



2. ISSUES OVERVIEW

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2.1 The Context of the Plan

The Plan is made under the provisions of the *RMA*, and is subsidiary to that legislation. *The Plan* exists in a hierarchy of planning documents under the *RMA* that have an influence on the use of resources. While *the Plan* deals with the activities of *subdivision*, use and development, there are also other layers of authority, principally administered by the Bay of Plenty Regional Council, that govern the use of resources in *the City*.

The Plan is required by the *RMA* to fit within this 'hierarchy' of planning documents, many of which have an influence on either content of *the Plan*, or directly on the *subdivision*, use and development of land. The context of *the Plan* under the *RMA* is described in Figure 2A.

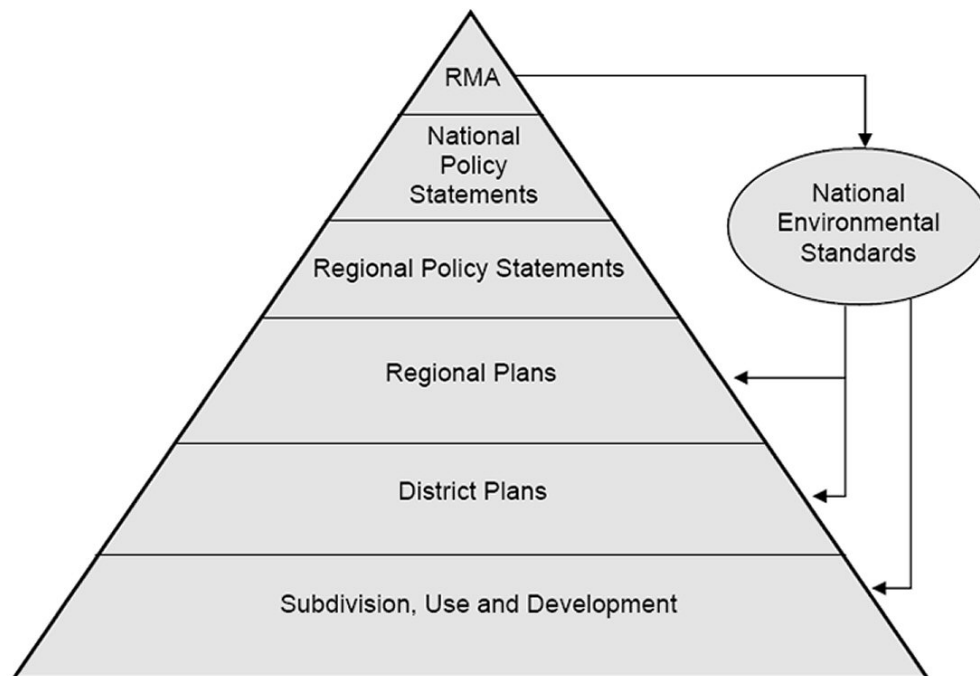


Figure 2A: Context of the Plan under the RMA

The documents noted above have an influence on the control of *subdivision*, use and development of land.

The Resource Management Act:

Sets out the functions of the Council in controlling *subdivision*, use and development of land (and so the requirements for *the Plan*), the roles of other authorities, and the considerations that must be given to other documents by the *Council*.

National Environmental Standards:

The RMA provides for the Minister for the Environment to prepare National Environmental Standards (NES). These NES are relevant to *subdivision*, use and development as they have the force of a regulation and effectively override any parts of *the Plan* that may be inconsistent with the NES. These NES can set out exemptions to obtaining a resource consent for an activity, and the rules with which an activity must comply.

National Policy Statements:

As with an NES, the Minister for the Environment may also prepare National Policy Statements (NPS). The role of an NPS is to provide guidance for decision-making and the development of *the Plan* under the RMA. *The Plan* must give effect to any NPS.

New Zealand Coastal Policy Statement:

The Minister for Conservation is required by the RMA to prepare a New Zealand Coastal Policy Statement (NZCPS). The NZCPS sets the direction for coastal management, including the '*coastal environment*' within the area of *the City* and *the Plan*, and has the influence described for an NPS.

Bay of Plenty Regional Policy Statement:

The RMA requires the Bay of Plenty Regional Council to prepare a Regional Policy Statement (RPS). The RPS provides an overview of regionally significant resource management issues, and sets a broad strategic direction. *The Plan* must give effect to relevant provisions of the RPS.

Bay of Plenty Regional Plans:

The RMA enables the Bay of Plenty Regional Council to prepare Regional Plans to meet the function of that authority under the RMA. These Regional Plans may require resource consents for particular activities. In addition, this *Plan* cannot be inconsistent with those Regional Plans.

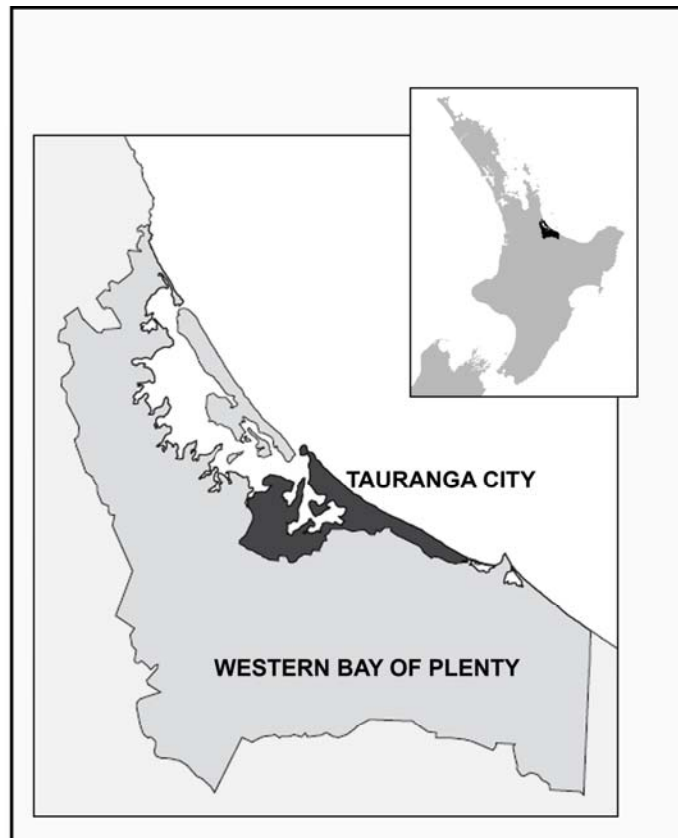
Iwi Management Plans:

These are planning documents recognised by an Iwi Authority. Due regard must be given to these plans when preparing this *Plan*.

2.2 Other Relevant Legislation and Cross-Boundary Issues

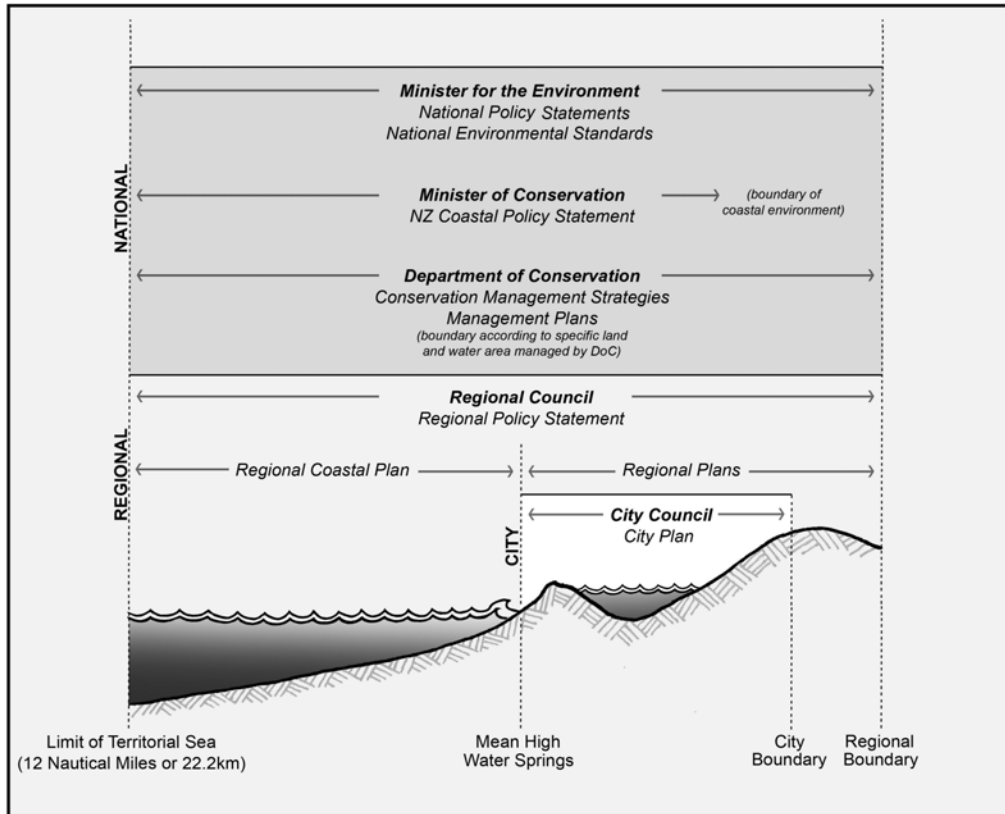
The City shares a land border with Western Bay of Plenty District Council, and a sea border with the Bay of Plenty Regional Council at mean high water springs. The Regional Council also has jurisdiction over the use of resources within *the City* through its functions under the *RMA*, exercised through the Regional Plans. These areas of jurisdiction are identified in Figure 2B.

Figure 2B: The City and Surrounds



The relationship of the framework for resource management under the *RMA* to *the City* and surrounds is described in Figure 2C.

Figure 2C: Resource Management Responsibilities & Areas of Application



Many of the issues relevant to the *Council's* responsibility under the *RMA* and the purpose of *the Plan* require a co-ordinated approach between the *Council* and those other authorities with which the *Council* shares a boundary. These 'cross-boundary issues' include managing the effects of activities that transcend the boundaries, as well as ensuring a consistent approach in the policies that manage these effects. These issues range from site-specific resource management issues, to broad strategic considerations centred around managing the qualities of *the City* and surrounds, and ensuring these qualities are protected, as far as possible for existing and future generations.

The *Council*, together with Western Bay of Plenty District Council and Bay of Plenty Regional Council, have adopted a 50-year growth management strategy, known as SmartGrowth. This consists of a partnership, collaboration and co-ordination between these authorities, tangata whenua and community groups to manage the future growth of the sub-region.

SmartGrowth provides an overarching framework, the principles of which are distilled into policies and plans of these authorities, including being embodied within this Plan. *The Plan* also implements the direction of the Regional Policy Statement, which reflects this co-ordinated approach and overarching strategic direction.

At the boundaries of *the City* the *Plan* reflects, where possible, a consistent or complimentary approach to the management of the effects of resource use, with those of Bay of Plenty Regional Council and Western Bay of Plenty District Council. Through both the strategic co-ordination and specific response to resource management issues in a manner consistent these authorities, *the Plan* provides an essential part of the framework in ensuring that *the City* and sub-region are desirable places to live, work and play.

The Acts, regulations, policies and plans that have an influence on *subdivision*, use and development within *the City*, and the nature of their influence, is described below.

2.2.1 Integrated Planning – The Plan and the Local Government Act

The Local Government Act (2002) is the guiding legislation for the operation of the *Council*. The Local Government Act is aligned with the *RMA*, including a guiding principle of sustainability in providing for the ‘wellbeing’ of communities. *The Plan* has outcomes relevant to the wellbeing of the community, and the processes of the *RMA* and Local Government Act are inter-related to meet the purpose of both. The integrated planning of *the City* requires consideration of the joint role of initiatives under the Local Government Act and the control of *subdivision*, use and development under this Plan.

The consultative procedures of the Local Government Act have been relevant in making this Plan, however in practical terms it is in the areas of funding *infrastructure*, expenditure on projects for community wellbeing, and monitoring outcomes that the relationship between the Local Government Act and *RMA* is most relevant.

The Local Government Act requires the *Council* to produce a policy on the funding of *infrastructure* and the taking of ‘development contributions’. While the *Council* relies principally on the development contributions system, *the Plan* also sets out *financial contributions* for certain situations not covered by development contributions. The development contributions policy provides for the review of *financial contributions* under *the Plan* and the two systems are designed to be complimentary.

It is intended that a comprehensive and integrated monitoring strategy will be developed which addresses both Local Government Act requirements, and meets the *Council’s* obligations under section 35 of the *RMA*.

2.2.2 Bay of Plenty Regional Council

The functions of the Bay of Plenty Regional Council are set out in section 30 of the *RMA* to include:

- a) Establishing an approach for the integrated management of resources
- b) Controlling the use of land for the purposes of soil conservation, water quality and quantity, and the avoidance or mitigation of natural hazards
- c) Control of the Coastal Marine Area (in conjunction with the Conservation Minister)
- d) Control of the use of water
- e) Control of the discharge of contaminants
- f) Control of the use of the beds of rivers and lakes.

In addition, the *Council* has previously delegated to the Bay of Plenty Regional Council the

control of the use of the surface of rivers and lakes.

The Bay of Plenty Regional Policy Statement sets a strategic direction that has been given effect in *the Plan*, including setting direction for the identification of significant natural areas, heritage, and the approach to managing growth in *the City*.

The Bay of Plenty Regional Council has also prepared and implements a number of Plans including:

- a) On-Site Effluent Treatment Regional Plan
- b) Regional Coastal Environment Plan
- c) Regional Water and Land Plan
- d) Regional Air Plan.

When undertaking *subdivision*, use or development it is possible that consents will be required under *the Plan*, and also required from the Bay of Plenty Regional Council. There are also instances of overlapping functions such as:

- a) Contaminated land: The Regional Water and Land Plan sets out the requirements for remediation;, and this Plan sets standards and processes to ensure that land has been appropriately remediated for the intended use;
- b) At the boundary between *the City* and the Bay of Plenty Regional Council, where use and development may be within both jurisdictional areas;
- c) Development in areas not serviced by a reticulated sewerage system: The density of development permitted under *the Plan* reflects this circumstance, and the Bay of Plenty Regional Council considers the environmental effects of on-site servicing under the Regional On-Site Effluent Treatment Plan.

The approach of *the Plan* is to give effect to the Regional Policy Statement, and to be both consistent and complimentary to the plans of the Bay of Plenty Regional Council.

2.2.3 Western Bay of Plenty District Council

The *Council* shares a significant territorial boundary with the Western Bay of Plenty District Council. Through preparation of *the Plan* a consistent approach has been sought with the District Council, where possible. This is reflected in a similar approach and layout of both the Western Bay of Plenty District Plan, and this *Plan*.

A co-ordinated approach to the management of growth is provided by partnership in SmartGrowth, and implementation of the direction set by the Bay of Plenty Regional Council. This partnership approach leads to an agreed direction for future growth and the significant issues associated with that growth.

2.2.4 Historic Places Trust

The Historic Places Trust is governed and managed as a Crown Entity and established under the Historic Places Act 1993. The purpose of the Historic Places Trust is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.

The Historic Places Trust may be considered an affected party in relation to a resource consent required by *the Plan*.

Consent is also required from the Historic Places Trust to damage, destroy or modify an *archaeological site*. These sites may or may not be identified in *the Plan*.

2.2.5 New Zealand Transport Agency

The New Zealand Transport Agency is governed and managed as a Crown Entity to administer transport planning, funding and delivery. A component of The New Zealand Transport Agency's function is the control of State Highways. The daily management of these highways within *the City* has been delegated to the *Council*, however the Agency retains the role of administration of the State Highway network. Approval from the Agency is required for access to the State Highway network, including any dedicated limited access roads.

2.2.6 The Civil Aviation Authority

The Civil Aviation Authority is governed and managed as a Crown Entity for the purpose of establishing civil aviation safety and standards. *The Plan* deals only with activities on land and any activities in the air are under the control of the Civil Aviation Authority. In *the Plan* the approach to Tauranga Airport is identified as the Airport Slopes and Surfaces (a height limit above which detailed consideration will be given to the effects of any activity on the safety of aircraft).

2.2.7 The Ministry of Economic Development

The Ministry of Economic Development is responsible for the administration of the Crown Minerals Act 1991. A permit is required under the Crown Minerals Act to prospect, explore or mine minerals owned by the Crown. *The Plan* covers environmental issues associated with mining, however, consultation with the Ministry for the Environment is required when undertaking prospecting, exploration or mining to determine if a permit is required from that authority.

2.2.8 The Department of Conservation

The role of the Department of Conservation is set out in the Conservation Act 1987, including promoting the conservation and preservation of New Zealand's natural and historic resources. The Department manages land held under the Act, preserves freshwater resources, and fosters the use of these resources for tourism purposes where not inconsistent with their preservation.

2.3 Significant Resource Management Issues

The geography of Tauranga City is varied – from the open coast popular for living, recreation and tourism; to the cultural, recreational and economic base of the harbour, Port and City centre; and to the productive soils surrounding urban areas. The resources of *the City* and the historical use of those resources have resulted in a complex relationship between the built and natural *environment*. There is a challenge to ensure that *the City's* growth occurs in a sustainable manner, and a balance to be struck to ensure that growth is not encumbered by *the Plan*. The management of resources through this Plan is a key part of a sustainable future.

2.3.1 The Natural Environment

In early 2009 less than 5% of the terrestrial area of the *Tauranga Ecological District* retained a cover of predominantly *indigenous* vegetation. Threats to the natural *environment*, such as habitat fragmentation and isolation, and introduced pests and invasive species, are matters to be considered in the management of the natural *environment*.

The Plan addresses the protection and management of significant ecological areas through specific mechanisms identifying and protecting significant remaining areas, by the encouragement of general improvements in the environmental integrity of areas, and by ensuring that the development of reserved land is of a scale and nature appropriate for the context of that land.

2.3.2 The Landscape

The City has an international reputation for its quality *coastal environment* and outstanding landscape features such as Mauao and Tauranga Harbour. The potential impacts of the future growth of *the City*, while retaining and preserving these landscape values, is a challenge for *the Plan*. Landscapes can be more or less important to different people for different reasons.

The Plan provides for the protection of significant landscapes through their identification based on objective criteria, and through detailed consideration of the significance of their various elements. *The Plan* seeks to ensure a balance between providing opportunity for development and the protection of significant landscapes for the enjoyment of future generations.

2.3.3 Culture and Heritage

Heritage encompasses natural, built and cultural features including historic buildings, *archaeological sites*, places, trees, landforms and ancestral lands. Heritage provides a link to the past and provides spiritual and cultural identity. Tangata whenua history recounts the arrival of Takitimu, Mataatua and Te Arawa waka in about the 12th century, from which early settlement was established around the harbour margins. European settlement began with missionaries in about 1820.

The Plan recognises and provides for the consideration of places of significance in the growth of *the City* by their specific identification, and through detailing the significance of these places in *the Plan*.

2.3.4 Tangata Whenua

Only a fraction of original Maori landholdings in *the City* now remain in Maori ownership. Population forecasts suggest a trebling of the Maori population over the next 40 years. Much of the land within Maori ownership is held under the Te Ture Whenua Maori Land Act (1993), representing a challenge for *the Plan* in providing integration with this tenure system to meet the needs of tangata whenua. Tangata whenua have a strong cultural and historical association with the *environment* that is to be reflected in the treatment of resources in *the City*.

The Plan makes specific provision for *papakāinga* development of land under the Te Ture Whenua Maori Land Act, and by identifying settlement opportunities about existing marae. *The Plan* also seeks to maintain environmental and cultural values of tangata whenua through environmental, heritage and landscape protection measures.

2.3.5 Population Growth

Tauranga City has seen a rapid and sustained increase in population in the last few decades, beginning with a trebling of the population in the 1950s and continuing with the highest percentage increase in growth of any council area over the last decade. Forecasters see a continuation of this trend, leading to a significant increase in the population in *the City*. In addition, future growth estimates also identify a likely change in household structure with a significant increase in single and two-person households, and a significant increase in the proportion of the population aged over 80. This presents a challenge in accommodating future population growth in a way that meets the guiding purpose and principles of the *RMA*.

The Plan seeks to address the implications of population growth and changing population structure through providing opportunities for a range of types of residential development. In addition, *the Plan* encourages the provision and support of *services* and employment opportunities near these residential *environments*. There is a key focus on ensuring that future development occurs in the most efficient and effective manner, through integration with transportation and *infrastructure* considerations. A key objective is to encourage consolidation of future growth, both through infill of existing urban areas and higher-density living close to key *services* and employment opportunities. *The Plan* also provides choice in living *environments* through a variety of new Greenfield development areas.

2.3.6 Economic Development

In recent times the economy of *the City* has been expanding rapidly compared to most other areas of the country. Economic activity has included a significant focus on the development and construction industry, agriculture, horticulture, the export sector largely through the Port of Tauranga, and a strong manufacturing base. Projections show significant growth in most of these sectors, with the inclusion of leisure-based economic activity and a comparative reduction in the role of the agricultural sector.

The Plan provides for the growth of the economy (and so the wellbeing of the community through the preservation of values that make Tauranga an attractive place to live and visit), including the expansion of the Port, manufacturing and related *infrastructure*, enhancement of the main commercial centres, and essential *infrastructure*.

2.3.7 Transportation

The City's geography and built *environment* provide a challenge to the movement of people. A focus for the future is on the development of key transport corridors, and encouraging a change in transport modes, including people having access to different options for transportation. Linking transportation considerations with land-use opportunities is a role of *the Plan*.

The Plan recognises transportation considerations by ensuring the function of key corridors is not affected by unplanned impacts, and that long-term land use is consistent with long-term transportation aspirations. In addition, *the Plan* seeks to ensure that land-use opportunities are integrated with transportation considerations by providing access for people to essential *services*, and ensuring the provision of integrated and linked *transport networks*.

The Plan seeks to provide a statutory *environment* which will present an approach integrated with other authorities in the Western Bay of Plenty sub-region, to create an *environment* in which the core values that make *the City* a desirable place to live, work and play are retained.