

1 Plan Overview

1	Plan Overview	1
1A	Purpose of the Plan.....	2
1A.1	Responsible Authority	2
1A.2	Plan Area	2
1A.3	Plan Structure	2
1A.4	How to Use the Plan.....	4
1A.5	Plan Background	6

1A Purpose of the Plan

The purpose of *the Plan* is to enable the Council to carry out its functions under the *Resource Management Act 1991*; promoting the sustainable management of natural and physical resources. *The Plan* meets the Council's functions under the *RMA*. Set out in section 31 of the *RMA*, these functions are:

- a) The integrated management of the effects of the subdivision, use, development or protection of land and associated natural and physical resources;
- b) The control of any actual or potential effects of the subdivision, use, development or protection of land, including:
 - i) The avoidance or mitigation of natural hazards;
 - ii) Matters relating to hazardous substances and the use of contaminated land;
 - iii) The maintenance of indigenous biodiversity.
- c) The control of the emission and effects of noise;
- d) The control of any actual or potential effects of activities in relation to the surface of rivers and lakes.

1A.1 Responsible Authority

The Tauranga City Council is the responsible authority for implementing *the Plan*.

1A.2 Plan Area

The Plan applies to the whole of the Local Government Territorial Authority of the City of Tauranga, as shown on the Plan Maps (Part B).

1A.3 Plan Structure

The Plan comprises:

- a) Part A (The Plan Text);
- b) Part B (The Plan Maps).

The Plan is divided into Chapters that are explained in further detail below. These chapters can be generally divided into three sections, detailed in *Table 1A.1*:

- a) Chapters 1-3, which provide a general explanation and context to *the Plan* and describe the meaning of terms used in *the Plan*;
- b) Chapters 4-11, which apply in various locations throughout *the Plan* area and may be identified as overlays termed 'Plan Areas' over the specific zones that follow in Chapters 12-20;
- c) Chapters 12-20, which are objectives, policies and rules for the subdivision, use and development of land in specific zones.

Table 1A.1: Plan Content Summary

Chapter	Role of Chapter
1. Plan Introduction	Explains the structure and purpose of <i>the Plan</i> , together with a description of how to use the Plan and an overview of the history to the Plan.
2. Issues Overview	Provides an overview of the context of <i>the Plan</i> and the relationship of <i>the Plan</i> to other resource management tools. Included is a description of the main issues facing the City and the direction <i>the Plan</i> takes in response.
3. Definitions	Provides an interpretation of standard expressions in <i>the Plan</i> . Defined terms are identified in <i>the Plan</i> in italics.

Chapter	Role of Chapter
4. General Rules	Covers City-wide issues for: a) Transportation (parking, access); b) Earthworks; c) Signs; d) Noise; e) Temporary Activities; f) Lighting; g) Permitted Intrusions (items permitted within building and overshadowing setbacks); h) Airport Slopes and Surfaces (the absolute height limitation imposed for airport safety).
5. Natural Environment	Describes areas of natural significance within <i>the City</i> and sets out the objectives, policies and rules for the management of identified <u>sites areas</u> .
6. Natural Features and Landscapes	Describes both the general elements of the landscape character of <i>the City</i> and identifies areas of national and local significance together with specific methods to protect these areas. Also identifies trees protected due to their significance in the landscape.
7. Heritage	Sets out the protection of places of historical significance, including Maori heritage, buildings, archaeological sites, and protected trees of heritage significance.
8. Natural Hazards	Sets out the methods to mitigate or avoid the risk of natural hazards, specifically the risk of harbour inundation, and coastal erosion.
9. Hazardous Substances & Contaminated Land	Deals with two distinct issues being the use of hazardous substances by setting acceptable thresholds and subdivision, use and development of contaminated land.
10. Network Utilities and Designations	Sets out the objectives, policies and rules for the establishment of network utilities, and details the particulars of the designations identified on the Plan Maps (Part B).
11. Financial Contributions	Sets out the purpose and method for calculating the amount of land or money that may be required to mitigate the effects of subdivision, use or development.
12. Subdivision, Infrastructure & Services	Deals with subdivision for all zones, and also sets out standards for the development of infrastructure.
13. Open Space Zones	Covers areas for passive and active recreation, and areas set aside for conservation in <i>the City</i> .
14. Residential Zones	Sets out the methods for managing a range of residential living environments, ranging from the low-density Large Lot Residential Zone, through the Suburban Residential Zone to High-Density Residential Zone.
15. Rural Residential Zones	Deals with semi-rural sites used for residential living.
16. Rural Zones	Covers areas set aside for rural production, or long-term urban expansion. Also includes the extensive areas of Maori land held under the Te Ture Whenua Maori Land Act (1993) and provides specific methods for its development.
17. Commercial Zones	Sets out the methods for development of commercial centres in <i>the City</i> , from the City Centre to local shopping areas.
18. Industrial Zones	Covers areas set aside principally for Industrial land use, and includes general industrial land and the infrastructure of the Port.
19. Education Centre Zones	Sets out specific methods for the use and development of identified school sites that accommodate schools not wholly funded by the Government.
20. Special Use Zones - Baypark	Sets out a framework for the management of the Baypark site, including noise and land-use controls.

1A.4 How to Use the Plan

The *RMA* provides some flexibility for the Council in determining the content of this Plan, although it must contain three core elements: Objectives, Policies, and Rules. This Plan does not include optional explanatory information, which is included in the background reports to *the Plan* prepared under section 32 of the *RMA*. When interpreting *the Plan*, guidance is provided by objectives and policies and the rules set out the actual requirements for subdivision, use and development. In this Plan:

- a) Objectives – describe the desired outcome for a particular resource management issue;
- b) Policies – describe the direction to be taken to achieve the objective, and outline the considerations specific to the achievement of a particular Objective;
- c) Rules – implement the direction of the Policies.

When using *the Plan*, the starting point is the identification on the Plan Maps (Part B) of the site or area in which the activity is being considered. Here, it can be determined what zone or zones the proposed activity falls within, and whether any special sections of *the Plan* apply.

The next step is to determine what status an activity has in the relevant zone. Activities are described in the Tables of Activity Status at the beginning of each zone-based Chapters. Often defined terms are used in these tables that are further described in the Definitions Chapter. In most circumstances an activity that is not classified in the Table of Activity Status is identified as a ‘Discretionary’ Activity by default (which reverses the ‘permissive presumption’ of the *RMA*). In the Tables of Activity Status outlined in each Chapter, the symbols have the following meanings:

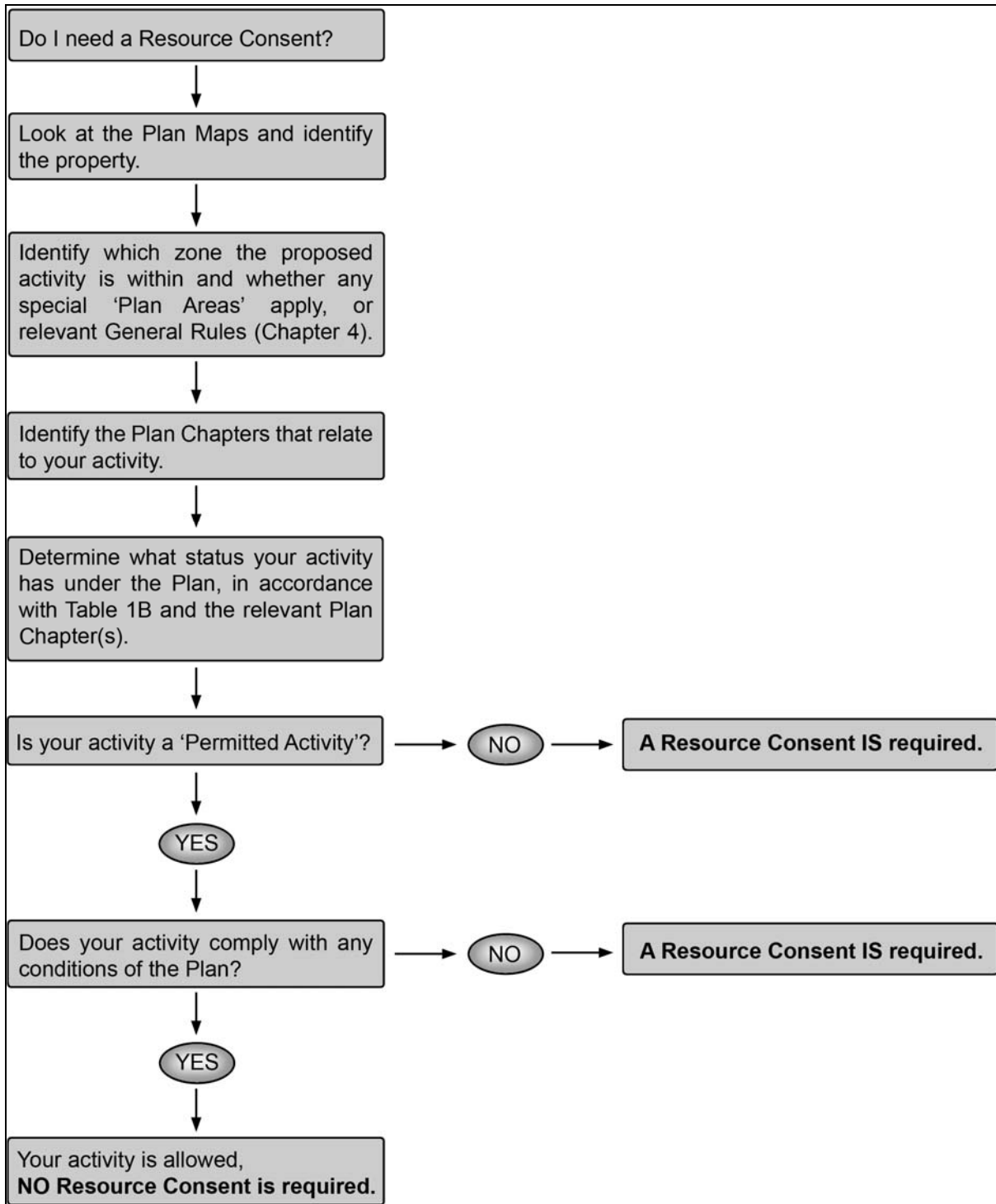
Table 1A.2: Activity Status

Status		Implication
P –	Permitted	Does not require a resource consent provided the activity complies with any relevant standards, terms and conditions specified in the Plan.
C –	Controlled	Requires a resource consent, but must be granted by the Council with or without conditions unless the information provided is insufficient to determine if the activity is a Controlled activity. Matters over which the Council reserves control and conditions that can be applied are specified in the Plan. In addition, the activity must comply with any relevant standards, terms or conditions specified in the Plan.
RD –	Restricted Discretionary	Requires a resource consent that may be granted with or without conditions or declined by the Council, subject only to consideration of the matters to which discretion is restricted, as outlined in the Plan. Any conditions of consent are also limited to the matters to which discretion is restricted. The activity must also comply with any standards, terms or conditions that apply to the activity.
D –	Discretionary	Requires a resource consent. The activity may be granted consent with or without conditions or declined at Council's discretion. The activity must comply with any standards, terms or conditions specified in the Plan.
NC –	Non-Complying	The activity may be granted a resource consent with or without conditions and is generally not anticipated within the zone.
Pr –	Prohibited	The activity is prohibited within the zone. No application may be made for such an activity and a resource consent cannot be granted for the activity.
n/a	Non-Applicable	This term is used when the activity described in the Table of Activity status is not relevant to the particular zone in which this symbol appears.

Once the level of activity status is determined, reference can then be made to the relevant Rules that apply. These Rules are detailed in sections in each Chapter. These Rules will, where relevant, also direct consideration to other relevant sections of *the Plan*, such as requirements for parking or access.

Reference must also be made to any Plan Areas identified on the Plan Maps (Part B). These include areas such as the 'Flood Hazard Plan Area', 'Special Ecological Areas', and 'Outstanding Natural Features and Landscapes'. If an activity is within or adjacent to one of these Areas, there may also be a requirement to obtain resource consent for an activity, or rules of *the Plan* that must be met to avoid the need for resource consent. This process is summarised in Figure 1A.1 below.

Figure 1A.1: How to Use the Plan.



1A.5 Plan Background

The Plan has been developed through an extensive process of identifying the significant resource management issues in *the City*. Also relevant to the development of *the Plan* is the historical planning framework that has guided subdivision, use and development within *the City*, and within which subdivision, use and development has been undertaken.

~~The City is an amalgamation of previous local government entities, including the Tauranga Borough, Tauranga County, Mount Maunganui Borough, and portions of the Western Bay of Plenty District Council. On 1 November 1989 the councils were amalgamated to form Tauranga District Council, which later became Tauranga City Council. On 1 January 2009, portions of Western Bay of Plenty District Council at Pyes Pa and Tauriko were incorporated into the City. This reorganisation leads to a complex history of planning documents, and reference should be made to these documents to check what rules applied to particular land at a certain time.~~

The ability to create a 'Planning Scheme' existed from 1926, however there appears to have been no planning controls in place prior to the introduction of the Mt Borough Scheme No. 1, in 1954, with the exception of requirements for approval of subdivision for lots over 10 acres in central government legislation, usually done by the County engineer, and associated surveying/title law. The Town and Country Planning Act 1953 required local authorities to have Planning Schemes and the local authorities prepared their schemes after this time. Prior to these Plans (Schemes) coming into effect a range of standards and building by-laws existed, the first central government legislation being a standard for earthquake construction in 1932. Building legislation was then further introduced systematically by the central government through various legislation. The ability to create local building by-laws has existed since 1867, and appears to have been used in *the City* with building consents in Tauranga being issued under by-laws as far back as 1927. Figure 1D is a general indication of the jurisdiction of the separate Council's and the Plans that have applied through time, which can be confirmed by checking the maps of the planning document that applied at the time.

The jurisdictions of the Mount Borough, Tauranga County, Tauranga Borough/District/City, and Western Bay of Plenty District evolved from Town and Highway Boards. The Tauranga County was formed in 1876 and the Borough of Tauranga in 1882. The Mt Maunganui Town District was established in 1931 but remained part of the County until 1 April 1937. Various boundary adjustments were undertaken to these jurisdictions through time, with the reorganisation of local government in 1989 the Tauranga District (now City) and Western Bay District were formed from the Tauranga City (previously Tauranga Borough), Tauranga County and Mt Borough. The three plans applied and were known collectively as the 'Transitional Plan'. A portion of the Western Bay District at Tauriko/Pyes Pa and a small section at Ohauti and Papamoa were brought into the City on 1 January 2010.

The following is an approximate summary of those documents:

Authority	Date	Plan	Jurisdiction
Tauranga Borough	1954-1971	Provisional Undisclosed Scheme District Scheme	Tauranga Borough
	<u>Operative</u> 1 October 1969	Tauranga City Town Plan – Section 1	Tauranga CBD to 23 rd Ave and Otumoetai. Changes 1-73 from 1968-1977
	<u>Operative</u> 1 January 1971	Tauranga City Town Plan – Section 2	Maungatapu and Gate Pa from Faulkner St, 23 rd Ave, Courtney Rd, to between Baycroft and Oxford streets to include Greerton and Glenlyon Ave. Excludes Racecourse and Maleme St areas
	<u>Effective</u> <u>Operative</u> 1 November 1977	Tauranga City Town Plan – Section 3	Covers Poike, Welcome Bay, Racecourse and part of Maleme St.
	<u>Operative</u> 1 October 1981	<u>1st Reviewed Scheme</u>	<u>Consolidated above three sections.</u>
	<u>Operative</u> 10 June 1982	<u>2nd Reviewed Scheme</u>	<u>Incorporated Sulphur Point (previously under County Scheme).</u>

Authority	Date	Plan	Jurisdiction
Tauranga County	November 1973	<u>1st Reviewed District Scheme</u>	Tauranga County
	November 1979	<u>2nd Reviewed District Scheme</u>	Tauranga County
	<u>Notified September 1988, Operative 23 September 1991</u>	<u>3rd Reviewed District Scheme</u>	Tauranga County
Mount Borough	September 25 1953	Scheme No. 1	Mt Borough
	18 May 1954	Scheme No. 1 reviewed to include part of Tauranga County	Mt Borough and portion of Tauranga County
	<u>Operative</u> December 1964	1 st Reviewed Scheme	Mt Borough and portion of Tauranga County
	<u>Approved</u> September 1971	2 nd Reviewed Scheme	Mt Borough and portion of Tauranga County
	<u>Approved</u> December 1982	3 rd Reviewed Scheme	Mt Borough and portion of Tauranga County
	<u>Operative</u> August 1990	4 th Reviewed Scheme	Mt Borough and portion of Tauranga County
Tauranga District Council	October 1991	Tauranga District Transitional Plan (3 Schemes amalgamated)	Tauranga District
Tauranga District Council	<u>Notified 18 January 1997, Operative 18 August 2003, excluding coastal hazard provisions which became Operative 19 February 2005.</u>	Tauranga District Plan	Tauranga District Council
Western Bay of Plenty	20 July 2002	Western Bay of Plenty District Plan	Areas at Tauriko and Pyes Pa

The operative plans replaced by this Plan are the Tauranga District Plan and portions of the Western Bay of Plenty District Plan at Tauriko and Pyes Pa.