



Resource Management Act 1991

Proposed Tauranga City Plan

Why Do We Have A District Plan?

The Resource Management Act 1991 (RMA) requires all District and City Councils to prepare plans for their district. Each Plan describes the District's significant resource management issues and sets out the Objectives, Policies and Rules to address these issues. In this manner the Proposed City Plan is comprised of Part A (Objectives, Policies and Rules) and Part B (Plan Maps).

What is the difference between the Proposed City Plan and Operative District Plan?

Tauranga City Council ("the Council") currently has two Plans which should be referred to if you want to build, subdivide or change the use of your land:

Proposed City Plan 2011

The Council has made decisions on the Proposed City Plan following a review of the Operative District Plan. These decisions were publicly notified on 26 March 2011.

The Proposed City Plan has legal weight and is deemed to be operative, in part. It may be changed in accordance with the RMA before the Plan is finally approved by Council, for example, by Council-initiated variation or during the appeal process. Once all provisions in the Proposed City Plan are no longer subject to any variations, submissions or appeals the Plan will be made fully operative and will replace the Operative District Plan.

Operative District Plan

The Operative District Plan will continue to have legal effect until the corresponding part of the Proposed City Plan becomes operative, either by Council resolution or if it is deemed to be operative under section 86F of the RMA.

Which District Plan/City Plan Should I Refer To?

While the Tauranga City Council has both an Operative District Plan and a Proposed City Plan it is necessary to comply with both Plans, except where a Rule is deemed to be operative under the Proposed City Plan.

How do I work out if a Rule is Operative under the Proposed City Plan?

In accordance with Section 86F of the RMA, those Rules that are "past the point of challenge" must be treated as operative, and any previous rule as inoperative. "Past the point of challenge" means that the time for making submissions or lodging appeals on the Rule has expired and:

- (a) *no submissions in opposition have been made or appeals have been lodged; or*
- (b) *all submissions in opposition and appeals have been determined; or*
- (c) *all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

Where a Rule is deemed to be operative in the Proposed City Plan, the directly corresponding Rule in the Operative District Plan is deemed to be inoperative. In this case, "directly corresponding Rule" means a Rule that is readily identified in both Plans and is directly connected logically, causally or by shared characteristics, intent and purpose.

To help with interpretation, the internet version of the Proposed City Plan on the Council's Proposed City Plan website: www.taurangacityplan.govt.nz identifies which Rules are deemed operative (via highlighting what provisions are under appeal). Any Objective, Policy or Rule which is not specifically identified is deemed to be past the point of challenge and therefore deemed operative.

What happens if a Rule is not deemed Operative?

Any Rule in the Proposed City Plan that is not deemed to be operative still has legal effect and is afforded "weighting" on a case by case basis, depending on the nature and extent of any appeals or variations relating to that Rule and the status of those appeals / variations (i.e. the extent to which those appeals have been resolved or any variations determined).

Are Objectives and Policies Operative?

Section 86F RMA only applies to Rules, however, where there is a directly corresponding Objective and Policy to a Rule, and that Rule is past the point of challenge, the directly corresponding Objective and Policy shall also be deemed to be operative. That being said, all Objectives and Policies in the Proposed City Plan have legal weight.

You are welcome to contact Tauranga City Council if you have any queries relating to the Proposed City Plan on ph 07 5777 000.

