

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

I MUA I TE KOTI TAIAO O AOTEAROA
TAMAKI MAKAUROA ROHE

IN THE MATTER: of the Resource Management Act 1991 (RMA)

A N D

IN THE MATTER: of appeals pursuant to clause 14 of Schedule 1 to the RMA

BETWEEN: **Bluehaven Investment Limited**
(ENV-2024-AKL-000044)

Bell Road Partnership Limited
(ENV-2024-AKL-000045)

Urban Taskforce for Tauranga Inc
(ENV-2024-AKL-000048)

KiwiRail Holdings Limited
(ENV-2024-AKL-000049)
Appellants

A N D **VARIOUS S274 PARTIES**
S274 Parties

A N D: **BAY OF PLENTY REGIONAL COUNCIL**
Respondent

Environment Judge sitting alone under section 279 of the Act

IN CHAMBERS at AUCKLAND

DRAFT CONSENT ORDER

- [A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeals are allowed to the extent that the provisions are amended in accordance with **Appendix 1** to this order;
- [B] The appeals are otherwise dismissed; and
- [C] Under s 285 of the Resource Management Act 1991, there is no order as to costs

REASONS

Introduction

1. These appeals relate to the decisions of the Bay of Plenty Regional Council (Regional Council) on Proposed Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement (PC6).
2. PC6 implements key directions in the National Policy Statement-Urban Development (2020) (**NPS-UD**). The NPS-UD introduced requirements for regional councils to amend their Regional Policy Statements to be more responsive to urban development proposals and provide support to intensification of urban areas. The purpose is to enable additional development capacity, regardless of whether it is planned in existing planning documents, and to contribute to well-functioning urban environments. The NPS-UD also requires local authorities to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in planning decisions relating to urban environments.
3. PC 6 was notified on 9 August 2022. Submissions on PC 6 were heard by a Hearing Panel comprising two Independent Hearing Commissioners and two Regional Councillors on Tuesday 18 and Wednesday 19 June 2023. The Hearing Panel issued a recommendations report on 19 October 2023, and all recommendations were adopted by the Regional Council at its meeting on 14 December 2023. Council's decisions were publicly notified on 12 February 2024.
4. Appeals on PC6 were lodged by Bell Road Partnership Limited, KiwiRail Holdings Limited, Urban Taskforce for Tauranga Incorporated; and Bluehaven Investments Limited. Appeals sought amendments to provisions.
5. Tauranga City Council, Western Bay of Plenty District Council, Fonterra Limited and Ngā Pōtiki a Tamapāhore Trust gave notice of their interest in the appeals under section 274 of the RMA, and Urban Taskforce also gave notice under s274 in relation to the other appeals.
6. Discussions between the parties in advance of mediation resulted in agreement being reached on all KiwiRail appeals points. All remaining appeal points were able to be resolved as between the parties at and immediately following the Court assisted mediation held on 17 September 2024.

Outline of agreement reached between the parties

7. Subject to approval by the Court, the parties have agreed to amend PC 6 as follows:

- a. To replace the last paragraph in *Introduction Section 2.8 'Urban and rural growth management'* with three new paragraphs. This involves removal of references to the SmartGrowth Strategy and Implementation Plan 2013 which is now superseded as well as to urban growth strategies undertaken by the region's other territorial authorities which is also no longer accurate. The replacement paragraphs set out more broadly what sub-regional growth management strategies and spatial planning involves and recognise the importance of urban corridors across local authority boundaries.
- b. To expand regionally significant urban and rural growth management issue 2.8.1.2 '*Land supply and inefficient patterns of land use*' to recognise that unplanned growth and efficient land use has the potential to create land use conflicts and reverse sensitivity effects.
- c. To expand regionally significant urban and rural growth management issue 2.8.1.9 '*Intensive urban development*' to recognise that more intensive urban development has the potential to create unforeseen reverse sensitivity effects, and that more intensive urban development also has the potential to increase road congestion which can compromise the safe and efficient operation of the transport network.
- d. To expand Objective 25 to recognise the need for location and staging of development to integrate with the growth plans of network utility providers and operators.
- e. To amend Policy UG 7A to:
 - i. Clarify that an assessment is required of the extent to which the various relevant criteria are "achieved" and that it is not intended that all criteria must be fully achieved for an urban development proposal to be assessed as adding significant development capacity. This recognises that there may be urban development proposals that significantly contribute to capacity that do not meet the listed criteria, to ensure that councils are able to remain responsive to such proposals in the future.
 - ii. Delete the wording '*(5 hectares or more)*' from (b) on the basis that "large-scale" is already defined in the RPS as being at least 5 hectares, and to add an alternative that if the development is not "large-scale" per the RPS, it will provide a housing supply of at least 50 dwelling units. Consequential amendments are made to refer to the need for a structure plan for land use

change and to the explanatory text to clarify that this must address the matters in Method 18 of the RPS.

- iii. Amend (f) to remove the wording relating to a material reduction in benefits and undermining of other existing or planned development infrastructure and including as a consideration of impacts on other existing, planned or committed development infrastructure. A consequential amendment to the explanatory text has been agreed to clarify that for the purposes of clause (f), development infrastructure investments which are existing, planned or committed include development infrastructure which has been constructed, planned or committed to support growth in other parts of the urban environment.
 - iv. Other consequential amendments have been agreed to the explanatory text, including reference to the need to have regard to Future Development Strategies and to clarify that out of sequence development is development that is not consistent with the anticipated development sequence set out in the Future Development Strategy, growth strategy, RMA plan, Long Term Plan or 30-year infrastructure strategy.
- f. To insert additional explanatory text to Policy UG 10B *'Rezoning and development of urban land – investment and infrastructure considerations'* to acknowledge there are other matters to consider, in addition to broad investment and infrastructure considerations, when rezoning and developing urban land.
- g. To amend Policy UG 13B to:
- i. Include as a matter to be had regard to the proximity to “existing and/or planned” commercial centres, places of employment, community services and areas of high amenity and to consequentially amend the explanation to clarify what “planned” means for the purpose of the policy and for readability / clarity.
 - ii. Correct a grammatical error in (f); and
 - iii. Include the interface between land use and transportation activities, including potential reverse sensitivity effects on transport corridors as a further matter to have regard to; and

- iv. Add a statement to the explanatory text to clarify that the defining and protecting of existing and future transport corridors in plans will assist in promoting their safe and efficient operation.

- h. To insert additional text to the final sentence of the Policy UG 14B explanation to also recognise that potential for reverse sensitivity effects may make a particular location unsuitable for urban land use change.

Consideration

8. In making these orders the Court has read and considered:

- a. The Council's decision on PC 6;
- b. The notices of appeal filed by the appellants; and
- c. The joint memorandum of counsel in support of the draft consent order.

9. The Court is making this order under section 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for present purposes that:

- a. All parties to the proceeding agree to the granting of the consent order; and
- b. All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and satisfy the relevant considerations under the RMA and relevant statutory planning documents.

ORDERS

10. Therefore, the Court orders by consent that:

- a. The appeals are allowed to the extent that PC 6 is amended as set out in **Appendix 1** to this order;
- b. The appeals are otherwise dismissed; and

c. There is no order as to costs.

Dated at Auckland this day of

2024

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Environment Court Judge

APPENDIX 1

Notes:

1. Black text shows the decisions version of PC 6.
2. New text is shown as underlined and deleted text as ~~striketrough~~.
3. The full decisions version has been shown for context and completeness.

2.8 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 western Bay of Plenty sub-region has determined through its 50-year growth management strategy (SmartGrowth Strategy and Implementation Plan, 2013) 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.~~

Sub-regional growth management strategies are also relevant for the region, directing urban settlement patterns that provide long term future housing, and industrial and commercial business land capacity.

Strategic spatial planning at a sub-regional scale is a dynamic and evolving issue. Providing for housing, commercial

centres and industrial business land needs a boundaryless and integrated approach.

Planning for future development capturing urban corridors that cross local authority boundaries is recognised for both the Western Bay of Plenty sub-region and the Eastern Bay of Plenty sub-region. Integration with growth planning for Rotorua district is a key consideration for both subregions.

2.8.1 Regionally significant urban and rural growth management issues

1 Un-coordinated growth and development

Sporadic un-coordinated and poorly connected growth and development can adversely affect urban and rural amenity values, heritage, health and safety, accessibility, 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 and low density patterns of land use and ad hoc development, are difficult and costly to service and maintain, and contribute to increasing greenhouse gas emissions. A shortage of developable land and housing supply reduces housing choices and leads to increases in prices. Unplanned growth and inefficient land use also have the potential to create land use conflicts and reverse sensitivity effects, 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.

6 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.

7 Conflict between incompatible or sensitive activities and rural production activities in rural areas

with well-planned transport improvements.

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.

8 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.

9 Intensive urban development

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

- Overload network infrastructure including water supply, wastewater and stormwater, as well as creating an unanticipated demand on social infrastructure such as schools and healthcare facilities if not integrated with infrastructure planning and funding decisions.
- Create unforeseen social, economic, and cultural and reverse sensitivity effects.
- Increase road congestion leading to restricted movement of goods and services to, from, and within the region, and compromising the safe and efficient operation of the transport network, if not undertaken in conjunction

Table 8 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 23 A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth	Policy UG 7A Providing for unanticipated or out-of-sequence urban growth -urban environments		Method 1: District plan implementation	Tier 1, 2 and 3 city and district councils		
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Tier 1, 2 and 3 city and district councils		
			Method 18: Structure plans for land use changes	Tier 1, 2 and 3 city and district councils		
	Policy UG 7Ax: Enable increased-density urban development – urban environments			Method 1: District plan implementation	Tier 1, 2 and 3 city and district councils	
				Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Tier 1, 2 and 3 city and district councils	
				Method 18: Structure plans for land use changes	Tier 1, 2 and 3 city and district councils	
	Policy UG 8B: Implementing high quality urban design and live-work-play principles			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 Plan implementation	Regional council	
				Method 17: Identify and manage potential effects on infrastructure corridors	Regional council, city and district councils	
				Method 18: Structure plans for land use changes	Regional council, city and district councils	
				Method 58: Investigate and plan for intensification within existing urban areas	City and district councils	
	Policy UG 9B: Co-ordinating new urban development with infrastructure			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 Plan implementation	Regional council	
				Method 18: Structure plans for land use changes	Regional council, city and district councils	

Objectives	Policy titles	Page	Method titles	Implementation	Page	
			Method 19: Provision of infrastructure outside of structure plan areas	Regional council, city and district councils		
			Method 50: Inform transportation strategies and funding	Regional council, city and district councils		
			Method 51: Liaise on cross boundary infrastructure issues	Regional council, city and district councils		
	Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
				Method 18: Structure plans for land use changes	Regional council, city and district councils	
	Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
				Method 18: Structure plans for land use changes	Regional council, city and district councils	
				Method 19: Provision of infrastructure outside of structure plan areas	Regional council, city and district councils	
	Policy UG 12B: Providing quality open spaces			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
				Method 67: Support rural structure plans	Regional council, city and district councils	
	Policy UG 14B Restricting urban activities outside urban environments			Method 1: District plan implementation	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 18: Structure plans for land use changes				Regional council, city and district councils		
Objective 24 An efficient, sustainable, safe and affordable transport network,	Policy UG 1A: Protecting the national and regional strategic transport network		Method 1: District plan implementation	City and district councils		
			Method 4: Bay of Plenty Regional Land Transport Plan implementation	Regional council		
				Method 1: District plan implementation	City and district councils	

Objectives	Policy titles	Page	Method titles	Implementation	Page
integrated with the region's land use patterns	Policy UG 2A: Identifying a consistent road hierarchy		Method 4: Bay of Plenty Regional Land Transport Plan implementation	Regional council	
			Method 13: Develop a roading hierarchy	City and district councils	
	Policy UG 3A: Promoting travel demand management across the region		Method 1: District plan implementation	City and district councils	
			Method 4: Bay of Plenty Regional Land Transport Plan implementation	Regional council	
			Method 17: Identify and manage potential effects on infrastructure corridors	Regional council, city and district councils	
		Method 18: Structure plans for land use changes	Regional council, city and district councils		
			Method 19: Provision of infrastructure outside of structure plan areas	Regional council, city and district councils	
	Policy UG 13B: Promoting the integration of land use and transportation		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 18: Structure plans for land use changes	Regional council, city and district councils	
Objective 25 Urban subdivision, use and development, is located and staged in a way that integrates with the long term planning and funding mechanisms of local authorities, central government agencies, and the <u>growth plans of network utility providers and operators</u> whilst also being responsive to the growth plans of relevant industry sector groups and other development entities.	Policy UG 22B: Te Tiriti o Waitangi Principles		Method 1: District plan implementation	City and district councils	
			Method 2: Regional plan implementation	Regional Council	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	City and district councils	
			Method 18: Structure plans for land use changes	Regional council, city and district councils	
	Policy UG 25B: Housing bottom lines – Rotorua and western Bay of Plenty sub-region		Method 1: District plan implementation	City and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Tauranga City Council, Western Bay of Plenty District Council and Rotorua Lakes Council	
	Policy UG 21B: Provision for utilisation of mineral resources		Method 1: District plan implementation	City and district councils	
		Method 3: Resource consents, notices of requirement and when changing varying or reviewing plans	Tauranga City Council and Western Bay of Plenty District Council		

Objectives	Policy titles	Page	Method titles	Implementation	Page
			Method 52: Provide for the sustainable management of versatile land	Regional council, city and district councils	
			Method 67: Support rural structure plans	Regional council, city and district councils	
	Policy UG 14B: Restricting urban activities outside urban environments		Method 1: District plan implementation	City and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	City and district councils	
			Method 18: Structure plans for land use changes	Regional council, city and district councils	
	Policy UG 6A: Efficient use of land and infrastructure servicing for urban growth and development		Method 1: District plan implementation	City and district councils	
			Method 18: Structure plans for land use changes	Regional council	
			Method 50: Inform transportation strategies and funding	Regional council, Tauranga City Council and Western Bay of Plenty District Council	
			Method 51: Liaise on cross boundary infrastructure issues	Regional council, Tauranga City Council and Western Bay of Plenty District Council	
	Policy UG 7A Providing for unanticipated or out-of-sequence urban growth -urban environments		Method 1: District plan implementation	Tier 1, 2 and 3 city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Tier 1, 2 and 3 city and district councils	
			Method 18: Structure plans for land use changes	Tier 1, 2 and 3 city and district councils	
	Policy UG 7Ax: Enable increased-density urban development – urban environments		Method 1: District plan implementation	Tier 1, 2 and 3 city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Tier 1, 2 and 3 city and district councils	
			Method 18: Structure plans for land use changes	Tier 1, 2 and 3 city and district councils	

Objectives	Policy titles	Page	Method titles	Implementation	Page	
<p>Objective 26</p> <p>The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for</p>	Policy UG 14B: Restricting urban activities outside urban environments		Method 1: District plan implementation	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 18: Structure plans for land use changes	Regional council, city and district councils		
	Policy UG 18B: Managing rural development and protecting versatile land			Method 1: District plan implementation	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 18: Structure plans for land use changes	Regional council, city and district councils	
				Method 52: Provide for the sustainable management of versatile land	Regional council, city and district councils	
				Method 67: Support rural structure plans	Regional council, city and district councils	
	Policy UG 23B: Providing for the operation and growth of rural production activities			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
				Method 20: Plan provisions enabling efficient operation and growth of rural production activities.	Regional council, city and district councils	
	Policy UG 19B: Providing for rural lifestyle activities			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
				Method 52: Provide for the sustainable management of versatile land	Regional council, city and district councils	
				Method 67: Support rural structure plans	Regional council, city and district councils	
	Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
Method 67: Support rural structure plans				Regional council, city and district councils		

Objectives	Policy titles	Page	Method titles	Implementation	Page
	Policy UG 24B: 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	
			Method 20: Plan provisions enabling efficient operation and growth of rural production activities.	Regional council, city and district councils	
	Policy UG 21B: Provision for utilisation of mineral resources		Method 1: District plan implementation	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 52: Provide for the sustainable management of versatile land	Regional council, city and district councils	
			Method 67: Support rural structure plans	Regional council, city and district councils	
	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	
	Policy WQ 6B: Ensuring water availability		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council	
			Method 30: Research and monitor water allocation and abstraction	Regional Council	
			Method 32: Prepare and provide information to reduce water demand	Regional Council	

Part three

Policies and methods

Part three presents the policies and methods that, when implemented, will achieve the objectives of this Statement and address the regionally significant resource management issues (including the issues of significance to iwi authorities). The resource management issues and objectives are presented in the previous part two under topic headings.

Part three is divided into two sections. The first contains the policies and the second sets out the methods.

Within the first section, policies are grouped according to the topic under which the policy was originally drafted and are identified as follows:

AQ = Air Quality

CE = Coastal Environment

EI = Energy and Infrastructure

GR = Geothermal Resources

IR = Integrated Resource Management

IW = Iwi Resource Management

MN = Matters of National Importance

NH = Natural Hazards

RR = Rangitāiki River

UG = Urban and Rural Growth Management

WL = Water Quality and Land Use

WQ = Water Quantity

Within these topic groups the letter following the policy number further divides policies into four types as outlined below.

(a) Policies giving direction to regional and district plans

Broad policies that must be given effect by regional or district plans (in accordance with sections 67(3) and 75(3)(c) of the Act) as set out in methods of implementation 1 and 2. These policies are identified by the letter A after the main policy number e.g. CE 3A. NB: while these policies are primarily expressed through plans, in some cases 'A' type policies may also be relevant to the assessment of resource consent applications and notices of requirement. The A policies that must be considered in the assessment of resource consent applications and notices of requirement are listed in Method 3.

(b) Specific directive policies for resource consents, regional and district plans, and notices of requirement.

These policies are identified by the letter B after the main policy number e.g. CE 7B. These are specific policies that:

- must be given effect by regional or district plans (in accordance with sections 67(3)(c) and 75(3)(c) of the Act) as set out in methods of implementation 1 and 2,
- consent authorities must have regard to, where relevant, when considering applications for resource consent and any submissions received (in accordance with section 104(1)(b)(iv) of the Act), and
- territorial authorities must have particular regard to, where relevant, when considering requirements for designations or heritage orders and any submissions received (in accordance with sections 171(1)(a)(iii) and 191(1)(d) of the Act).

NB: in some cases, these policies may also be linked to Methods 1 and/or 2 to ensure they are given effect to as soon as practicable by regional and/or district plans.

(c) Policies that allocate responsibilities

These policies allocate the responsibilities for land-use controls for hazardous substances and indigenous biodiversity between the Bay of Plenty Regional Council and the region's city and district councils. These policies are identified by the letter C after the main policy number e.g. IR 7C.

(d) Guiding policies

These are guiding policies that outline actions to help achieve the objectives. These policies are identified by the letter D after the main policy number e.g. IW 8D.

The second section sets out the methods for implementing the policies. There are two main groups of methods:

- Directive methods to implement policies identified above as either #A, #B, or #C.
- Methods that implement the guiding policies (identified above as #D) or that support the delivery of the other policies.

Directive methods used to implement most policies are Methods 1, 2 and 3. Method 3 requires that policies shall be given effect to when preparing, changing, varying, reviewing or replacing a regional or district plan, and had regard to when considering a resource consent or notice of requirement. While Method 3 is most commonly used to implement 'B' type policies, in some cases (where listed in Method 3) it may be linked to 'A' type policies which are applicable to the assessment of resource consent applications and notices of requirement. Similarly, Methods 1 and/or 2 are primarily used to implement 'A' type policies in regional and district plans but, in some cases, (where listed in Methods 1 and 2) these policies may also be linked to 'B' type policies to ensure they are given effect to as soon as practicable by the relevant plans. The policies linked to and intended to be implemented by Methods 1, 2 and 3 are identified in the beginning of Section 3.2.1 'Directive methods'.

A summary table is provided at the beginning of part three in which the policy titles are provided. The titles serve only as a guide, as the policies are not reproduced in full within the summary table.

In a box following each of the policies, is a cross reference to pertinent objectives and methods. These must be read in association with each policy, to appreciate the relationships between these policies and methods.

3.1 Policies

Table 11 Policy name and page number.

Policy Title	Page No.
Urban and Rural Growth Management	
Broad directive policies for district and regional plans	
Policy UG 1A: Protecting the national and regional strategic transport network	
Policy UG 2A: Identifying a consistent road hierarchy	
Policy UG 3A: Promoting travel demand management across the region	
Policy UG 6A: Efficient use of land and infrastructure for urban growth and development	
Policy UG 7A Providing for unanticipated or out-of-sequence urban growth - urban environments	
Policy UG 7Ax Enable increased-density urban development – urban environments	
Specific directive policies for plans and consents	
Policy UG 8B: Implementing high quality urban design and live-work-play principles	
Policy UG 9B: Coordinating new urban development with infrastructure	
Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations	
Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure	
Policy UG 12B: Providing quality open spaces	
Policy UG 13B: Promoting the integration of land use and transportation	
Policy UG 14B: Restricting urban activities outside urban environments	
Policy UG 18B: Managing rural development and protecting versatile land	
Policy UG 19B: Providing for rural lifestyle activities	
Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas	
Policy UG 21B: Provision for utilisation of mineral resources	
Policy UG 22B: Te Tiriti o Waitangi Principles	
Policy UG 23B: Providing for the operation and growth of rural production activities	
Policy UG 24B: Managing reverse sensitivity effects on existing rural production activities in urban areas	
Policy UG 25B: Housing bottom lines – Rotorua and western Bay of Plenty sub-region	

Urban and Rural Growth Management Policies

Policy UG 1A: Protecting the national and regional strategic transport network

Identify all existing and proposed nationally or regionally significant transport corridors in the Regional Land Transport Plan and district plans and protect those corridors for regional transport purposes.

Explanation

The protection of the region's strategic transport corridors and networks is essential for achieving integration between land use and transport. The strategic transport network supports the growth and development of both the national and regional economies, particularly in supporting and developing the ports and in terms of providing access to markets for horticulture, agriculture, forestry, quarrying, tourism and future manufacturing and production industries.

Table reference: Objective 24, Methods 1 and 4

Policy UG 2A: Identifying a consistent road hierarchy

Identify a consistent road hierarchy including type of road, road function and road definition.

Explanation

The identification of a consistent road hierarchy across the region is essential to the strategic integration of land use and transport planning. This promotes network efficiency by ensuring each road performs the function for which it is designed. Use of a consistent road hierarchy across the region also contributes to road safety, and future integrated land use and transport planning, particularly the planning of safe and efficient bus, cycling and walking routes. It will assist with developing a well connected and sustainable urban form and reduce any cross boundary issues arising from districts having different road types, definitions and functions. As a minimum, the road hierarchy will include strategic, primary and secondary arterials, collector and local roads.

Table reference: Objective 24, Methods 1, 4 and 13

Policy UG 3A: Promoting travel demand management across the region

Actively promote travel demand management across the region to:

- (a) Create effective integrated land and travel networks,
- (b) Increase public transport use,
- (c) Address congested transport corridors,
- (d) Reduce use of the private motor vehicle where practicable,
- (e) Encourage the use of alternative renewable transport fuels,
- (f) Reduce emissions from transport, and
- (g) Ensure adequate provision for and increased use of future public transport, walking, cycling networks and corridors, while providing for connectivity.

Explanation

Appropriate policies are required to be included in district plans and the Bay of Plenty Regional Land Transport Plan to actively promote travel demand management.

Land use planning is essential in managing the demand for travel. This could include having higher density/mixed use developments close to good public transport links and community facilities and

employment close to where people live (Appendix B – High quality urban design principles). Additionally, future integration of land use and transport planning will need to take into account the need to design and build transport networks that facilitate walking, cycling and public transport (bus, light rail, etc.). Regard should also be given to the policies and targets of any relevant walking and cycling strategies in the region.

Table reference: **Objective 24**, Methods 1, 4, 18, 17 and 19

Policy UG 6A: Efficient use of land and infrastructure for urban growth and development

Manage urban development in a way that provides for:

- (a) The efficient use of land and infrastructure and
- (b) The integration of land use and infrastructure provision.

For the purpose of this policy, efficient use of land and infrastructure shall include consideration of the matters referred to in Policy UG 10B.

Explanation

The servicing (including the provision of access) and timing of urban development is critical to achieving integrated and sustainable growth management. Large-scale urban development (greenfield and brownfield) must be subject to detailed structure planning to address, among other matters, urban design, and provision and funding of network infrastructure.

Table reference: **Objective 25**, Methods 1, 18, 50 and 51

Policy UG 7A: Providing for unanticipated or out-of-sequence urban growth – urban environments

Private plan changes, submissions on plan changes, or submissions on plan reviews providing for development of urban environments and urban growth that forms part of an urban environment, that is unanticipated or out-of-sequence, will add significantly to development capacity based on the extent to which the proposed development ~~satisfies~~ achieves the following criteria:

- (a) The development is of large enough scale to contribute to meeting demand for additional urban land identified through the HBA for the area, including meeting housing bottom lines or meeting needs for specific housing typologies or price points, or business types. Where there is no HBA, there is evidence that there is a need for additional urban land, and
- (b) For Tauranga City and Western Bay of Plenty District urban environments, the development is large scale ~~(5 hectares or more)~~ or, if not, will provide a housing supply of at least 50 dwelling units, and in either case the proposal:
 - i. ~~and is able to support multi modal transport options;~~ and
 - ii. includes a structure plan for the land use change.
- (c) For all other urban environments, the development is at a scale commensurate with the size of the urban environment and includes a structure plan for the land use change that meets the requirements of Method 18, and
- (d) The development is located with good accessibility between housing, employment, community and other services and open space, and

- (e) The development is likely to be completed earlier than the anticipated urban development and/or land release sequence, and
- (f) Required development infrastructure can be provided efficiently, including the delivery, funding and financing of infrastructure ~~without materially reducing the benefits of~~ while considering impacts on other existing, or planned development infrastructure, or undermining or committed development infrastructure investments.

Explanation

Policy UG 7A implements Policy 8 and Clause 3.8(3) of the National Policy Statement on Urban Development 2020. It requires that the RPS include criteria for determining whether unanticipated or out-of-sequence urban development proposals will add significantly to development capacity.

Clause (b) of this policy does not apply to papakāinga housing, community and social housing, marae and community facilities enabled by Policy UG 22B: Te Tiriti o Waitangi Principles.

This policy applies to Māori urban development enabled by Policy UG 22B: Te Tiriti o Waitangi Principles, where that development is unanticipated or out-of-sequence.

This policy does not apply to small scale alterations to urban environments that have minor effects.

In addition to these criteria the development must be well-connected to existing or planned multi modal transport corridors and must contribute to a well-functioning urban environment.

Unanticipated urban development is subdivision, use and development that is not provided for in an adopted local authority Future Development Strategy, growth strategy, RMA plan, Long Term Plan, or 30-year infrastructure strategy. Out of sequence development is development that is not consistent with the anticipated development sequence set out in one or more of those documents.

For the purposes of clause (f), development infrastructure investments which are existing, planned or committed include development infrastructure which has been constructed, planned, or committed to support growth in other parts of the urban environment.

Under Clause 3.17 of the National Policy Statement on Urban Development 2020, Councils must have regard to a relevant Future Development Strategy when preparing or changing RMA planning documents. The Future Development Strategy is also used to inform long term plans, infrastructure strategies and other relevant strategies and plans.

The criteria apply to private plan change requests, submissions on plan changes and submissions on plan reviews seeking additional greenfield or brownfield urban development. Plan changes and plan reviews initiated by local authorities do not fall within this policy, as they are anticipated.

It is not intended that all criteria must be fully achieved, rather, an assessment is required of the extent to which each of the criteria are achieved. A proposal may add significantly to development capacity even where certain criteria are not fully achieved.

Where urban development ~~satisfies~~ achieves the criteria, to the appropriate extent, local authorities must respond by removing unnecessary constraints and focusing resources and attention to expedite decision making processes.

These criteria do not negate the requirement for urban development to give effect to the RPS as a whole, including all other relevant objectives and policies, satisfying other criteria, and implementing relevant methods.

Policies UG 6A, 9B, 10B and 11B and Method 18 are particularly relevant to ensure proposals are designed so that infrastructure, including multi-modal transport and three-waters infrastructure, provides for longer-term development

Climate change and natural hazards can have significant impacts on the region's urban growth aspirations and on people, property and infrastructure. Prior to 'live zoning' land for structure planning and development

purposes, consideration is to be given to whether a site is significantly constrained by the effects of climate change or natural hazards.

For avoidance of doubt, meeting the criteria in Policy UG 7A does not negate the requirement to prepare a risk assessment (Policy NH 9B) and achieve a low level of risk as required by Policy NH 4B on the development site without increasing risk outside of the development site. Further consideration of hazards and infrastructure related matters are set out in RPS Policies IR 5B, UG 10B and UG 11B.

Any structure plan must address the matters in Method 18.

*Table reference: **Objective 23 and 25**, Methods 1, 3 and 18*

Policy UG 7Ax: Enable increased-density urban development – urban environments

Provide for and enable increased-density urban development in urban environments that:

- (a) Contributes to a well-functioning urban environment,
- (b) Encourages increased density in areas of identified demand, and
- (c) Is adequately served by existing or planned development infrastructure and public transport.

Explanation

Increasing density of urban development has a number of benefits, including:

- 1 Increased transport choice and viability of public transport
- 2 Reduced environmental impacts from reduced need for urban expansion
- 3 Reduced per unit infrastructure costs
- 4 More walkable neighbourhoods, supporting active transport modes
- 5 Reductions in greenhouse gas emissions
- 6 Greater housing choice and therefore affordability.

Increased density refers to development that is higher density than the existing urban form. Increased density development may not be appropriate in some areas and is relative to different urban environments. City and district plans should enable greater building heights and density where there is high housing and business use and demand.

The intention of this policy is to encourage increased density, and compact urban form, but not to set density targets for areas or locations. Density targets and provisions are best set in district or city plans relative to local opportunities and constraints (including infrastructure and transport systems).

This policy does not negate the requirement for increased density urban development to give effect to other relevant provisions in this policy statement and in particular Policy UG 8B Implementing high quality urban design and live-work-play principles set out in Appendix B. Urban development will also be directed by Future Development Strategies, which must achieve well-functioning urban environments in existing and future urban areas. Territorial authorities may develop spatial plans to assist achieving high quality urban design and outcomes.

*Table reference: **Objective 23 and 25**, Methods 1, 3 and 18*

Policy UG 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 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 well-functioning urban environments are achieved, along with high quality urban design.

<p>Table reference: Objective 23, <i>Methods 3, 4, 17, 18 and 58</i></p>

Policy UG 9B: Co-ordinating new urban development with infrastructure

Ensure there is co-ordination between:

- (a) The urban form and layout, location, timing and sequencing of new urban development; and
- (b) The development, funding, implementation and operation of transport and other infrastructure serving the area in question,

so that all infrastructure required to serve new development is available, or is consented, designated or programmed to be available prior to development occurring.

Explanation

The policy gives effect to the statutory requirement of regional councils under section 30(1)(gb) of the Act to provide for the strategic integration of land use and infrastructure.

Territorial authorities and most network utility operators plan and budget the provision of services many years in advance of their delivery. When constructed, these works (roads, sewers, water supply, stormwater systems, reserves and other community facilities) need to be used in order to recoup the costs of their provision. Therefore, it is important that before new urban development within or outside of existing or future urban areas is proposed, there is certainty that the infrastructure necessary to service such development will actually be available when required. The efficient and effective operation of regionally significant network utility services that traverse areas of urban growth, but that do not necessarily serve them directly must also be considered. Where appropriate, local authorities should also encourage the co-ordination and co-location of works between network utility operators to minimise environmental and amenity impacts and community concern and disruption.

Any urban growth and development must recognise the impact of growth on existing infrastructure and provide an equitable funding mechanism for the costs of that infrastructure. Other contributions (e.g., recognising the costs and benefits of public transport) towards achieving environmental sustainability in new developments can be estimated and funding sources determined at the national, regional, city and district levels as part of 10-yearly, three yearly and annual budgeting cycles.

Table reference: **Objective 23**, Methods 3, 4, 18, 19, 50 and 51

Policy UG 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,
- (b) Existing or committed public and private sector investments in urban land development and infrastructure,
- (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 UG 10B is on broad investment and infrastructure considerations, acknowledging there are other matters to consider when rezoning and developing urban land. 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: **Objective 23**, Methods 3 and 18

Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure

Manage the design and location of subdivision, use, and development to address potential adverse effects on the operation and upgrading of existing, consented, designated or programmed infrastructure.

Explanation

The planning and co-ordination of urban development and infrastructure needs to be carefully managed to ensure that potential adverse effects, including reverse sensitivity effects, and effects generated by demand as well as by physical development, are appropriately avoided, remedied or mitigated.

Table reference: **Objective 23**, Methods 3, 18 and 19

Policy UG 12B: Providing quality open spaces

Provide for open space across the region as a primary consideration in growth management, including urban form and design, to ensure people and communities have access to a variety of quality open space experiences to the extent practicable, having regard to the following factors:

- (a) Open spaces are managed in an integrated and co-ordinated manner to enable improvements to existing open space networks,

- (b) People in urban areas, particularly those with disabilities and reduced mobility, have equitable access to safe open spaces for amenity, sport and recreation close to where they live and work,
- (c) Areas of growth and intensification provide for usable open space for a range of purposes,
- (d) Alternative walking and cycling routes are provided that enable avoidance of safety hazards on high speed congested road corridors,
- (e) Open spaces are linked, including to extend the open space network and to improve proximity and access to natural habitats,
- (f) Over time access to and along the coastal edge and the margins of lakes and rivers is enhanced through connecting and acquiring public reserves and open spaces, and
- (g) Open space areas are accessible to a range of transport modes.

Explanation

It is important that open spaces are planned and provided for people of all ages with different physical and recreational needs. Open spaces can include larger conservation areas and coastal reserves, as well as neighbourhood and regional parks. Accessibility should be a key consideration in growth management, including high quality urban design. To ensure all members of the community can enjoy equal use of open spaces, access should not be reliant on cars and be able to be used by people with disabilities and limited mobility.

Table reference: Objective 23 , Methods 3 and 67

Policy UG 13B: Promoting the integration of land use and transportation

In promoting the integration of land-use and transport activities, regard should be given to:

- (a) Land use and transport planning being closely linked,
- (b) The land transport system providing opportunities and integrated links for both public and private transportation modes,
- (c) Proximity to existing and/or planned commercial centres, places of employment, community services and areas of high amenity are considered in transport planning to support higher density development,
- (d) Travel demand management is considered in planning, design and transport investment decisions,
- (e) The benefits of increased-density urban intensification,
- (f) Existing and future transport corridors being defined and protected, ~~and~~
- (g) Integrated transport packages for funding are developed, and
- (h) The interface between land use and transportation activities, including potential reverse sensitivity effects on transport corridors.

Explanation

Land use and transport systems need to be planned in an integrated manner and support intensification of greenfield and brownfield land. Transport is a key enabler of higher density urban intensification if planned in relation to other enablers like the location of existing commercial centres, employment areas and areas of high amenity, and community services. Growth management and land use patterns need to support reduced reliance on private motor vehicles and increased accessibility and use of passenger transport, walking and cycling. This can be achieved by planning and providing compact and sustainable urban forms and improving the public transport system.

In high-growth areas and areas of acute housing need, local authorities should enable increased density urban intensification in locations with good access to infrastructure, employment, services and amenities- within a network of existing and/or planned commercial centres, places of employment, community services and areas of high amenity.

In this policy planned commercial centres, places of employment, community services and areas of high amenity means those that have been approved by the local authority through a plan change, plan review or spatial plan but may not be physically constructed, either in part or in full.

Defining and protecting existing and future transport corridors in plans will assist promoting their safe and efficient operation.

Table reference: **Objective 24, Methods 3 and 18**

Policy UG 14B: Restricting urban activities outside urban environments

Restrict the growth of urban activities located outside urban environments unless it can be demonstrated that sound resource management principles are achieved, including:

- (a) The efficient development and use of the finite land resource, and
- (b) Providing for the efficient, planned and co-ordinated use and development of infrastructure.

Explanation

While areas outside urban environments have not been and are unlikely to face the same growth pressures, some urban growth pressures can be expected. Outside of urban environments and urban growth that forms part of an urban environment, new urban areas (or urban zoning) is not desirable as it can create a sporadic settlement pattern and result in an inefficient use of natural and physical resources.

There are however, some limited circumstances where such proposals could be acceptable such as extensions to existing towns that have reticulated water and wastewater services. Therefore, the same overarching growth principles of the National Policy Statement on Urban Development (2020) should apply in other areas to ensure proposals result in an efficient use of land and resources. For the avoidance of doubt, this policy does not enable development in villages and settlements that do not have reticulated water and wastewater services.

There may be other provisions in this Regional Policy Statement to consider in proposals to urbanise land which may mean a particular location is unsuitable. These include, but are not limited to, topographical constraints, natural hazards, ~~and~~ natural freshwater features, and the potential for reverse sensitivity effects.

Table reference: **Objectives 23, 25 and 26, Methods 1, 3 and 18**

Policy UG 18B: Managing rural development and protecting versatile land

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 areas unless it is for regionally significant infrastructure which has a functional, technical or locational need to be located there, or it is urban development that has satisfied the criteria in Policy UG 7A.

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 26**, Methods 1, 3, 18, 52 and 67*

Policy UG 19B: Providing for rural lifestyle activities

Require that the productive potential of versatile land is not compromised when providing for rural lifestyle activities outside existing and planned urban areas.

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 meet the nutrient management rules.

Explanation

Many people across the region (particularly in the western Bay of Plenty sub-region) have chosen to live in rural areas for lifestyle reasons, rather than farming, and this has resulted in fragmentation of productive land through subdivision. In other parts of the region, this pressure may not have been realised as yet and therefore forward planning will prevent these cumulative effects on rural land and versatile land.

It is important to protect the natural productivity of land. Soils and their life-supporting capacity are finite resources, 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 its rural land and soils.

*Table reference: **Objective 26**, Methods 3, 52 and 67*

Policy UG 20B: Managing reverse sensitivity effects on rural production activities and infrastructure in rural areas

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

- (a) Rural production activities, and
- (b) The operation of infrastructure

located beyond existing and planned urban areas.

Explanation

Rural production activities are defined in Appendix A.

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 26, Methods 3 and 67

Policy UG 21B: Provision for utilisation of mineral resources

Protect:

- (a) Existing mineral extraction sites and access routes to these sites from reverse sensitivity effects arising from incompatible activities; and
- (b) Access to undeveloped areas of known high value mineral resources, including aggregate, and the present and future availability of mineral extraction from them that may arise from incompatible activities.

Explanation

The Bay of Plenty region contains mineral resources essential for the region's continued economic growth and development. Incompatible activities establishing over or in close proximity to areas of known high value mineral resources and the access routes to them can adversely impact on their future accessibility and use. Examples of such activities include urban expansion and sporadic residential development in rural areas.

Table reference: Objectives 25 and 26, Methods 1, 3, 52 and 67

Policy UG 22B: Te Tiriti o Waitangi Principles

Ensure planning decisions provide for te Tiriti o Waitangi principles by:

- (a) Enabling Māori to develop their land, including but not limited to papakāinga housing, community and social housing, marae and community facilities;
- (b) Providing for tikanga Māori and opportunities for Māori involvement in Council's decision-making processes, including the preparation of RMA planning documents and Future Development Strategies, and in appropriate circumstances decision making on resource consents, designations and heritage orders;
- (c) Enabling early and ongoing engagement with iwi, hapū and affected Māori land trusts;
- (d) Identifying and protecting culturally significant areas and view shafts
- (e) Protecting marae and papakāinga from adverse effects of new or expanded subdivision, use or development that constrain their continued use and
- (f) Demonstrating how Māori values and aspirations identified during consultation in (c) have been recognised and provided for.

Explanation

Objective 5 and Policy 9 of the National Policy Statement on Urban Development 2020 seeks to ensure planning decisions relating to urban environments take into account te Tiriti o Waitangi principles and Treaty settlement outcomes. This policy extends those principles to all Māori development. Local authorities must consider iwi and hapū values and aspirations for urban development and provide opportunities for hapū and iwi involvement in decision making.

Policy UG 7A applies to Māori development where it relates to urban environments and is unanticipated or out of sequence but does not apply to papakāinga housing, community and social housing, marae and community facilities.

The difficulties involved in developing multiple owned Māori land remains a real and significant barrier for many whānau. Loan criteria from lending institutions are stricter than for lending against general title land. Governance structures for Māori land blocks vary and can be difficult to contact and administer. Obtaining formal occupation rights is often time consuming and can generate tension amongst whānau, particularly in relation to those with competing interests.

Local authorities have a role in giving effect to the Crown's Tiriti o Waitangi obligations. Commonly recognised Tiriti o Waitangi principles include but are not limited to partnership, active protection, mutual benefit and rangatiratanga.

Local authorities must also meet their obligations to Māori under other legislation including Te Ture Whenua Māori Act 1993, the Local Government Act 2002, and relevant Treaty settlement legislation.

Opportunities for ensuring tikanga Māori and Māori involvement in decision making processes should be afforded particularly when there are issues or sites of significance to Māori affected. This may involve appointing independent hearing commissioners with Māori cultural expertise or observing kawa (traditional customs) of tangata whenua in a particular area. It could involve holding hearings on marae in proximity to the area of a proposal.

Māori housing and associated activities around marae have been in existence for many decades. Provision is made for accommodating growth through papakāinga development on ancestral land both within and outside of existing and planned urban areas. The utilisation of multiple owned Māori land for housing is the most affordable option for many whānau.

The continuation and expansion of papakāinga and other marae-based activities, subject to relevant statutory processes, gives effect to the requirements of sections 6(e), 7(a) and 8 of the Act and also recognises the statutory provisions in the Te Ture Whenua Māori Act 1993. This policy provides tangata whenua with the potential to meet their housing and economic development requirements.

This policy also seeks to protect marae and papakainga from adverse effects of new or expanded subdivision, use or development that could constrain or inhibit cultural activities expected on a marae. Industrial development undertaken around marae that have existed for decades have compromised culturally significant viewshafts and the enjoyment of normal cultural activities. This policy seeks to avoid these outcomes from occurring in future, or from being exacerbated.

*Table reference: **Objective 25**, Methods 1,2, 3 and 18*

Policy UG 23B: 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 26**, Methods 3 and 20*

Policy UG 24B: Managing reverse sensitivity effects on existing rural production activities in urban areas

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

Explanation

Some existing rural production activities are located within existing and planned urban areas. These activities may be impacted by urban expansion and change that may result in reverse sensitivity effects on them.

Table reference: **Objective 26, Methods 3 and 20**

Policy UG 25B: Housing bottom lines – Rotorua and western Bay of Plenty sub-region

Provide housing bottom lines for the short-medium term and long term in Rotorua and the western Bay of Plenty sub-region as set out in the table below:

Geographical Area	Housing bottom line		
	Short-medium term 2022-2032	Long-term 2032-2052	30 Year Total 2022-2052 additional
Tauranga City	13,800	20,090	33,890
Western Bay of Plenty District	5,530	3,570	9,100
Total for western Bay sub-region	19,330	23,660	42,990
Rotorua	6,240	3,500	9,740

Explanation

The National Policy Statement on Urban Development 2020 (NPS-UD) requires short-medium term and long term housing bottom lines to be set for Rotorua and the western Bay of Plenty sub-region urban environments.

The term 'housing bottom lines' means the development capacity that is sufficient to meet expected housing demand plus the appropriate competitiveness margin. The competitiveness margins for both housing and business land are 20% for the short and medium terms and 15% for the long term. The short-medium term means the next 10 years, and the long term means between 10 and 30 years.

These housing bottom lines represent the development that Rotorua Lakes Council, Tauranga City Council and Western Bay of Plenty District Council shall enable through their district plans, structure plans, growth and infrastructure strategies.

Housing bottom lines are the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with a competitiveness margin.

Housing bottom lines should be identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.

Table reference: **Objective 25, Methods 1 and 3**

3.2 Methods to implement policies

This section contains the methods for implementing the policies set out in section 3.1. It is divided into two main groups of methods: directive methods and guiding methods to implement the policies.

Under each method the key organisations who will implement the methods are identified. An asterisk * indicates the lead authority responsible for implementation, if this is designated. The delivery and timing of methods is subject to long-term council community planning and annual plan schedules.

Within section 3.2 the methods are presented in numeric order, although in the summary table below, methods are listed under key topics.

Table 13 *Methods to implement policies.*

3.2.1: Directive methods	
Method 1: District plan implementation	
Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	
Method 4: Bay of Plenty Regional Land Transport Plan implementation	
Method 13: Develop a roading hierarchy	
Method 17: Identify and manage potential effects on infrastructure corridors	
Method 18: Structure plans for land use changes	
Method 19: Provision of infrastructure outside of structure plan areas	
Method 20: Plan provisions enabling efficient operation and growth of rural production activities	
3.2.1: Directive methods	
Method 67: Support rural structure plans	

