

## HOW THE PLAN WORKS

# GEN – General Approach

## The Content Structure of the District Plan

### Contents

The District Plan is prepared as a single document which addresses the resource management issues affecting the Manawatū District. The document should be read as a whole so that the common themes and the relationships between the various provisions can be understood.

The Plan consists of the following two main parts:

1. Objectives, policies and rules divided into chapters. Each chapter addresses a separate topic with some applying district-wide and others being specific to areas of land referred to as zones. Each chapter is accompanied, where necessary, by appendices which provide additional information.
2. Maps – illustrate zoning and other planning controls for the District.

### Structure

Each chapter in the District Plan is structured to contain the following information:

1. The significant resource management issues
2. The objectives to resolve the issues
3. The policies to implement the objectives
4. The rules to implement the objectives and policies.

### Resource Management Issues

Resource management issues are statements about the qualities or values that are important to the Manawatū District which need to be addressed to achieve sustainable management.

Issues have been identified through monitoring of the effectiveness of the Operative District Plan (2002) and through consultation with, and feedback from the community.

## Objectives

The objectives identify what the *Council* wants to achieve in the *environment* and outlines the direction the *Council* has chosen to take to address the resource management issues identified.

Objectives may state an environmental outcome for a specific *zone* such as maintaining the character that is unique to that *zone*. Objectives may also relate to issues which apply throughout the District, such as:

1. Infrastructure
2. Heritage matters
3. Natural hazards
4. Hazardous facilities and contaminated *sites*.

## Policies

Policies relate directly to objectives. They are broad action steps that address aspects of an objective. Policies state what the *Council* is going to achieve, or the outcome sought to achieve the objective.

## Rules

The Plan includes rules for the purpose of carrying out the *Council's* functions under *the Act* and achieving the objectives and policies of the District Plan. The type, form and scale of different activities are controlled by rules. Some rules are applicable throughout the District, such as those relating to historic heritage. Others are to manage specific *effects* experienced in certain areas and are applied to a specific *zone*. District-wide rules need to be addressed in conjunction with rules for the specific *zone*.

All rules in the District Plan have the force of statutory regulation.

## Defined terms

Throughout the Plan, defined terms are italicised and can be found in the Definitions chapter.

# Procedural information

## General duty to comply

Compliance with the District Plan and the Resource Management Act (1991) does not remove the need to comply with all other applicable acts, regulations, bylaws and rules of law. Activities which do not require a *building* consent under the *Building Act* (2004) may still require a resource consent under this District Plan.

## Types of activities

The Resource Management Act (1991) classifies activities into the following types:

1. *Permitted activities*
2. *Controlled activities*
3. *Restricted discretionary activities*
4. *Discretionary activities*
5. *Non-complying activities*
6. Prohibited activities.

The status of activities assumes a hierarchy that reflects those activities that are anticipated to have minimal impact on the *environment* (permitted) through to those which anticipate the most significant environmental impact (prohibited).

Resource consents are not required for *permitted activities*, but are required for all others identified in the Plan. The exception to this is prohibited activities. *Council* cannot grant a resource consent for such an activity. It can only be provided for in the Plan by means of a plan change.

In some instances, *Council* has restricted its discretion to certain matters identified in the District Plan (*restricted discretionary activities*) and in other instances, there is no restriction on *Council's* discretion (*Discretionary Activities*). For *Discretionary Activities*, the *Council* may impose a wide range of conditions that have regard to a range of potential environmental effects.

There are two types of *non-complying activities* in the District Plan, those that are listed as *non-complying activities* and activities which default to a non-complying status because they are not specifically provided for as permitted, controlled, restricted discretionary or discretionary.

Guidance on applying for a resource consent is contained in *Council's* brochure named "A Guide to Land Use Consents".

## Changes to the District Plan

### Public plan changes and variations

*The Act* sets out a formal process where the *Council* can propose changes or variations to the District Plan. District Plan changes apply to an operative plan. Variations apply to a proposed plan or plan change. Any plan changes or variations will need to be publicly notified and there are submission, hearing and appeal rights.

The *Council* has a responsibility to maintain a district plan which is current and relevant and which addresses contemporary issues in the *environment*. The provisions of the District Plan may therefore be changed or varied as necessary.

### Private plan changes

*The Act* sets out a formal process where any person can lodge a request with the *Council* seeking a change to the District Plan. Further information about this process, including the information requirements, and likely costs, can be obtained from the *Council*.

### Monitoring

The *Council* is required to gather such information and undertake or commission such research as is necessary to carry out effectively its functions under *the Act*. This includes monitoring the efficiency and effectiveness of policies, rules, or other methods in the District Plan. Monitoring is undertaken throughout the life of the District Plan and appropriate Plan Changes will be initiated to respond to issues that may be identified in future.

The following types of monitoring will be undertaken by the *Council*:

- Collecting and analysing information about resource consents.
- Monitoring complaints and enforcement actions.
- Monitoring trends through analysing statistics e.g. census, accident statistics, *building* consents, traffic data.
- Scientific measurement, e.g. of land or water quality.
- Maintaining records of natural hazards.

# Significant resource management issues facing the district

## Introduction

Fifteen significant District Plan issues were identified through the public consultation which led to the preparation of this Plan. “Issues” can be thought of as matters of interest or concern to the District’s community regarding the use, development or protection of *natural and physical resources*. Quite often they are environmental problems. The issues tend to overlap and cannot always be resolved at the same time.

The *Regional Council* plays the major role in issues GEN-I5, GEN-I7, GEN-I12 and GEN-I13, and also has a part to play along with *Council* in addressing Issues GEN-I3, GEN-I4, GEN-I6, GEN-I8, GEN-I11 and GEN-I14.

## General Issues

<b>GEN-I1</b>	The District’s people need to be able to provide for their social and economic and cultural well-being and for their health and safety, without having extra barriers created by unnecessary restrictions in the District Plan.
<b>GEN-I2</b>	Appropriate ways to take Māori values into account and to involve the Tangata Whenua in Resource Management decision-making are still being refined.
<b>GEN-I3</b>	There has been a major loss of natural ecosystems in the District, particularly those on the lowland plains which would have supported a high level of biodiversity. Lost ecosystem values need to be restored and the remaining fragments protected to enhance and safeguard the biodiversity of the District.
<b>GEN-I4</b>	Past land uses, developments, <i>signs</i> and surface water uses have not always fitted into their surroundings without causing problems such as:  (New and existing activities therefore need guidance to prevent similar problems (while recognising any relevant existing use rights)).
	<b>GEN-I4.1</b> Adverse <i>effects</i> on the natural <i>environment</i> due to for example pollution, and the removal of the habitat of flora and fauna.

<b>GEN-I4.2</b>	Smoke, dust, odours or fumes which have an adverse <i>effect</i> upon people’s health, neighbourhood amenities and the <i>environment</i> as a whole.
<b>GEN-I4.3</b>	<i>Effects</i> on soil productivity, structure and stability through such activities as soil removal, covering with hard surfaces, and inappropriate cultivation. The <i>effects</i> are often gradual and cumulative.
<b>GEN-I4.4</b>	<i>Effects</i> of development pressures upon other <i>natural and physical resources</i> , e.g. on town centres, the quality or availability of water, energy supplies, the safety and efficiency of roading systems, or the supply of minerals).
<b>GEN-I4.5</b>	Overshadowing by <i>buildings</i> , shelter belts and trees. This can have <i>effects</i> on people’s use and enjoyment of adjoining land.
<b>GEN-I4.6</b>	Pressure from newly established “sensitive” activities, such as residential uses, for established operations which have a level of perceived nuisance to be curtailed or closed down.
<b>GEN-I4.7</b>	Visual Appearance - “eyesores”, such as piles of junk in the open, unfinished <i>building</i> projects or a profusion of <i>signs</i> and billboards.
<b>GEN-I4.8</b>	Electrical interference to radios and televisions.
<b>GEN-I4.9</b>	A loss of visual privacy, e.g. homes and outdoor living areas being “seen into” by neighbours and passers-by.
<b>GEN-I4.10</b>	Cultural Impacts, e.g. many people are reluctant to have a <i>funeral parlour</i> next to their home. These impacts can be difficult to deal with, particularly if more than one culture is involved.
<b>GEN-I4.11</b>	Concerns about people’s personal safety and security, e.g. in using public places which are dimly lit, or from aircraft accidents near airports.
<b>GEN-I4.12</b>	The potentially adverse <i>effects</i> on people’s health and safety and upon ecosystems from mishaps in the production, transport, use or disposal of hazardous substances.
<b>GEN-I5</b>	Parts of the District have significant soil erosion problems and varied water quality is likewise a problem in some of our rivers and streams. These

	environmental impacts are related to the removal of the land’s natural vegetation cover.
<b>GEN-I6</b>	The fragmentation of land holdings and new housing and other development which results from subdivision is having a cumulative impact upon the rural <i>environment</i> , including upon its rural character and amenities and upon the future options for use of the vulnerable versatile land. While each proposal may have minor <i>effects</i> on its own, the cumulative <i>effects</i> over time can be very significant.
<b>GEN-I7</b>	The District is prone to natural hazards, especially flooding, and to associated property damage.
<b>GEN-I8</b>	There are various limitations on the future growth of Feilding and the other townships, e.g. natural hazards, effluent disposal, and urban expansion also has a permanent impact on the rural character and natural <i>environment</i> of the growth areas concerned.
<b>GEN-I9</b>	A balance needs to be struck between the degree of new services, reserves etc. which developers or new residents pay for, as opposed to those which existing residents and ratepayers pay for.
<b>GEN-I10</b>	Public access to the coast and rivers, as well as recreational opportunities generally, need to be maintained and enhanced.
<b>GEN-I11</b>	Water and energy use is often very wasteful, and more efficient use needs to be encouraged. Disposal of solid waste which cannot be re-used or recycled needs to be managed in a more sustainable way.
<b>GEN-I12</b>	There are competing demands on the limited water supplies in the District, particularly the Oroua River. The river’s waters are taken by agricultural, urban and industrial users, and are used to dispose of treated wastes. These competing demands for a limited supply represent a constraint to current and prospective users and a potential threat to the river’s habitat values.
<b>GEN-I13</b>	Issues which cross territorial or jurisdictional boundaries (e.g. management of the beach and coastal marine area, or land uses in one District which affect people in another) need to be resolved if integrated management of resources is to be achieved.
<b>GEN-I14</b>	Manfeild Park is a unique, multi-purpose event facility for the District and requires management to enable a wide range of activities while avoiding adverse <i>effects</i> on the surrounding <i>environment</i> .

## Managing Land Use Effects

The purpose of managing the use of land and associated resources is to work toward sustainable management and toward specific environmental results. In doing this, one of the District Plan’s main functions is to control any actual or potential adverse *effects* of the use, development or protection of land. “Cumulative” *effects* are of particular concern, i.e. one activity on its own may have little impact on the *environment*, but a number of such activities happening over time would have an adverse *effect*. Controlling the *effects* of activities which use the surface of rivers and lakes is also within the scope of this Plan.

## General Objectives

Refer also: GRUZ-03, GRZ-02, SETZ-02, INF-01, INF-02

<b>GEN-01</b>	To recognise the potential adverse effects of activities upon the natural and physical environment, land and ecosystems and to avoid, remedy or mitigate these <i>effects</i> . (GEN-I4)
<b>GEN-02</b>	To protect present and future District residents from potential adverse effects of land uses upon their amenities and their health and safety. (GEN-I4)
<b>GEN-03</b>	To foster a climate where the District’s people can provide for their social and economic and cultural wellbeing and for their health and safety. (GEN-I1)
<b>GEN-04</b>	To recognise the need for the Tangata Whenua to be able to use their land and traditional resources according to their cultural heritage. (GEN-I2, HH-O2, TW-O1).
<b>GEN-05</b>	To maintain and enhance the <i>amenity values</i> which make the District a pleasant place to live in and visit. (GEN-I3, GEN-I4) [PC65]
<b>GEN-06</b>	To promote integrated management of land and water resources (GEN-I14)

## General Policies

<b>GEN-P1</b>	To ensure that adverse effects of land use and surface water activities on the natural <i>environment</i> , land, water and ecosystems are avoided, remedied or mitigated.
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<b>GEN-P2</b>	To take potential impacts on future residents of an affected property into account when managing land use <i>effects</i> .
<b>GEN-P3</b>	To minimise the potential for conflict between new activities and lawfully existing activities.
<b>GEN-P4</b>	To provide opportunities for participation by the Tangata Whenua in making resource allocation and land use decisions, including setting conditions on land use consents where appropriate.
<b>GEN-P5</b>	To avoid, remedy or mitigate any adverse <i>effects</i> resulting from the activities of others upon resources or other taonga valued by the Tangata Whenua. (Refer also HH-O2 and INF-O6).
<b>GEN-P6</b>	To remove impediments which limit the ability of the Tangata Whenua to use their land or resources according to their cultural heritage.
<b>GEN-P7</b>	To minimise the nuisance caused by effluent on roads and roadsides. (Refer also GRUZ-O3, GRZ-O2, SETZ-O2)
<b>GEN-P8</b>	To ensure that suitably-zoned land is available, with the required infrastructure, to meet the locational and operating needs of new industries and other employers.
<b>GEN-P9</b>	Not to place any unnecessary barriers (e.g. “red tape”) in the way of new job opportunities.

# Consent Procedures

## Introduction

The Plan’s rules aim to avoid, remedy or mitigate the adverse environmental effects of any use of land and any associated natural and physical resources for which the Council has responsibility under the Act. This includes the *effects* of development or protection of land, subdivision, and any activities on the surface of rivers and lakes.

The term ‘rule’ applies to any control used within the District Plan. The main system used is to classify activities into categories with different levels of control, depending on their actual or potential effects. The Plan Rules also contain standards which land uses and subdivisions must meet. The controls and standards are different for each *zone*.

People applying for a land use or subdivision consent may also need resource consents from the Regional Council. For example a project could require a subdivision consent for a proposed new lot, a land use consent for a factory on the new lot, a water permit to put down a bore, and a discharge permit to dispose of effluent.

## Information Requirements for Resource Consent Applications and Designations

### Certificate of Compliance Applications

An application for a Certificate of Compliance must include sufficient detail to assess whether the proposal complies fully with this Plan.

Plans of existing or new *buildings* at an appropriate scale may be required, showing internal floor layout, elevations of the *building*, property boundaries and other *buildings*.

### Land Use Consent Applications

#### A) Information to be Provided:

- i) All applications shall be in the proper form, and should explain:
  - a) Who is making the application, and the location of the *site* concerned.
  - b) The nature, staging, and physical extent of the proposed activity.

- c) Relevant operational matters, staff numbers, traffic, access and parking information.
- d) Landscaping and screening proposals.
- e) The actual or potential *effects* that the activity may have on the *environment*.
- f) The ways in which any adverse environmental *effects* may be mitigated.
- g) Any other resource consents that the activity may require, and whether or not such consents have been applied for.
- h) Any resource consent application pertaining to noise attenuation shall be accompanied by the following additional information:
  - Identification of the method of construction to be used for the purpose of noise attenuation; and
  - Relevant documentation which confirms that the method identified will achieve the insulation ratings specified.

NB – Insufficient information may delay the processing of an application.

- ii) Changes to the design and other details of a notified application may be made before the end of a hearing, but only if the amendments are within the scope of the original application. If the changes go beyond that scope, such as by increasing the scale or intensity of the proposed activity, or by changing the character or *effects* of the proposal, a fresh application will be required.
- iii) Applications for land use consent should usually include a set of drawings to explain the proposal. These drawings must be accurate, legible and capable of being readily copied, and should show, as applicable:
  - a) *Site* location, with *road* name, property boundaries, and north point.
  - b) *Site* plan at an appropriate scale, showing:
    - The location of all existing and proposed *buildings* and structures (including any verandahs, decks, eaves and balconies).
    - The position of any easements, and existing and proposed services.
    - The position of parking and loading spaces, and proposed access and manoeuvring areas, including the location of any vehicle crossings.
    - Levels on boundaries and around any *buildings*, plus ground contours if the *site* is steeper than 1 in 10.

- Proposed retaining walls, excavations and fill.
  - Existing trees and areas of vegetation, and proposed landscaping.
  - Watercourses within the *site* and proposals to manage stormwater and effluent.
- c) A floor plan of each *building* at an appropriate scale, showing the internal layout of the *building* and the use of rooms or parts of a floor.
- d) Elevations of each *building* at an appropriate scale, showing:
- The external appearance of the *building* (including windows and doors).
  - The number of floors.
  - *Building* heights and distance to any property boundary.
  - How this Plan's *height* controls apply to the *building*.
  - Original and new ground levels underneath proposed *buildings*.

**B) Assessment of Environmental Effects:**

- i) Any assessment of environmental *effects* supplied with an application must provide enough information for anyone to understand the actual or potential *effects* (both positive and negative) of that activity on the *environment*, and the ways in which any adverse *effects* will be mitigated. The level of detail shall correspond with the scale and significance of those *effects*.
- ii) If the application is for a *controlled activity* or *restricted discretionary activity*, the assessment need only cover the matters over which *Council* has retained discretion.
- iii) An assessment of environmental *effects* should include the following, as appropriate:
- a) A description of the *site* and its neighbourhood
  - b) A description of the proposed activity, and, if the activity may have significant adverse environmental *effects*, the reasons for selecting the proposed *site*, scale and type of activity.
  - c) A review of the resource management policies which apply to the proposal.
  - d) An assessment of the actual or potential *effects* on the *environment* of the activity, including adverse *effects*, benefits and cumulative *effects*, particularly:

- Any physical *effect* on the locality, including landscape and visual *effects*, noise, and any *effects* on natural hazards.
  - Any *effect* on ecosystems, including *effects* on animals or plants and disturbance of habitats.
  - Any *effect* on heritage places, items listed in HH-SCHED1, HH-SCHED2 and TREE-SCHED1, *natural areas* or other places of special value to present and future generations. [PCH(a), PCH(b)]
  - Any *effect* on nearby people and the wider community, including any socio-economic and cultural *effects* and impacts upon *amenity values*.
  - Any *effect* on the efficiency of transportation, communications, and public services.
  - The *effect* of any discharge into the *environment*, (subject to any Regional Plan).
  - An assessment of any risks to the *environment* (particularly the health and safety of people) arising from any use of hazardous substances.
- e) A description of the mitigation measures (including monitoring, safeguards and contingency plans where relevant) to help prevent or reduce any adverse environmental *effects*, including an explanation of why these mitigation measures were preferred to others.
- f) A list of persons interested or affected by the proposal, the consultation undertaken, and the results of this consultation.
- g) A description of how the activity's *effects* are to be monitored and by whom.

## Subdivision Consent Applications

**Note:** National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health may also apply and a consent may be required under those provisions.

- A) All applications shall be in the proper form and should include:
- i) The information required under Section 219 of *the Act*, namely:
    - a) The position of all new boundaries.
    - b) The size of all new allotments, except in the case of cross lease, company lease, or unit plan subdivisions.

- c) The location and size of existing and proposed reserves, including any *esplanade reserves*.
  - d) The location of existing and proposed *esplanade strips*.
  - e) The location and size of any land below mean high water springs of the sea, or of any part of the bed of a river or lake, which is required under section 237A of *the Act* to be shown on a survey plan as land to be vested in the Crown.
  - f) The location and areas of land to be set aside as new *road*.
  - g) The extent to which connections to electricity, gas and *telecommunication* networks are available to service the needs of the development and/or subdivision.
- ii) Plans drawn to scale, legible and capable of being readily copied. The plans must show, as appropriate:
- a) The address and legal description of the property.
  - b) The position of any new covenant boundaries for cross-lease and unit title subdivisions.
  - c) The location of any proposed easement.
  - d) Abutting and underlying title boundaries, and existing *building* line restrictions and easements.
  - e) The balance area of the property to be subdivided showing proposals for future development (if known).
  - f) Contours or spot heights sufficient for the design of access and services, and to show the general topography of the area, particularly around proposed house *sites*.
  - g) Any features to be protected, including vegetation or trees.
  - h) The main topographic features, including water courses, trees and areas of filled ground.
  - i) Existing and proposed provision for stormwater and farm drainage, and sewage disposal. For unsewered areas, evidence may be required that sewage can be adequately disposed of in an environmentally acceptable manner, without risk to health.
  - j) Existing structures (including *buildings*), and whether such structures will be retained, shifted or removed.
  - k) Existing and proposed roads, vehicle crossings, pedestrian accessways, and service lanes with relevant widths, areas and gradients.

- l) In urban situations, the proposed location, size and grades of all utilities.
  - m) Proposed areas of excavation and fill, with finished contours where significant alterations to the ground surface are proposed.
  - n) Any public works designations.
  - o) Any heritage places and items listed in HH-SCHED1, HH-SCHED2 and TREE-SCHED1 identified by the Plan. [PCH(a), PCH(b)]
  - p) An overall development plan of the proposed new and any existing development must accompany *infill* subdivision proposals for the *site*.
- iii) Information on:
- a) The availability of utilities for each new lot.
  - b) The stability of the new lots, including the depth and compaction of any fill and the future likelihood of earth movement or erosion.
- iv) For subdivision proposals within a Growth Precinct:
- a) Applications must have supporting information and assessment to demonstrate how the proposed subdivision design and layout accords with the relevant Structure Plan in SUB-APP3.
  - b) An evaluation against the Subdivision Design Guide in SUB-APP5 demonstrating that the guiding principles have been providing for in the proposed subdivision.

## Further Information

- A) *Council* may, under section 92 of *the Act*, require applicants to supply further information which is needed to better understand:
- i) The nature of the proposed activity,
  - ii) The *effects* the proposed activity may have on the *environment*, and
  - iii) The ways in which any adverse environmental *effects* are to be mitigated.
- B) If any significant adverse *effect* may result from a proposal, the *Council* may commission a report, with the report brief prepared in consultation with the applicant, for purposes which include:
- i) Checking the accuracy, relevance and completeness of the information provided.
  - ii) Reviewing any technical or operational details of the proposal.

- iii) Identifying and assessing any natural hazard or the use or storage of any hazardous substance, including measures to mitigate any potential adverse *effects*.
- iv) Providing information on matters such as heritage values, amenity or cultural considerations.

## Notification and Service of Applications

The following is a guideline only, to assist applicants and interested parties. It is not intended to limit the *Council's* discretion or responsibilities under Sections 93 to 94D of *the Act*.

- A) Any application for a resource consent for a *controlled activity* or a *restricted discretionary activity* does not need to be publicly notified.

NB - Under Section 93(1) of *the Act*, applications for discretionary and *non-complying activities* need not be notified if *Council* is satisfied that the adverse *effects* of the activity on the *environment* will be minor.

- B) Notice of any application for resource consent does not need to be served on affected persons in the following circumstances:
  - i) The application is for a *controlled activity* land use or subdivision consent, or
  - ii) The application is for a *restricted discretionary activity* subdivision consent, except for any subdivision where Rule SUB-R11 applies or subdivisions which do not comply with SUB-ST24 due to a failure to meet GRUZ-ST4 in respect of separation from a *dwelling* or potential *dwelling* on another *site*, or
  - iii) The application is for a *restricted discretionary activity* land use consent which concerns non-compliance with any of the following rules:
    - a. Outdoor *living courts* and *service courts*.
    - b. *Site Coverage*.
    - c. Landscaping.
    - d. Density of dwellings.
    - e. Roading Impacts (General Rural *zone*).
    - f. Provision of verandahs in the Town Centre *zone*.
    - g. Street Frontage in the Town Centre and Mixed Use *zones*.
    - h. Floor Area of *Buildings* (Flood Channel *Zone*).



iv) The application is for a *restricted discretionary activity* land use consent for clearance, modification, harvesting or removal of *indigenous vegetation* (GRUZ-R33, NH-R18).

**NB** - Under Section 94(2) of *the Act*, notice of any other application for resource consent does not need to be served on affected persons if all persons who, in *Council's* opinion, may be adversely affected by the activity have given their written approval to the activity.

C) Despite the above, the *Council* may, under Section 94C of *the Act*, publicly notify any application if an applicant requests or in special circumstances.

# Assessment of Applications

## Assessment of Discretionary (DIS) Activity Applications

### Assessment Criteria (AC)

In assessing *discretionary activities* Council will have regard to matters including the following:

<b>GEN-AC1</b>	Subject to Part II of <i>the Act</i> , the matters specified in Section 104 of <i>the Act</i> .
<b>GEN-AC2</b>	Compliance or otherwise with standards applying to similar <i>permitted</i> or <i>controlled activities</i> .
<b>GEN-AC3</b>	The environmental results sought by this Plan for the zones concerned.
<b>GEN-AC4</b>	Any potential detraction from the amenities of the area through odour, smoke, noise, or other noxiousness whether from the operation itself or any ancillary aspect.
<b>GEN-AC5</b>	The degree to which proposed <i>buildings</i> would detract from the visual amenities of the area.
<b>GEN-AC6</b>	Vehicle crossings shall be assessed in terms of the sight distance and driveway spacing guidelines contained in Appendix TR-APP3, and the seal widening and formation standards contained in TR-APP3.
<b>GEN-AC7</b>	Whether there is sufficient and adequate provision for the collection or disposal of solid waste, including tailings.
<b>GEN-AC8</b>	The degree to which any waste treatment ponds are adequately separated from other activities, taking into account topography, type of waste to be treated, wind direction, tree planting and existing vegetation and the location and number of existing and future dwellings likely to be affected by such ponds.
<b>GEN-AC9</b>	Compliance or otherwise with any relevant NZ Standards, regulations or <i>Industry Guidelines</i> .
<b>GEN-AC10</b>	Any danger to people from hazardous goods and natural hazards, including any risk assessments, contingency plans and proposals to mitigate such hazards.
<b>GEN-AC11</b>	The potential possibility of any animals escaping on to adjoining properties, roads, or public places.

<b>GEN-AC12</b>	Whether any exterior lighting is to be used or installed which would tend to annoy people nearby.	
<b>GEN-AC13</b>	The effect of the proposal on the heritage values and preservation of any place or object listed in HH-APP1, HH-APP2, HH-SCHED1, HH-SCHED2, HH-SCHED3, HH-SCHED4, and items listed in TREE-SCHED1, or upon the heritage significance of any <i>natural area</i> in terms of the criteria in HH-APP3.	
<b>GEN-AC14</b>	Any detrimental effect of the proposal upon the operation or future development of any other existing permitted use in the vicinity. This includes whether the proposal requires a level of amenity which is incompatible with the operation and management of any such permitted use.	
<b>GEN-AC15</b>	Any potential adverse effects of the proposal upon the life supporting capacity of soils, or upon options for their future use, due for example to compaction, fragmentation of ownership, soil removal, coverage or risk of contamination.	
<b>GEN-AC16</b>	For quarrying and gravel extraction:	
	<b>GEN-AC16.1</b>	The techniques to be used in the operation.
	<b>GEN-AC16.2</b>	The likely duration of the quarrying or extraction.
	<b>GEN-AC16.3</b>	Restoration and the ultimate use of the <i>site</i> .
	<b>GEN-AC16.4</b>	Adequate set-back and separation distances from roadways and adjoining uses, for visual amenity reasons and for noise attenuation.
<b>GEN-AC17</b>	The degree of separation proposed between any <i>building</i> or pen housing animals and any <i>building</i> , boundary or <i>road</i> . <i>Council</i> may increase or relax the separation distance where on the grounds of public health, amenity, intensity of use, odour, visibility, noxiousness or other reasons it is appropriate to do so. The separation distances proposed by the Pork <i>Industry Board's Code of Practice</i> shall be used as a guideline for assessing the adequacy of separation around any proposed <i>pig farming</i> operation.	
<b>GEN-AC18</b>	In relation to <i>service stations</i> :	
	<b>GEN-AC18.1</b>	The extent to which the proposal will be screened from adjacent residential uses by landscaping or fencing.

	<b>GEN-AC18.2</b>	The effect of any access points on traffic safety and efficiency.
	<b>GEN-AC18.3</b>	The extent to which lighting will be managed to avoid nuisance on residential properties.
	<b>GEN-AC18.4</b>	Whether vehicle manoeuvring can be accommodated on <i>site</i> .
	<b>GEN-AC18.5</b>	The extent to which <i>signs</i> comply with general controls in the <i>zone</i> concerned.
	<b>GEN-AC18.6</b>	The adequacy of proposals to collect and deal with potentially contaminated stormwater.
	<b>GEN-AC18.7</b>	The extent to which the proposal is likely to have an effect on the amenities sought by the objective for the <i>zone</i> concerned.
<b>GEN-AC19</b>	In relation to <i>industries</i> in the Commercial Zone:	
	<b>GEN-AC19.1</b>	The design and layout of any new <i>building</i> , and its ability to be refurbished for future commercial use.
<b>GEN-AC20</b>	In relation to additions or alterations to <i>buildings</i> within the Air Noise Area, the degree to which the adverse effects of aircraft noise will be mitigated through <i>building</i> construction methods to achieve a satisfactory internal noise environment.	
<b>GEN-AC21</b>	In relation to new <i>buildings</i> within the Inner Control Area or the Outer Control Area, the degree to which the adverse effects of aircraft noise will be mitigated through <i>building</i> construction methods which meet the following noise insulation ratings plus a 5dBA safety margin:	
	<b>GEN-AC21.1</b>	<i>Buildings</i> to which NOISE-SCHED1 applies - 20 decibels
	<b>GEN-AC21.2</b>	<i>Buildings</i> to which NOISE-SCHED2 applies - 25 decibels
	<b>GEN-AC21.3</b>	<i>Buildings</i> to which NOISE-SCHED3 applies - 30 decibels
<b>GEN-AC22</b>	In relation to the rural subdivisions listed as a discretionary activity under SUB-R14:	
	<b>GEN-AC22.1</b>	The need to provide a degree of separation between future dwellings by maintaining a minimum allotment size of around 4000m <sup>2</sup> .

	<b>GEN-AC22.2</b>	The need for such allotments to still meet the standards in SUB-ST22 to SUB-ST27.	
	<b>GEN-AC22.3</b>	The effect of the proposed subdivision on potential future urban growth, including the feasibility of future roading patterns.	
<b>GEN-AC23</b>	In relation to General Rural and Flood Channel <i>Zone</i> subdivisions in the coastal area under SUB-R14:		
	<b>GEN-AC23.1</b>	The potential for natural hazards, including sand inundation, erosion and the possibility of future sea level rise.	
	<b>GEN-AC23.2</b>	Potential impacts upon the natural character and landscape values of the coastal area, including the ecological value of the Rangitikei River estuary, and upon any heritage places.	
	<b>GEN-AC23.3</b>	River control and drainage limitations, and the need to satisfactorily dispose of domestic effluent.	
	<b>GEN-AC23.4</b>	The need to still comply with the Plan’s averaging formula for rural allotments.	
<b>GEN-AC24</b>	In relation to access, where common access to eight or more dwellings is to be provided, this access must be a new legal <i>road</i> , to be formed to <i>Council’s</i> standards.		
<b>GEN-AC25</b>	In relation to subdivisions within any of the <i>Growth Precincts</i> , that do not comply with the minimum lot size and/or minimum lot frontage standard in SUB-ST1:		
	<b>GEN-AC25.1</b>	The extent of non-compliance.	
	<b>GEN-AC25.2</b>	The design and outcome of the proposed residential block layout and local street network, including:	
		<b>GEN-AC25.2.a</b>	The recognition of the topographic and physical features of the <i>site</i> and surrounds;
	<b>GEN-AC25.2.b</b>	The provision of open space including retirement of steep hillsides, gully systems, <i>esplanade reserves</i> and local purpose reserves;	

		<b>GEN-AC25.2.c</b>	The use of residential density that integrates into the landscape;
		<b>GEN-AC25.2.d</b>	The extent of through roads within the subdivision and linkages within the <i>Growth Precinct</i> ; and
		<b>GEN-AC25.2.e</b>	The level of accessibility for future lot owners.
		<b>GEN-AC25.3</b>	The character and amenity anticipated by the subdivision design using positive features of established <i>urban areas</i>
		<b>GEN-AC25.4</b>	The ability of larger lots (2,000m <sup>2</sup> and greater) to be further subdivided in the future to a size and form that creates good quality outcomes.
		<b>GEN-AC25.5</b>	The provision of infrastructure and roading networks, for the current and anticipated future demand, including future intensification if larger lots are created.

## District Rules

NB – Words outlined as Italicised type in the District Rules have a specific definition in the Definitions Chapter.

### Rules Applying Throughout the District

#### Temporary Activities

**GEN-R1** **Definition:** For the purpose of this rule, “temporary activity” means any short-term use of land for the following purposes:

**GEN-R1.1** Military training activities

#### Permitted Activities (PER)

**GEN-R2**

Temporary activities shall be *permitted activities* in all zones, provided that they comply with the standards GEN-ST1 below.

## Standards for Permitted Activities

**GEN-ST1**

Temporary *buildings* (including tents, mobile homes and prefabricated *buildings*) must:

**GEN-ST1.1**

be readily moveable and

**GEN-ST1.2**

meet any *yard* requirements of this Plan and

**GEN-ST1.3**

must be removed from the *site* within 6 months of the commencement of the activity and

**GEN-ST1.4**

not occupy a *site* for more than one 6 month period in any 12 months.

## Discretionary Activities (DIS)

**GEN-R3**

Any *permitted activity* specified in GEN-R1 and GEN-R2 which does not comply with any of the relevant standards in GEN-ST1 above shall be a *discretionary activity*.

**Assessment Criteria:**

**GEN-AC26**

The matters set out in GEN-AC1 to GEN-AC25 will be taken into account in assessing applications for *discretionary activities*.

## District Rules to Prevail Over Bylaws

### GEN-R4

Where any Rule in this Plan is inconsistent with the provisions of any bylaw, the provisions of the Rule shall prevail.

## Explanation

### General objectives and policies

The above objectives apply to the whole of Part 5 of the Plan Strategy. They will be achieved by the policies above and others throughout Part 5. All stem from *Council's* functions under the Resource Management Act, from the matters of importance set out in Sections 6 and 7 of *the Act*, or from the purpose of *the Act* itself.

“Sustainable management” involves enabling “people and communities to provide for their social, economic and cultural well-being and for their health and safety...” The District Plan’s role is to provide a regulatory framework within which people and communities can pursue the solution of problems such as unemployment, rural depopulation and a desire for further recreational or social facilities. *Council* can do much to assist through means outside the District Plan.

GEN-O6 reflects the fact that integrated management is part of the function of District Councils under Section 31 of *the Act*. It means particularly that Regional and District Councils should work together to ensure that efforts are not duplicated and that there are no “gaps” between the resource management responsibilities of each. Some processes to address these “cross-boundary” issues are contained in the Cross-Boundary Matters chapter. Managing the *effects* of land use on water quality is an example. While safeguarding water quality is a *Regional Council* task, managing land use is primarily the District’s role. Riparian margins in particular, being at the interface of water and land, require an integrated management approach agreed between this *Council* and the *Regional Council*.

GEN-P2 recognises that “the foreseeable needs of future generations” are a part of sustainable management. If too many tall *buildings* or nuisances are allowed (each with its own neighbour’s consent at the time) the overall quality of the residential *environment* will suffer and the desired outcomes will not be achieved. The interests of future residents may therefore be relevant.



The Plan also deals with impacts which only relate to the *site* being developed, (i.e. which do not affect any neighbours or the *environment* in general), because of potential *effects* on future residents of that property.

GEN-P3 recognises that problems are often created where new activities which expect a high standard of amenity (such as residential ones) develop near previously established land uses with established *effects*. Over time the new land uses can create pressure for the quite legitimate existing ones to be closed down or for their operations to be severely limited. This phenomenon is sometimes called “*reverse sensitivity*”.

Policies GEN-P4 to GEN-P6 relate to *Council’s* duties under Part II of *the Act*, especially Section 8. As noted on page 1 of this chapter, when *Council* formulates Plans and makes planning decisions under *the Act*, the principles of the Treaty of Waitangi must be taken into account. Among the things which must be recognised and provided for as a matter of national importance is the “relationship of Māori and their culture and traditions with their ancestral lands, water, *sites*, Waahi tapu, and other taonga.” *Council* also has to have particular regard to Kaitiakitanga, which is defined as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to *natural and physical resources*; and includes the ethic of stewardship.” This definition is recognised by Māori as being incomplete. The freedom of action implied by GEN-P6 is still of course limited by the overall aim of sustainable management.

GEN-P7 refers to spilt manure from stock trucks, to effluent holding tanks on campervans being emptied on the roadside, and to the *road* being used as a cattle race. These things create a nuisance for other *road* users, and manure can corrode the tarseal itself. Proper discharge points need to be available for trucks and campervans. It is inappropriate for this Plan to require stock trucks to have effluent holding tanks. This sort of regulation needs to be implemented at a national level. *Council* will lobby central government on this issue, and will encourage local/regional carrying firms to install tanks.

## District Plan Methods

- Rules in chapters GEN, ASW, GRZ, SETZ, GRUZ, COMZ, OSZ, NH, STADZ, SDZ

## Other Methods

- Assisting the Tangata Whenua with the issue of how best to achieve their projects and to secure access to the resources which they regard as important.
- Regular view of bylaws and other restrictions which may unnecessarily limit people.
- Lobbying Central Government.
- Working with local/regional cartage contractors, and farmers.

- Involvement in providing effluent discharge points.
- Manawatū District Bylaw 2002 (covering stock races).
- Assisting applicants to identify the appropriate Tangata Whenua contact people to consult with about their proposal.

## Environmental Results Anticipated

1. Tangata Whenua are satisfied that Māori land and resources are able to be used in accordance with Māori cultural preference, with any adverse environmental *effects* being addressed. (GEN-O4, TW-O1)
2. Soil compaction, contamination or removal do not have a significant adverse *effect* upon the life-supporting capacity or versatility of the District's rural soils. (GRUZ-O1)
3. No significant adverse *effects* from development upon the rural character and amenity of rural areas, or upon the quality of the District's outstanding landscapes. (Objectives GRUZ-O2).
4. Levels of complaint from rural residents about rural activities on other properties are low, and do not result in curtailment of those activities. (GRUZ-O3, GRUZ-O4).
5. Most residents of General Residential and Settlement zones are satisfied with the amenity of their neighbourhood and town as a place to live. (GRUZ-O2, SETZ-O1).
6. People regard Feilding's Town Centre, Mixed Use, and Commercial *zones* as an attractive place to do business. (COMZ-O6).
7. No listed heritage *buildings* or facades in central Feilding are demolished or substantially modified without scrutiny of alternative options through the resource consent process. Any new structures or redevelopment of existing *buildings* in the town centre fits in with the historic character of the Heritage Precinct. (COMZ-O6).
8. Activities in Commercial, General Industrial and Open Space zones do not have a significant adverse *effect* upon the *environment* or upon residents in other zones. (COMZ-O7, OSZ-O1)
9. Subdivision, land use and development does not have a significant adverse *effect* upon the natural character or heritage value of the coastal area. (CE-O1).
10. No recurring complaints about noise from water craft, and minimal complaints from residents of sound-insulated dwellings about aircraft noise at Palmerston North Airport. (ASW-O1, NOISE-O2)
11. Hazardous substance use, transport and storage is undertaken with adequate safety features, and no health problems related to contaminated *sites* are confirmed. (HS-O1).

12. No arterial route suffers a reduction in the level of service which it can provide, due to ribbon development or a proliferation of driveways along it.

## Monitoring and Review Procedures

The procedures to be used will include:

1. “State of the *Environment*” reporting, including noise levels in the various zones.
2. Obtaining feedback from the Marae Consultative Committee on District Plan issues associated with use of Māori land and resources.
3. Assisting with research into the extent of soil compaction, contamination and removal in the District, including the influence of land use upon these factors.
4. Monitoring whether land use consents are issued in compliance with the rules in the Plan, and whether the terms of consent are being complied with.
5. Liaising with the *Regional Council* in assessing any degradation to land and water resources as a result of activities provided for in the Plan.
6. Undertaking “snapshot” rural landscape and character assessments, including of the identified outstanding landscapes, when the Plan is made operative, and again prior to the review of the Plan.
7. Recording levels of complaint from people about activities on other properties and in other zones, including about air noise and water craft, and instances where rural activities are curtailed or prevented from establishing by pressure from people living on rural-residential properties.
8. Surveying local people to determine whether their desired levels of amenity are being met, and whether they find Feilding’s Business *zone* an attractive place to do business.
9. Reporting on a three-yearly cycle, on listed *buildings* in the Feilding town centre which have been destroyed or substantially modified, whether with resource consent or not.
10. Independent audit by a conservation architect on new *buildings* constructed in central Feilding, for compatibility with the historic character of the Heritage Precinct.
11. Reporting on levels of compliance with safety regulations relating to hazardous substance use, transport and storage, including major accidents and any health problems related to contaminated *sites*.

12. Comparing traffic accident records with the database of land use consents, and also reporting on instances where glare, lack of sight lines or signage was attributed as being a factor in causing an accident.
13. Reporting on levels of service provided by arterial routes in the District.
14. Assessing how *effective* land use consent conditions and other methods have been in avoiding or mitigating the adverse *effects* of land use activities, and changing these methods if necessary.