

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Act

BETWEEN

POWERCO LIMITED
ENV-2012-AKL-000149

**TKC HOLDINGS, BLAKELY
PACIFIC LTD AND SCORPIANS**
ENV-2012-AKL-000156

TAURANGA CITY COUNCIL
ENV-2012-AKL-000160

**TE TUMU LANDOWNERS GROUP,
TE TUMU KAITUNA 14 TRUST, TE
TUMU KAITUNA 11B2 TRUST,
FORD LAND HOLDINGS PTY LTD**
ENV-2012-AKL-000168

CARTER HOLT HARVEY LIMITED
ENV-2012-AKL-000169

WHAKATĀNE DISTRICT COUNCIL
ENV-2012-AKL-000171

**NEW ZEALAND TRANSPORT
AGENCY**
ENV-2012-AKL-000172

**FONTERRA COOPERATIVE
GROUP LIMITED**
ENV-2012-AKL-000173

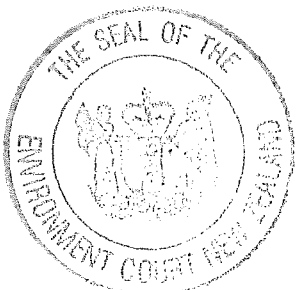
ROTORUA DISTRICT COUNCIL
ENV-2012-AKL-000174

**WESTERN BAY OF PLENTY
DISTRICT COUNCIL**
ENV-2012-AKL-000175

MIGHTY RIVER POWER
ENV-2012-AKL-000153

CARRUS CORPORATION LIMITED
ENV-2012-AKL-000165

**HORTICULTURE NEW ZEALAND
& NEW ZEALAND KIWIFRUIT
GROWERS**
ENV-2012-AKL-000178



Appellants

AND

**BAY OF PLENTY REGIONAL
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith sitting alone under section 279 of the Act

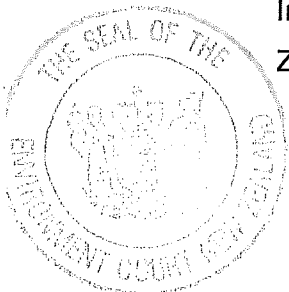
IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. These appeals relate to the proposed Bay of Plenty Regional Policy Statement. This consent order relates to the parts of these appeals that seek relief in respect of Topic ENV-2012-339-000049 "URBAN AND RURAL GROWTH MANAGEMENT PROVISIONS" and Topic ENV-2012-339-000053 "YIELD". These topics are resolved in full by this consent order.
2. In making this consent order the Court has read and considered the appeals and the memorandum of the parties dated 14 August 2013.
3. The following parties have given notice of an intention to become parties under section 274 of the Act. They are interested in the matters to be resolved by this consent order, and have signed the memorandum of the parties setting out the relief sought:

Property Council (Bay of Plenty Branch), Bluehaven Management Ltd., New Zealand Transport Agency, Royal New Zealand Forest & Bird Protection Society Inc., Western Bay of Plenty District Council, Fonterra Cooperative Group Ltd, Carrus Corporation Ltd, Te Tumu Kaituna 11B2 Trust, Te Tumu Kaituna 14 Trust, Te Tumu Landowners Group, Ford Land Holdings Pty Ltd, Carter Holt Harvey Limited, The Egg Producers Federation of New Zealand Inc, Federated Farmers of New Zealand Inc, Port of Tauranga Ltd., Contact Energy Ltd, Horticulture New Zealand & New Zealand Kiwifruit Growers, PowerCo Ltd, Mount Maunganui Environmental Group

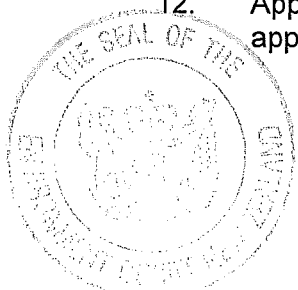


Inc, J Swap Contractors Ltd., Transpower Ltd, Genesis Energy Ltd, Whakatane District Council, Mighty River Power, Tauranga City Council and Trustpower.

4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for the present purposes that:
 - (i) All parties to the proceedings with an interest in this Topic have executed the memorandum requesting this order;
 - (ii) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and confirm to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

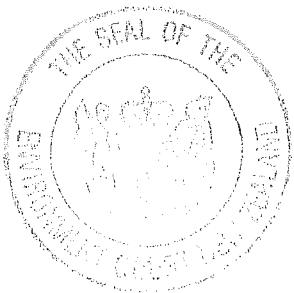
5. Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement is amended as shown in underline (for additions) and ~~strike through~~ (for deletions) in **Annexure A** to this order.
6. This consent order disposes of all the relief sought in these appeals as it relates to Topic ENV-2012-339-000049 "URBAN AND RURAL GROWTH MANAGEMENT PROVISIONS" and Topic ENV-2012-339-000053 "YIELD".
7. Appeal point 9.3 in appeal ENV-2012-AKL-000149 is resolved by this order. This appeal is resolved in its entirety.
8. Appeal points 6.8, 6.9, 6.10 and 6.11 in appeal ENV-2012-AKL-000156 are resolved by this consent order. Appeal points 6.6 and 6.7 remain extant.
9. Appeal points 7(a), (b) and (c) in appeal ENV-2012-AKL-000160 are resolved by this consent order. This appeal is resolved in its entirety.
10. Appeal points 7.4, 7.8, 8.4, 9.4, 10.4, 16.4, 17.4, 18.4, 19.4 and 21.4 in appeal ENV-2012-AKL-000168 are resolved by this consent order. Appeal points 11.4, 12.4, 13.4, 15.4 and 20.4 remain extant.
11. Appeal points 7.7, 7.8 and 7.9 in appeal ENV-2012-AKL-000169 are resolved by this order. This appeal is resolved in its entirety.
12. Appeal point 7 in appeal ENV-2012-AKL-000171 is resolved by this order. This appeal is resolved in its entirety.



13. Appeal points 7.2.3.6 and 7.2.3.7 in appeal ENV-2012-AKL-000172 are resolved by this order. Appeal points 7.2.2.4, 7.2.2.5, 7.2.2.6, 7.2.2.7 and 7.2.2.8 remain extant.
14. Appeal points 8.8 and 11.6 in appeal ENV-2012-AKL-000173 are resolved by this consent order. The appeal is resolved in its entirety.
15. Appeal point 16 in appeal ENV-2012-AKL-000174 is resolved by this consent order. The appeal is resolved in its entirety.
16. Appeal points 8.2, 8.3, 8.4 and 8.6 in ENV-2012-AKL-000175 are resolved by this consent order. The appeal is resolved in its entirety.
17. Appeal points 6.3, 7.3, 13.3, 14.3, 28.3, 29.3, 30.3 and 32.3 in appeal ENV-2012-AKL-000178 are resolved by this consent order. Appeal points 4.3, 9.3, 21.3 and 31.3 remain extant.
18. Appeal point 12 in appeal ENV-2012-AKL-000153 is resolved by this order. This appeal is resolved in its entirety.
19. Appeal points 8.3 and 9.3 in appeal ENV-2012-AKL-000165 are resolved by this order. Appeal point 7.3 remains extant.
20. There is no order as to costs.

DATED at Auckland this 18th day of September 2013

J A Smith
Environment Judge



Annexure A

2.9 Urban and rural growth management

An overarching framework is necessary to sustainably manage growth in the region to enable development of a sustainable regional urban and rural form.

Accommodating and managing growth can be a challenge, particularly where different parts of the region have distinct needs and pressures. The aim is to manage growth in a planned, sustainable manner while minimising the impact on existing communities and retaining the characteristics and values of the region.

The Statement seeks to direct and maintain compact, well-designed and strongly connected urban areas to effectively and efficiently accommodate growth. This urban form will ensure both urban and rural communities are physically connected and developed in an integrated, planned manner. Applying the region's high-quality urban design and live-work-play principles is an effective means of ensuring good urban form.

Growth is a regional issue because what occurs in one area will invariably have an effect on other places. Employment provided by business parks and residential activity provided by new suburbs or redeveloped established areas will affect the form and function of towns and transportation. Managed growth intervention recognises the actual or potential effects urban growth can have on people and communities, and the important role that efficient infrastructure (e.g., electricity networks, road, rail, ports, airports, drainage, telecommunications, dams, water and wastewater networks) plays in supporting settlement growth and prosperity. Managed growth intervention also supports efficient and effective servicing in a way that does not compromise the operation, maintenance and upgrading of infrastructure.

The protection and development of the region's strategic transport networks and corridors, including on-going connectivity between communities, are essential for sustainable growth. Such an approach will also support the

development of ports, horticulture, agriculture, forestry, quarrying, tourism and future mining, manufacturing and production industries.

The region's key urban areas are:

- Eastern Bay of Plenty: Whakatāne, Ōpōtiki and Kawerau.
- Western Bay of Plenty: Tauranga City, Te Puke, Ōmokoroa, Waihi Beach and Katikati.
- Central Bay of Plenty: Rotorua City.

Between these urban areas are extensive areas of rural land and smaller settlements.

Management of growth and development within rural areas is also important, particularly given the existing and future importance of primary industries (including agriculture, horticulture, forestry, quarrying and mining) to the region's economy. Rural production activities (including associated processing plants and research facilities) contribute to social and economic wellbeing and are dependent on access to and use of natural and physical resources and need to be protected from constraints introduced by incompatible or sensitive activities.

The Bay of Plenty's population is steadily growing with the western Bay of Plenty sub-region projected to contain most of the population growth to 2021. Growth in the other districts is not expected to exceed 5% (Statistics New Zealand).

The western Bay of Plenty sub-region has determined through its 50-year growth management strategy (SmartGrowth Strategy and Implementation Plan, 2007) how the pressures of growth will be best managed in a time, resource and cost-effective manner. The districts of Rotorua, Whakatāne, Ōpōtiki and Kawerau have different pressures. Rotorua and Whakatāne District Councils have undertaken their own urban growth strategies.

The management of growth in western Bay of Plenty sub-region has been provided for through policies in this section and through the identification of Growth Management Areas as detailed



in Appendices C, D and E. In order to achieve an integrated management approach to urban development in these areas, as required under section 30(1)(a) of the Act, it is appropriate that all relevant objectives and policies shall be considered together to provide for sustainable growth of the sub-region and give effect to this Regional Policy Statement.

2.9.1 Regionally significant urban and rural growth management issues

1 Un-coordinated growth and development

Sporadic and un-coordinated growth and development can adversely affect urban and rural amenity values, heritage, health and safety, transportation costs, the provision and operation of infrastructure, the use and development of productive rural land and important mineral resources, and access to community, social, employment and commercial facilities.

2 Land supply and inefficient patterns of land use

An imbalance of land supply, demand and uptake can have adverse economic and social effects yet it is very difficult to plan and predict. Inefficient patterns of land use and ad hoc development are difficult and costly to service and maintain. Unplanned growth and inefficient land use also have the potential to adversely affect rural production activities and to reduce the ability of versatile land to be used for a range of productive purposes.

3 Fragmentation of rural land

Productive rural land (in particular versatile land) is a valuable finite resource on which rural production activities rely. Those activities are in turn significant contributors to the regional and national economies. Fragmentation of the rural land resource for purposes unrelated to rural production has the potential to constrain or compromise the ability to use

such land for a range of productive purposes.

4 Impacts of poor urban design and urban growth on communities

Communities which develop without high quality urban design and appropriate social infrastructure, including that necessary to cater for an aging population, are likely to be less cohesive and to experience reduced amenity. Poor urban design can also lead to reduced physical access and connectivity to facilities and open spaces, and a reduction in people's health and wellbeing. Patterns of urban growth which fail to reflect the aspirations, needs and concerns of existing affected communities are likely to be problematic.

5 Effects of urban and rural subdivision on natural features and landscapes

Urban and rural subdivision patterns create pressures that reduce the values of natural features and landscapes to people and communities.

5A Operation and growth of rural production activities

The continued operation and growth of rural production activities face competition for natural and physical resources and are vulnerable to constraints arising from sensitive or incompatible activities.

6 Conflict between rural lifestyle incompatible or sensitive activities and rural production activities in rural areas

Through the creation of reverse sensitivity effects, the development and use of rural land for "lifestyle" or residential purposes has the potential to unreasonably constrain the productive use of rural land as well as inhibit access to and the mining of regionally significant aggregate and other mineral resources. The efficient operation and growth of rural production activities in rural areas are at risk from the establishment of



sensitive or incompatible non-productive uses (including rural lifestyle activities) through the creation of reverse sensitivity effects which have the potential to unreasonably constrain or inhibit the use and development of, as well as access to, regionally significant natural and physical resources.

7 Integration of land use and infrastructure

A lack of integration between land use and infrastructure, including utilities and transport, may result in poor infrastructure investment decisions, public funding pressures and inefficient land-use patterns and may also compromise the operation of existing and proposed transport infrastructure.

8 Intensive urban development

More intensive urban development is necessary to accommodate growth but has the potential to:

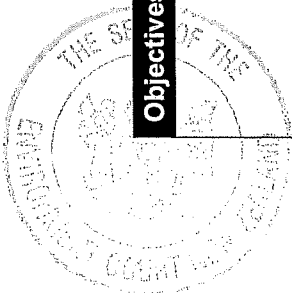
- Adversely impact on the residential character and amenity values of existing urban areas.
- Create unforeseen social, economic and cultural effects.
- Increase road congestion leading to restricted movement of goods and services to, from, and within the region, and compromising the efficient operation of the transport network.



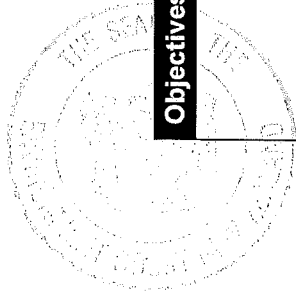
Table 9

Urban and rural growth management objectives and titles of policies and methods to achieve the objectives.

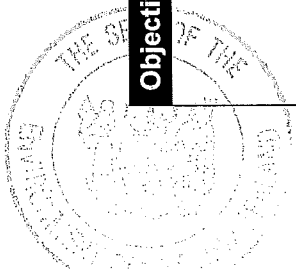
Objectives	Policy titles	Page	Method titles	Implementation	Page
Objective 24 A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth.	Policy UF 8B: Implementing high quality urban design and live-work-play principles	16	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 4: Bay of Plenty Regional Land Transport Strategy implementation	Regional council	
			Method 19: Identify and manage potential effects on infrastructure corridors	Regional council, city and district councils	
			Method 20: Content of Prepare structure plans for land use changes	Regional council, city and district councils	
			Method 51: Investigate and plan for intensification within existing urban areas	City and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 4: Bay of Plenty Regional Land Transport Strategy implementation	Regional council	
			Method 20: Prepare structure plans for land use changes	Regional council, city and district councils	
			Method 21: Content of structure plans	Regional council, city and district councils	
			Method 21A: Provision of infrastructure outside of structure plan areas	Regional council, city and district councils	
Policy UF 9B: Co-ordinating new urban development with infrastructure	Policy UF 10B: Rezoning and development of urban land – investment and infrastructure considerations	16	Method 45: Inform transportation strategies and funding	Regional council, city and district councils	
			Method 46: Liaise on cross boundary infrastructure issues	Regional council, city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 20: Prepare structure plans for land use changes	Regional council, city and district councils	
			Method 21: Content of structure plans	Regional council, city and district councils	



Objectives	Policy titles	Page	Method titles	Implementation	Page
Objective 25 An efficient, sustainable, safe and affordable transport network, integrated with the region's land use patterns.	Policy UF 11B: Managing the effects of subdivision, use and development on infrastructure	Error! Bookmark not defined.	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 20: Prepare structure plans for land use changes Method 21: Content of structure plans	Regional council, city and district councils Regional council, city and district councils Regional council, city and district councils	
	Policy UF 12B: Providing quality open spaces	Error! Bookmark not defined.	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 58: Support rural structure plans	Regional council, city and district councils Regional council, city and district councils	
	Policy UF 17B Urban growth management outside of the western Bay of Plenty sub-region	17	Method 1: District plan implementation Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 20: Prepare structure plans for land use changes Method 21: Content of structure plans	City and district councils Regional council, city and district councils Regional council, city and district councils Regional council, city and district councils	
	Policy UF 1A: Protecting the national and regional strategic transport network	Error! Bookmark not defined.	Method 1: District plan implementation Method 4: Bay of Plenty Regional Land Transport Strategy implementation	City and district councils Regional council	
	Policy UF 2A: Identifying a consistent road hierarchy	Error! Bookmark not defined.	Method 1: District plan implementation Method 4: Bay of Plenty Regional Land Transport Strategy implementation Method 16: Develop a roading hierarchy	City and district councils Regional council City and district councils	
	Policy UF 3A: Promoting travel demand management across the region	Error! Bookmark not defined.	Method 1: District plan implementation Method 4: Bay of Plenty Regional Land Transport Strategy implementation	City and district councils Regional council	

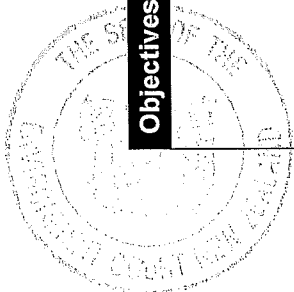


Objectives	Policy titles	Page defined	Method titles	Implementation	Page
<p>Objective 26 Subdivision use and development in the western Bay of Plenty is located and staged in a way that integrates with the long term planning and funding mechanisms of local authorities, central government agencies and network utility providers and operators, as well as with <u>whilst having regard to</u> the growth plans of relevant industry sector groups.</p>			<p>Method 19: Identify and manage potential effects on infrastructure corridors</p> <p>Method 20: Prepare structure plans for land use changes</p> <p>Method 21: Content of structure plans</p> <p>Method 21A: Provision of infrastructure outside of structure plan areas</p> <p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 20: Prepare structure plans for land use changes</p> <p>Method 21: Content of structure plans</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy UF 13B: Promoting the integration of land use and transportation</p>	<p>Error! Bookmark not defined</p>	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional council, city and district councils</p>	
	<p>Policy UF 22B: Providing for papakāinga</p>	<p>Error! Bookmark not defined</p>	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Tauranga City Council and Western Bay of Plenty District Council</p>	
	<p>Policy UF 21B: Provision for utilisation of mineral resources</p>	<p>18</p>	<p>Method 1: District plan implementation</p> <p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 47: Provide for the sustainable management of rural land</p> <p>Method 58: Support rural structure plans</p>	<p>City and district councils</p> <p>Tauranga City Council and Western Bay of Plenty District Council</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy UF 16B: Providing for new business land – western Bay of Plenty sub-region</p>	<p>Error! Bookmark not defined</p>	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 21: Content of structure plans</p> <p>Method 20: Prepare structure plans for land use changes</p>	<p>Regional council, Tauranga City Council and Western Bay of Plenty District Council</p> <p>Regional council</p> <p>Regional council, city and district councils</p>	

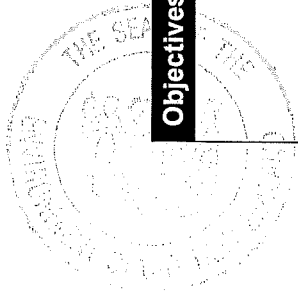


Objectives	Policy titles	Page	Method titles	Implementation	Page
	<p>Policy UF 15B: Accommodating population growth through greenfield and residential intensification development – western Bay of Plenty sub-region</p>	<p>Error! Bookmark not defined</p>	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 17: Monitor and review growth – western Bay of Plenty sub-region Method 18: Consider amendments to the urban limits – western Bay of Plenty sub-region</p>	<p>Regional council, Tauranga City Council and Western Bay of Plenty District Council Regional council</p>	
	<p>Policy UF 14B: Restricting urban activities outside the urban limits – western Bay of Plenty sub-region</p>	<p>Error! Bookmark not defined</p>	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional council, Tauranga City Council and Western Bay of Plenty District Council</p>	
	<p>Policy UF 4A: Providing for target residential development yields in district plans - western Bay of Plenty sub-region</p>	<p>15</p>	<p>Method 1: District plan implementation</p>	<p>Tauranga City Council and Western Bay of Plenty District Council</p>	
	<p>Policy UF 6A: Sequencing of urban growth development - western Bay of Plenty sub-region</p>	<p>Error! Bookmark not defined</p>	<p>Method 1: District plan implementation Method 20: Prepare structure plans for land use changes Method 24: Content of structure plans</p>	<p>Tauranga City Council and Western Bay of Plenty District Council Regional council, Tauranga City Council and Western Bay of Plenty District Council Regional council, Tauranga City Council and Western Bay of Plenty District Council</p>	
	<p>Policy UF 7A: Providing for the expansion of existing business land - western Bay of Plenty sub-region</p>	<p>15</p>	<p>Method 45: Inform transportation strategies and funding Method 46: Liaise on cross boundary infrastructure issues Method 1: District plan implementation Method 58: Support rural structure plans</p>	<p>Regional council, Tauranga City Council and Western Bay of Plenty District Council Regional council, Tauranga City Council and Western Bay of Plenty District Council Tauranga City Council and Western Bay of Plenty District Council Regional council, Tauranga City Council and Western Bay of Plenty District Council</p>	

Objectives	Policy titles	Page	Method titles	Implementation	Page
	Policy UF 5A: Establishing urban Limits - western Bay of Plenty sub-region	Error! Bookmark not defined	Method 1: District plan implementation	Tauranga City Council and Western Bay of Plenty District Council	
			Method 17: Monitor and review growth – western Bay of Plenty sub-region	Regional council	
			Method 18: Consider amendments to the urban limits – western Bay of Plenty sub-region	Regional council	
		17	Method 1: District plan implementation	City and district councils	
<p>Objective 26A The productive potential of the region's versatile rural land resource is sustained and the growth and efficient operation of rural production activities in the rural environment are provided for are sustained so as to meet the needs of current and future generations.</p>	Policy UF 17B Urban growth management outside of the western Bay of Plenty sub-region		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 20: Prepare structure plans for land use changes	Regional council, city and district councils	
			Method 21: Content of structure plans	Regional council, city and district councils	
		17	Method 1: District plan implementation	City and district councils	
	Policy UF 18B: Managing rural development and protecting versatile land		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 20: Prepare structure plans for land use changes	Regional council, city and district councils	
			Method 21: Content of structure plans	Regional council, city and district councils	
			Method 47: Provide for the sustainable management of Versatile Land	Regional council, city and district councils	
			Method 58: Support rural structure plans	Regional council, city and district councils	



Objectives		Policy titles		Method titles		Implementation		Page
	Policy UF XXB: Providing for the operation and growth of rural production activities		Method 21B: Plan provisions enabling efficient operation and growth of rural production activities.		Regional council, city and district councils			
	Policy UF 19B: Providing for rural lifestyle activities – western Bay of Plenty	Error! Bookmark not defined	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 47: Provide for the sustainable management of Versatille Land		Regional council, city and district councils			
	Policy UF 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas	17	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 58: Support rural structure plans		Regional council, city and district councils			
	Policy UF XYB: Managing reverse sensitivity effects on rural production activities in urban areas.		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans		Regional council, city and district councils			
	Policy UF 21B: Provision for utilisation of mineral resources	18	Method 1: District plan implementation Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans Method 47: Provide for the sustainable management of Versatille Land Method 58: Support rural structure plans		City and district councils Regional council, city and district councils Regional council, city and district councils			



Objectives	Policy titles	Page	Method titles	Implementation	Page
	Policy IR 9B: Taking an integrated approach towards biosecurity		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	

Urban and Rural Growth Management Policies

Policy UF 4A: Providing for target residential development yields in district plans - western Bay of Plenty sub-region

Provide for target dwelling yields of dwellings per hectare of developable land within identified urban areas to be achieved in a staged manner by 2054 delivered as follows:

(a) Greenfield urban growth areas

An average net yield of 125 dwellings or more per hectare from 1 July 2012, rising progressively to 15 dwellings or more per hectare by 1 July 2037 of developable land within each greenfield urban growth area.

(b) Urban intensification areas

An average net yield of 20 dwellings or more per hectare of developable land within each urban intensification area.

Explanation

The western Bay of Plenty subregion has a growth management strategy (SmartGrowth) which forms the basis of a number of Urban and Rural Growth Management policies. ~~The current planning horizon for the SmartGrowth strategy is 2054.~~

Greenfield development should achieve ultimately deliver 15 dwellings per hectare averaged across the developable land in the entire growth area shown in Appendix C. Development in urban intensification areas should deliver a yield of at least 20 dwellings per hectare within each identified area. ~~The policy expresses the desired density yield as a target to acknowledge that there may be situations where 15 dwellings per hectare cannot always be achieved immediately.~~

The policy provides for the yield target for Greenfield urban growth areas to be achieved progressively over time, acknowledging that there may be situations where the ultimate target yield of 15 dwellings per hectare cannot always be achieved.

For the avoidance of doubt, yields below the stated target achieved prior to 1 July 2037 are not required to be off-set by the achievement of yields greater than the stated target after 1 July 2037.

The mechanism of how to achieve the target yields through subdivision and land use development is to be provided in the relevant district plan.

The requirement for new residential development to achieve higher densities than in the past is to promote a more compact urban form and so create vibrant areas for people to live, work and play. Density is important in terms of determining land requirements and influencing urban form.

Increasing the development densities for greenfield development within the urban limits is a means of restraining urban sprawl and the impact that may have on versatile land. Achievement of a more compact urban form requires a comprehensive planning approach and the provisions of a mix of housing types to appeal to future residents. This applies particularly to the urban intensification areas where significant redevelopment of existing housing stock is expected to achieve the yield target.

Increasing dwelling density is recognised internationally as having a number of benefits, including:

1. Increased transport choice and viability of public transport;
2. Reduced environmental impacts from slower urban expansion;
3. Reduced infrastructure costs;
4. More walkable neighbourhoods;
5. Greater housing choice and affordability.

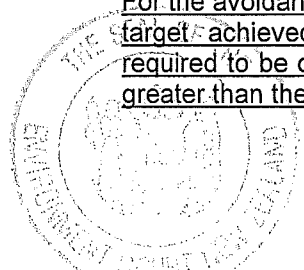
Before rezoning land for urban purposes (large scale land use change of 5 hectares or more) councils are required to ensure that structure plans are put in place (see Policy UF 9B and Method 16).

Table reference: Objective 26, Method 1

Policy UF 7A: Providing for the expansion of existing business land - western Bay of Plenty sub-region

Provide for the expansion of existing business activities or existing zoned business land outside the urban limits shown in Appendix E, only if the proposal will:

- (a) For the expansion of existing zoned business land, not be able to be



- accommodated within existing business zoned land in the western Bay of Plenty sub-region;
- (b) Be contiguous with the site of an existing business activity or existing zoned business land;
 - (c) Not require new connections to urban water supply distribution, stormwater or wastewater infrastructure located within the urban limits;
 - (d) Avoid, remedy or mitigate reverse sensitivity effects on rural production activities;
 - (e) Not compromise access to identified regionally significant aggregate and other mineral resources; and
 - (f) Not adversely affect existing, consented, designated or programmed regionally significant network utilities and infrastructure.

Explanation

Restrictions on the expansion of existing business activities and existing zoned business land outside the urban limits are necessary in order to minimise urban expansion and provide for the efficient use of existing infrastructure. The policy presumes that the expansion of existing business activities and existing business zoned areas outside the urban limits will not be allowed unless all of the listed matters are satisfied.

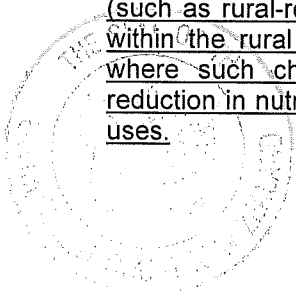
Table reference: **Objective 26, Methods 1 and 58**

Policy UF 8B: Implementing high quality urban design and live-work-play principles

Demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) key urban design qualities.

In achieving this, territorial authorities shall implement the region’s “high quality urban design” and “live-work-play” principles as outlined in Appendix B, and additionally appropriate social infrastructure necessary to cater for an aging population, and include appropriate policies, methods and other techniques in their district plans and strategies.

This policy shall not apply to land use change (such as rural-residential or lifestyle development) within the rural catchments of the Rotorua lakes where such change will result in a significant reduction in nutrient losses from existing rural land uses.



Explanation

Growth and the development of new and existing urban areas across the region (particularly in the western Bay of Plenty) should apply urban design principles for the development of connected communities, an effective transport system and creating desirable places for people to live, work and play.

The high quality urban design and live-work-play principles are key drivers of sustainable growth management. These principles are considered to be critical tools for ensuring that more intensively developed urban environments are achieved, along with high quality urban design.

Table reference: **Objective 24, Methods 3, 4, 19, 21 and 51**

Policy UF 10B: Rezoning and development of urban land – investment and infrastructure considerations

Require the rezoning or other provisions for the urban development of land to take into account:

- (a) Sustainable rates of land uptake; and
- (b) Existing or committed public and private sector investments in urban land development and infrastructure; and
- (a) Sustainable provision and funding of existing and future infrastructure; and
- (b) Efficient use of local authority and central government financial resources, including prudent local authority debt management.

Explanation

Because commitments to and investments in urban land use and servicing are often made 20 or more years in advance of delivery, there is potential for both local authority policy changes and ad hoc private market development decisions to result in significant adverse social and economic effects. Policies to address timing and sequencing of development should therefore be designed to ensure, within broad limits, that development proceeds in a way that gives infrastructure service providers time to match demand, and the ability to fund that service delivery. The overall purpose is to provide a broad framework that signals to the market the importance of integrating public and private development decisions.

The focus of Policy UF 10B is on broad investment and infrastructure considerations. More detailed

matters are the subject of other RPS policies, for example Policies WQ 6B, WQ 7B and WQ 8B which specifically address water efficiency.

Table reference: **Objectives 24, 25 and 26, Methods 3, 20 and 21**

Policy UF 18B: Managing rural development and protecting versatile land (previously WL 9B and amended)

The productive rural land resource shall be protected for rural production activities by ensuring that to the extent practicable subdivision, use and development in rural areas does not result in versatile land being used for non-productive purposes outside existing and planned urban-zoned areas, or outside the urban limits for the western Bay of Plenty shown in Appendix E, unless it is for regionally significant infrastructure which has a functional, technical or locational need to be located there.

Particular regard shall be given to whether the proposal will result in a loss of productivity of the rural area, including loss of versatile land, and cumulative impacts that would reduce the potential for food or other primary production.

In the catchments of the Rotorua Te Arawa Lakes, land-use change to achieve reduced nutrient losses may justify over-riding this policy. Any such changes in land use must however be integrated and co-ordinated with the provision of appropriate infrastructure.

Explanation

It is important to protect the natural productivity of the region's land. Soil and its life-supporting capacity are a finite resource, which need to be managed and sustained for future generations. Rural production is one of the region's economic drivers and this production is reliant on retaining and protecting rural land and soils.

In areas where rural production activities occur, the protection of finite versatile land primarily for pastoral farming and horticulture is a priority for sustainable management. However, with respect to planned urban development as well as to the legitimate establishment of rural servicing activities in rural areas, it is inevitable that some versatile land will be lost to productive use. The issue then becomes one of ensuring that the extent of such loss is minimised through the efficient use and development of the finite land resource.

In the Rotorua Te Arawa Lakes area, protecting water quality from increased nutrient losses may also be given priority over protection of versatile land. Water quality in Rotorua Te Arawa Lakes' catchments has been degraded mainly by human activities and nutrient losses from pastoral farming and sewage leachate from residential areas. Reducing nutrient losses into these lakes is a priority. Rotorua District Council, regional councils, central government and Te Arawa Lakes Trust are working together on a range of initiatives designed to mitigate the effects of nutrients into these lakes.

The need to avoid nutrient losses into the receiving waters of some regional catchments at risk may result in rural lifestyle subdivision being a preferred option. However, forward planning and care is needed to prevent the loss of rural character and inefficient land, infrastructure and energy use.

Table reference: **Objective 26A, Methods 1, 3, 20, 21, 47 and 58**

Policy UF 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas (previously WL 11B and amended)

Require that subdivision, use and development of rural land areas does not compromise or result in reverse sensitivity effects on:

- (a) rural production activities;
- and on
- (b) the operation of infrastructure

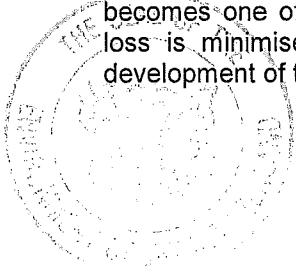
located beyond the urban limits or existing and planned urban zone areas.

Explanation

Rural production activities as are defined in Appendix A, include those that rely on the productive capacity of land such as agriculture, pastoral farming, poultry and pig farming, horticulture and forestry (and their supporting production facilities), as well as the quarrying and mining of aggregate and other mineral resources which by their nature are found only in fixed locations.

Geothermal systems are a type of resource that also needs to be protected from incompatible land uses and land use practices.

Unplanned rural lifestyle living and fragmentation of rural land through subdivision has occurred in



some areas with reverse sensitivity concerns from these new dwellers resulting in associated adverse effects on the productive capacity of the land and its versatility, as well as on the efficient operation and growth of rural production activities. Many of these rural lifestyle lots are in areas that have poor infrastructure. Rural farming and horticultural practices can have effects which may affect the wellbeing of people, including spray drift, noise from frost fans, shading from shelterbelts etc. Similarly, quarrying and mining activities have the potential to create adverse landscape, visual, noise, dust and traffic effects. The potential for some of these activities and their associated practices to be constrained has increased due to the growing number of people choosing to live in rural areas but not work in rural occupations. The cumulative effect of unplanned rural subdivision has in some areas led to inefficient use of physical resources and a gradual loss of rural production activities.

Table reference: Objective 26A, Methods 3 and 58

Policy UF XXB: Providing for the operation and growth of rural production activities

In providing for the operation and growth of rural production activities, regard should be had to:

- (a) Appropriate plan provisions, including zoning of land;
- (b) access to and use of resources;
- (c) transportation and infrastructure requirements; and
- (d) protection from reverse sensitivity effects.

Explanation

The operation and growth of rural production activities in the Bay of Plenty is important to the region's economy. The use of and access to natural resources (such as land, minerals, soil and water), or physical resources (such as transportation infrastructure) are important factors in providing for the operation and growth of these activities.

Rural production activities often have particular locational and functional requirements in terms of access to resources, relationship to support facilities and the management of environmental effects. It is therefore important that resource use is managed in a manner which recognises and

provides for those locational and functional requirements.

Table reference: Objective 26A, Methods 3, and 21B

Policy UF XYB: Managing reverse sensitivity effects on existing rural production activities in urban areas

Manage reverse sensitivity effects on existing rural production activities located within the urban limits or existing and planned urban zoned areas.

Explanation

Some existing rural production activities are located within urban areas or urban limits (as identified in Appendix E). These activities may be impacted by urban expansion and change that may result in reverse sensitivity effects on them.

Table reference: Objective 26A, Method 3 and 21B

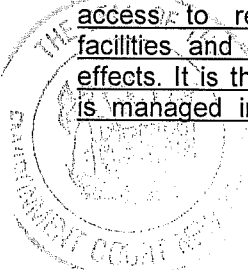
Policy IR 9B: Taking an integrated approach towards biosecurity

Adopt an integrated approach towards the management of biosecurity issues and implementation of plans to control biodiversity and biosecurity risks.

Explanation

The risk of biosecurity incursions presents a threat to the rural production sector, the regional economy and the region's biodiversity. This policy enables the prevention of new pest incursions and responses to such pest incursions, should they arise.

Table reference: Objectives 11, 20, and 26A, Method 3



Method 60A: Taking an inter-agency approach

Adopt an integrated inter-agency approach towards:

- (a) The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (b) The protection of natural character and indigenous vegetation and habitats of indigenous fauna; and
- ~~(c) The management of biosecurity issues and implementation of biosecurity action plans to control biodiversity risk.~~

Implementation responsibility: Regional council, Department of Conservation, NZ Historic Places Trust and city and district councils.

Method 17: Monitor and review growth – western Bay of Plenty sub-region

Growth patterns within the western Bay of Plenty sub-region shall be regularly monitored and this Statement's provisions relating to urban form and growth management shall be reviewed in the event that monitoring shows that actual sub-regional growth patterns are or are likely to be such as to render the growth strategy (see Section 2.9) inappropriate. Other triggers for review shall include the occurrence of any one of the following:

- (a) The population predictions in Figure 9 of the Western Bay of Plenty sub-region Growth Management Strategy (3 May 2004) vary by more than 10% from actual Census figures for all of the growth for the relevant Census period;
- (b) It can be demonstrated that insufficient land exists within all of the Urban Limits shown on Maps 5 to 15 (Appendix E of this document) to cater for growth anticipated to occur within 10 years of the analysis;

It can be demonstrated that exceptional circumstances have arisen in one or more of the

management areas shown on Maps 5 to 15 (Appendix E) and a review is necessary to achieve the objectives of this part of the Statement;

- (d) Any review of the Western Bay of Plenty Sub-region Growth Management Strategy amends the strategy to the extent that the urban form and growth management objectives, policies and methods are in conflict
- (e) As a result of Method 17A an amendment is required.

Implementation responsibility: Regional council, city and district councils.

Method 17A

Investigate a future land use and subdivision pattern for Matakana Island, including papakainga development, through a comprehensive whole of island study which addresses amongst other matters cultural values, land which should be protected from development because of natural or cultural values and constraints, and areas which may be suitable for small scale rural settlement, lifestyle purposes or limited Urban Activities.

~~Method 20: Prepare structure plans for land-use changes~~

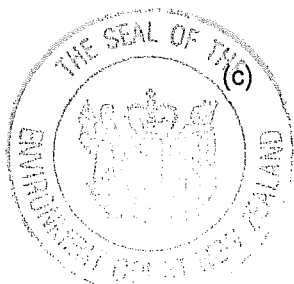
~~(d) Prepare structure plans for all large-scale land use changes. Where a district or city plan defines "large-scale" to be land that is greater than 5 hectares, the plan shall include methods for other land that is not "large-scale" (but is greater than 5 hectares), to ensure:~~

- ~~(a) Coordinated development through the integrated provision of infrastructure; and~~
- ~~(b) Integrated management of related environmental effects.~~

~~*Implementation responsibility: Regional council, city and district councils.*~~

~~Method 21: Contents of structure plans~~

~~Structure plans shall, as appropriate and applicable:~~



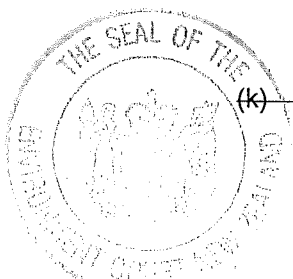
- ~~(a) Identify land which is to be used or developed for urban purposes;~~
 - ~~(b) Identify intensification areas;~~
 - ~~(c) Show proposed land uses, including:

 - ~~(i) Arterial and collector roads, rail and network infrastructure~~
 - ~~(ii) Residential, commercial and business centres~~
 - ~~(iii) Schools~~
 - ~~(iv) Parks~~
 - ~~(v) Land required for recreation~~
 - ~~(vi) Land to be reserved or otherwise set aside from development for environmental protection purposes;~~
 - ~~(vii) Appropriate infrastructure corridors;~~
 - ~~(viii) Community, health and social service facilities, including those necessary to cater for an ageing population.~~~~
 - ~~(d) In respect of proposed land uses (see (c) above), demonstrate the live-work-play principle to development;~~
 - ~~(e) Show how the target yields set out in Policy UF 4A will be met.~~
 - ~~(f) Identify land allocations for community facilities;~~
 - ~~(fg) Identify all existing and consented, designated or programmed infrastructure and infrastructure corridors;~~
 - ~~(g) Identify infrastructure requirements, including the provision of and responsibility for that infrastructure;~~
 - ~~(h) Identify all known significant natural hazards and contaminated sites that land to be used for urban purposes may be subject to or contain and show how any intolerable natural hazard risks or adverse effects from contaminated land are to be avoided, remedied or mitigated;~~
 - ~~(i) Identify significant cultural, natural and historic heritage features and values and show how they are to be protected;~~
 - ~~(j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development;~~
 - ~~(k) Show how any adverse effect of increased stormwater runoff is to be mitigated;~~
 - ~~(l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated;~~
 - ~~(m) Show how provision has been made for public transport, cycleways and pedestrian connections;~~
 - ~~(n) Document consultation undertaken with persons (including tangata whenua) affected by or interested in the proposed land uses, and any response to the views of those consulted;~~
 - ~~(o) Show how the sequencing of urban growth requirements detailed in Policy UF 6A will be achieved;~~
 - ~~(p) Include Urban Design Plans which:

 - ~~(i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities~~
 - ~~(ii) Outline the urban design objective and rationale~~
 - ~~(iii) Provide an analysis of context~~
 - ~~(iv) Provide a site analysis~~
 - ~~(v) State design outcomes for the proposed development.~~
 - ~~(vi) Provide appropriate social infrastructure, including that necessary to cater for an ageing population.~~~~
 - ~~(q) Address any relevant financial economic, social and cultural aspects of the proposed development.~~
- ~~[Note: In the context of this method, the term "as appropriate and applicable" is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates.]~~
- ~~Implementation responsibility: Regional council, city and district councils.~~

Method 20 (merger of previous Methods 20 & 21)

Prepare structure plans for all large-scale land use changes to ensure:



- Coordinated development through the integrated provision of infrastructure; and
- Integrated management of related environmental effects.

Structure plans shall, as appropriate and applicable:

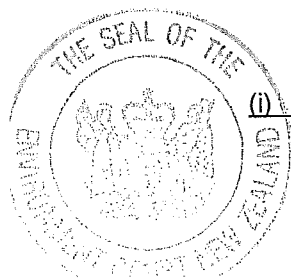
- (a) Identify land which is to be used or developed for urban purposes;
- (b) Identify intensification areas;
- (c) Show proposed land uses, including:
 - (i) Arterial and collector roads, rail and network infrastructure
 - (ii) Residential, commercial and business centres
 - (iii) Schools
 - (iv) Parks
 - (v) Land required for recreation
 - (vi) Land to be reserved or otherwise set aside from development for environmental protection purposes
 - (vii) Appropriate infrastructure corridors
 - (viii) Community, health and social service facilities, including those necessary to cater for an ageing population.
- (d) In respect of proposed land uses (see (c) above), demonstrate the live-work-play principle to development;
- (e) Show how the target yields set out in Policy UF 4A will be met;
- (f) Identify all existing and consented, designated or programmed infrastructure and infrastructure corridors;
- (g) Identify infrastructure requirements, including the provision of and responsibility for that infrastructure;
- (h) Identify all known significant natural hazards and contaminated sites that land to be used for urban purposes may be subject to or contain and show how any intolerable natural hazard risks or adverse effects from contaminated land are to be avoided, remedied or mitigated;
- (i) Identify significant cultural, natural

and historic heritage features and values and show how they are to be protected;

- (j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development;
- (k) Show how any adverse effect of increased stormwater runoff is to be mitigated;
- (l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated;
- (m) Show how provision has been made for public transport, cycleways and pedestrian connections;
- (n) Document consultation undertaken with persons (including tangata whenua) affected by or interested in the proposed land uses, and any response to the views of those consulted;
- (o) Show how the sequencing of urban growth requirements detailed in Policy UF 6A will be achieved;
- (p) Include Urban Design Plans which:
 - (i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities
 - (ii) Outline the urban design objective and rationale
 - (iii) Provide an analysis of context
 - (iv) Provide a site analysis
 - (v) State design outcomes for the proposed development.

"As appropriate and applicable" is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates and, to give effect to this Method, District plans can identify methods for assessing which of the above matters must be addressed, in light of the particular scope of the proposed land use change and its environmental effects.

Implementation responsibility: Regional council, city and district councils.



Method 21B:

Include plan provisions which will enable the efficient operation and growth of rural production activities.

Implementation responsibility: Regional, city and district councils.

Table 15 Objectives, anticipated environmental results (AER) and monitoring indicators.

Amend wording of Objective 26A to read:

~~“The productive potential of the region’s versatile rural land resource is sustained and the growth and efficient operation of rural production activities in the rural environment is are provided for are sustained so as to meet the needs of current and future generations.~~

Add the following as an AER: “Rural production activities are able to operate and expand.”

Add the following monitoring indicator: “Regional, city and district plans include provisions which enable the retention and growth of rural production activities.”

Appendix A – Definitions

Codes of practice: Operational procedures and practices agreed to by industry groups and designed to achieve compliance with regulatory requirements or other defined goals outcomes.

Developable land:

- (a) Comprises land used for:
 - (i) Residential activity purposes, including all open space and on-site parking associated with dwellings;
 - (ii) Local roads and roading corridors, including pedestrian and cycle ways, (and excluding State highways and other major arterial routes, as determined by the local roading hierarchy);
 - (iii) Collector roads and roading corridors (as determined by the local roading hierarchy), where direct access from lots is obtained. Where lots on only one side of the road have direct access only 50% of the corridor shall be used for the purpose of this definition;

- (iv) Local neighbourhood reserves.
- (b) Excludes land that is:
 - (i) Stormwater ponds and detention areas;
 - (ii) Geotechnically constrained (such as land subject to subsidence or inundation);
 - (iii) Set aside to protect significant ecological, cultural, heritage or landscape values;
 - (iv) Set aside for non-local recreation or esplanade reserves or access strips that form part of a larger regional, sub-regional, or district network;
 - (v) Identified or used for non-residential activity including business activities, schools, network utilities, health centres or other district, regional or sub-regional facilities.

Drainage: (1) ~~The process or method of draining;~~
(2) ~~A system of watercourses.~~

Reverse sensitivity definition: The potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.

~~**Rural production activities:** Quarrying, mining and rural land use activities that rely on the productive capacity of land such as agriculture, pastoral farming, poultry farming, pig farming, horticulture, and forestry. Also included in this definition are land use activities which have a functional need for a rural location or which directly service or support rural production activities and which have a functional need for a rural location. Examples of such service and support activities are associated processing facilities, post-harvest facilities and plant, animal and food research centres.~~

Rural production activities: Rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

