

# **WESTERN BAY OF PLENTY DISTRICT PLAN REVIEW**

## **FUTURE URBAN PROVISIONS**

### **ISSUES & OPTIONS PAPER**

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#### **1. PURPOSE**

To recommend provisions for inclusion in the forthcoming review of the Western Bay of Plenty District Plan which are considered appropriate to apply to land identified in the Bay of Plenty Regional Policy Statement for future urban development but which is not yet required for that purpose.

#### **2. BACKGROUND**

- 2.1 SmartGrowth is a 50 year growth strategy for the western Bay of Plenty sub-region adopted by Tauranga City, Western Bay of Plenty District and Environment BOP in May 2004. Proposed Change 2 to the Bay of Plenty Regional Policy Statement (RPS) is intended to provide a sub-regional strategic planning framework for the implementation of the SmartGrowth strategy. Change 2 includes objectives, policies and methods relating to growth management, including the setting of geographical urban limits within which development may occur up to 2051. Under this strategy specific areas for urban growth have been identified in the Western Bay of Plenty District covering two time periods – up to 2021 and from 2021 to 2051. It is intended that no urban development occurs outside of the identified growth areas.
- 2.2 The operative Western Bay of Plenty District Plan (the District Plan) has an existing Future Urban section, including a Future Urban Zone which applies to some of the land within the Stage 2 structure plan area at Omokoroa. Through the current District Plan review process, there may be merit in retaining or adapting the existing Future Urban provisions so as to apply to other land within the Western Bay of Plenty District which has been identified in the RPS as being required for future urbanisation.
- 2.3 Some of the areas identified in the RPS (in particular those earmarked for development up to 2021) are already subject to District Plan structure plan provisions which provide for immediate or staged urbanisation. The most recent of these is the Omokoroa structure plan, introduced through District Plan Changes 68 and 69. In addition, other smaller areas of land at Waihi Beach, Athenree, Katikati and Te Puke are subject to existing or proposed structure plans which provide a framework for urban development.
- 2.4 Areas within the District adjoining Tauranga City at Tauriko and Pyes Pa West are also subject to existing structure plans. These areas are currently proposed to be incorporated into the Tauranga City area through a territorial local authority boundary change under the Local Government Act 2002. Other rural areas adjoining

Tauranga City at Pukemapu, Neewood, Upper Ohauti, Welcome Bay South and Kaitemako remain within the Western Bay of Plenty District.

### 3. CURRENT ZONINGS OF RPS IDENTIFIED GROWTH AREAS

- 3.1 The following table sets out the areas of land within various parts of the District which have been identified under the RPS for future urbanisation. The potential for subdivision under existing District Plan rules is also noted.

LOCATION	PRE 2021	POST 2021	SUBDIVISION POTENTIAL
Waihi Beach	All bar two small areas off Emerton Road already zoned for urban purposes.	All currently zoned either Rural G (Waihi Beach) or Rural H (Athenree).	Nine parcels potentially subdividable under existing District Plan rural subdivision rules.
Katikati	All currently zoned for urban purposes.	All currently zoned Rural H or Rural G with the exception of a small area south of Marshall Road which is zoned Industrial.	Eight parcels potentially subdividable under existing rural subdivision rules.
Omokoroa	All subject to structure plan.	All subject to structure plan, including some zoned Future Urban.	Five parcels potentially subdividable under existing Future Urban Zone rules.
Pyes Pa & Tauriko	N/A – currently in process of being incorporated into Tauranga City.	N/A – currently in process of being incorporated into Tauranga City.	N/A
Upper Welcome Bay	N/A	All Rural G	Ten parcels potentially subdividable.
Te Puke	Residential (proposed Change 25), Rural G (Boucher Avenue / Dudley Vercoe Drive).	Rural G (No. 1 Road / Boucher Ave), Future Industrial (Te Puke Quarry Road / No. 3 Road).	Nine parcels potentially subdividable.

- 3.2 With respect to land not yet zoned for urban development, the only significant pre 2021 area is at Te Puke, comprising approximately 50ha of existing orchard land of which three parcels are potentially subdividable under existing District Plan rules. For currently rural zoned land identified for future urbanisation post 2021, the most potential for subdivision exists in the upper Welcome Bay area adjoining the boundary with Tauranga City. In addition, there are a number of rural zoned land parcels in other areas which are also potentially subdividable.

## **4. RESOURCE MANAGEMENT ISSUES**

### **4.1 Overview**

The principal issue relates to the need to ensure that the efficient urban development of land within identified urban growth areas is not compromised prior to the land concerned being given an active urban zoning. The main factor which has the potential to hinder efficient future development for urban purposes is land fragmentation through subdivision. Other factors include the establishment of capital intensive land uses either of a rural nature (eg factory farming) or an urban nature (eg churches, schools, accommodation facilities).

### **4.2 Land fragmentation**

Fragmented land ownership and associated intensified land development resulting from the subdivision of rural land identified for future urbanisation has the potential to impede urban development by compromising the effective and efficient location of roads, infrastructure and other supporting urban services. Fragmented land ownership can also hinder the orderly sequencing of development and the equitable sharing of servicing costs.

### **4.3 Capital intensive uses**

The existence of rural uses such as poultry farms and piggeries may lead to “reverse sensitivity” effects being created as surrounding land uses intensify. These effects can also occur in respect of established quasi urban uses such as churches and accommodation facilities. The large buildings involved with capital intensive uses of this nature may also hinder the efficient future urbanisation of the land.

### **4.4 Loss of landscape, ecological, amenity and other values**

Without specific rules requiring their protection, environmental features within rural areas which are of potential benefit to future urban residents may be lost. While there are provisions within the existing District Plan which identify and provide for the protection of significant landscape, ecological and other features, other such features which have not yet been formally identified or protected may also exist in rural areas earmarked for future urbanisation.

#### 4.5 Formal identification of future urban land in the District Plan

Early identification of land required for future urban purposes provides certainty to the development community thereby limiting increases in urban land values as the supply of existing zoned land diminishes. However, such identification can also lead to increased pressure to develop the land ahead of time. Such pressure can be in the form of applications for non-complying subdivisions or land uses. Early identification can also have a “blighting” effect whereby existing owners become reluctant to continue to invest in productive rural use of the land.

The identification of future urban land in the RPS may negate the need for similar identification in the District Plan, at least until a comprehensive structure plan providing a framework for urbanisation of the land has been completed.

### 5. OPTIONS

The following are the principal options in respect of the treatment of identified future urban land through the District Plan:

#### **Do nothing**

Under this option, the land would not be treated any differently to rural land which has not been identified for future urban use. Reliance would be placed on the usual District Plan objectives, policies and rules applying to rural land to prevent the efficient future urbanisation of the land from being compromised.

#### **Strengthen objectives and policies**

Through this option specific objectives and policies would be introduced relating to the need to prevent the ad hoc, premature or inappropriate subdivision or development of identified future urban land.

#### **Specific rules**

This option would involve formally identifying future urban areas in the District Plan by way of a separate zone (akin to the existing Future Urban zone) or an overlay policy area in the Rural zone. Specific rules aimed at preventing premature or inappropriate development would apply within the zone or policy area.

#### **Transitional zone**

Under this option rural residential or “lifestyle” development comprising small rural lots or large residential lots would be able to occur as a transition between existing rural and future urban development.

#### **Urban zone**

Under this option, the land would be given an “active” urban zoning, with reliance placed on District Plan rules to ensure that the appropriate sequencing and servicing of development occurs.

The table on the following pages compares the foregoing options:

OPTION	ADVANTAGES	DISADVANTAGES	RANKING
Do nothing (no specific provisions relating to rural land which may be required for future urban development – reliance placed on usual District Plan provisions applying to rural land)	<ul style="list-style-type: none"> <li>• Simple;</li> <li>• Provides continuity of rural provisions;</li> <li>• Low key – limits landowner or potential developer expectations;</li> <li>• Less pressure for premature or inappropriate development;</li> <li>• Some control over land fragmentation (depending on rural subdivision rules);</li> <li>• Limits blighting effect.</li> </ul>	<ul style="list-style-type: none"> <li>• Some land fragmentation may occur through complying controlled activity subdivisions (depending on rules);</li> <li>• Likelihood of pressure for premature or inappropriate development through discretionary or non-complying subdivision or land use applications;</li> <li>• Lack of specific District Plan policy rationale may result in capital intensive (and potentially incompatible) rural land uses becoming established;</li> <li>• Doesn't provide market signal re availability of future urban land (although RPS already does this).</li> </ul>	Third
Specific objectives and policies re future urbanisation	<ul style="list-style-type: none"> <li>• Relatively simple;</li> <li>• Continuity of rural rules;</li> <li>• Low key – limits</li> </ul>	<ul style="list-style-type: none"> <li>• Some fragmentation may occur through complying</li> </ul>	First

	<p>expectations;</p> <ul style="list-style-type: none"> <li>• Less pressure for premature or inappropriate development;</li> <li>• Some control over land fragmentation (depending on rural subdivision rules);</li> <li>• Limits blighting effect;</li> <li>• Strong policy justification for resisting discretionary or non-complying subdivisions and land uses in inappropriate locations.</li> </ul>	<p>controlled activity subdivisions (depending on rules);</p> <ul style="list-style-type: none"> <li>• Some pressure for premature or inappropriate development through non-complying subdivision or land use applications;</li> <li>• Some potential for capital intensive (and potentially incompatible) rural land uses to establish although the activity status for these is likely to be at least discretionary;</li> <li>• Doesn't provide market signal re availability of future urban land (but RPS already does this)</li> </ul>	
Specific future urban zone or rural zone policy area overlay	<ul style="list-style-type: none"> <li>• Clearly identifies land as being required for future urban development;</li> <li>• Strong market signal;</li> <li>• Strong interim control;</li> <li>• Minimises land fragmentation and establishment of potentially incompatible</li> </ul>	<ul style="list-style-type: none"> <li>• Limits interim rural use options;</li> <li>• Potential for blighting effect to occur;</li> <li>• Clear identification may increase pressure for premature development.</li> </ul>	Second

	land uses.		
Transitional “large lot” zoning	<ul style="list-style-type: none"> <li>• Provides for some intensification to occur;</li> <li>• Land parcels remain reasonably large (depending on rules);</li> <li>• May meet market “need”;</li> <li>• Provides windfall financial benefit to existing land owners.</li> </ul>	<ul style="list-style-type: none"> <li>• Land fragmentation and associated establishment of capital intensive land uses likely to seriously compromise efficient future development for “full” urbanisation.</li> </ul>	Fifth (last)
Immediate urban zoning	<ul style="list-style-type: none"> <li>• Clearly identifies land for urban development;</li> <li>• Promotes efficient development of land resource;</li> <li>• Provides market certainty;</li> <li>• Allows market to determine timing of development (depending on rules).</li> </ul>	<ul style="list-style-type: none"> <li>• Requires resources to be prematurely put in to structure planning exercise;</li> <li>• May result in inefficient development through “leap-frogging”;</li> <li>• May result in inefficient use of existing infrastructure.</li> </ul>	Fourth

## 6. CONCLUSIONS AND PREFERRED OPTION

**6.1** A rural-residential or “lifestyle” type of zoning is not considered an appropriate interim planning approach to the management of future urban land due to the inefficiency of conversion to urban development caused by fragmented land tenure and the likely proliferation of buildings with high capital value (eg large houses).

**6.2** Zoning for immediate urban development should not occur until the completion of appropriate comprehensive structure planning exercises. Undertaking such work ahead of actual demand or need for urbanisation is not an efficient use of resources and the resulting structure plans may become obsolete before the time of their implementation.

- 6.3** While the simplicity of having no specific District Plan provisions relating to future urban land is attractive, such an approach is considered to place too much reliance on general objectives, policies and rules to prevent inappropriate development occurring, in particular through resource consents for non-complying subdivisions and land uses. It is considered that a lack of specific District Plan objectives and policies relating to identified future urban areas may well result in such inappropriate development occurring.
- 6.4** A specific future urban zone provides certainty to the market and provides a clear District Plan policy framework for resisting inappropriate development. However, such specific identification may itself lead to increased pressure for premature urban development.
- 6.5** Provided the usual subdivision and land use rules applying to rural land are suitably robust, it is considered that the inclusion of specific objectives and policies relating to areas identified in the RPS for future urban development should provide an appropriate District Plan framework for the control and management of such areas, including the assessment of resource consent applications for non-complying subdivisions and land uses. With respect to the existing District Plan rural subdivision rules, it is evident that only limited potential exists for land fragmentation within areas currently identified in the RPS as being required for future urban development. Provided the rules in the reviewed District Plan create similarly limited potential for the premature fragmentation of future urban land, no direct intervention by way of rules should be necessary. Similarly, under existing District Plan rules the activity status of capital intensive rural uses such as factory farming is at least discretionary. In conjunction with a specific policy rationale this provides a robust District Plan framework for ensuring that inappropriate development does not occur. Including such a strong policy framework in the District Plan would be relatively straightforward whilst providing clarity, certainty, continuity and flexibility for rural land users. Suggested objectives and policies for inclusion in the reviewed District Plan are set out in the attached Appendix.



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**1 September 2008**

## **APPENDIX**

### **SAMPLE DISTRICT PLAN OBJECTIVES AND POLICIES RELATING TO FUTURE URBAN LAND**

#### **INTERIM MANAGEMENT**

##### **Objective**

To manage rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban development in a manner which:

- (a) Retains its potential to be used for a range of productive rural purposes;
- (b) Preserves all options relating to its efficient development for future urban purposes.

##### **Policy**

Fragmentation of land titles through subdivision and the establishment of capital intensive rural or quasi urban land uses which may constrain or compromise future urban development options shall be avoided.

#### **TRANSITION TO URBAN USE**

##### **Objective**

To ensure the sustainable use of natural and physical resources as urbanisation occurs.

##### **Policies**

- (a) The release of land for urban development will be staged in a manner which ensures the continued availability of rural land for productive rural purposes and the retention of rural character until urban development occurs.
- (b) Land will not be released for urban development until a comprehensive structure plan which provides a framework for such development in a manner consistent with the provisions of chapter 17A of the Bay of Plenty Regional Policy Statement has been incorporated into the District Plan.