

Draft District Plan Review: Introduction and Plan Format

OVERVIEW: INTRODUCTION & PLAN FORMAT

This draft chapter has been prepared as part of Council's District Plan Review Project. The structure and layout of the chapter reflects the intended reformatting of the existing District Plan in accordance with the National Planning Standards 2019.

Council is working on reviewing the whole District Plan at present. The following overview is focused on the Introductory Chapters of the draft Plan and an overview of the Plan's format.

As a draft plan change we expect to be making changes to the provisions as we respond to matters raised in feedback, new technical advice received, and any change in national or regional direction. These changes will be made before public notification of the plan change documents under the Resource Management Act 1991 takes place. Public notification of the plan change will enable formal submissions to be lodged which can then be considered as part of a hearing and final decision-making process.

The focus of the Introduction sections of the Plan is to set out the context in which the Plan was drafted and also is to be implemented within. It outlines to Plan users, the key themes, objectives, legislative documents, and the way in which to interpret and implement the Plan as a whole.

The overarching theme of the review has been to maintain, as far as possible and practicable, the permissive and 'open for business' nature of the current District Plan and carry this over into the new Plan. The key themes for the review are as follows:

- Maintain an 'open for business' feel to the Plan that enables development to occur in the District.
- Recognise that the character and amenity of the District is going to change over time and recognise that such change is not automatically an adverse outcome.
- Provide more flexibility for development within the commercial centres to encourage growth and investment.
- Provide a framework for greenfield development within the identified growth areas.
- Provide a less restrictive framework for the development of Māori owned land.
- Provide a framework that enables increased housing choice to those that choose to live within the District.
- Protect the Rural resource and versatile land within the District.
- Provide more direction on the desired outcomes for development within the District.
- Provide Council consent planners with more discretion to ensure good outcomes are achieved.
- Provide more direction on how stormwater is to be managed within private development.

The District Plan is broken up into four main parts as outlined below. Beneath each heading is a summary of the key elements within each Part.

Part 1 – Introduction and General Provisions

This is the opening part of the plan and provides an introduction to the overall District Plan, its purpose, the key pieces of relevant legislation, and a description of how the Plan works. The structure of Part 1 is as follows:

PART 1	Introduction & General Provisions
Introduction	<ul style="list-style-type: none"> • Mihi • Foreword • Contents • Purpose
How the Plan works	<ul style="list-style-type: none"> • Statutory Context • General Approach • Cross boundary matters • Relationships between spatial layers
Interpretation	<ul style="list-style-type: none"> • Definitions • Abbreviations
National Direction Instruments	<ul style="list-style-type: none"> • National Policy Statements and NZ Coastal Policy Statement • National Environmental Standards • Regulations • Water observation orders
Tangata Whenua	<ul style="list-style-type: none"> • Tangata Whenua

This part of the Plan sets the scene for how the document is to be implemented and outlines the context it has been developed within and to be implemented within. The following extract from the draft Plan, is an outline how the Plan works:

<p>District Plan Framework</p> <p>The Plan takes an integrated management approach to the subdivision, use, development, and protection of land and associated natural and physical resources. In some cases, the integrated management of effects requires the use of other mechanisms such as bylaws, advocacy, education and incentives to help achieve environmental outcomes. Where a rule or a regulatory approach, is the best solution to an issue, this plan contains those provisions.</p> <p>The District Plan is comprised of the following four interrelated parts:</p> <p><u>Part 1 – Introduction and General Provisions</u> Introduction – How the Plan Works – Interpretation – National Direction – Mana Whenua</p> <p>These chapters explain the District Plan's context and how it works, and provide definitions that assist to interpret the District Plan. They also provide context and process-related information in relation to tangata whenua.</p> <p><u>Part 2 – District-Wide Matters</u></p>
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These relate to:

- Strategic Direction
- Energy, Infrastructure & Transport
- Hazards & Risks
- Historical & Cultural Values
- Natural Environmental Values
- Subdivision
- General District-Wide Matters

The rules in these chapters apply generally across the District and are not separately covered in Part 3 Area Specific Matters. The strategic direction chapter contains objectives which address key strategic matters and provide district-wide strategic considerations. The objectives in this chapter have the same status as all other objectives in the plan but provide guidance across the district.

The district-wide provisions apply to the use and development of natural and physical resources across the district regardless of the zone or precinct in which they occur.

The provisions for overlays, scheduled sites and features are also contained within this section. Overlays, scheduled sites and features manage the protection, maintenance or enhancement of particular values associated with an area or resource. These can apply across zones and precincts, however their boundaries do not generally align to zone or precinct boundaries and often they do not align to land parcel boundaries.

Part 3 — Area-Specific Matters

a. Zones:

Zones manage the way in which areas of land are used, developed or protected. The spatial application of zones identifies where similar uses and activities are anticipated. The zones provide the main provisions to direct activities. Zones are identified on the planning maps.

A zone spatially identifies and manages an area with common qualities and environmental characteristics or where particular environmental outcomes are sought.

The entire district is zoned and all land is identified as part of a 'zone' on the Planning Maps, with rules which specifically address zone-based activities and effects. The zones seek to enable similar, compatible activities or effects to be located in appropriate areas together, while managing those that are incompatible.

b. Designations: This part contains the designations that have been included in the District Plan under section 168, section 168A or clause 4 of Schedule 1 of the RMA.

Designations authorise the use of land by requiring authorities for a particular project or public work. The District Plan rules do not apply to a public work, project or work undertaken by a requiring authority that is in accordance with the designation. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.

Part 4 — Appendices and Maps

- a. Appendices: These contain technical information and data, such as schedules of identified sites, areas, items and features, where these have not been included in relevant chapters in Parts 2 and 3.
- b. Maps: Planning maps spatially define zones, areas, items and features referred to within the District Plan chapters.

Application of Part 2 District-Wide Matters

Tararua District Plan has provisions contained in Part 2 District-Wide Matters, that apply across the District in different ways:

1. Strategic Direction chapters

The following chapters provide a framework of objectives that set the overarching direction for the District Plan:

- RLR — Rural Land Resource
- SRC — Sustainability, Resilience, and Climate Change
- TW — Tangata Whenua
- UFD — Urban Form and Development

The objectives and policies may also be relevant when considering resource consent applications for Discretionary and Non-Complying Activities.

2. Overriding District-Wide chapters

The following chapters contain provisions and rules relating to specific types of activities that take precedence over the Zone provisions and rules (unless otherwise specified within the chapters):

- NU — Network Utilities
- Eng — Energy
- ASW — Activities on the Surface of Water
- PKH — Papakāinga and Kaumātua Housing, and Associated Marae-based Development
- TEMP — Temporary Activities (temporary buildings, temporary events, and temporary military training activities)

Note: the provisions and rules in other Part 2 District-Wide chapters (refer below) may also apply.

3. All Other District-Wide chapters

The following remaining chapters contain provisions and rules that may apply alongside/in addition to the Zone provisions and rules (some of which respond directly to features and areas shown on the Planning Maps):

- TRAN — Transport
- CL — Contaminated Land
- HAZS — Hazardous Substances
- NH — Natural Hazards

- HH — Historic Heritage
- SASM — Sites and Areas of Significance to Māori
- TREE — Notable Trees
- ECO — Ecosystems and Indigenous Biodiversity
- NFL — Natural Features and Landscapes
- OSR — Open Space and Recreation
- PA — Public Access
- SUB — Subdivision
- CE — Coastal Environment
- EW — Earthworks (including mining, quarrying, and hydrocarbon extraction activities)
- LIGHT — Light
- NOISE — Noise
- SIGNS — Signs

Format and Using the Plan

Each chapter contains objectives, policies and rules. Objectives are a statement which seek to direct or resolve an identified resource management issue. All of the chapters in Part 2 District-Wide Matters and Part 3 Area-Specific Matters contain objectives and policies which set the policy framework for the plan. Policies set the course of action to achieve or implement an objective. Within Part 2 District-Wide Matters and Part 3 Area-Specific Matters of the Plan, each chapter generally follows the format and order of provisions as set out below:

1. Introduction
2. Objectives
3. Policies
4. Rules (if any)
5. Standards (if any)
6. Assessment Matters (if any)
7. Methods (if stated)

Each chapter has a unique acronym which identifies the topic being covered. For example, the General Residential Zone is identified as GRZ and the Earthworks chapter is identified as EW.

The introduction provides an overview of the topic covered by the chapter.

The objectives set out the outcome to be achieved for the topic. There may be a number of objectives that apply. Each objective has a specific number; for example EW-O1 or GRZ-O2.

The policies set out the direction to be taken to achieve the objective. There may be a number of policies that apply. Each policy has a specific number; for example EW-P3.

The rules (if any) have the effect of regulations and set out the activity status for different activities that may be proposed (refer Table 1 – Classes of Activities below). There may be a number of rules that apply (or none at all). Each rule has a specific number; for example GRZ-R4.

Rules are presented in two formats – as provisions in an Activities Rules table and as provisions in a Performance Standards table.

Activities rules are rules applicable to the type of activity that is being undertaken and provide the activity status. Where activities rules are used, they are usually found as Table 1 in the chapter. Activities provided for in Table 1 as permitted, controlled or restricted discretionary activities are normally subject to performance standards. Performance standards set limits on the extent to which an activity is permitted or may be assessed as a controlled or restricted discretionary activity. Exceedance of a performance standard normally results in the activity being considered as a more restrictive class of activity. The performance standards are found in Table 2 of most chapters. Some chapters do not have performance standards.

Rules may refer to standards that need to be complied with. Again, there may be a number of standards that apply. Each standard has a specific number; for example GRZ-S4.

Rules may also refer to assessment matters that may be considered when assessing an application for resource consent. There may be a number of assessment matters that apply. Each assessment matter has a specific number; for example GRZ-AM4.

Methods (if stated) outline other means of achieving the objectives and policies, other than District Plan rules, where relevant. Each method has a specific number; for example EW-M2.

Wherever there is a conflict or inconsistency between rules, the most restrictive rule status applies to the activity in the first instance. Wherever there is a conflict or inconsistency between policies or between objectives, in the first instance, the most specific policy approach applies.

Please note:

- Any activity not expressly provided for within this plan is a non-complying activity.
- Where “all zones” is used in a rule, it applies to all precincts within that zone, unless otherwise specified.
- For precincts, the provisions relating to the underlying zone apply unless specifically stated otherwise.
- Formed roads are not subject to the provisions of coastal/hazard areas, overlays, scheduled sites and features unless otherwise specified in a rule.

For avoidance of doubt, where there is an inconsistency between the rules, the more stringent rule applies.

Classes of Activities

Activity Status		Requires a Resource Consent	Explanation
PER	Permitted	No	Permitted activities do not require resource consent, provided standards and all other relevant rules are met. A Certificate of Compliance can be applied for stating that an activity can be done lawfully in a particular location

			without resource consent.
CON	Controlled	Yes Consent must be granted	Council must grant consent for a controlled activity, except for in specific circumstances under sections 104 and 106 of the RMA, and can only consider matters, or impose conditions, over which the District Plan or a national environmental standard has specifically reserved control. The activity may need to meet specified standards.
RDIS	Restricted Discretionary	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a restricted discretionary activity but only on the matters over which the District Plan has restricted its discretion. These matters of discretion will be listed in the relevant rule or standard. The activity may need to meet specified standards.
DIS	Discretionary	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a discretionary activity and may consider any relevant matter. The activity may need to meet specified standards.
NC	Non-Complying	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a non-complying activity and may consider any relevant matter. Council must first be satisfied that the effects of a proposal are no more than minor or that the proposal is not contrary to the objectives and policies of the District Plan (and any relevant proposed plan), before determining whether or not to grant consent.
PR	Prohibited	No application possible	No resource consent can be applied for or granted for a prohibited activity. If you are wanting to undertake a prohibited activity, you would need the

			activity status to be changed through a plan change process.
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- The type of resource consent required is generally dependent on the degree of change anticipated and the effects that the proposed change is likely to have on the environment.
- For controlled and restricted discretionary activities, the plan lists matters over which the Council reserves its control (for controlled activities) and restricts its discretion (for restricted discretionary activities).
- The most restrictive activity status used in the plan is 'prohibited'. Applicants may not apply for a resource consent to undertake any activity that is prohibited.
- Any activity which is not permitted (PER) or prohibited (PR) requires a resource consent.