisions

to the effect that urban development shall be permitted in urban areas defined in the Statement; or in the case of rural towns or coastal settlements areas, by the extent of existing urban zones in district plans.

This approach is envisaged in the Sub-Regional Settlement Pattern and Regional Settlement Strategy components of the SmartGrowth Strategy.

Policies or rules promulgated under the RMA 1991 are frequently challenged on the basis they lack legitimacy because they do not address an RMA 1991 issue or will not solve the problem. The RMA 1991 is good at pitching free-market economists against the less egalitarian and too often the debate boils down to differing worldviews and irreconcilable differences.

Environment Bay of Plenty thinks there are several possible things we can do to avoid this conflict.

Option: Narrow Policy Scope

Our first risk-reduction technique is likely to be careful consideration of the breadth of policy we develop. If we keep policy very narrow we are less likely to over-step the statutory line.

The problem with narrowing scope is that it runs the risk of overlooking aspects of SmartGrowth that are important to the strategy.

Live, Work and Play provides a good example of an area of policy we can tackle broadly or narrowly. Taken narrowly, we might only indicate on maps the location of employment land. Tackled broadly, there is scope for Environment Bay of Plenty to develop rigid policy on the way urban development is laid out, where people live and what areas of town they should work in.

Option: Use of Other methods

We can use methods other than RMA 1991 based policy to achieve SmartGrowth objectives. Instead of stating policy on a matter that may be on the fringe of RMA "acceptability" we can address the subject in other ways. An example of this is promoting better economic performance of the sub-region by encouraging the development of industrial land. While we can argue that this may be important for health and social reasons, the RMA 1991 case for such a policy would be difficult to make.

In this example, it might be better to look to other methods as a means of achieving the economic boost sought.

Option: Engaging in meaningful consultation

Earlier in this document it was acknowledged that SmartGrowth has set the framework for some aspects of the proposed Regional Policy Statement change. However, it should be obvious from this document that considerable opportunity remains for other aspects to be discussed and the path forward determined.

Consultation is important. It helps Environment Bay of Plenty gauge how well proposed changes are going to be received and is the best way we have of refining plans prior to the formal planning process. Apart from staff time, consultation is reasonably cheap and can improve the community's confidence in a proposed change.

This discussion paper reflects the importance of consultation to Environment Bay of Plenty. It hides nothing and, we hope, raises enough issues to prompt debate and discussion on the issue of growth management in the western Bay of Plenty.

Next Steps

This report presents a number of questions. It ranges from the specifics of where particular limits might go or how specific policies might be worded (see the appendices which contain draft policy), to general questions concerning the nature or shape of policy at large.

If you have a view about any of these matters (or others) you can call/ write/ email; your views. They will be given careful consideration.

In February and March 2005 there will be a series of public meetings to discuss the proposed changes to the Regional Policy Statement. We hope to use these meetings to refine our thinking on a lot of the material in this report. Our intention at this stage is to publicly notify a proposed change to the Regional Policy Statement by mid 2005.

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Proposed Policy

Policy contained in the following section is indicative only. It is a starting point. Feedback on this is welcome.

Definitions

Business land

Means land used or designated identified for industrial or commercial purposes and/or land that has as its primary purpose the production or distribution of goods and services. Business land is distinguished from rural land by the intensity of structures,

requirements for servicing and effects on amenity.

Commercial land

Means land used primarily for manufacturing or storage (warehousing) of goods and services, but may also include land used for retail associated with manufacturing, storage or support of trades. Commercial land will have fewer adverse effects on residential use than industrial land. Commercial land usually has a functional dependence on large premises and good access to major arterial roads.

Developable (hectare)

In the context of urban development mean land that is gently sloping and geotechnically sound. Developable land excludes land subject to development that is used for any of the following purposes and cannot therefore be used for housing:

- The management of storm-water and wastewater
- The protection of heritage, including elements of natural or cultural heritage
- The avoidance of hazards, including natural hazards.

Existing Footprint

This is defined as the existing residential zone boundaries as at the time of notification of this Change to the RPS.

Greenfield land

Means land in both rural and urban areas that have not experienced previous urban development but are planned under the Smartgrowth Strategy or a district plan to become urban. Greenfield land includes rural land and buildings and land that have been previously developed for horticulture, floriculture or other agricultural purposes. Greenfield land does not include land that has been previously developed for urban purposes.

Industrial land

Means land used primarily for manufacturing and heavy engineering. Industrial land is distinguished from commercial land (see below) on the basis of the effects of the use within the area. Industrial land will have greater effects, which may include some or all of the following:

- The emission of noise
- Dust or particulate discharge
- Vibration
- Creation of large volumes of waste.

Live – Work – Play policy approach

Means an approach to development that demonstrates the following matters have been included in design from an early stage in the development process:

- The direct linkage of housing areas to places of work and play,
- The Provision of land for employment in proximity to housing,
- Inclusion of other aspects of good urban design, including the orientation of buildings to provide ready access to common open-space,
- Where appropriate, the provision of mixed-use development.

Mixed-Use

Refers to a variety of land uses and activities with a mixture of different types of development, all clustered within one or more neighbourhoods. Single buildings in mixed-use areas may have different types of use on different floors (i.e. commercial on the ground floor, residential above). Mixed use is in contrast to separating uses, such as job sites, retail and housing.

Proposed development

Means development proposed by the applicant for consent or a proponent of land use change. Where particular development is not proposed, but change is nonetheless sought, the term “proposed development” shall

be interpreted to mean “reasonably foreseeable” development.

Retail land

Means land used primarily for retail. Retail land is distinguished from commercial land by its scale (individual sites tend to be much smaller) and the absence of a manufacturing, trade or warehousing component. Commercial and retail land can be indistinguishable as small scale commercial and large scale retail may be identical.

Rural land

Means land used for primary production purposes. Rural land can be readily distinguished from other land uses by the relatively sparse density of dwellings but may include structures used for productive purposes.

Rural-residential land

Means land that is urban in character and comprises lots on average > 2000m² and < 2 ha that are not used for productive purposes. Rural-residential land is not serviced to urban standards and generally lacks

curb and channelling, reticulated sewer and neighbourhood amenities such as parks and playgrounds.

Significant releases (of land)

Means the changes to district plans that will enable the subdivision, use and development of land for urban purposes, generally involving land areas in excess of 25ha.

Trunk utilities

Means bulk network services infrastructure and includes wastewater and water infrastructure.

Urban Development

Urban development differs from rural development by its scale, density, visual character, and the dominance of built structures. Urban development has a reliance on reticulated services (such as water supply and drainage). Urban development includes activities such as manufacturing, retail and warehousing and is characterised by a proliferation of structures and activities that generate significant traffic movements.

Examples of urban development include:

- The development of land for industrial, retail or commercial use
- The development of land for residential purposes
- Residential and commercial development associated with Papakainga.

Urban development does not include development of land for Rural residential or “lifestyle” purposes.

Versatile Soils

Are soils found on flat to gently rolling terrain that possess the following characteristics:

- Are free draining sandy loams
- Have rooting depth > 90cm
- Macroporosity of >= 7.5% between 20 – 40cm depth
- Readily available water-holding capacity of >75mm
- <5% gravel and <2% boulders in topsoil
- Are not flood prone

Area	Planned releases of land	Number of New People (5 Year Growth Rate (%))										
		Population										
		'2001	'06	'11	'16	'21	'26	'31	'36	'41	'46	'51
Waihi	Underway	3000	420 (14%)	540 (16%)	590 (15%)	590 (13%)	560 (11%)	570 (10%)	560 (9%)	610 (9%)	590 (8%)	560 (7%)
Katikati	Underway	6800	880 (13%)	760 (10%)	670 (8%)	730 (8%)	690 (7%)	520 (5%)	550 (5%)	580 (5%)	480 (4%)	500 (4%)
Matakanha	No greenfield urban development. Growth accommodated within existing footprint.	300	30 (10%)	20 (9%)	20 (8%)	30 (8%)	20 (7%)	30 (7%)	20 (6%)	30 (6%)	30 (6%)	20 (5%)
Omokoroa	Stage 1, 2006. Stage 2, 2011.	200	300 (15%)	800 (35%)	1210 (39%)	2410 (56%)	2550 (38%)	2600 (28%)	2490 (21%)	1150 (8%)	620 (4%)	0 (0%)
Te Puna	No greenfield urban development. Growth accommodated within existing footprint.	2300	290 (13%)	200 (8%)	110 (4%)	50 (2%)	50 (2%)	30 (1%)	30 (1%)	30 (1%)	30 (1%)	30 (1%)
Kaimai	No greenfield urban development. Growth accommodated within existing footprint.	9000	1350 (15%)	930 (9%)	670 (6%)	470 (4%)	370 (3%)	250 (2%)	260 (2%)	130 (1%)	130 (1%)	130 (1%)
Tauranga West	Greenfield development in North West Bethlehem, from 2006. North East Bethlehem, underway.	27500	2750 (10%)	2110 (7%)	2260 (7%)	2420 (7%)	1480 (4%)	770 (2%)	780 (2%)	800 (2%)	810 (2%)	830 (2%)
Tauranga Central	Pyes Pa West, from 2006, Pukemepu/ Neewood, from 2021.	18900	2070 (11%)	3770 (18%)	3210 (13%)	3350 (12%)	4690 (15%)	3240 (9%)	2350 (6%)	3330 (8%)	3140 (7%)	2880 (6%)
Tauranga South	Greenfield urban development. Growth accommodated within defined urban limit line including new business land at Tauriko. Other growth accommodated by intensification policies. Development commences in new Welcome Bay South and Upper Ohauti urban growth areas from 2021 and 2026 respectively.	14100	1830 (13%)	2230 (14%)	180 (1%)	180 (1%)	180 (1%)	2240 (12%)	3350 (16%)	3400 (14%)	1660 (6%)	880 (3%)
Mount Maunganui	Development in urban growth area structure plan 'Papamoa-Maranui Street' continues.	18400	2020 (11%)	1220 (6%)	1730 (8%)	1630 (7%)	2000 (8%)	1350 (5%)	1410 (5%)	1190 (4%)	1230 (4%)	1280 (4%)
Papamoa East	Development in urban growth areas continues. Stage 1: Wairakei, from 2006. Stage 2: Te Tumu, from 2011.	11900	3210 (27%)	2260 (15%)	4170 (24%)	4090 (19%)	4100 (16%)	4750 (16%)	3100 (9%)	2250 (6%)	2790 (7%)	3830 (9%)
Te Puke	Underway.	8600	510 (6%)	540 (6%)	480 (5%)	500 (5%)	530 (5%)	440 (4%)	460 (4%)	480 (4%)	500 (4%)	390 (3%)
Paengaroa	No greenfield urban development. Growth accommodated within existing footprint.	6300	310 (5%)	260 (4%)	270 (4%)	280 (4%)	220 (3%)	300 (4%)	230 (3%)	80 (1%)	80 (1%)	80 (1%)

Table 2: Growth Sequencing

Issue

Population Growth in the western Bay of Plenty is occurring at a rate and in a manner that is not sustainable. In particular, the unpredictable and, at times, ad-hoc nature of growth makes the planning for and efficient provision of network infrastructure extremely difficult. Without the ability to better control the sequencing of development and its integration with existing and planned infrastructure it is likely that the total cost of growth will grow.

Objective

The sequencing and staging of Subdivision, Use and Development is integrated with the long-term planning and funding mechanisms of Territorial Authorities and network utility operators.

Explanation

TAs and Network Utility operators plan and budget many years in advance of delivering most services. When constructed, these works (roads, sewers, water supply reservoirs) need to be utilised.

However, in a relatively free development market, there is little to ensure that investment in core infrastructure is followed by growth and utilisation of those new facilities. For example, although likely based on current growth models, we cannot be sure that the enormous investment pumping Omokoroa sewage to Tauranga will be adequately funded by projected growth at Omokoroa.

Ensuring development proceeds in an orderly and planned fashion whilst recognising the importance for markets to operate relatively unfettered will address this problem. The intent of these policies is to provide a broad development framework that signals to the market the importance of integrating private and public development decisions.

Policies

Sub-regional Settlement Pattern

Subdivision, use and development of land shall proceed in a way that achieves the pattern of land-uses shown in Figure 3 to Figure 7. In particular, the development of Industrial, Commercial, Urban and Rural land shall occur having particular regard of the importance of achieving development in the approximate quantities and in the locations shown on map Figure 3 to Figure 7.

Growth Sequencing

Territorial authorities shall ensure the availability of urban land sufficient to meet demand indicated in table 2. In satisfying this policy, Territorial authorities must ensure that significant releases of land

- Are sequenced in accordance with the column "significant releases of land",
- Have regard of bulk infrastructure capacity, servicing cost and efficient use.

Structure Plans

Changes to District Plans that result in the significant release of land for urban development shall include detailed structure plans. Structure plans must demonstrate:

- The application of good urban design principles over the proposed development area so that a Live, Work and Play policy approach is promoted
- The provision of residential land within the proposed development area so that urban development density policies are achieved (see below)
- The integration of the proposed development with the existing and reasonably foreseeable transportation network including vehicles, walking and cycling

- How water, sewage and other utilities can service the proposed development having regard to how natural features and innovative infrastructure design can promote sustainable water use
- The provision of passive and active open-space and amenities and facilities sufficient to meet the needs of the proposed population
- The provision of employment land within, or near the proposed development area sufficient to promote a Live, Work and Play policy approach for the area
- The protection of significant cultural, natural and historic heritage features and values
- The means of ensuring effective, efficient and equitable funding of infrastructure and other vested assets
- Consistency with Achieving Acts purpose (below)

Structure plans shall be drawn with sufficient detail to show

- arterial roads
- commercial centres
- schools, parks
- land required for active or passive recreation
- land to be reserved for environmental protection purposes

Protecting Strategic Infrastructure

The importance of infrastructure to the social and economic wellbeing of people of people shall be recognised and provided for. In particular, existing infrastructure shall be protected from the adverse effects of urban development. The principal (but not only) means of achieving this are as follows:

Infrastructure	Means of protection
Strategic Roding Network	Connections to identified Strategic Roads shall be restricted.
Sewer and Water mains and other utility infrastructure	Urban Development shall be contained within urban limits. Rural development will proceed in accordance with rural structure plans. Services will not be provided to urban development outside the urban growth areas, or out of sequence.

Issue

Forecast urban and rural growth threatens important ecological, social and cultural values. Current patterns of urban expansion need to use land and services more efficiently. Both urban and rural subdivision in the western Bay of Plenty have eroded landscape character, impacted upon the quality of some harbour waters and in some instances jeopardise livelihoods.

Objective

Reduced urban and rural sprawl.

Explanation

The western Bay of Plenty has developed a pattern of urban development that is not sustainable in the long term. Rural areas are fragmented and continue to be impacted upon by the combination of “lifestyle” property development and liberal subdivision rules. In some places the realisation of transferable development rights has resulted in the emergence of “mini communities” – areas that appear residential but lack residential services.

The use of rural land for lifestyle purposes is not necessarily bad. However, their needs to be greater focus on steering its use towards purposes that make better use of its natural attributes. In particular

the loss of versatile soils to housing and the creep of development into sensitive coastal margins are matters of concern.

To address these problems the policies of this section require a greater emphasis on protecting versatile soils and direct development to within a focused and more intensely settled footprint than previously.

Policies

Urban Development within Urban Limits

Except as provided for in “Rural Settlements” & “Development of Maori Land” urban development shall be contained within the urban limits shown in Figure 3 to Figure 7. In exercising this policy TAs shall ensure that:

- Subdivision, Use and Development is sequenced and prioritised to ensure the efficient uptake of land and the integration of development with sub-regional infrastructure.
- Urban development occurs in a way consistent with principles of good urban design.

Rural Settlements

Residential zones falling outside urban limits shall not be extended beyond the footprint as of 1 July, 2005.

Urban Development Density

Where feasible, having regard to physical limitations of the subject area, urban development shall yield the following minimum densities:

- In Greenfield urban areas: A minimum net density of 15 lots or 15 dwelling units per developable hectare.
- Within intensification management areas and /or nodes (as defined by the TAs partner councils) a minimum net density of 20 lots or

20 dwelling units per developable hectare.

Achieving the Acts Purpose

Notwithstanding anything to the contrary, subdivision use and development shall not result in:

- 1) Versatile land outside urban limits being used for non-productive purposes
- 2) Infrastructure being utilised in an inefficient manner
- 3) The logical or planned sequencing of infrastructure development being jeopardised
- 4) Pressure for urban development that does not conform to the pattern of settlement shown in Figure 3 to Figure 7.
- 5) Urban development in areas:
 - a) subject to known hazards such as coastal flooding or slippage
 - b) of soil contamination
 - c) containing significant natural, physical resources or cultural resources,
 - d) containing wetlands, or in streams and their riparian margins
 - e) of high natural character or containing significant landscapes values.

Issue

The relationship of Maori to their Taonga and ancestral lands is particularly important. The health of Maori and their feeling of worth and wellbeing are inextricably linked to the protection of these values. Rapid growth of the sub-region and, in particular, inappropriate development adjacent Marae and on/adjacent to Taonga is an issue.

Objective

The relationship of Maori and in particular tangata whenua to their taonga and ancestral lands is maintained or enhanced.

Explanation

Our community is diverse and peoples aspirations and values differ.

However, the aspirations and desires of Maori, especially for their own land and taonga, must be given a degree of primacy over all others. That is not to say that Maori development is more important than that of others, but that development that impacts upon things of value to Maori must be undertaken with care and consideration.

The term “relationship” refers in part to self-determination; the ability of Maori to have some say in the ultimate fate of resources they have had an association with for many hundreds of years, and in part to the way Maori feel about these things.

The intent of raising this issue, and of setting the policy that follows, is to ensure that the voice of Maori, particularly those with strong connections to particular areas or resources, is heard.

Development of Maori Land

The use and development by Maori of their land shall be promoted. In particular, use or development that is consistent with a structure plan or management plan developed in accordance with “Hapu/Iwi Management Plans, Development Plans or Structure Plans” shall be supported.

Taonga

Local authorities will support Tangata Whenua in determining their relationships with their ancestral taonga and in ascertaining the future use and benefit of Taonga for whanau, hapu and or Iwi. In determining future

use and benefit particular regard will be had of the degree to which activities affect the well being of that Maori community and the relevant outcomes from the settlement of Treaty of Waitangi Claims in the region that effect the management of natural, physical and spiritual resources, and/or the customary rights or relationships of Tangata Whenua.

The protection of Marae facilities and their view shafts

Local authorities will recognise and provide for Marae and, where necessary, actively protect these and associated customary activities from adverse effects. In achieving this, views from Marae to landscape features of significance to Maori should be protected.

Hapu/Iwi Management Plans, Development Plans or Structure Plans

As required to meet the purpose of the RMA and to the degree shown in Table 3, local authorities must recognise and provide for whanau, Hapu and Iwi management plans, and/or development plans or structure plans in their district plans:

Methods

Local authorities will provide and maintain a Maori land database that identifies the location of Maori land and where appropriate the associated customary uses of ancestral taonga.

As required, local authorities will assist in the preparation of a comprehensive development plans or structure plans by Tangata Whenua:

Local authorities will maintain an awareness of outcomes from the settlement of Treaty of Waitangi Claims in the region.

In the development of Iwi, Hapu or Whanau management plans, where appropriate, local authorities will:

- Engage in thorough consultation with the whanau, hapu or Iwi and, if necessary, assist that group develop or refine their plans
- Provide professional support and technical assistance on planning and growth management
- Develop and implement appropriate policy and practice guidelines to ensure collaboration between LAs and Tangata Whenua occurs
- Develop and implement appropriate policy and practice guidelines to ensure sufficient capacity (knowledge and resources) exist within Tangata Whenua to engage with government agencies in an informed and effective manner

Rural structure Plans
Environment Bay of Plenty will support the development of rural structure plans for settlements outside the urban limits that are subject to growth pressure

To encourage the identification and mapping by TAs of Marae view shafts, and the subsequent protection these via changes to District Plans.

SmartGrowth Key Compliance Areas (from Figure 6, SmartGrowth Document)

Resource Management Act 1991	Local Government Act 2002	Land Transport Management Act 2003
Outcomes and Planning	Outcomes and Planning	Outcomes and Planning
<p>Section 5: "The purpose of this Act is to promote the sustainable management of natural and physical resources."</p> <p>Section 6: Matters of national importance</p> <p>Section 7: Other matters</p> <p>Section 8: Treaty of Waitangi</p>	<p>Section 4: Treaty of Waitangi</p> <p>Section 10: Purpose of local government...enabling democratic decision making...promoting social, economic environmental and economic well-being of communities in the present and for the future.</p> <p>Section 91(2): Process for identifying community outcomes "...allow communities to discuss the relative importance and priorities of identified outcomes to the present and future social, economic, environmental and cultural well-being of the community..."</p> <p>Section 91(3): Identify other organisations and groups and if practicable, secure their agreement to the process.</p> <p>Section 15: Triennial Agreement.</p> <p>Section 273: Transitional provision.</p> <p>Section 93: Long-term council community plan (LTCCP).</p>	<p>Section 3(1): Purpose "...to contribute to the aim of achieving an integrated, safe, responsive and sustainable land transport system".</p> <p>Section 12: Land transport programmes " a land transport programme (must) take into account how each activity ... assists economic development; and assists safety and personal security; and improves access and mobility; and protects and promotes public health; and ensures environmental sustainability</p> <p>Schedule 6: Consequential amendments</p> <p>Section 175 (2): Land Transport Act 1998 "... (l) identify land transport outcomes sought by the region and the strategic options for achieving these outcomes".</p> <p>Section 4: Treaty of Waitangi</p>
Decision-Making and Community Views	Decision-Making and Community Views	Decision-Making and Community Views
<p>Section 32: Duties to consider alternatives assess benefits and costs.</p>	<p>Section 14(1)(h): Principles relating to local authorities: sustainable development - take into account social, economic and cultural well-being; quality of the environment and the foreseeable needs of future generations.</p> <p>Section 77(1)(b)(i): Benefits and costs of each option in relation to a decision.</p> <p>Section 81 (1), (a), (b), and (c): Contributions to decision making by Maori</p> <p>Section 82(1): Principles of consultation.</p> <p>Section 83: Special consultative procedure.</p>	<p>Section 175 (2) of the Land Transport Act 1998: "... (i) take into account the need to encourage persons and organisations preparing regional land transport strategies to provide early and full opportunities for persons and organisations listed in Section 179 (1) to contribute to the development of those regional land transport strategies</p>
Implementation	Implementation	Implementation
<p>Section 31: Duty to gather information, and monitor and keep records.</p> <p>Section 79: Review of policy statements and plans - not later than 10 years after the statement or plan becomes operative.</p>	<p>Section 91(1): Identify community outcomes every six years.</p> <p>Section 92: Obligation to report against community outcomes.</p> <p>Section [add #]: Review of Long Term Council Community Plan</p>	<p>Section 175 (2) Land Transport Act 1998</p> <p>Content of a strategy</p>

Content	Needed before plan contents can be included in a District Plan	Will be included in planning documents	May be of Use to Whanau, Iwi, Hapu
Statement of history of the Whanau, Iwi or Hapu and context setting			X
Demonstration of representativeness of the management plan	X		X
Definition of subject area. Separating clearly land that is "owned" from other land.	X		X
Maps showing land parcels where development is sought.	X		X
Identification of heritage sites and values, statement of threats and explanation of means of protection.		X	X
Structure plans, developed collaboratively with Council and in accordance with Structure Plans".		X	X
Statement of the relationship of Iwi or Hapu or Whanau with the land.		X	X
Details of the relationships between tangata whenua and Government agencies such as Te Puni Kokiri, Maori Land Court, Housing NZ Corporation and others and agreements reached through these relationships			X
Review and monitoring statements			X



Maps

These maps are indicative only.



Figure 3: Waihi Beach and Bowentown Urban Limit



Figure 4: Katikati Urban Limit



Figure 6: Mount Maunganui



Figure 7: Tauriko/Ohauti



Figure 9: Papamoa Beach 1



Figure 10: Papamoa Beach 2

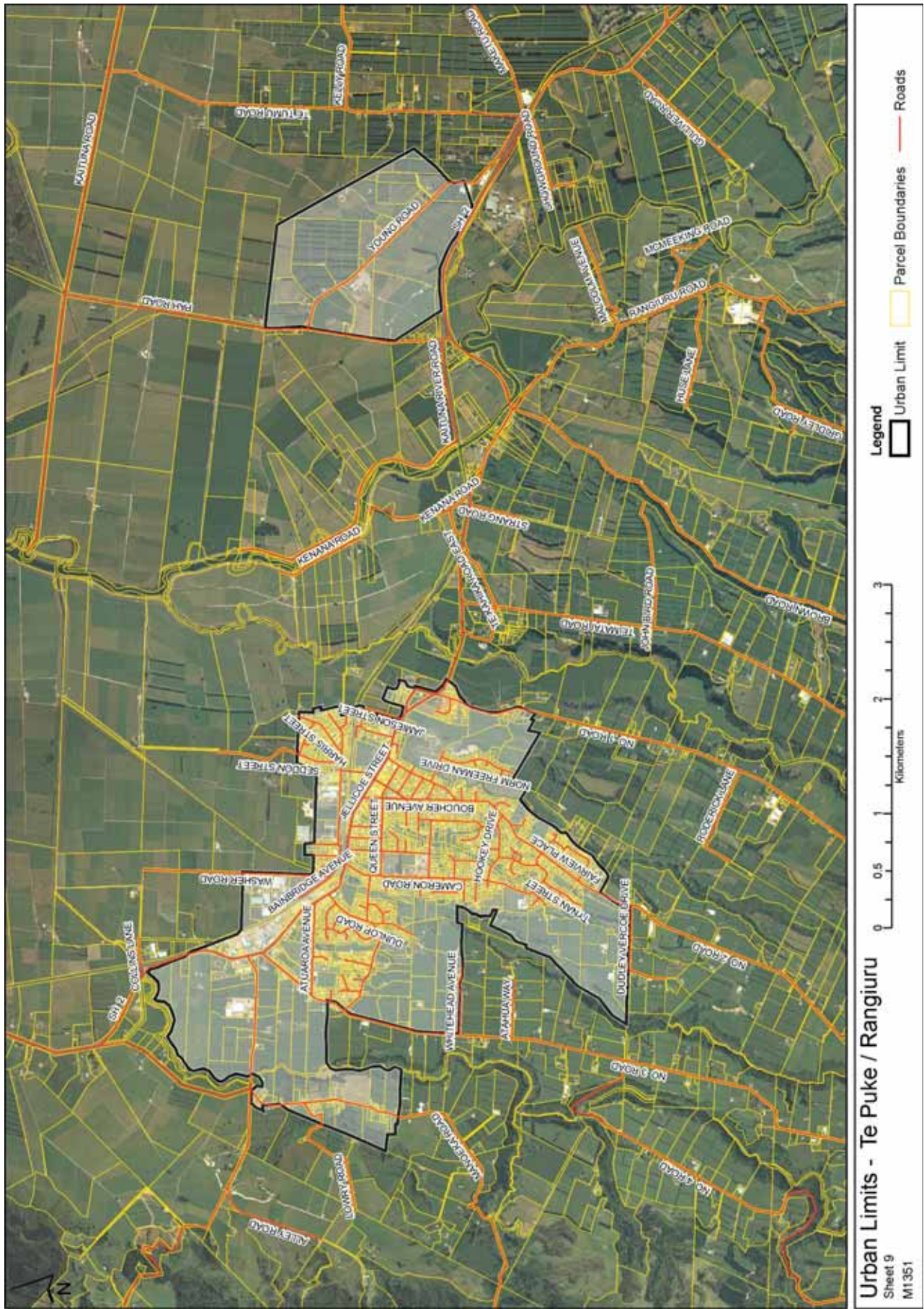


Figure 11: Te Puke/Rangiora