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District Plan Overview

1.1 The District Plan and the Resource Management Act 1991 (RMA)

- 1.1.1 The Western Bay of Plenty District Plan comprises this document and a separate volume of maps. It has been prepared by the Western Bay of Plenty District Council to meet its obligations under the provisions of the Resource Management Act 1991 (RMA).
- 1.1.2 The Plan relates to the whole *District* and contains relevant objectives, policies and methods (including rules) for addressing the resource management issues of the *District* for the next 10 years.

1.2 Planning Philosophy

- 1.2.1 The Plan states the significant resource management issues of the *District* and by way of stated objectives, what the *Council* wishes to achieve in addressing these issues. How these objectives are to be achieved are guided by policies and implemented by rules and other methods referred to in the District Plan (see Section 1.3). *Council* recognises that ultimately it is the actions of individuals that enable sustainable management to be achieved. In this regard sustainable development is defined as 'development that meets the needs of present and future generations without compromising the ability of future generations to meet the needs of the *District* and their own needs'.
- 1.2.2 As far as practicable the District Plan is based on the control of off-site effects. These are the effects that an activity may have on the immediate environment or the wider community. Any effects confined within the site are considered to be the concern of that landowner and/or occupier and generally are not directly addressed in the District Plan unless the activity fundamentally affects the sustainable management of natural and/or physical resources.
- 1.2.3 *Council* wishes to minimise unnecessary regulation while still ensuring that environmental standards are not compromised. The importance of clarity and certainty is recognised by the *Council* and accordingly zoning techniques and activity lists are utilised in the District Plan. Zoning recognises that it is appropriate to have different environmental standards for different parts of the *District*. Activity lists are intended to be generic in nature (rather than activity specific) and are based on the grouping of activities with similar effects. Applications for activities which are not provided for can still be considered (unless they are listed as a Prohibited Activity) by way of resource consents for Non-Complying Activities.

1.3 District Plan Structure

1.3.1 The District Plan comprises text and maps. The text is divided into sections with each comprised of the following:

- (a) Explanatory Statement - this gives the reasons why the stated objectives and policies and associated methods have been adopted. It also helps explain the linkages between issues, objectives, policies and methods.
- (b) Significant Issues - these are the main resource management issues of the *District* with regard to the particular topic. They identify a need for intervention so that *Council* can promote the sustainable management of natural and physical resources. To this extent they usually state negative effects of activities which need to be addressed and resolved.
- (c) Objectives - these are the intended resource management outcomes. They identify what is trying to be achieved in addressing the issues and as such they embody the environmental results expected.
- (d) Policies - these are the means by which the objectives will be achieved and clarify what effects will be addressed to achieve the objective.
- (e) Rules - these are one method used to give effect to policy. They specify the type of activities catered for and the standards that need to be met.

They include provision for the following types of activities:

- (i) Permitted Activities - these are the activities that can proceed as of right subject to complying with the relevant stated activity performance standards. A resource consent is not required.
- (ii) Controlled Activities - these are activities for which the *Council* seeks to exercise some control and a resource consent is required. The extent of control and any relevant assessment criteria for these are contained in the relevant activity performance standards. The approval of affected persons is not necessary unless it is specifically required in the relevant District Plan rules. *Council* cannot refuse consent to a Controlled Activity but can impose conditions in respect of those matters of control that are specified in the District Plan.

- (iii) Restricted Discretionary Activities - these require a resource consent and must comply with any relevant standards and terms specified in the District Plan.

In addition, those matters to which *Council's* discretion is restricted are specified in the District Plan. Only with respect to those matters of discretion, applications may be declined or if granted consent, conditions may be imposed.

- (iv) Discretionary Activities - these require a resource consent and must comply with any standards and terms specified in the District Plan. Applications may be declined or if consent is granted, conditions may be imposed. Subject to assessment in terms of the relevant sections of the *RMA*, *Council's* discretion is not restricted to matters specified in the District Plan.

- (v) Non-Complying Activities - these require a resource consent and include any activity not specifically provided for in this District Plan (with the exception of those provided by regional plans or regional resource consents). Subject to assessment in terms of the relevant sections of the *RMA*, *Council* may decline consent or grant consent subject to conditions.

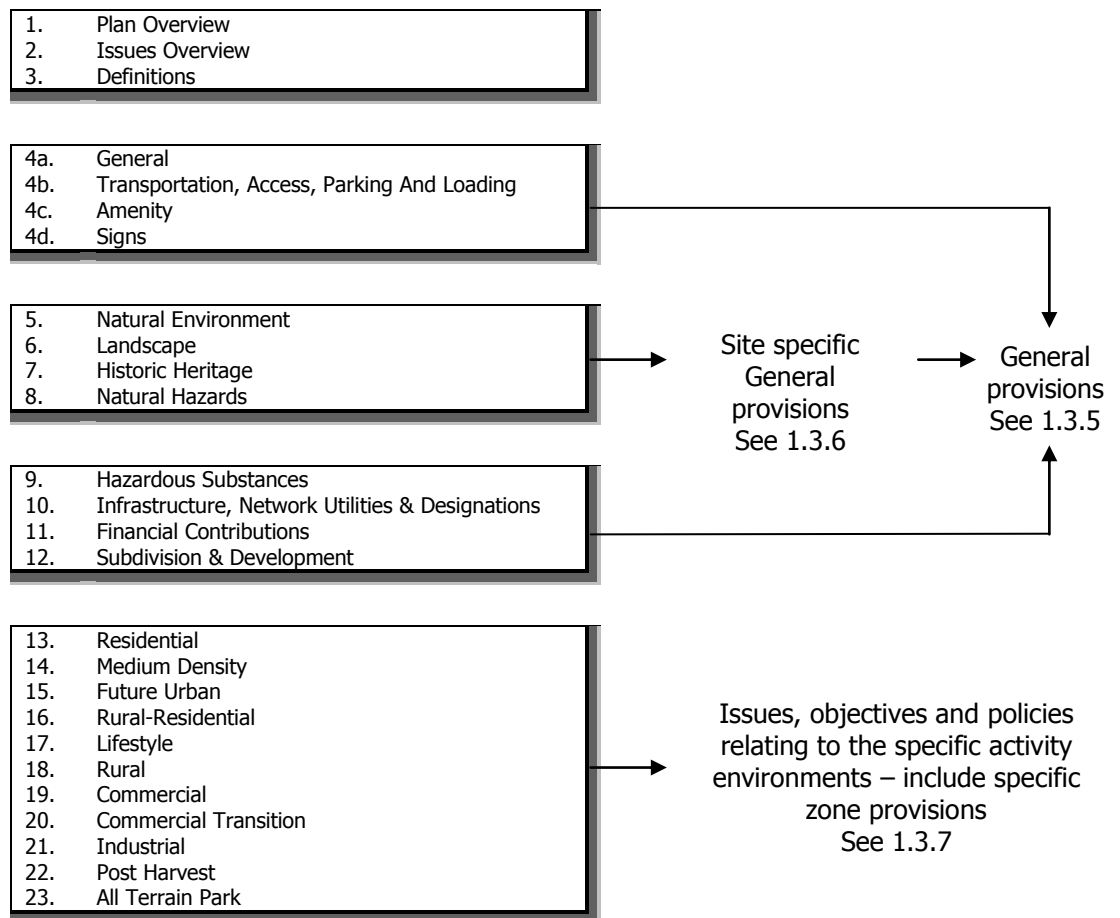
- (vi) Prohibited Activities - these are activities specified in the District Plan as being prohibited. No application can be made for a Prohibited Activity.

- (f) Activity Performance Standards - these are included in each section and provide standards to be complied with and criteria against which applications for resource consent are to be assessed. They are direct means through which adverse environmental effects are avoided, remedied or mitigated.

- (g) Other methods - these are methods, other than rules, that are to be administered outside of the District Plan. These include techniques such as education, *Council* providing a service (through the *Annual Plan*) or methods administered by other agencies. The other methods listed throughout the District Plan are those known at the time of notification of the District Plan. These may be subject to change through the *Annual Plan* and *LTP* and other non *RMA* processes.

1.3.2 The maps show the location of the zones and the various features referred to in the schedules. They are contained in a separate volume. They also contain the *structure plans* for the different growth areas. Appendix 7 contains additional *structure plan* information such as infrastructure schedules, cross sections, and any particular requirements for that area.

1.3.3 Layout of the District Plan



1.3.4 Sections 1 to 3 provide an overview of the District Plan and include an explanation of the District Plan structure, an overview of significant issues, and definitions. Words that are specifically defined in the District Plan are identified in the general text by being italicised.

1.3.5 Sections 4 to 12 contain general provisions which are potentially relevant to activities throughout the whole *District*, regardless of the zoning of land. While the issues, objectives and policies contained in these general sections are common across the *District*, the methods may be zone specific.

1.3.6 Sections 5 to 8 contain site specific general provisions. They apply only to land that is specifically identified on the Planning Maps or referred to in the respective zone.

1.3.7 Sections 13 to 23 incorporate issues, objectives and policies that relate to specific activity environments and include specific zone provisions. Resource management issues should not be viewed in isolation. There is considerable overlapping of issues and accordingly to obtain a fuller understanding of an issue and how it is to be addressed it may be necessary to examine more than one District Plan section.

1.4 How to use the District Plan

- 1.4.1 The zoning of a particular property can be established from the Planning Maps. The maps also indicate whether any of the site specific general provisions relate to that property. Other site specific requirements will be contained within the respective zone rules, or may be included in Appendix 7 Structure Plans.
- 1.4.2 The respective zone sections of the District Plan set out the specific controls for activities on land in each zone. In some situations it is desirable to also look at the provisions of the specific activity environment as well as the zone (e.g. if a proposed industrial activity was being investigated in a Rural Zone it would be appropriate to consider both the specific Rural Zone provisions and the Industrial Zone provisions). If the maps show specific indicators associated with the site (e.g. a natural hazard, historic heritage site) then the District Plan section(s) relevant to those matters should be referred to for any additional controls (Sections 5 to 8).
- 1.4.3 The other general provisions in Sections 4 to 12 should also be referred to, as appropriate, depending upon the nature of the proposed *development*.
- 1.4.4 For the structure of each section and a definition of its components, see 1.3.1.

1.5 Section 32 Analysis Documents

- 1.5.1 Before adopting any objective, policy or rule the *Council* must consider and evaluate alternatives, costs and benefits in order to determine whether the provisions proposed to be adopted are the most appropriate. This is known as a Section 32 Analysis and is a statutory requirement under Section 32 of the *RMA*.
- 1.5.2 A Section 32 report has been completed for each of the main sections of the District Plan. While these are not part of the District Plan they support and complement it by providing a more in-depth discussion of the resource management issues identified. A number of supplementary technical reports have been referenced in these Section 32 reports and have contributed to providing a full analysis of the adopted objectives, policies and methods contained within the District Plan.

1.6 Cross Boundary Issues

- 1.6.1 Cross boundary issues involve the integrated management of natural and physical resources across Council boundaries.

Addressing these issues will involve ongoing consultation and co-operation with other resource management agencies to ensure consistency of approach to significant resource management issues. This will involve the facilitation of joint actions to deal with cross boundary issues, consultation, liaison, and information sharing between agencies.

- 1.6.2 The western boundary of the *District* adjoins the Kaimai Mamaku Forest Park. This is a significant ecological, cultural and recreational resource administered by the Department of Conservation.
- 1.6.3 The most significant boundary is with Tauranga City. This is reflected in the use of joint studies and regular contact on common issues, and the preparation of the SmartGrowth Strategy (see Section 2).
- 1.6.4 Using similar approaches to other districts is another means of addressing cross-boundary issues and includes landscape assessments, coastal hazards, and significant ecological areas. This is also reflected in the role of the *Regional Council* where it has coordinated a number of workshops on region-wide issues.
- 1.6.5 The above approaches will continue to be used in the future along with the option of joint hearings.

1.7 Monitoring and Review

- 1.7.1 *Council* is obligated under the *RMA* to monitor the effectiveness of its District Plan, the implementation and performance of resource consents, the exercise of any transferred/delegated powers, and the state of the environment in relation to the *Council's* duties and responsibilities.
- 1.7.2 Monitoring will be undertaken on the key issues facing the *District*. Regular reports will be produced to document trends. The significance of the issue will determine the timing of data collection and the production of reports. *Council* produces an Annual Monitoring Report.
- 1.7.3 *Council* recognises that aspects of monitoring involve cross boundary issues and will co-ordinate with other agencies such as the *Regional Council* and the Department of Conservation to facilitate maximisation of resources.
- 1.7.4 *Council* recognises that the monitoring methodology has to take into account rapidly changing data capture capability necessitating a flexible approach to the process.
- 1.7.5 Reviews of the District Plan (or parts of it) will be based on any divergence identified in the comparison of trends with respect to the District Plan's objectives and policies.