

A: INTRODUCTION TO THE PLAN

A1.1 BACKGROUND

The Resource Management Act, 1991 is concerned with providing an integrated decision making process to achieve the sustainable management (controlling the effects of use, development and protection) of New Zealand's natural, physical and cultural resources. In accordance with this, activities with detrimental environmental effects that cannot be avoided, remedied or mitigated are unacceptable in terms of the Resource Management Act.

In order to promote the sustainable management of natural and physical resources it is necessary to identify the significant resource management issues of concern to the Kawerau District. The Resource Management Act requires the identification of issues as a means of focusing on the need for intervention. In other words, intervention should be directly related to a resource management issue. This district plan will therefore promote sustainable management through the resolution of issues.

The natural and physical resources of the Kawerau District include the Kawerau geothermal field, one of the largest of its kind in the world and a high quality soft spring water supply. The urban, industrial and small commercial areas make up the majority of Kawerau's land area, with a small amount of pastoral or rural land comprising the remainder of the district's surface area. The Tarawera River and Ruruanga Stream are also part of the district's natural resource assets, along with land set aside for reserve area, some of which is associated with these waterbodies.

The Plan is structured into three main sections; introduction, district wide objectives and policies, and zones and general rules. Each zone or general section includes a description covering the issues for the zone, the objectives and policies of that zone, the rules of the zone, and the various activity statuses for the zone.

Sections are cross-referenced to ensure specific zone rules are read in conjunction with general rules, policies and objectives. The content of the objectives and policies and rules of the Plan are in accordance with the purpose and principles of the Resource Management Act. Reference should also be made to the definitions section contained in Appendix A which provides further clarity of the terms used throughout the Plan.

A1.2 STRUCTURE OF THE DISTRICT PLAN

The structure of the District Plan sets out firstly the resource management issues by way of a description at the beginning of the zone or key section.

An objective states the resource management outcome which the Council is seeking to achieve, while a policy provides guidance as to how the Council will ensure that this outcome is achieved.

Objectives and policies are required for two reasons. First, they illustrate the analytical process of plan preparation and thereby help explain the purpose of rules and standards. Secondly, and more importantly, they guide decision making when there is a departure from rules or where the council has retained some decision making discretion.

Rules are a method of implementing the environmental outcomes sought by the objectives and policies.

A1.3 OTHER STATEMENTS AND PLANS TO BE CONSIDERED

Statutory

- Bay of Plenty Regional Policy Statement

The Bay of Plenty Regional Policy Statement (RPS) promotes the sustainable management of the Bay of Plenty region's natural and physical resources. The document is an overview of the resource management issues of the region with policies and methods to achieve integrated management of natural and physical resources of the whole of the Bay of Plenty region.

The RPS was adopted in December 1999 and Proposed Change No 1 amended in November 2005. Proposed Change No 2 (Growth Management) was amended in November 2006.

The Proposed Regional Policy Statement 2010 was released in November 2010. Hearings on submissions were held in September and October 2011 and deliberations commenced in December 2011. Decisions will be released in 2012.

- Bay Of Plenty Regional Plans

The Bay of Plenty Regional Council administers a number of regional plans to manage water, land, air, effluent, rivers and the geothermal resource. The Regional Council should be consulted as to the relevant documents applying to development.

- Statutory Acknowledgements (Appendix D)
 - Ngati Tuwharetoa (Bay of Plenty) Settlement Act 2005 including any amendments.
 - Ngati Awa Claims Settlement Act 2005 including any amendments.

Non-statutory

This is not intended to be an exhaustive list of documents. Throughout the life of the Plan relevant community initiatives will be further developed and updated.

- Kawerau District Long Term Plan (LTP)

The LTP sets out Council's priorities over a ten year period including how Council intends to contribute to community well-being over the life of the plan.

The purpose of the LTP is to:

- Describe the activities of the local authority
 - Describe the community outcomes of the District and Region
 - Provide integrated decision-making and co-ordination
 - Provide a long term focus for the decisions and activities of the local authority
 - Provide a basis for accountability of the local authority to the community
 - Provide an opportunity for public participation in the decision-making process
- Kawerau Growth Advantage Strategy
- The Kawerau Growth Advantage Strategy was completed in November 2005 and its recommendations were subsequently adopted by the Council for implementation.

The vision is as follows:

“Kawerau is a district and community that has a demographically balanced population, provides a range of residential living opportunities and takes advantage of growth and associated initiatives occurring in other parts of the Bay of Plenty region.

This will result in a community that:

- *Provides significant residential living opportunities although employment may be in other parts of the region;*
- *Will have increased community wellbeing with a range of community, social, education and health facilities;*
- *Will have, in the longer term, increased employment opportunities;*
- *Is capitalising on wood based, geothermal and outdoor recreation opportunities.”*

To achieve the vision a range of strategy areas and associated actions were proposed for implementation. Of relevance to the District Plan, are the following actions;

- Marketing to highlight residential, lifestyle and business location opportunities and ensure adequate land is available.
- Take advantage of the significant level of growth occurring in the Western Bay of Plenty by capitalising on the opportunities it provides.

That Council be actively involved in the development and implementation of a regional settlement strategy as it applies to the Bay of Plenty, and as noted in the SmartGrowth strategy. In particular this is to ensure that Kawerau is recognised as a location for affordable housing. This may involve changes to the RPS for the Eastern Bay of Plenty and other policy documents/plans to ensure the role of Kawerau in providing for residential opportunities, particularly affordable housing, is defined.

- Promote reinvestment and redevelopment of residential areas and properties.

Encourage property owners and developers to invest in redeveloping and upgrading residential properties by such incentives as rates rebates, outlining to developers how straight forward the Council's planning framework is, and Council giving consideration to entering the property market

- Provide opportunities for additional industrial land.

Commence discussions with Whakatane District Council to have zoned and incorporated within Kawerau District, land adjacent to the railway marshalling area, east of the state highway. Seek support of economic development agencies to champion such a proposal on the basis of its economic benefits to the local economy

- Promote and encourage government agencies to locate sub-regional/regional facilities either in the district or in surrounding area.

Investigate such opportunities. Examples include correction facilities and training facilities

Given the nature of the Growth Advantage actions, consideration should be given in the district plan review to assisting with implementation of those actions from a resource management perspective.

- Iwi Planning Documents
 - Local Iwi planning documents establish protocols for dealings with matters that may affect statutory areas or sites of significance and consultation. Council can advise further in this regard.

A1.4 DISTRICT PLAN REVIEW

This Plan is dynamic and must meet changing circumstances. An outdated Plan with policies which are no longer relevant cannot meet the requirements of the Resource Management Act. The RMA Amendment Act 2009 saw the removal of the section 79 requirement for Councils to review operative plans every 10 years. Section 79 was amended to include the requirement that any provision of a district plan must be reviewed if it has not been reviewed in the previous 10 years. Kawerau District Plan has not been reviewed since becoming operative in June 1999 and as such the plan provisions are subject to review under Section 79 of the Resource Management Act.

It is important to consistently monitor the Plan's effectiveness to determine whether the objectives are being achieved and to refine them where necessary. The provisions enabling any person to request changes to the Plan will also affect the review process as any proposed change could affect the integration of other policies.

A1.5 PLAN MONITORING

Once the Kawerau District Plan becomes fully operative, the District Council will, in consultation with interested parties, monitor the effectiveness of the Plan. This may lead to changes in the District Plan being promoted from time to time in

accordance with the requirements of Section 35 of the Resource Management Act.

In addition, any person or body may request a territorial authority to change a district plan, subject to the provisions of Section 73(2) of the Resource Management Act.

The monitoring strategy used for this plan has the following components:

- **Consent Compliance Monitoring**

All resource consents with conditions imposed will be checked for compliance and (when appropriate) lapsing of the consent, in accordance with the Council's monitoring policy regime.

Subdivisional consents with conditions are monitored through the statutory mechanism of completion certificates issued pursuant to Section 224 of the Resource Management Act.

- **Complaints Monitoring**

Complaints regarding non-compliance with the provisions of the Plan, or conditions of consent, or complaints about provisions set down in the District Plan are an additional means of monitoring.

Complaints about provisions in the Plan assist in identifying where the District Plan's policies or rules require reviewing to keep up with changes or trends in environmental awareness.

- **State of the Environment Monitoring**

An assessment of the state of the environment for the Kawerau District will be prepared. This will be used as part of the monitoring of the effectiveness of the Kawerau District Plan and will consist of a cost effective data collection regime.

- **Policy and Rules Monitoring**

The policies and rules of the District Plan will be monitored in relation to the following:

- monitoring of complaints.
- observations as to the implementation of the District Plan.
- in response to state of the environment research.
- resource consent monitoring

A1.6 SECTION 32 REQUIREMENTS

Section 32 of the Resource Management Act 1991, requires Kawerau District Council, when preparing a District Plan under the Resource Management Act, to be satisfied that the provisions of the Plan are necessary to achieve the purpose of the Resource Management Act, and that the objectives, policies and methods are more appropriate than alternative means.

A1.7 CROSS BOUNDARY ISSUES

The Resource Management Act requires the Plan to state the process to be used to deal with issues which cross territorial boundaries (Section 75(2)(f)).

Issues which may arise include:

- Land use and subdivision activities (including uses on the surface of the Tarawera River) and development strategies which may give rise to adverse environmental effects in a neighbouring jurisdiction, particularly noise effects.
- Roading and transportation matters, drainage systems and utility services which start in one jurisdiction and cross over into another jurisdiction.
- Resource consent matters primarily the concern of the Regional Council which may impinge on one or more territorial authority districts.
- Use and development of renewable energy resources provides local, regional and national benefits that are not contained exclusively within one district. Provision should be made to ensure efficient and practical resource management administration of these resources.
- A consistent approach to the administration of plans and provisions relating to the Kawerau Geothermal Field which crosses the territorial boundaries.
- The provision of industrial land that may cross the district boundaries and how that land will be managed and serviced in an efficient and practical manner.

Some issues that have been identified by communities outside the Kawerau District include:

- The adverse effects of discharges into the air and into the Tarawera River from industries operating in the Kawerau District. These activities have the

potential to cause adverse environmental effects in the Whakatane District. However the management of these effects is a function of Bay of Plenty Regional Council.

- Access to legal public roads in the Kawerau District from properties in the Whakatane District. This issue is not seen as a significant resource management issue for the Kawerau District in that adequate access is available to the Kawerau District from the Whakatane District. Informal access to landlocked properties located in the Whakatane District is obtained from land situated in the Kawerau District. The continued use of this land cannot be guaranteed and alternative access to a legal road may need to be found by the Whakatane District Council in the future.

In considering these issues, the Council will give effect to the Regional Policy Statement, any Regional Plan and the objectives and policies of this Plan.

The Council will, where appropriate, participate in joint hearings with other territorial authorities as provided for by Section 102 of the Resource Management Act.

Process to deal with Cross Boundary Issues

From time to time, resource management issues will arise or applications will be made to carry out activities that either physically cross the boundary between the Kawerau and Whakatane District or have effects that may be experienced in one or both Districts.

Such resource management issues or applications will be dealt with in the following way:

- Regular discussions between authorities.
- Co-operate on issues of common interest to both/all authorities eg Environmental Plans.
- Joint studies.
- Joint hearings. Whenever practicable, any application which requires the consent of two or more local authorities shall be held jointly by an equal number of elected officials from both organisations at a mutually agreeable time and location.

A1.8 ADMINISTRATIVE CHARGES

The Kawerau District Council will recover reasonable costs incurred by the Council in undertaking various administrative functions with regard to the District Plan.

Section 36(1) of the Resource Management Act 1991 gives Councils the authority to fix charges. The procedures to be followed when establishing charges are contained within the Resource Management Act and the Local Government Act 2002 as follows:

Resource Management Act 1991

Section 36(1)

“A local authority may from time to time, subject to subsection (2) fix charges of all or any of the following kinds:

- (a) Charges payable by applicants for the preparation or change of a policy statement or plan, for the carrying out by the local authority of its functions in relation to such applications:*
- (b) Charges payable by applicants for resource consents, for the carrying out by the local authority of its functions in relation to the receiving, processing, and granting of resource consents (including certificates of compliance):*
- (c) Charges payable by holders of resource consents for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of resource consents (including certificates of compliance, and for the carrying out of its resource management functions under Section 35:*
- (d) Charges payable by requiring authorities and heritage protection authorities, for the carrying out by the local authority of its functions in relation to designations and heritage orders:*
- (e) Charges for providing information in respect of plans and resource consents, payable by the person requesting the information:*
- (f) Charges for supply of documents, payable by the person requesting the document:*
- (g) Any kind of charge authorised for the purposes of this section by regulations.”*

Local Government Act 2002

Section 150(i)

“A local authority may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the local authority in respect of a matter provided for –

- (a) In a bylaw made under this Act; or*

- (b) Under any other enactment, if the relevant provision does not –*
- (i) authorise the local authority to charge a fee; or*
 - (ii) provide that certificate, authority, approval, permit, consent or inspection is to be given free of charge.”*

A current schedule of fees payable is available from Council. These fees are based on the actual and reasonable costs of processing the above.

A1.9 SURFACE OF WATER ACTIVITIES

Water resources within the Kawerau District include the Tarawera River and a section of the Ruruanga Stream.

The Bay of Plenty Regional Council has primary responsibility for issues relating to the sustainable management of water within the Kawerau District and other districts within the region. The Bay of Plenty Regional Council addresses these responsibilities by controlling the taking or diverting of water and the discharge of contaminants into water. It also controls a range of land uses that may have an adverse effect on water and soil quality within the district such as earthworks and the clearance of vegetation.

The Kawerau District Council also exercises duties and functions under the Resource Management Act with regard to water. It is directly responsible for managing the effects of:

- Land based activities on the surface of water.
- Surface of water activities on the surface of water.
- Surface of water activities on the land.

The boundary between the Kawerau and Whakatane District Councils follows, in part, the centre of the Tarawera River. There needs to be co-ordination to ensure that the resource management approach to water resources is complimentary on both sides of the river. In addition, the surface of water activities need to be developed with due regard to the land based activities on the adjoining land.

A1.10 ESPLANADE RESERVES

Section 229 of the Resource Management Act sets out the purpose of esplanade reserves and strips.

Section 230 of the Resource Management Act sets out the rules regarding the requirement for esplanade reserves or strips and this plan contains no specific provisions to acquire esplanade reserves

There are only two areas in the district where esplanade reserves are appropriate, these are alongside the Tarawera River and the Ruruanga Stream.

Esplanade reserves already exist alongside most of the Tarawera River and Ruruanga Stream where these waterbodies are within the district. In those areas where no esplanade reserves exist, such as adjacent to the Industrial Zone, the relevant provisions of the Resource Management Act 1991 shall apply and may be used to acquire areas of esplanade reserve.

Council will provide for the maintenance and enhancement of public access, as required by Section 6(d) of the Resource Management Act, where possible. In exceptional circumstances, Council may consider it appropriate, for reasons of public safety and industry security, not to implement these provisions regarding the creation of esplanade reserves for public access. It may also be inappropriate to create esplanade reserves for the purpose of protecting natural values due to fire risk and other safety hazards, and due to industry maintenance requirements. In some circumstances it may be necessary to waive the requirement for public access along esplanade reserves due to reasons of public health and safety.