Section 2A

2A 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.1: Context of the Plan under the RMA.

Figure 2A.1: Context of the Plan under the RMA

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

The Resource Management Act (RMA)

The RMA 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, *the Plan* cannot be inconsistent with those Regional Plans.

Iwi Management Plans

These are planning documents recognised by an Iwi Authority. These plans must be taken into account when preparing *the Plan*.

2A.1 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 (MHWS). Although MHWS has been illustrated on the (Plan Maps, Part B) it should be noted that this is not a fixed and surveyed line but rather one which provides an indicative representation of the Council’s jurisdictional boundary based on an accepted height above sea level of 0.87m above Moturiki Datum for the inner harbour and 1.0m above Moturiki Datum along the open coast. 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 2A.2: The City and Surrounds*.

Figure 2A.2: The City and Surrounds
The relationship of the framework for resource management under the **RMA** to the **City** and surrounds is described in **Figure 2A.3: Resource Management Responsibilities & Areas of Application**.

**Figure 2A.3: 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 or adjoin 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 centered on 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, has 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 the **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 with 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, are described below.
2A.1.1 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 the Plan.

The consultative procedures of the Local Government Act have been relevant in making the 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.

2A.1.2 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 the 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.
2A.1.3 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 the 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.

2A.1.4 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.

2A.1.5 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.

2A.1.6 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).

2A.1.7 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.

2A.1.8 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.

2A.1.9 Waitaha Claims Settlement Act 2013: Statutory Acknowledgement

The Crown has reached a Treaty of Waitangi settlement with Waitaha. The Waitaha Claims Settlement Act 2013 gives effect to certain provisions of the deed of settlement, which is a deed to settle the historic claims of Waitaha.
In terms of resource management the deed requires that consent authorities, including the Council, are to give summaries and notices of resource consent applications and any notice to the Environment Protection Agency to the trustees of Waitaha for an activity within, adjacent to, or directly affecting their statutory area as soon as is practicable after the consent authority receives the application and before the decision is made to notify an application.

This requirement is also outlined in the Council’s protocol of engagement with Waitaha as guidance to parties who may be applying for a consent and seek to engage with Waitaha as part of the consent process.

The Waitaha statutory area is identified in Appendix 2A: Waitaha Statutory Acknowledgement and also within the engagement protocol with Waitaha.

In addition, section 31 of the Waitaha Claims Settlement Act 2013 requires that:

a) Sections 26-30 of the Waitaha Claims Settlement Act 2013;
b) The description of the statutory area; and
c) The statement of association for the statutory area;

be attached to the Plan as public information. This information is contained in Appendix 2A: Waitaha Statutory Acknowledgement.

2A.2 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 the Plan is a key part of a sustainable future.

2A.2.1 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 reserve land is of a scale and nature appropriate for the context of that land.

2A.2.2 The Landscape

The City has an international reputation for its quality coastal environment and outstanding natural features and landscapes 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.

2A.2.3 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.
2A.2.4 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 papakainga 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.

2A.2.5 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.

There are constraints to the capacity of greenfield land to accommodate population growth, particularly in the cost of infrastructure to service that land. This introduces a further issue in the finite nature of the land resource that can be efficiently serviced with infrastructure, and the inherent need to maximise the efficient use of the land resource. The result of population growth and the finite nature of the land resource are that the historical pattern of low density residential development has and will continue to change with more people living in a comparatively smaller space. While this has benefits in terms of the efficient use of the land resource and infrastructure, other issues arise such as protection of amenity and the changing character of the residential environment.

The affordability of housing is a significant issue. The reasons underlying this issue include:

a) A declining stock of properties in the range that entrants to the market can afford to finance, particularly with new housing product;

b) Existing housing supply not reflective of a changing demographic profile;

c) Housing supply and section size not reflective of an affordable profile in the City;

d) A significant increase in underlying land value in recent years;

e) The costs of providing and funding urban infrastructure.

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, with particular emphasis on identified growth areas. In addition, the Plan provides service and employment opportunities near these residential environments, where business growth should be directed. 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, this can only occur where residential and commercial growth takes place in identified locations and centres. 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, while targeting a minimum yield from greenfield areas so as to encourage the efficient use of that resource. Controls over amenity are provided to preserve living standards in a changing residential environment, which needs to be balanced with ensuring the Plan has a minimum of regulation and does not encumber the efficient delivery of residential development to the marketplace.

2A.2.6 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.

2A.2.7 Transportation

The City’s geography and built environment provide a challenge to the movement of goods and 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 and the need to transport goods to, from and within the City. 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.

2A.3 Targets for housing development capacity – Tauranga City

Provide housing development capacity within Tauranga City for the period 2018–2048 as set out in the table below:

<table>
<thead>
<tr>
<th>Geographical Area</th>
<th>Medium Term July 2018- June 2028*</th>
<th>Long Term July 2028 – June 2048*</th>
<th>30 Year Total July 2018 – June 2048</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tauranga City</td>
<td>16,500</td>
<td>25,500</td>
<td>42,000</td>
</tr>
</tbody>
</table>

*The medium term target includes an additional margin of 20% capacity and 15% for the long term target.

2A.3.1 Explanation

The National Policy Statement for Urban Development Capacity (NPS-UDC), which came into effect in December 2016, requires that Tauranga City Council set minimum targets for sufficient, feasible development capacity for housing in Tauranga City. These targets are also included in the Bay of Plenty Regional Policy Statement. The minimum targets represent development capacity for housing required to be enabled, rather than the amount of housing built in each term. The targets will be reviewed every three years following the completion of scheduled capacity assessments.

The targets are for the medium and long term and reflect the projected number of dwellings required based on projected demand. They include an additional margin for development capacity of at least 20% in the medium term and 15% in the long term as required by the NPS-UDC.

These targets represent the development capacity that Tauranga City Council shall enable through the City Plan, structure plans, Infrastructure Strategies and strategic growth strategies.

The NPS-UDC requires that medium term development capacity must be feasible, zoned and either serviced with development infrastructure, or the funding for the development infrastructure required to service that development capacity must be identified in the relevant long-term plan required under the Local Government Act 2002.

Long term development capacity must be feasible, 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.
Tauranga City Council will seek to give effect to this Objective through further plan changes and the City Plan review as well as through other methods such as Special Housing Areas (SHAs). To fully meet the targets, it is likely that additional land will need to be brought into the City boundaries (which is currently within the Western Bay of Plenty District). Furthermore, investment in infrastructure will need to be delivered by both 3rd parties (particularly NZTA and land developer) and Tauranga City Council which requires funding and financing challenges to be overcome.