

Appendix 1.6 – Officers Recommended Amendments to General approach Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

District Plan Framework

The District Plan is an integrated planning document and should be read in full. The plan is structured to contain parts that are interrelated. The following sets out the general approach and organisation of the document.

- **Part 1 - Introduction and General Provisions**

This part sets up the District Plan's context and how it works. It provides:

- Definitions, abbreviations and a glossary.
- Significant Resource Management Issues for the district, contained in the Description of the district chapter.
- National Direction Instruments
- Context and process-related information in relation to tangata whenua and resource management.

- **Part 2 - District Wide Matters**

This part sets out strategic direction and district wide matters.

Strategic Direction — The strategic objectives address key strategic and/or significant matters for the district and provide district-wide strategic considerations to guide decision making at a strategic level. It is intended that all other objectives and policies in the District Plan are to be read and achieved in a manner consistent with the strategic objectives.

District-Wide Matters — Focus on plan methods for particular areas or activities that may occur across the district. This may be specific values, risks to be managed or factors that may require specific management, which are organised into Overlays and are spatially defined.

- **Part 3 - Area Specific Matters**

This part is divided into three; Zones (including Special Purpose Zones) Development Areas and Designations.

Zones (including Special Purpose Zones) — spatial identification and grouping of areas with common qualities, characteristics and defined environmental outcomes. The zone sets out an overall framework for land use management. All land in the district has a zone on the planning maps and has associated policies and methods including rules which are aimed at addressing zone based activities and effects. The zones generally seek to enable compatible activities that were similar or effects to be located in appropriate areas together, while managing those that are incompatible. ~~Area specific zone matters chapters do not contain rules and standards that apply generally across the district~~ specifically to the area or zone. There are additional rules and standards which apply generally across the district in the District Wide Matters chapters.

Development Areas — these are areas arrived at through spatial planning processes such as structure plans or future development strategies that apply to determine future land use or development. There are currently no development areas included in the District Plan.

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 Schedules**

This part contains technical information and data, such as schedules of identified areas, landscapes and features, statutory acknowledgement areas and design guides.

- **Part 5 - Maps**

Electronic planning maps spatially define zones, areas, overlays and features referred to within the District Plan chapters. Although most rules apply spatially, there are some that apply District-Wide.

Format of chapters in Part 2 and Part 3

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

Each of the chapters in Parts 2 and 3 follows the same format:

- **Introduction** - The introduction provides an overview of the topic covered by the chapter.
- **Objectives** - 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 HZ-O1 or GRZ-O2.
- **Policies** - 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 HZ-P3
- **Rules** (if any) - The rules have the effect of regulations and set out the activity status for different activities that may be proposed. There may be a number of rules that apply. Each rule has a specific number; for example GRZ-R4
- **Standards** (if any) - Rules may refer to standards that need to be complied with. There may be a number of standards that apply. Each standard has a specific number; for example GRZ-S4.

Classes of Activities

The activities managed by this District Plan reflect Council's functions under section 31 of the RMA.

No person is allowed to undertake any activity in a manner that contravenes a rule in the District Plan or a national environmental standard unless the activity is expressly allowed by a resource consent or is an existing use allowed by section 10 or 10A of the RMA.

All of the chapters in Part 3 and most of the chapters in Part 2 contain a table of rules that establish the status of an activity. Rules will generally include conditions, requirements and standards that need to be met for that activity status to apply. If you do not comply with a particular rule condition, requirement or standard, the activity will default to a different status. You will be able to determine this by reading the rule. Unless what you are proposing is a permitted activity, you will need a resource consent. In all instances it will still be necessary to check all relevant rules throughout the plan that apply to what you are proposing.

The District Plan classifies activities into six categories, known as activity statuses, which determine whether a resource consent is required or not. If resource consent is required, the activity status sets out the matters that can be considered when processing and determining the resource consent application.

Activity status	Is resource consent required?	What can Council consider?
Permitted	No	N/A
Controlled	Yes, and consent must be granted	The 'matters of control' listed in the relevant rule(s).
Restricted discretionary	Yes, and consent may be granted or declined	The 'matters of discretion' listed in the relevant rule(s).
Discretionary	Yes, and consent may be granted or declined	Any relevant matter.
Non-complying	Yes, and consent may be granted or declined	Any relevant matter and consent can only be granted if the consent authority is satisfied that: <ul style="list-style-type: none"> • the adverse effects of the activity on the environment will be minor; or • the activity will not be contrary to the objectives and policies of the relevant plan and any relevant proposed plan.
Prohibited	No	No resource consent can be applied for or granted, and the activity cannot be carried out unless a plan change is sought to change the activity status.

The most permissive activity status is 'permitted' where no resource consent is required. If an activity is permitted, it is allowed to be undertaken as of right, provided that it complies with any applicable effects standards as stated in the relevant rule.

For a controlled activity, a resource consent is required but the consent authority must grant consent and may impose

conditions on the consent but only in relation to those "matters over which control is reserved" by the Plan or a national environmental standard. Controlled activities can be subject to standards, and if these standards are not complied with, this will typically result in the activity becoming a restricted discretionary activity, unless otherwise stated in the rule.

For a restricted discretionary activity, consent may be granted or refused, and the "matters of discretion" which are listed in the relevant rule or standard must be considered. Where there is reference to a specific policy in the matters of discretion, that does not mean that no other policies are to be considered relevant, it means that the particular policy should always be treated as relevant for that rule. Restricted discretionary activities can be subject to standards, and if these standards are not complied with, this will typically result in the activity becoming a discretionary or non-complying activity, as stated in the rule.

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.

Approach to Integrated Management

The District Plan adopts an integrated management approach to the use, development or protection of land and associated natural and physical resources. As stated in the Statutory Context Chapter, the District Plan is prepared within a hierarchy of policy statements and plans that, together with the RMA, form the statutory context for plan making as well as decision-making under the RMA.

Integrated management of effects does require the use of other mechanisms to help achieve environmental outcomes, particularly in cases where a rule may not be the best solution to an issue. The Council uses advocacy, the provision of information, education and incentives where appropriate. The Council also has the ability to use other regulatory means (for example, bylaws) and its operational activities to influence the use, development or protection of natural and physical resources. The District Plan's objectives and policies also encourage integrated management of specific natural and physical resources, and support landowners, local government, tangata whenua and other agencies working together on a voluntary basis to achieve desired environmental outcomes.

Applications Subject to Multiple Provisions

The overall activity status of a proposal will be determined on the basis of **all rules which apply to the proposal**. This includes rules in the District-Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities (unless otherwise stated). If a proposal is subject to one or more provisions, that have a permitted activity status the proposal will need to comply with all the provisions and their standards.

In the case that rules have the same status such as the activity is permitted in the Rural Production zone and the Coastal environment overlay the activity will need to meet all the standards within these permitted rules.

In the case of the Treaty Settlement Overlay the provisions of the underlying zone apply unless otherwise specified. The rules provide that where the activity for the relevant zone provides for the same activity, or where there is conflict between a rule or standard in the underlying zone chapter, the less restrictive rule applies.

Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies.

Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-Wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone).

An application for resource consent for a proposal must address all rules under which consent is required for that proposal under the District Plan and all relevant matters, or must clearly set out the reason why the application is not in relation to all such matters.

Application forms and detailed guidance on how to make an application and the information that is to be submitted with an application are available on the Council website.

Zoning of Roads, Railways and Rivers

All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the

centreline of the road, railway or river.