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A1. The Purpose of This Plan

Part V of the Resource Management Act 1991 requires that there be, at all times, one District Plan for each territorial authority district.

This District Plan sets out the framework of objectives, policies, and methods to be used to achieve integrated management of the natural and physical resources of the Horowhenua District. The Plan is intended to assist the Council to undertake its functions under the Act and, particularly, to manage the effects of the use, development, and protection of those resources.

A2. The Role of The District Council

The District Council is one of a number of agencies, including the Manawatu-Wanganui Regional Council and the Department of Conservation, which have responsibilities for achieving integrated management of natural and physical resources. The functions of the Council are complementary to the functions of these other agencies. The Council is responsible for the following specific functions as prescribed in Section 31 of the Act:

"31. Functions of territorial authorities under this Act - Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development, or protection of land, including the implementation of rules for the avoidance or mitigation of natural hazards and the prevention and mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:
- (c) The control of subdivision of land:
- (d) The control of the emission of noise and the mitigation of the effects of noise:
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
- (f) Any other functions specified in this Act."

The Council is the consent authority from whom resource consent must be obtained for certain land uses, for activities on the surface of water, and for subdivisions. The circumstances where such resource consents will be required are detailed in this Plan.

A3. Other Agencies and Other Statutory Documents

Other agencies, such as the Regional Council and the Department of Conservation, have specific responsibilities to prepare and implement policy statements and plans dealing with other resource management functions under the Act. The Act establishes a hierarchy of such policy statements and plans and requires that the Council's Plan not be inconsistent with those other documents. The particular documents with which the Plan must not be inconsistent are:

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- The New Zealand Coastal Policy Statement (administered by the Minister of Conservation).
- The Manawatu-Wanganui Regional Council's Regional Policy Statement.
- The Manawatu-Wanganui Regional Council's Proposed Coastal Plan.
- Any other regional plans of the MWRC including:
 - (i) The Regional Coastal Plan;
 - (ii) The Manawatu Catchment Water Quality Regional Plan;
 - (iii) The Transitional Regional Plan;
 - (iv) The Regional Air Quality Plan; and the forthcoming;
 - (v) Plan for Beds of Lakes and Rivers;
 - (vi) The General Regional Plan; and
 - (vi) The revised Land Plan;

Regulations prescribing national environmental standards may, from time to time, be introduced relating to certain environmental matters. The Minister for the Environment may prepare national policy statements relating to environmental matters of national significance. The District Plan must not be inconsistent with any national policy statement. There are, at the time of writing this Plan, no national environmental standards or additional national policy statements.

The Council is also aware that other agencies and organisations have policies and plans which have resource management implications. These include management plans and strategies (e.g. reserves management plans), the Department of Conservation's Conservation Management Strategies, Iwi development and planning documents, and Historic Places Trust's registers of protected items. Where such documents are known to exist and contain information relevant to the District Plan, regard has been had to their contents in the preparation of the Plan.

A4. The Purpose of the Resource Management Act 1991

Section 5 of the Act states that:

"5. Purpose-(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

All functions, duties, and processes set out in the Act are subject to this single clear purpose.

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The Resource Management Act 1991 recognises the importance of ensuring the incorporating of Maori values in resource management decision making. Specific duties are set out in Sections 6(e), 7(a) and 8 and the First Schedule of the Act. The following Iwi and their hapu exercise mana whenua within the boundaries of the Horowhenua District :

- Muaupoko
- Ngati Raukawa
- Rangitane

A5. Other Planning Documents of the Horowhenua District Council and Their Relationship To The District Plan

The Council administers a number of policies and plans under other legislation. The following diagram illustrates their relationship to each other:



The District Plan represents the Council's detailed policy response to resource management issues. The District Plan is, in this way, a strategy of policies and actions for resource management. Some, but not all, of the actions used to deal with resource management issues will be rules in the Plan. The Plan will also recommend other actions to be taken under other legislation and through the other documents of Council. Where it is appropriate to take no action this will also be stated.

A6. 1989 Local Authority Boundary Reorganisation and District Plan Implications

The Horowhenua District was formed in 1989 and united parts or the whole of the following former authorities:

- Horowhenua County Council (part)
- Levin Borough Council (whole)
- Manawatu County Council (part)
- Foxton Borough Council (whole)

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Prior to 1989 each of those local authorities had an operative district scheme prepared under the Town and Country Planning Act 1977:

- Horowhenua County District Scheme Review Number 2 (operative 1980)
- Levin Borough District Scheme (operative 1985)
- Manawatu County District Scheme Review Number 2 (operative 1984)
- Foxton Borough District Scheme Review Number 2 (operative 1985)

Those district schemes remain operative as the Transitional District Plan for their geographic parts of the district until this Plan is made operative. This Plan will then replace each of the four sections of the transitional District Plan.

A7. How This Plan is Set Out

This Plan is set out as shown in the following Table:

Structure and Contents of This District Plan

	Subject		Section Number & Contents
Explanatory Material Which Does Not Form Part of the Plan	Introduction		Background to the Council's functions under the Act; and the purpose and layout of the Plan
Significant Issues, Objectives & Policies	Matters of Importance to Tangata Whenua	1	Issues, Objectives, <i>Policies and Methods</i>
	The Rural Environment	2	Issues, Objectives, <i>Policies and Methods</i>
	Natural Features and Values	3	Issues, Objectives, <i>Policies and Methods</i>
	Open Space and Public Access	4	Issues, Objectives, <i>Policies and Methods</i>
	The Coastal Environment	5	Issues, Objectives, <i>Policies and Methods</i>
	The Urban Environment	6	Issues, Objectives, <i>Policies and Methods</i>
	Heritage	7	Issues, Objectives, <i>Policies and Methods</i>
	Natural Hazards	8	Issues, Objectives, <i>Policies and Methods</i>
	Hazardous Substances	9	Issues, Objectives, <i>Policies and Methods</i>
	Land Transport	10	Issues, Objectives, <i>Policies and Methods</i>
	Water and the Surface of Water	11	Issues, Objectives, <i>Policies and Methods</i>
	Network Utilities	12	Issues, Objectives, <i>Policies and Methods</i>
	Cross Boundary Issues	13	Issues, Objectives, <i>Policies and Methods</i>
Rules	Residential 1 Zone	14	Rules

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	Subject	Section Number	Contents
	Residential 2,3,4, Zones	15	Rules
	Industrial Zone	16	Rules
	Commercial 1 Zone	17	Rules
	Commercial 2 Zone	18	Rules
	Rural Zone	19	Rules
	Subdivision & Development	20	Rules
	Vehicle Access, Parking, Loading & Rooding Hierarchy	21	Rules
	Network Utilities	22	Rules applying to all activities
	Hazardous Substances	23	Rules applying to all activities
General Provisions	General Provisions	24	Rules applying to all activities
General Provisions (continued)	Definitions	25	Interpretations of certain phrases and words
	Monitoring	26	Rules applying to all activities
Schedules	Designations	1	Description and Location
	Heritage Features	2	Description and Location
	Threatened Species	3	Description
	Outstanding Landscapes & Natural Features	4	Description and Location
	Tararua Road Growth Area	5	Design Guide and Structure Plan
Planning Maps			

Each of the significant issues sections address the objectives and policies of the Plan relating to that issue. Methods for implementing the policies are then listed, and include both regulatory and non-regulatory options. The non-regulatory methods include allocations through the Annual Plan process and education and information promotions. Regulatory methods are achieved through rules in the Plan, which are discussed in the following section.

A8. How the Rules Work

The Plan identifies a number of geographic "zones" (e.g. rural zone, urban residential zone). The rules for these zones are constructed generally in the following way:

- Each zone includes a list of **permitted activities**. These activities are allowed, without a resource consent, if they comply in all respects with any conditions specified in the Plan. The Plan specifies a number of **permitted activity conditions** which are the minimum standards the activities must meet in order to be permitted.
- A number of **controlled activities** are also listed. These are allowed only if a resource consent is obtained. All controlled activities must comply with the **standards and terms** specified in the Plan. The Council has no discretion to refuse consent provided the specified **standards** are met. All applications for controlled activities will be assessed according to the matters the Council **reserves its control** over. These are specified in the zone rules. The Council may only impose conditions on a consent in respect of the matters over which it has reserved it's control.

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- Any activity that is listed as a permitted activity **but which does not comply with any permitted activity condition** is deemed to be a **limited discretionary activity**.
- Similarly, any activity that is a listed controlled activity, but **which does not comply with specified standards**, is deemed to be a **limited discretionary activity**.
- These are activities that are allowed only if a resource consent is obtained. The Council has **restricted its discretion** to the direct effect of the non-compliance on the environment.
- Any activity that is **not a listed permitted, controlled or limited discretionary activity** is deemed to be a **discretionary activity**. Such an activity is allowed only if a resource consent is obtained. The Council has **full discretion whether to grant or refuse consent** to the application.

NOTE: There are no non-complying activities in the Plan (refer to the following text).

Non-Complying Activities

It is important to note that the Act makes provision for "non-complying activities" but that this Plan does not include any "non-complying activities".

A "non-complying activity" is one which contravenes a rule in the Plan and is allowed only if a resource consent is obtained in respect of that activity. This Plan deliberately requires that any activity which is not otherwise provided for (e. g. as permitted, controlled or limited discretionary, shall be considered as a "discretionary activity" and not as a "non-complying activity". The Plan deliberately excludes "non-complying activities".

- The Plan imposes controls on certain activities in two parts of the Plan.

Firstly, rules and conditions apply to each activity within each zone. The rules and conditions which will apply to a particular activity will depend on the scale and nature of the activity.

The second category of rules are general rules which apply across all the zones.

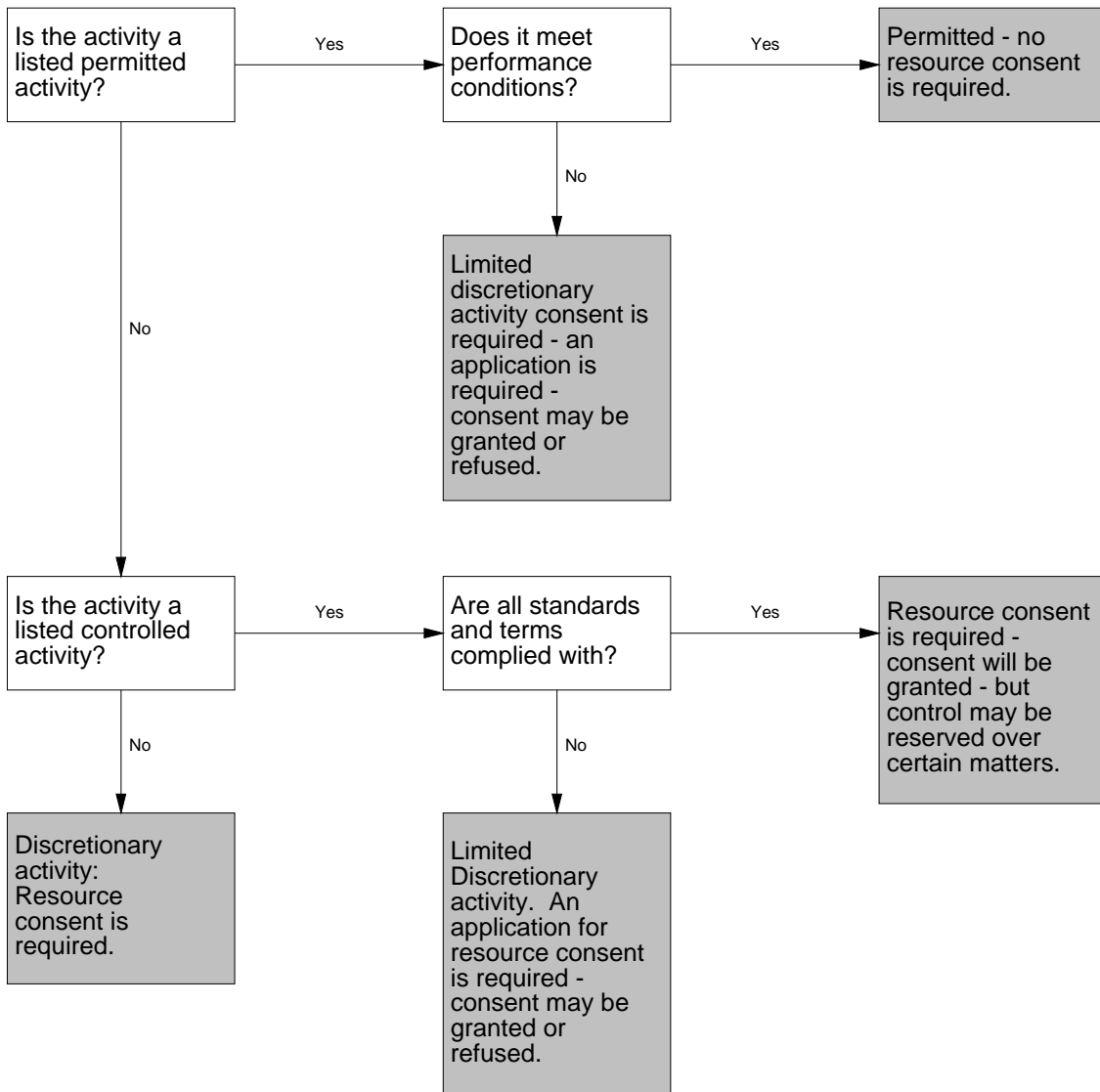
These relate to:

development and subdivision	(Section 20)
vehicle access, parking, loading	(Section 21)
network utilities	(Section 22)
hazardous substances	(Section 23)
general provisions	(Section 24).

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When determining what rules and conditions apply to a particular activity, the applicant must firstly identify which zone the property is located in and therefore the zone rules which will apply. Secondly, the general rules in the above sections must be applied where relevant to the particular development.

As a guide to using the rules of the Plan, the status of any proposed activity can be determined by following the flow chart of the diagram below:



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A9. When an Activity Requires a Resource Consent Application

Where an activity is either not listed as a permitted activity in a particular zone (geographical area), or the nature or scale of the activity is such that it fails a permitted activity condition, it will require a resource consent from the Council.

In considering the persons who may be adversely affected by the granting of a resource consent, the Council will consider (where appropriate) the effect on:

- those persons living in residential properties adjacent to any application site;
- those persons who own or lease land that is adjacent to or near any application site, and whose use of that land could be detrimentally affected by that application;
- the tangata whenua of an area whose cultural values could be adversely affected by the application;
- those persons or organisations whose use or enjoyment of an area could be adversely affected by any application;
- any Minister of the Crown with statutory responsibilities in respect of the application site or any area; and
- any other person who the Council considers relevant in the circumstances.

In determining whether there is more than a minor adverse effect on the environment through the granting of a resource consent, the Council will consider the Plan's objectives and policies and reasons for the rules, and (where appropriate):

- the degree of non-compliance with any rule in the Plan and the environmental outcome sought by that rule;
- the frequency of any effect;
- the area influenced by any effect;
- the timing of any effect;
- the sensitivity of surrounding activities to that effect; and
- any other aspect of the effect considered relevant in a particular circumstance.